Town of Farmington, Maine, Selected Ordinances

Follow this and additional works at: http://digitalcommons.library.umaine.edu/towndocs

Repository Citation
http://digitalcommons.library.umaine.edu/towndocs/3930

This Plan is brought to you for free and open access by the Maine Government Documents at DigitalCommons@UMaine. It has been accepted for inclusion in Maine Town Documents by an authorized administrator of DigitalCommons@UMaine.
TOWN OF FARMINGTON

Floodplain Management Ordinance

ENACTED: August 2, 1995

AMENDED: March 13, 2006

CERTIFIED BY: 

Joanne Elinkhram
Name

Town Clerk
Title

Affix Seal
PREFACE - STATEMENT OF PURPOSE AND INTENT

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

Therefore, the Town of Farmington, 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 the attached Floodplain Management Ordinance.

It is the intent of the Town of Farmington, 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.

This body has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to MRSA Title 30A, Sections 3001-3007, 4352 4401-4407, and Title 38 M.R.S.A., Section 440.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>ARTICLE</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>PREFACE - STATEMENT OF PURPOSE AND INTENT</td>
<td>2</td>
</tr>
<tr>
<td>11-2.1 ESTABLISHMENT</td>
<td>4</td>
</tr>
<tr>
<td>11-2.2 PERMIT REQUIRED</td>
<td>4</td>
</tr>
<tr>
<td>11-2.3 APPLICATION FOR PERMIT</td>
<td>4</td>
</tr>
<tr>
<td>11-2.4 APPLICATION FEE AND EXPERT’S FEE</td>
<td>6</td>
</tr>
<tr>
<td>11-2.5 REVIEW OF STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS</td>
<td>6</td>
</tr>
<tr>
<td>11-2.6 DEVELOPMENT STANDARDS</td>
<td>7</td>
</tr>
<tr>
<td>11-2.7 CERTIFICATE OF COMPLIANCE</td>
<td>12</td>
</tr>
<tr>
<td>11-2.8 REVIEW OF SUBDIVISIONS AND DEVELOPMENT PROPOSALS</td>
<td>13</td>
</tr>
<tr>
<td>11-2.9 APPEALS AND VARIANCES</td>
<td>13</td>
</tr>
<tr>
<td>11-2.10 ENFORCEMENT AND PENALTIES</td>
<td>16</td>
</tr>
<tr>
<td>11-2.11 VALIDITY AND SEVERABILITY</td>
<td>17</td>
</tr>
<tr>
<td>11-2.12 CONFLICT WITH OTHER ORDINANCES</td>
<td>17</td>
</tr>
<tr>
<td>11-2.13 DEFINITIONS</td>
<td>17</td>
</tr>
<tr>
<td>11-2.14 ABROGATION</td>
<td>23</td>
</tr>
</tbody>
</table>

60.3 (c & d) Rev. 2/95
11-2.1 ESTABLISHMENT

The Town of Farmington, Maine elects to comply with the requirements of 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 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 Farmington, Maine.


11-2.2 PERMIT REQUIRED

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

11-2.3 APPLICATION FOR PERMIT

The application for a Flood Hazard Development Permit shall be submitted to the Planning Board and shall include:

A. The name and address of the applicant;

B. An address and a map indicating the location of the construction site;

C. A site plan showing location of existing and/or proposed structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;

D. A statement of the intended use of the structure;
E. A statement as to the type of sewage system proposed;

F. Specification of dimensions of the proposed structure;

G. 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 at the proposed site of all new or substantially improved structures, which is determined:
   a. in Zones A1-30, AE, AO, and AH from data contained in the "Flood Insurance Study - Town of Farmington, Maine," as described in Article I; or,
   b. in Zone A, to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building;

2. highest and lowest grades at the site adjacent to the walls of the proposed building;

3. lowest floor, including basement; and whether or not such structures contain a basement; and,

4. level, in the case of non-residential structures only, to which the structure will be floodproofed;

H. A description of a base flood elevation reference point established on the site of developments for which elevation standards apply as required in Article VI;

I. A written certification by a professional land surveyor, registered professional engineer, or architect, that the base flood elevations and grade elevations shown on the application are accurate;

J. Certification by a registered professional engineer or architect that floodproofing methods for any non-residential structures will meet the floodproofing criteria of Articles III.G.4; VI.G; and other applicable standards in Article VI.

K. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,

L. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.
11-2.4 APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee of $50.00 for all minor development and for all new construction or substantial improvements shall be paid to the Town and a copy of a receipt for the same shall accompany the application.

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

11-2.5 REVIEW OF STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Planning Board shall:

A. Review all applications for the Flood Hazard Development Permit to assure that proposed building sites are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have been, or will be met;

B. Utilize, in the review of all Flood Hazard Development Permit applications, the base flood and floodway data contained in the "Flood Insurance Study - Town of Farmington, Maine," as described in Article I. In special flood hazard areas where base flood elevation and floodway data are not provided, the Planning Board shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other sources, including information obtained pursuant to Article III.G.1.b.; Article VI.I; and Article VIII.D, in order to administer Article VI of this Ordinance;

C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;

D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;
E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Office of Community Development prior to any alteration or relocation of a water course;

F. Issue a two-part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an application for Part II of the Flood Hazard Development Permit and shall include an Elevation Certificate completed by a registered Maine surveyor for compliance with the elevation requirements of Article VI, paragraphs F, G, H, and K. Following review of the application, which review shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; and,

G. Maintain, as a permanent record, copies of all Flood Hazard Development Permits issued and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Article IX of this Ordinance, and copies of Elevation Certificates and Certificates of Compliance required under the provisions of Article VII of this Ordinance.

11-2.6 DEVELOPMENT STANDARDS

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

A. New construction or substantial improvement of any structure shall:
   1. be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
   2. use construction materials that are resistant to flood damage;
   3. use construction methods and practices that will minimize flood damage; and,
   4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

B. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
C. All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.

D. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.

E. All development shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of any watercourse.

F. New construction or substantial improvement of any residential structure located within:

1. Zones A1-30, AE, and AH shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.

2. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide floodwater away from the proposed structures.

3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:
   a. at least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or,
   b. at least three feet if no depth number is specified.

4. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.G.1.b.; Article V.B; or Article VIII.D.

G. New construction or substantial improvement of any non-residential structure located within:

1. Zones A1-30, AE, and AH shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
   a. be floodproofed to at least one foot above the base flood level so that below that elevation the structure is watertight with walls substantially impermeable to passage of water;
   b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.J and shall include a record of the elevation above mean sea level of the lowest floor including basement.

2. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide floodwater away from them.

3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:
   a. at least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or,
   b. at least three feet if no depth number is specified; or,
   c. together with attendant utility and sanitary facilities be floodproofed to meet the elevation requirements of this section and floodproofing standards of Article VI, paragraph G.1.

4. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.G.1.b.; Article V.B; or Article VIII.D.

H. New or substantially improved manufactured homes located within:

1. Zones A1-30, AE, or AH shall:
   a. be elevated on a permanent foundation so that the lowest floor is at least one foot above the base flood elevation; and,
   b. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:
      (1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (homes less than 50 feet long require one additional tie per side); or by,
(2) Frame ties at each corner of the home, plus five additional ties along each side at intermediate points (homes less than 50 feet long require four additional ties per side).

(3) All components of the anchoring system described in Article VI.H.1 shall be capable of carrying a force of 4,800 pounds.

2. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide floodwater away from them.

3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:
   a. at least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or,
   b. at least three feet if no depth number is specified; and,
   c. meet the requirements of Article VI.H.1.(a)(b).

4. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.G.1.b.; Article V.B; or Article VIII.D.

I. Recreational Vehicles located within:

1. Zones A1-A30, AH, and AE shall either:
   a. Be on the site for fewer than 180 consecutive days,
   b. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,
   c. Meet the permit requirements of elevation and anchoring requirements for "manufactured home" in Article VI. H. a & b.

J. Floodways

1. In Zones A1-30 and AE encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in riverine areas, for which a regulatory floodway 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.

2. In Zones A1-30 and AE riverine areas, for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted 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 will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,

3. In Zone A riverine areas, in which 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, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted unless a technical evaluation certified by a registered professional engineer is provided meeting the requirements of Article VI, paragraph J.

K. New construction or substantial improvement of any structure in Zones A1-30, AE, AO, AH, and A that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs F, G, or H and is elevated on posts, columns, piers, piles, "stilts," or crawlspaces less than three feet in height may be enclosed below the elevation requirements provided all the following criteria are met or exceeded:

1. Walls, with the exception of crawlspaces less than three feet in height, shall not be part of the structural support of the building; and,

2. Enclosed areas are not "basements" as defined in Article XIII; and,

3. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either:

   a. be certified by a registered professional engineer or architect; or,

   b. meet or exceed the following minimum criteria:

      (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;
(2) the bottom of all openings shall be no higher than one foot above the lowest grade; and,

(3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means; and,

4. The enclosed area shall not be used for human habitation; and,

5. The enclosed area may be used for building maintenance, access, parking vehicles, or storing of articles and equipment used for maintenance of the building.

11-2.7 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. The applicant shall submit an Elevation Certificate completed by:

   1. a registered Maine surveyor for compliance with Article VI, paragraphs F, G, H, or K; and,

   2. a registered professional engineer or architect, in the case of floodproofed non-residential structures, for compliance with Article VI.G; and,

B. The application for a Certificate of Compliance shall be submitted by the applicant in writing along with a completed Elevation Certificate to the Code Enforcement Officer.

C. The Code Enforcement Officer shall review the application within 10 working days of receipt of the application and shall issue a Certificate of Compliance, provided the building conforms with the provisions of this Ordinance.
11-2.8 REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

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

A. All such proposals are consistent with the need to minimize flood damage.

B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.

C. Adequate drainage is provided so as to reduce exposure to flood hazards.

D. All proposals include base flood elevation, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.

E. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area, are to be constructed in accordance with Article VI of this ordinance. Such requirement will be included in any deed, lease, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

11-2.9 APPEALS AND VARIANCES

The Board of Appeals of the Town of Farmington, Maine, may, upon written application of an aggrieved party, hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration or enforcement of the provisions of this Ordinance. The Board of Appeals may grant a variance from the requirements of this Ordinance consistent with state law and the following criteria:

A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

B. Variances shall be granted only upon:
1. a showing of good and sufficient cause; and,

2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,

3. a showing that the existence of the variance will not conflict with other state, federal or local laws or ordinances; and,

4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:
   a. that the land in question cannot yield a reasonable return unless a variance is granted; and,
   b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
   c. that the granting of a variance will not alter the essential character or the locality; and,
   d. that the hardship is not the result of action taken by the applicant or a prior owner.

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as it deems necessary.

D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:

   1. other criteria of Article IX and Article VI-J are met; and,
   2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

E. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or a State Inventory of Historic Places, without regard to the procedures set forth in Article IX, paragraphs A through D.
F. Any applicant who meets the criteria of Article IX, paragraphs A through E shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:

1. The issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as $25 per $100 of insurance coverage;

2. such construction below the base flood level increases risks to life and property; and,

3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.

G. Appeal Procedure for Administrative and Variance Appeals

1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.

2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

3. The Board of Appeals shall hold a public hearing on the appeal within twenty days of its receipt of an appeal request.

4. The person filing the appeal shall have the burden of proof.

5. The Board of Appeals shall decide all appeals within thirty days after the close of the hearing, and shall issue a written decision on all appeals.

6. The Board of Appeals shall submit to the Planning Board a report of all variance actions, including justification for the granting of the variance and an authorization for the Planning Board to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.

7. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in
accordance with State laws within forty-five days from the date of any decision of the Board of Appeals.

11-2.10 ENFORCEMENT AND PENALTIES

A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to 30A MRSA § 4452.

B. The penalties contained in 30A MRSA § 4452 shall apply to any violation of this Ordinance.

C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, shall submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of;

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

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

3. a statement that the public body making the declaration has authority to do so and a citation to that authority;

4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,

5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.
11-2.11 VALIDITY AND SEVERABILITY

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

11-2.12 CONFLICT WITH OTHER ORDINANCES

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

11-2.13 DEFINITIONS

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

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

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

Area of a Shallow Flooding - means a designated AO and AH zone on a community’s Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

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

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

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

Breakaway Wall - means 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.

**Building** - see **Structure**.

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

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

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

**Elevated Building** - means a non-basement building:

(a) built, in the case of a building in Zones A1-30, AE, A, A99, AO, or AH, to have the top of the elevated floor, elevated above the ground level by means of pilings, columns, post, piers, or "stilts;" and

(b) adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

In the case of Zones A1-30, AE, A, A99, AO, or AH, Elevated Building also includes a building elevated by means of fill or solid foundation perimeter walls less than three feet in height with openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article VI.K.

**Elevation Certificate** - An official form (FEMA Form 81-31, 01/03, as amended) that:

(a) is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and,

(b) is required for purchasing flood insurance.

**Flood or Flooding** - means:

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters.
(2) The unusual and rapid accumulation or runoff of surface waters from any source.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

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

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

Flood Insurance Study - see Flood Elevation Study.

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

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

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

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

Floodway - see Regulatory Floodway.

Floodway Encroachment Lines - mean the lines marking the limits of floodways on federal, state, and local floodplain maps.
Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed, that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

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

Historic Structure means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior a contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior, or

(2) Directly by the Secretary of the Interior in states without approved programs.

Locally Established Datum means, for purposes of this ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD) or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.
Lowest Floor - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in Article VI .K. of this Ordinance.

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

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

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

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

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

100-year flood - see Base Flood.

Recreational Vehicle - means a vehicle which is:

(a) built on a single chassis;

(b) 400 square feet or less when measured at the largest horizontal projection, not including slideouts;

(c) designed to be self-propelled or permanently towable by a motor vehicle; and;

(d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
Regulatory Floodway -

(a) means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and

(b) in riverine areas is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

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

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

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

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

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

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

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

(b) Any alteration of a historic structure, provided that the alteration will not preclude the structure’s continued designation as a historic structure.

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

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

**11-2.14 ABROGATION**

This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) 60.3 (c & d).
TOWN OF FARMINGTON

Shoreland Zoning Ordinance

ENACTED:       June 4, 1975

AMENDED:       March 14, 1977
               May 6, 1991
               March 14, 2005
               March 12, 2007
               March 20, 2010
               January 1, 2013

CERTIFIED BY:  Leanne E. Pinkham

Town Clerk
Title
Affix Seal
<table>
<thead>
<tr>
<th>Article 11</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-1.1 Purposes</td>
<td>3</td>
</tr>
<tr>
<td>11-1.2 Authority</td>
<td>3</td>
</tr>
<tr>
<td>11-1.3 Applicability</td>
<td>3</td>
</tr>
<tr>
<td>11-1.4 Effective Date Ordinance and Ordinance Amendments</td>
<td>4</td>
</tr>
<tr>
<td>11-1.5 Availability</td>
<td>4</td>
</tr>
<tr>
<td>11-1.6 Severability</td>
<td>4</td>
</tr>
<tr>
<td>11-1.7 Conflicts with Other Ordinances</td>
<td>4</td>
</tr>
<tr>
<td>11-1.8 Amendments</td>
<td>4</td>
</tr>
<tr>
<td>11-1.9 Districts and Zoning Map</td>
<td>5</td>
</tr>
<tr>
<td>11-1.10 Interpretation of District Boundaries</td>
<td>5</td>
</tr>
<tr>
<td>11-1.11 Land Use Requirements</td>
<td>5</td>
</tr>
<tr>
<td>11-1.12 Non-conformance</td>
<td>6</td>
</tr>
<tr>
<td>11-1.13 Establishment of Districts</td>
<td>10</td>
</tr>
<tr>
<td>11-1.14 Table of Land Uses</td>
<td>12</td>
</tr>
<tr>
<td>11-1.15 Land Use Standards</td>
<td>16</td>
</tr>
<tr>
<td>11-1.16 Administration</td>
<td>41</td>
</tr>
<tr>
<td>11-1.17 Definitions</td>
<td>51</td>
</tr>
<tr>
<td>11-1.18 Fees</td>
<td>61</td>
</tr>
</tbody>
</table>

Shoreland Zoning Map

Attachment A
CHAPTER 11 – LAND USE

Article 1. Shoreland Zoning

11-1.1 Purposes:

The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

11-1.2 Authority:

This Ordinance has been prepared in accordance with the provisions of Title 38 Sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).

11-1.3 Applicability:

This Ordinance applies to:

A. All land areas within 250 feet, horizontal distance, of the normal high-water line of any great pond or river, including but not limited to the Sandy River, Wilson Stream, Temple Stream, and Clearwater Lake (within Farmington jurisdiction).

B. All land areas within 250 feet, horizontal distance, of the upland edge of certain freshwater wetlands, excluding forested wetlands, including but not limited to the wetlands 10 acres or larger as numbered by MGS and published in 1989 by DEP, and those which are rated as "moderate" or "high value" waterfowl and wading bird habitat, including nesting and feeding areas by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by MDIF&W as of December 31, 2008.

C. All land areas within 75 feet, horizontal distance, of the normal high-water line of certain streams, including but not limited to portions of Barker Brook, Beaver Brook, Cascade Brook, Beales Brook, Hardy Brook, McLain Brook, and several unnamed brooks.

The above rivers, streams, wetlands, and great ponds are depicted on the Town of Farmington Shoreland Zoning Map which is part of and incorporated into this Ordinance. Specific applicability of this ordinance and its provisions is dependent on said map. In all instances, the Shoreland Zone begins at the normal high waterline or upland edge of a wetland and extends inland the specified distance.
This Ordinance also applies to any structure built on, over or abutting a dock, or other structure extending or located below the normal high-water line of a water body or within a wetland.

11-1.4 Effective Date Ordinance and Ordinance Amendments:

This Ordinance, which was amended by the municipal legislative body on March 20, 2010, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner of for approval. If the Commissioner fails to act on this Ordinance, or Ordinance Amendment, within forty-five (45) days of his/her receipt of the Ordinance, or Ordinance Amendment, it shall be automatically approved.

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

11-1.5 Availability:

A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

11-1.6 Severability:

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

11-1.7 Conflicts with Other Ordinances:

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

11-1.8 Amendments:

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

11-1.9 Districts and Zoning Map:

A. Official Shoreland Zoning Map:

The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map, which is made a part of this Ordinance:

1. Resource Protection
2. Limited Residential
3. Agriculture/Forest
4. General Development
5. Stream Protection

B. Scale of Map:

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

C. Certification of Official Shoreland Zoning Map:

The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office.

D. Changes to the Official Shoreland Zoning Map:

If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

11-1.10 Interpretation of District Boundaries:

Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the centerlines of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

11-1.11 Land Use Requirements:

Except as hereinafter specified, no building, structure or land shall hereafter be used or
occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

11-1.12 Non-conformance:

A. Purpose:

It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in this Section 12. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

B. General:

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

2. Repair and Maintenance: This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations that do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, State, or local building and safety codes may require.

C. Non-conforming Structures:

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

Further Limitations:

a. After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a wetland, that portion of the structure shall not be expanded, as measured in floor area or volume, by thirty percent (30%) or more, during the lifetime of the structure. If a replacement structure conforms with the requirements of Section 12.C.3, and is less than the required setback from a body of water, tributary stream, or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded to thirty percent (30%) in floor area and volume since that
b. Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, or its designee, basing its decision on the criteria specified in Subsection 12.C.2 Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 12.C.1.a above, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.

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

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

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

a. Trees removed in order to relocate a structure must be replanted with at least one (1) native tree, three (3) feet in height, for every tree removed. If more than five (5) trees are planted, no one species of tree shall make up more than fifty percent (50%) of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.
Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be re-established within the setback area. The vegetation and/or ground cover replanted must consist of similar 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, trees, or a combination thereof.

3. Reconstruction or Replacement: Any non-conforming structure, which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 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 that such reconstruction or replacement is in compliance with the water body, tributary stream, or wetland setback requirement to the greatest practical extent as determined by the Planning Board or its designee in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12.C.1 above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12.C.2 above.

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by fifty percent (50%) or less of the market value or damaged by fifty percent (50%) or less of the market value of the structure excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer (CEO) within one (1) year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board or its designee shall consider in addition to the criteria in Section 12.C.2 above, the physical condition and type of foundation present, if any.
4. Change of Use of a Non-conforming Structure: The use of a non-conforming structure may not be changed to another use, unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on the water body, tributary stream, or wetland, or on the subject or adjacent properties and resources than the existing use.

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

5. Expiration and Extension of Permits and Completion Dates: Refer to Section 16.F

D. Non-conforming Uses:

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

2. Resumption Prohibited: A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one (1) year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one (1) year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.

3. Change of Use: An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12.C.4 above.

E. Non-conforming Lots:

1. Non-conforming Lots: A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width, and shore frontage, can be met. Variances relating to setback or other requirements not involving lot area, lot width, or shore frontage

9
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 (12 M.R.S.A. Sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

If two (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, 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.

This provision shall not apply to two (2) or more contiguous lots, at least one (1) of which is non-conforming, owned by the same person or persons on the effective date of this Ordinance and recorded in the Registry of Deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and:

a. Each lot contains at least one hundred (100) feet of shore frontage and at least twenty-thousand (20,000) square feet of lot area; or

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

11-1.13 **Establishment of Districts:**

A. **Resource Protection District:**

The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, or biological ecosystems. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except areas which are
currently developed, and areas which meet the criteria for the Limited Residential, Agriculture/Forest, or General Development.

1. Areas within two hundred-fifty (250) feet, horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by MDIF&W as of December 31, 2008. For the purposes of this paragraph “wetlands associated with great ponds and rivers” shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. “Wetlands associated with great ponds or rivers” are considered to be part of that great pond or river.

2. Floodplains along rivers and flood plains 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 flood plain soils.

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

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

5. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement, and lands adjacent to waters, which are subject to severe erosion or mass movement.

B. Limited Residential District:

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

C. Agriculture/Forest District:

The Agriculture/Forest District includes areas suited to agriculture purposes and timber harvesting operations consistent with maintaining water quality, and wildlife habitat. Such districts also include areas primarily devoted to agriculture and forestry.
operations as of the effective date of this ordinance, unless otherwise restricted. Passive recreation activities will also be allowed.

D. General Development District:

The General Development District includes areas of two (2) or more contiguous acres devoted to commercial, industrial or recreational activities or a mix of such activities: manufacturing, fabricating, wholesaling, warehousing, retail trade, service activities, intensive recreational development such as amusement parks, race tracks and fairgrounds.

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

E. Stream Protection District:

The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, or river, or within two-hundred fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland. Where a stream and its associated shoreland area are located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland. These include but are not limited to portions of Barker Brook, Beaver Brook, Cascade Brook, Beals Brook, Hardy Brook, McLain Brook, and several unnamed brooks.

11-1.14 Table of Land Uses:

All land use activities, as indicated in Table 1, “Land Uses in the Shoreland Zone”, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Shoreland Zoning Map.
Key to Table 1:
Yes  -  Allowed (no permit required but the use must comply with all applicable land use standards.)
No   -  Prohibited
PB   -  Allowed with permit issued by the Planning Board
CEO  -  Allowed with permit issued by the Code Enforcement Officer
LPI  -  Allowed with permit issued by the Local Plumbing Inspector

Abbreviations:
SP   -  Stream Protection
RP   -  Resource Protection
LR   -  Limited Residential
GD   -  General Development
AF   -  Agriculture Forest

<table>
<thead>
<tr>
<th>TABLE 1 – Land Uses in the Shoreland Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Use</td>
</tr>
<tr>
<td>----------</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking</td>
</tr>
<tr>
<td>2. Motorized vehicular traffic on existing roads and trails</td>
</tr>
<tr>
<td>3. Forest management activities except for timber harvesting and land management roads</td>
</tr>
<tr>
<td>4. Timber harvesting</td>
</tr>
<tr>
<td>5. Clearing or removal of vegetation for activities other than timber harvesting</td>
</tr>
<tr>
<td>6. Fire prevention activities</td>
</tr>
<tr>
<td>7. Wildlife management practices</td>
</tr>
<tr>
<td>8. Soil and water conservation practices</td>
</tr>
<tr>
<td>10. Mineral extraction including sand and gravel extraction</td>
</tr>
<tr>
<td>11. Surveying and resource analysis</td>
</tr>
<tr>
<td>12. Emergency operations</td>
</tr>
<tr>
<td>13. Agriculture</td>
</tr>
<tr>
<td>Land Use</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
</tr>
<tr>
<td>14. Aquaculture</td>
</tr>
<tr>
<td>15. Principal structures and uses</td>
</tr>
<tr>
<td>A. One and two family residential, including driveways</td>
</tr>
<tr>
<td>B. Multi-unit residential</td>
</tr>
<tr>
<td>C. Commercial</td>
</tr>
<tr>
<td>D. Industrial</td>
</tr>
<tr>
<td>E. Governmental and institutional</td>
</tr>
<tr>
<td>F. Small non-residential facilities for educational, Scientific, or nature interpretation purposes</td>
</tr>
<tr>
<td>16. Structures accessory to allowed uses</td>
</tr>
<tr>
<td>17. Piers, docks, wharfs, bridges and other structures and uses</td>
</tr>
<tr>
<td>A. Temporary</td>
</tr>
<tr>
<td>B. Permanent</td>
</tr>
<tr>
<td>18. Conversions of seasonal residences to year-round residences</td>
</tr>
<tr>
<td>19. Home Occupations</td>
</tr>
<tr>
<td>20. Private sewage disposal systems for allowed uses</td>
</tr>
<tr>
<td>21. Essential services</td>
</tr>
<tr>
<td>A. Roadside distribution lines (34.5kV and lower)</td>
</tr>
<tr>
<td>B. Non-roadside or cross-country distribution lines involving ten poles or less in the Shoreland Zone</td>
</tr>
<tr>
<td>C. Non-roadside or cross-country distribution lines eleven or more poles in the Shoreland Zone</td>
</tr>
<tr>
<td>D. Other essential services</td>
</tr>
<tr>
<td>22. Service drops, as defined, to allowed uses</td>
</tr>
<tr>
<td>23. Public and private recreational areas involving minimal structural development</td>
</tr>
<tr>
<td>24. Individual, private campsites</td>
</tr>
<tr>
<td>Land Use</td>
</tr>
<tr>
<td>------------------------------------------------</td>
</tr>
<tr>
<td>25. Campgrounds</td>
</tr>
<tr>
<td>26. Road construction</td>
</tr>
<tr>
<td>27. Land management roads</td>
</tr>
<tr>
<td>28. Parking facilities</td>
</tr>
<tr>
<td>29. Filling and earthmoving of &lt; 10 cubic yards</td>
</tr>
<tr>
<td>30. Filling and earthmoving of &gt; 10 cubic yards</td>
</tr>
<tr>
<td>31. Signs</td>
</tr>
<tr>
<td>32. Uses similar to allowed uses</td>
</tr>
<tr>
<td>33. Uses similar to uses requiring a CEO permit</td>
</tr>
<tr>
<td>34. Uses similar to uses requiring a PB permit</td>
</tr>
</tbody>
</table>

Key:

1. In RP not allowed within seventy-five (75) feet horizontal distance of the normal high-water line of a great pond, except to remove safety hazards.

2. Requires permit from the Code Enforcement Officer if more than one-hundred (100) square feet of surface area, in total, is disturbed.

3. In RP not allowed in areas so designated because of wildlife value.

4. Provided that a variance from the setback requirement is obtained from the Board of Appeals.

5. Functionally water-dependent uses and uses accessory to such water dependent uses only.

6. See further restrictions in Section 15.L.2.

7. Except when area is zoned for resource protection due to floodplain criteria, in which case a permit is required from the Planning Board.

8. Except as provided in Section 15.H.3.

9. Single-family residential structures may be allowed by special exception only.
according to the provisions of Section 16.E. Special Exceptions. Two-family residential structures are prohibited.

10. Except for commercial uses otherwise listed in this Table such as campgrounds that are allowed in the respective district.

11. Excluding bridges and other crossings not involving earthwork, in which case no permit is required.

12. Permit not required but must file a written “notice of intent to construct” with the Code Enforcement Officer.

11-1.15 Land Use Standards:

All land use activities within the Shoreland Zone shall conform with the following provisions, if applicable.

A. Minimum Lot Standards:

1. Lot Sizes and Frontages:

   a. Residential per dwelling unit within the Shoreland Zone:

      Lots created after effective date of ordinance:
      Minimum Lot Area: Forty-thousand (40,000) square feet.
      Minimum Shore Frontage: Two-hundred (200) feet.

      Lots of record existing at effective date of ordinance:
      Minimum Lot Area: Twenty-thousand (20,000) square feet.
      Minimum Shore Frontage: One-hundred (100) feet.

   b. Governmental, Institutional, Commercial, or Industrial per principal structure within the Shoreland Zone:

      Minimum Lot Area: Sixty-thousand (60,000) square feet.
      Minimum Shore Frontage: Three-hundred (300) feet.

   c. Public and Private Recreational Facilities within the shoreland zone:

      Minimum Lot Area: Forty-thousand (40,000) square feet.
      Minimum Shore Frontage: Two-hundred (200) feet.

2. Land below the normal high-waterline of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.
3. Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

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

5. If more than one (1) residential dwelling unit, principal governmental, institutional, commercial, or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

B. Principal and Accessory Structures:

1. All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the General Development District the setback from the normal high-water line shall be at least twenty-five (25) feet, horizontal distance. In the Resource Protection District the setback requirement shall be two hundred-fifty (250) feet, horizontal distance, except for structures, roads, parking spaces, or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

In addition:

a. The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body, or wetland as an operational necessity, such as piers, docks, and retaining walls, nor to other functionally water-dependent uses.

b. On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the Code Enforcement Officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.
2. Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, Stream Protection, and Agricultural and Forest Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.

3. The lowest floor elevation or openings of all new buildings and structures, including basements, shall be elevated at least one (1) foot above the elevation of the 100-year flood of record, or in the absence of these, the flood as defined by soil types identified as recent floodplain soils. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2005 version, or later version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that Ordinance and need not meet the elevation requirements of this paragraph.

4. The total footprint area of all structures, parking lots, and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty percent (20%) of the lot or a portion there of, located within the shoreland zone, including land area previously developed, except in the General Development District adjacent to rivers that do not flow to great ponds classified GPA, where lot coverage shall not exceed seventy percent (70%).

5. Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:

   a. The site has been previously altered and an effective vegetated buffer does not exist;

   b. The wall(s) is(are) at least twenty-five (25) feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of wetland;

   c. The site where the retaining wall(s) will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetation alone;

   d. The total height of the wall(s), in the aggregate, is(are) no more than twenty-four (24) inches;

   e. Retaining wall(s) is(are) located outside of the 100-year floodplain on rivers, streams, 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 absence of these, by soil types identified as recent flood plain soils;
f. The area behind the wall is re-vegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and

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

1) 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;

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

3) Only native species may be used to establish the buffer area;

4) A minimum buffer width of fifteen (15) feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland; and

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

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

7. Expiration and Extension of Permits and Completion Dates:

    Refer to Section 16.F

C. Piers, Docks, Wharfs, Bridges, and Other Structures and Uses Extending Over or Beyond the Normal High-Water Line of a Water Body or Within a Wetland.

1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

2. The location shall not interfere with existing developed or natural beach areas.
3. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, or dock, shall not be wider than six (6) feet for non-commercial uses.

4. 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.

5. 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.

6. Except in the General Development 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.

D. Campgrounds:

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

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

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

E. Individual - Private Campsites:

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

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

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

3. No more than five (5) recreational vehicles shall be allowed on a campsite. The
recreational vehicles shall not be located on any type of permanent foundation
except for a gravel pad, and no structure except a canopy shall be attached to the
recreational vehicle.

(See also 11-1.17 “Individual Private Campsites”).

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

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

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

F. Commercial and Industrial Uses:

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

1. Auto washing facilities
2. Auto or other vehicle service and/or repair operations, including body shops
3. Chemical and bacteriological laboratories
4. Storage of chemicals, including herbicides, pesticides or fertilizers other than
amounts normally associated with individual households or farms
5. Commercial painting, wood preserving, and furniture stripping
6. Dry cleaning establishments
7. Electronic circuit assembly
8. Laundromats, unless connected to a sanitary sewer
9. Metal plating, finishing, or polishing
10. Petroleum or petroleum product storage and/or sale except storage on same
property as use occurs
11. Photographic processing
12. Printing

G. Parking Areas:

1. Parking areas shall meet the shoreline and tributary streams setback requirements for structures for the district in which such areas are located, except that the setback requirement for parking areas serving public boat launching facilities, in districts other than the General Development shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.

2. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.

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

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

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

H. Roads and Driveways

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

1. Roads and driveways shall be set back at least one-hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river that flows to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.
On slopes of greater than twenty percent (20%), the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five percent (5%) increase in slope above twenty (20%) percent.

Section 15.H.1 does not apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 15.H.1 except for that portion of the road or driveway necessary for direct access to the structure.

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

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

4. Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical (2:1), and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 15.Q

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

6. In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least fifty (50) feet plus two (2) times the average slope in width, between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip, shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

7. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:
a. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road, or driveway at intervals no greater than indicated in the following table:

<table>
<thead>
<tr>
<th>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>

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

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

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

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

I. Signs:

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

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

2. Name signs are allowed, provided such signs shall not exceed two (2) signs per premises, and shall not exceed twelve (12) square feet in the aggregate.

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

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

6. No sign shall extend higher than twenty (20) feet above the ground.

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

J. Storm Water Runoff:

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

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

K. Septic Waste Disposal:

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

L. Essential Services:

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

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

3. Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

M. Mineral Exploration and Extraction:

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

Mineral extraction may be permitted under the following conditions:

1. A reclamation plan shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of 4 Section 15.N.3 below.

2. No part of any extraction operation, including drainage and runoff control features shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line, without written permission of the owner of such adjacent property.

3. Developers of new gravel pits shall demonstrate that no reasonable mining site outside the Shoreland Zone exists. When gravel pits must be located within the zone, they shall be set back as far as practicable from the normal high-water line and no less than seventy-five (75) feet and screened from the river by existing vegetation.

4. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:

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

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

   c. Topsoil 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.

1. In keeping with the purposes of this Ordinance, the Planning Board may impose
such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

N. Agriculture:

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

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

3. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

4. There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies; nor within twenty-five feet (25) feet, horizontal distance, of tributary streams, and freshwater wetlands. Operations in existence on the effective date of this Ordinance and not in conformance with this provision may be maintained.

5. Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance of other water bodies, nor; within twenty-five (25) feet, horizontal distance, of tributary streams, and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan.

O. Timber Harvesting

1. Shoreline integrity and sedimentation. Persons conducting timber harvesting and related activities must take reasonable measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water, and the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and
wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water, or the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and wetlands occurs, such conditions must be corrected.

2. Slash treatment. Timber harvesting and related activities shall be conducted such that slash or debris is not left below normal high-water line of any water body or tributary stream, or the upland edge of a wetland. Section 15(O-1) (2) does not apply to minor, incidental amounts of slash that result from timber harvesting and related activities otherwise conducted in compliance with this section.

a. Slash actively used to protect soil from disturbance by equipment or to stabilize exposed soil, may be left in place, provided that no part thereof extends more than four (4) feet above the ground.

b. Adjacent to great ponds, rivers and wetlands:

   1) No accumulation of slash shall be left within fifty (50) feet horizontal distance, of the normal high-water line or upland edge of a wetland; and

   2) Between fifty (50) feet and two hundred-fifty (250) feet, horizontal distance, of the normal high-water line or upland edge of a wetland, all slash larger than three (3) inches in diameter must be disposed of in such a manner that no part thereof extends more than four (4) feet above the ground.

3. Timber harvesting and related activities must leave adequate tree cover and shall be conducted so that a well-distributed stand of trees is retained. This requirement may be satisfied by following one of the following three options:

   a. Option 1 - Forty percent (40%) volume removal, as follows:

      1) Harvesting of no more than forty percent (40%) of the total volume on each acre of trees four and one half (4½) inches DBH or greater in any ten (10) year period is allowed. Volume may be considered to be equivalent to basal area;

      2) A well-distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and,

      3) Within seventy-five (75) feet, horizontal distance, of the normal high-water line of rivers, streams, and great ponds, and within seventy-five (75) feet, horizontal distance, of the upland edge of freshwater wetlands, there must be no cleared openings. At distances greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of a river or great pond or
upland edge of a wetland, timber harvesting and related activities must not create single cleared openings greater than fourteen-thousand (14,000) square feet in the forest canopy. Where such openings exceed ten-thousand (10,000) square feet, they must be at least one hundred (100) feet, horizontal distance, apart. Such cleared openings will be included in the calculation of total volume removal. Volume may be considered equivalent to basal area.

b. Option 2 - Sixty (60) square foot basal area retention, as follows:

1) The residual stand must contain an average basal area of at least sixty (60) square feet per acre of woody vegetation greater than or equal to one (1) inch DBH, of which forty (40) square feet per acre must be greater than or equal to four and one half (4½) inches DBH;

2) A well-distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and

3) Within seventy-five (75) feet, horizontal distance, of the normal high-water line of water bodies and within seventy-five (75) feet, horizontal distance, of the upland edge of wetlands, there must be no cleared openings. At distances greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of a river or great pond, or upland edge of a wetland, timber harvesting and related activities must not create single cleared openings greater than fourteen-thousand (14,000) square feet in the forest canopy. Where such openings exceed ten-thousand (10,000) square feet, they must be at least one hundred (100) feet, horizontal distance, apart. Such cleared openings will be included in the calculation of the average basal area. Volume may be considered equivalent to basal area.

c. Option 3 (Outcome based), which requires:

1) An alternative method proposed in an application, signed by a Licensed Forester or certified wildlife professional, submitted by the landowner or designated agent to the State of Maine Department of Conservation’s Bureau of Forestry (Bureau) for review and approval, which provides equal or better protection of the shoreland area than this rule.

2) Landowners must designate on the Forest Operations Notification form required by 12 M.R.S.A. chapter 805, subchapter 5, which option they choose to use. If landowners choose Option 1 or Option 2, compliance will be determined solely on the criteria for the option chosen. If landowners choose Option 3, timber harvesting and related activities may not begin until the Bureau has approved the alternative method.
3) The Bureau may verify that adequate tree cover and a well-distributed stand of trees is retained through a field procedure that uses sample plots that are located randomly or systematically to provide a fair representation of the harvest area.

4. Skid trails, yards, and equipment operation. This requirement applies to the construction, maintenance, and use of skid trail and yards in shoreland areas.

   a. Equipment used in timber harvesting and related activities shall not use river, stream, or tributary stream channels as travel routes except when surface waters are frozen and snow covered, and the activity will not result in any ground disturbance.

   b. Skid trails and yards must be designed and constructed to prevent sediment and concentrated water runoff from entering a water body, tributary stream, or wetland. Upon termination of their use, skid trails and yards must be stabilized.

   c. Setbacks:

      1) Equipment must be operated to avoid the exposure of mineral soil within twenty-five (25) feet, horizontal distance, of any water body, tributary stream, or wetland. On slopes of ten percent (10%) or greater, the setback for equipment operation must be increased by twenty (20) feet, horizontal distance, plus an additional ten (10) feet, horizontal distance, for each five percent (5%) increase in slope above ten percent (10%). Where slopes fall away from the resource, no increase in the twenty-five (25) foot setback is required.

      2) Where such setbacks are impracticable, appropriate techniques shall be used to avoid sedimentation of the water body, tributary stream, or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

5. Land Management Roads. Land management roads, including approaches to crossings of water bodies, tributary stream channels, and wetlands, ditches, and other related structures, must be designed, constructed, and maintained to prevent sediment and concentrated water runoff from directly entering the water body, tributary stream or wetland. Surface water on or adjacent to water crossing approaches must be diverted through vegetative filter strips to avoid sedimentation of the watercourse or wetland. Because roadside ditches may not extend to the resource being crossed, vegetative filter strips must be established
in accordance with the setback requirements in Section 15.O-1.7 of this rule.

a. Land management roads and associated ditches, excavation, and fill must be set back at least:

1) One hundred (100) feet, horizontal distance, from the normal high-water line of a great pond, river, water body, or freshwater wetland;

2) Fifty (50) feet, horizontal distance, from the high-water line of streams and tributary streams; and

3) Twenty-five (25) feet, horizontal distance, from the normal high-water line of tributary streams.

b. The minimum one-hundred (100) foot setback specified in Section 15.O-1.5.a.1) above may be reduced to no less than fifty (50) feet, horizontal distance, and the fifty (50) foot setback specified in Section 15.O-1.5.a.2) above may be reduced to no less than twenty-five (25) feet, horizontal distance, if, prior to construction, the landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

c. On slopes of ten percent (10%) or greater, the land management road setback must be increased by at least twenty (20) feet, horizontal distance, plus an additional ten (10) feet, horizontal distance, for each five percent (5%) increase in slope above ten percent (10%)

d. New land management roads are not allowed in a Resource Protection District, unless, prior to construction, the landowner or the landowner's designated agent makes a clear demonstration to the Planning Board’s satisfaction that no reasonable alternative route exists outside the shoreland zone, and that the new road must be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.

e. Ditches, culverts, bridges, dips, water turnouts, and other water control installations associated with roads must be maintained on a regular basis to assure effective functioning. Drainage structures shall deliver a dispersed flow of water into an unscarified filter strip no less than the width indicated in the setback requirements in Section 15.O-1.7. Where such a filter strip is impracticable, appropriate techniques shall be used to avoid sedimentation of
the water body, tributary stream, or wetland. Such techniques may include the installation of sump holes or setting basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

f. Road closeout or discontinuance: Maintenance of the water control installations required in Section 15.O-1.5.e must continue until use of the road is discontinued and the road is put to bed by effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to avoid surface water flowing over or under the water bar, and extending a sufficient distance beyond the traveled way so that water does not re-enter the road surface.

g. Upgrading existing roads: Extension or enlargement of presently existing roads must conform to the provisions of Section 15.O-1. Any non-conforming existing road may continue to exist and be maintained, as long as the non-conforming conditions are not made more non-conforming.

h. Exception: Extension or enlargement of presently existing roads need not conform to the setback requirements of Section 15.O-1.5.a if, prior to extension or enlargement, the landowner or landowner’s designated agent demonstrates to the Planning Board’s satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland.

Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

1) Additional measures: In addition to the foregoing minimum requirements, persons undertaking construction and maintenance of roads and river, stream and tributary stream crossings must take reasonable measures to avoid sedimentation of surface waters.

6. Crossings of water bodies: Crossings of rivers, streams, and tributary streams must allow for fish passage at all times of the year, must not impound water, and must allow for the maintenance of normal flows.

a. Determination of flow: Provided they are properly applied and used for the circumstances for which they are designed, methods including but not limited to the following are acceptable as a means of calculating the ten (10) year and twenty-five (25) year frequency water flows and thereby determining water

b. Upgrading existing water crossings: Extension or enlargement of presently existing water crossings must conform to the provisions of Section 15(O-1). Any non-conforming existing water crossing may continue to exist and be maintained, as long as the non-conforming conditions are not made more non-conforming; however, any maintenance or repair work done below the normal high-water line must conform to the provisions of Section 15.O-1.

c. Other Agency Permits: Any timber harvesting and related activities involving design, construction, and maintenance of crossings on water bodies other than a river, stream, or tributary stream may require a permit from the Land Use Regulation Commission, the Department of Environmental Protection, or the US Army Corps of Engineers.

d. Any timber harvesting and related activities involving the design, construction, and maintenance of crossings of freshwater wetlands identified by the Department of Inland Fisheries and Wildlife as essential wildlife habitat require prior consultation with the Department of Inland Fisheries and Wildlife.

e. Notice to Bureau of Forestry: Written notice of all water crossing construction maintenance, alteration, and replacement activities in shoreland areas must be given to the Bureau prior to the commencement of such activities. Such notice must contain all information required by the Bureau, including:

1) A map showing the location of all proposed permanent crossings;
2) The GPS location of all proposed permanent crossings;
3) For any temporary or permanent crossing that requires a permit from State or federal agencies, a copy of the approved permit or permits; and
4) A statement signed by the responsible party that all temporary and permanent crossings will be constructed, maintained, and closed out in accordance with the requirements of this Section.

f. Water crossing standards: All crossings of rivers require a bridge or culvert sized according to the requirements of Section 15(O-1)(6)(g) below. Streams and tributary streams may be crossed using temporary structures that are not bridges or culverts provided:

1) Concentrated water runoff does not enter the stream or tributary stream;
2) Sedimentation of surface waters is reasonably avoided;

3) There is no substantial disturbance of the bank, or stream or tributary stream channel;

4) Fish passage is not impeded; and

5) Water flow is not unreasonably impeded.

Subject to Section 15.O-1.6.f.1)-5) above, skid trail crossings of streams and tributary streams when channels of such streams and tributary streams are frozen and snow covered or are composed of a hard surface which will not be eroded or otherwise damaged are not required to use permanent or temporary structures.

g. Bridge and Culvert Sizing: For crossings of river, stream and tributary stream channels with a bridge or culvert, the following requirements apply:

1) Bridges and culverts must be installed and maintained to provide an opening sufficient in size and structure to accommodate ten (10) year frequency water flows or with a cross-sectional area at least equal to two and one half (2½) times the cross-sectional area of the river, stream or tributary stream channel.

2) Temporary bridge and culvert sizes may be smaller than provided in Section 15.O-1.1.6.g.1) if techniques are effectively employed such that in the event of culvert or bridge failure, the natural course of water flow is maintained and sedimentation of the water body or tributary stream is avoided. Such crossing structures must be at least as wide as the channel and placed above the normal high-water line. Techniques may include, but are not limited to, the effective use of any, a combination of, or all of the following:

   a) Use of temporary skidder bridges;

   b) Removing culverts prior to onset of frozen ground conditions;

   c) Using water bars in conjunction with culverts; and

   d) Using road dips in conjunction with culverts.

3) Culverts utilized in river, stream or tributary stream crossings must:

   a) Be installed at or below river, stream, or tributary streambed elevation;
b) Be seated on firm ground;

c) Have soil compacted at least halfway up the side of the culvert;

d) Be covered by soil to a minimum depth of one (1) foot or according to
   the culvert manufacturer’s specifications, whichever is greater; and

e) Have a headwall at the inlet end which is adequately stabilized by riprap
   or other suitable means to reasonable avoid erosion of material around
   the culvert.

4) River, stream, and tributary stream crossings allowed under Section 15.O-
   1, but located in flood hazard areas (i.e. A zones) as identified on a
   community’s Flood Insurance Rate Maps (FIRM) of Flood Hazard
   Boundary Maps (FHBM), must be designed and constructed under stricter
   standards contained in that community’s National Flood Insurance
   Program (NFIP). For example, a water crossing may be required to pass a
   100-year flood event.

5) Exception: Skid trail crossings of tributary streams within shoreland areas
   and wetlands adjacent to such streams may be undertaken in a manner
   not in conformity with the requirements of the foregoing subsections
   provided persons conducting such activities take reasonable measures to
   avoid the disruption of shoreline integrity, the occurrence of sedimentation
   of water, and the disturbance of stream banks, stream channels,
   shorelines, and soil lying within ponds and wetlands. If, despite such
   precautions, the disruption of shoreline integrity, sedimentation of water, or
   the disturbance of stream banks, stream channels, shorelines, and soil
   lying within ponds and wetlands occurs, such conditions must be corrected.

h. Skid trail closeout. Upon completion of timber harvesting and related
   activities, or upon the expiration of a Forest Operations Notification, whichever
   is earlier, the following requirements apply:

1) Bridges and culverts installed for river, stream, and tributary stream
   crossings by skid trails must either be removed and areas of exposed soil
   stabilized, or upgraded to comply with the closeout standards for land
   management roads in Section 15.O-1.6.i below;

2) Water crossing structures that are not bridges or culverts must either be
   removed immediately following timber harvesting and related activities, or,
   if frozen into the river, stream, or tributary stream bed or bank, as soon as
   practical after snowmelt; and

3) River, stream, and tributary stream channels, banks and approaches to
   crossings of water bodies and tributary streams must be immediately
   stabilized on completion of harvest, or if the ground is frozen and/or snow
covered, as soon as practical after snowmelt. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

i. Land management road closeout. Maintenance of the water control features must continue until use of the road is discontinued and the road is put to bed by taking the following actions:

1) Effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to reasonably avoid surface water flowing over or under the water bar, and extending sufficient distance beyond the traveled way so that water does not re-enter the road surface;

2) Water crossing structures must be appropriately sized or dismantled and removed in a manner that reasonably avoids sedimentation of the water body or tributary stream; and

3) Any bridge or water crossing culvert in roads to be discontinued shall satisfy one of the following requirements:

a) It shall be designed to provide an opening sufficient in size and structure to accommodate twenty-five (25) year frequency water flows;

b) It shall be designed to provide an opening with a cross-sectional area of the river, stream or tributary stream at least three and one half (3½) times the cross-sectional area of the river, stream, or tributary stream channel; or

c) It shall be dismantled and removed in a fashion to reasonably avoid sedimentation of the river, stream, or tributary stream.

If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

7. Slope Table:

Filter strips, skid trail setbacks, and land management road setbacks must be maintained as specified in Section 15.O-1, but in no case shall be less than shown in the following table.
<table>
<thead>
<tr>
<th>Average slope of land between exposed mineral soil and the shoreline (percent)</th>
<th>Width of strip between exposed mineral soil and shoreline (feet along surface of the ground)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>25</td>
</tr>
<tr>
<td>10</td>
<td>45</td>
</tr>
<tr>
<td>20</td>
<td>65</td>
</tr>
<tr>
<td>30</td>
<td>85</td>
</tr>
<tr>
<td>40</td>
<td>105</td>
</tr>
<tr>
<td>50</td>
<td>125</td>
</tr>
<tr>
<td>60</td>
<td>145</td>
</tr>
<tr>
<td>70</td>
<td>165</td>
</tr>
</tbody>
</table>

P. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting:

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

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

2. Except in areas as described in Section 15.P.1, above, and except to allow for the development of permitted uses, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river or stream flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

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

   b. Selective cutting of trees within the buffer strip is allowed, provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of Section 15.P.2.b a “well-distributed stand of trees” adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of twenty-four (24) or more in each twenty-five (25) foot by fifty (50) foot rectangular twelve hundred-fifty (1250) square feet area as determined by the following rating system.
Diameter of Tree at four and one half (4½) feet
Above Ground (inches)          Points:
  2 - < 4 in.                      1
  4 - < 8 in.                      2
  8 - < 12 in.                     4
  12 in. or greater                8

Adjacent to other water bodies, tributary streams, and wetlands, a “well-distributed stand of trees” is defined as maintaining a minimum rating score of sixteen (16) per twenty-five (25) foot by fifty (50) foot rectangular area.

The following shall govern in applying this point system:

1) The twenty-five (25) foot by fifty (50) foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;

2) Each successive plot must be adjacent to, but not overlap a previous plot;

3) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;

4) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Ordinance; and

5) Where conditions permit, no more than fifty percent (50%) of the points on any twenty-five (25) foot by fifty (50) foot rectangular area may consist of trees greater than twelve (12) inches in diameter.

For the purposes of Section 15.P.2.b “other natural vegetation” is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4½) feet above ground level for each twenty-five (25) foot by fifty (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 forty percent (40%) of the total volume of trees four (4) inches or more in diameter, measured at four and one half (4½) feet above ground level may be removed in any ten (10) year period.

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

d. Pruning of tree branches, on the bottom one third (1/3) of the tree is allowed.

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

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

3. At distances greater than one hundred (100) feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty percent (40%) of the volume of trees four (4) inches or more in diameter, measured four and one half (4½) feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty percent (40%) calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for any purpose including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, twenty-five (25%) of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared. This provision shall not apply to the General Development District.

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

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

Q. Erosion and Sedimentation Control:

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

a. Mulching and revegetation of disturbed soil.

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

c. Permanent stabilization structures such as retaining walls or rip-rap.

2. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

3. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

4. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of rip-rap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:

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

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

   c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

5. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

R. Soils:

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and
water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by State-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

S. Water Quality:

No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream or wetland.

T. Archaeological Sites:

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

11-1.16 Administration:

A. Administering Bodies and Agents:

1. Code Enforcement Officer. A Code Enforcement Officer shall be appointed or reappointed by July 1st.

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

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

B. Permits Required:

After the effective date of this Ordinance no person shall, without first obtaining a
permit, engage in any activity or use of land or structure requiring a permit in the
district in which such activity or use would occur; or expand, change, or replace an
existing use or structure; or renew a discontinued nonconforming use. A person who
is issued a permit pursuant to this Ordinance shall have a copy of the permit on site
while the work authorized by the permit is performed.

1. A permit is not required for the replacement of an existing road culvert as long as:
   a. The replacement culvert is not more than twenty-five (25%) longer than the culvert
      being replaced;
   b. The replacement culvert is not longer than seventy-five (75) feet; and
   c. Adequate erosion control measures are taken to prevent sedimentation of the
      water, and the crossing does not block fish passage in the watercourse.

2. A permit is not required for an archeological excavation as long as the excavation
   is conducted by an archeologist listed on the State Historic Preservation Officer’s
   level 1 or level 2 approved list, and unreasonable erosion and sedimentation is
   prevented by means of adequate and timely temporary and permanent
   stabilization measures.

3. Any permit required by this Ordinance shall be in addition to any other permit
   required by other law or ordinance.

C. Permit Application:

1. Every applicant for a permit shall submit a written application, including a scaled
   site plan, on a form provided by the municipality, to the appropriate official as
   indicated in Section 14.

2. All applications shall be signed by an owner or individual who can show evidence
   of right, title, or interest in the property or by an agent, representative, tenant, or
   contractor of the owner with authorization from the owner to apply for a permit
   hereunder, certifying that the information in the application is complete and correct.

3. All applications shall be dated, and the Code Enforcement Officer or Planning
   Board, as appropriate, shall note upon each application the date and time of its
   receipt.

4. If the property is not served by a public sewer, a valid plumbing permit or a
   completed application for a plumbing permit, including the site evaluation
   approved by the Plumbing Inspector, shall be submitted whenever the nature of
   the proposed structure or use would require the installation of a subsurface
   sewage disposal system.
D. Procedure for Administering Permits:

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

The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

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

1. Will maintain safe and healthful conditions;
2. Will not result in water pollution, erosion, or sedimentation to surface waters;
3. Will adequately provide for the disposal of all wastewater;
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
5. Will conserve shore cover and visual, as well as actual, points of access to inland waters;
6. Will protect archaeological and historic resources as designated in the Comprehensive Plan;
7. Will avoid problems associated with flood plain development and use; and
8. Is in conformance with the provisions of Section 15, Land Use Standards.

If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance or regulation or statute administered by the municipality.
E. Special Exceptions:

In addition to the criteria specified in Section 16.D, above, excepting structure setback requirements, the Planning Board may approve a permit for a single residential structure the Resource Protection District or the Agricultural and Forest District provided that the applicant demonstrates that all of the following conditions are met:

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

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

3. All proposed buildings, sewage disposal systems, and other improvements are:
   a. Located on natural ground slopes of less than twenty percent (20%); and
   b. Located outside the floodway of the 100-year flood-plain along rivers and artificially formed great ponds along rivers, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency’s Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one (1) foot above the 100-year floodplain elevation; and the development is otherwise in compliance with any applicable municipal floodplain ordinance.

   If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be one half (½) the width of the 100-year floodplain.

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

5. All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream, or upland edge of a wetland to the greatest practical extent, but not less than seventy-five (75) feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site’s elevation in regard to the flood-plain, and its proximity to moderate-value and high-value wetlands.

F. Expiration and Extension of Permit and Completion Date
1. Expiration of Permit

All Shoreland Zoning permits shall expire within one (1) year of the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If work is not completed within two (2) years from the date of issuance, a new application must be made (See C. Extension of Completion Date). The CEO shall make determinations regarding commencement and completion.

a. In determining commencement the CEO shall consider:

1) Surveying;

2) Land work (to include but not be limited to clearing, grading, erosion and storm water runoff control and access road preparation); and

3) Foundation work if applicable

b. In determining completion the CEO shall consider:

1) Final grading;

2) Completion of access roads to include final surfacing, culverts, and ditches;

3) Permanent erosion and storm water runoff control;

4) External building completion; and

5) Finished landscaping and seeding of appropriate areas.

2. Extension of Permit

Permits may be extended for one (1) year from the date of issuance by the CEO for projects not commencing within one (1) year of initial Board approval. Written extension requests must be submitted to the CEO at least forty-five (45) days before the one (1) year expiration.

Proposal approvals which are granted a one (1) year extension from the date of issuance shall also have their completion date extended by one (1) year.

Before extending an approval the CEO must determine that extenuating circumstances beyond the control of the applicant exist. Extenuating circumstances may include but are not limited to procurement of financing, legal issues, availability of materials, availability of qualified contractors, and adverse weather conditions.
3. Extension of Completion Date

The CEO may extend the completion date of a commenced project by one (1) year beyond the allotted two (2) years. In determining this extension the CEO shall consider factors such as, but not limited to, financial hardship, legal difficulties, site condition problems, contract delay, disruption in supply of labor and/or materials, or personal issues (illness, injury, death in the family, etc.)

G. Installation of Public Utility Service:

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

H. Appeals:

1. Powers and Duties of the Board of Appeals. The Board of Appeals shall have the following powers:

   a. Administrative Appeals: To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this Ordinance is not appealable to the Board of Appeals.

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

2. Variance Appeals. Variances may be granted only under the following conditions:

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

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

   c. The Board of Appeals shall not grant a variance unless it finds that:
1) The proposed structure or use would meet all provisions of Section 15, except for the specific provision which has created the non-conformity and from which relief is sought; and

2) The strict application of the terms of this Ordinance would result in undue hardship. The term “undue hardship” 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 the general conditions of the neighborhood;

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

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

d. Notwithstanding Section 16.H.2.c.2) above, the Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The Board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The Board shall impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term “structures necessary for access to or egress from the dwelling” shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

e. The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

f. A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.
3. Administrative Appeals

When the Board of Appeals reviews a decision of the Code Enforcement Officer, the Board of Appeals shall hold a “de novo” hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written testimony. When acting in “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 the decision was contrary to specific provision of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board of Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings are inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

4. Appeal Procedure:

   a. Making an Appeal:

1) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement related matters as described in Section 16.H.1.a above. Such an appeal shall be taken within thirty (30) days of the date of the official written decision appealed from and not otherwise, except that the Appeals Board, upon a showing of good cause, may waive the thirty (30) day requirement.

2) Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal, which includes:

   a) A concise written statement indicating what relief is requested and why the appeal or variance should be granted.

   b) A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.

3) Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
4) The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.

b. Decision by Board of Appeals:

1) A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.

2) The person filing the appeal shall have the burden of proof.

3) The Board shall decide all administrative appeals and variance appeals within thirty-five (35) days after the close of the hearing, and shall issue a written decision on all appeals.

4) All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, and the appropriate order, relief or denial thereof. 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 decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.

5. Appeal to Superior Court: Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

6. Reconsideration: In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, Planning Board, Code Enforcement Officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.
Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

I. Enforcement:

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

2. Code Enforcement Officer:

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

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

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

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

4. Fines: Any person, including but not limited to a landowner, a landowner’s agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A M.R.S.A., Section 4452.

11-1.17 **Definitions:**

**Accessory structure or use** - a use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

**Aggrieved party** - an owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

**Agriculture** - the production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities.

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

**Basal Area** - the area of cross-section of a tree stem at four and one half (4-½) feet above ground level and inclusive of bark.

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

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

**Bureau** - State of Maine Department of Conservation’s Bureau of Forestry

**Campground** - any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.
**Canopy** - the more or less continuous cover formed by tree crowns in a wooded area.

**Commercial use** - the use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

**Cross-sectional area** - the cross-sectional area of a stream or tributary channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream channel width is the straight line distance from the normal high-water line on one side of the channel to the normal high-water line on the opposite side of the channel. The average stream or tributary stream channel depth is the average of the vertical distances from a straight line between the normal high-water lines of the stream or tributary stream channel to the bottom of the channel.

**DBH** - the diameter of a standing tree measured four and one half (4½) feet from ground level.

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

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

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

**Disruption of shoreline integrity** - the alteration of the physical shape, properties, or condition of a shoreline at any location by timber harvesting and related activities. A shoreline where shoreline integrity has been disrupted is recognized by compacted, scarified and/or rutted soil, an abnormal channel or shoreline cross-section, and in the case of flowing waters, a profile and character altered from natural conditions.

**Driveway** - a vehicular access-way less than five hundred (500) feet in length serving two (2) single-family dwellings or one two-family dwelling, or less.

**Emergency operations** - operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.
**Essential services** - gas, electrical or communication facilities; stream, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

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

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

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

**Floodway** - the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one (1) foot in height.

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

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

**Forested wetland** - a freshwater wetland dominated by woody vegetation that is six (6) meters tall or taller [approximately twenty (20) feet].

**Forest stand** - a contiguous group of trees sufficiently uniform in age class distribution, composition, and structure, and growing on site of sufficiently uniform quality, to be a distinguishable unit.

**Foundation** - the supporting substructure of a building or other structure excluding wooden sills and post supports, but including basements, slabs, frostwalls, or other base consisting of concrete, block, brick or similar material.

**Freshwater wetland** - freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:
1. Of ten (10) or more contiguous acres; or of less than ten (10) contiguous acres and adjacent to a surface water body, excluding any river, stream or brook such that in a natural state, the combined surface area is in excess of ten (10) acres; and

2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

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

**Functionally water-dependent uses** - those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that can not be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, retaining walls, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters.

**Great pond** - any inland body of water which in a natural state has a surface area in excess of ten (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** - any great pond classified GPA, pursuant to 38 M.R.S.A. Article 4-A Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

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

**Harvest area** - the area where timber harvesting and related activities, including the cutting of trees, skidding, yarding, and associated road construction take place. The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting un-harvested areas greater than ten (10) acres within the area affected by a harvest.

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

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

Hydric Soils - Hydric soils have been defined by the USDA Soil Conservation Service as soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

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

Individual private campsite - an area of land which is not associated with a campground, but which is developed for repeated camping and involves site improvements which may include but not be limited to a gravel pad, parking area, fire place, or tent platform.

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

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

Land Management Road - a route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

Licensed Forester - a forester licensed under 32 M.R.S.A., Chapter 76.
Lot area - the area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two (2) lots.

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

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

Mineral extraction - any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

Minimum lot width - the closest distance between the side lot lines of a lot. When only two (2) lot lines extend into the Shoreland zone, both lot lines shall be considered to be side lot lines.

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

Native - indigenous to the local forests.

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

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

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

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

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

**Person** - an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two (2) or more individuals having a joint or common interest, or other legal entity.

**Piers, docks, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland** -

- **Temporary**: Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

- **Permanent**: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

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

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

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

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

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

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

**Recreational vehicle** - a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.
Replacement system - a system intended to replace: 1.) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2.) any existing overboard wastewater discharge.

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

Residual basal area - the average of the basal area of trees remaining on a harvested site.

Riprap - rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

Residual stand - a stand of trees remaining in the forest following timber harvesting and related activities.

River - a free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of twenty-five (25) square miles to its mouth.

Road - a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined.

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, horizontal distances.

2. In the case of telephone service:
   a. The extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
b. The extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet, in length.

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

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

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

**Shoreline** - the normal high-water line, or upland edge of a fresh water.

**Skid Road or Skid Trail** - a route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

**Slash** - the residue, e.g., treetops and branches, left on the ground after a timber harvest.

**Stream** - a free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river, or flows to another water body or wetland within the shoreland area.

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

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

**Subsurface sewage disposal system** - any system designed to dispose of waste or waste water on or beneath the surface of the earth: includes, but is not limited to: septic tanks, disposal fields, grandfathered cesspools, holding tanks, pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. Section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.
Sustained slope - a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Timber harvesting - the cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the Shoreland zone on a lot that has less than two (2) acres within the Shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15 (P) Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting.

Timber harvesting and related activities - timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.

Tributary stream - a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. “Tributary stream” does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

Upland edge of a wetland - The boundary between upland and wetland. For purposes of a 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) feet) tall or taller.

Vegetation - all live trees, shrubs, and other plants including without limitation, trees both over and under four (4) inches in diameter, measured at four and one half (4½) feet above ground level.

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

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

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

**Wetland vegetation** - technically called "hydrophytes" are plants growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

**Windfirm** - the ability of a forest stand to withstand strong winds and resist windthrow, wind rocking, and major breakage.

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

11-1.18  **Fees:**

A non-refundable application fee of $50.00 shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

An additional fee may be charged if the Planning Board 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 of the Planning Board may appeal that decision to the Board of Appeals.
TOWN OF FARMINGTON

Site Review Ordinance

ENACTED: March 11, 2002

CERTIFIED BY: Leanne E. Pinkham

Town Clerk Affix Seal
Title
# Article 5 – Site Review

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-5.1</td>
<td>Title</td>
<td>1</td>
</tr>
<tr>
<td>11-5.2</td>
<td>Authority, Administration and Applicability</td>
<td>1</td>
</tr>
<tr>
<td>11-5.3</td>
<td>Purposes</td>
<td>2</td>
</tr>
<tr>
<td>11-5.4</td>
<td>Conflicts with Other Ordinances</td>
<td>2</td>
</tr>
<tr>
<td>11-5.5</td>
<td>Effective Date</td>
<td>2</td>
</tr>
<tr>
<td>11-5.6</td>
<td>Validity and Severability</td>
<td>2</td>
</tr>
<tr>
<td>11-5.7</td>
<td>Definitions</td>
<td>2</td>
</tr>
<tr>
<td>11-5.8</td>
<td>Levels of Review and Review Procedures</td>
<td>4</td>
</tr>
<tr>
<td>11-5.9</td>
<td>Approval, Conditions, Findings, Denial</td>
<td>12</td>
</tr>
<tr>
<td>11-5.10</td>
<td>Site Plan Revision</td>
<td>12</td>
</tr>
<tr>
<td>11-5.11</td>
<td>Expiration and Extension of Approval and Completion Date</td>
<td>12</td>
</tr>
<tr>
<td>11-5.12</td>
<td>Fees</td>
<td>13</td>
</tr>
<tr>
<td>11-5.13</td>
<td>Site Review Application Requirements</td>
<td>13</td>
</tr>
<tr>
<td>11-5.14</td>
<td>Performance Standards</td>
<td>22</td>
</tr>
<tr>
<td>11-5.15</td>
<td>Appeals</td>
<td>28</td>
</tr>
<tr>
<td>11-5.16</td>
<td>Amendments</td>
<td>28</td>
</tr>
<tr>
<td>11-5.17</td>
<td>Enforcement</td>
<td>28</td>
</tr>
</tbody>
</table>
Town of Farmington
Site Review Ordinance

11-5.1. Title

This Ordinance, which repeals and replaces the Site Review Ordinance adopted on August 2, 1995, shall be known and cited as the Town of Farmington Site Review Ordinance and will be referred to as “this Ordinance”. This Ordinance establishes a process for review and approval of uses of land or structures, and construction, alteration or expansion of structures; prescribes application and approval criteria; implements the Town of Farmington Zoning Ordinance; and provides for additional performance standards.

11-5.2. Authority, Administration and Applicability

WHEREAS, the residents of the Town, desiring to preserve, maintain and promote the viability, sustainability and quality of life which are characteristic of the Town, adopted a Site Review Ordinance and subsequently wrote and adopted the Comprehensive Plan as a guide to the growth and development of the Town; and

WHEREAS, the residents of the Town, recognizing that the particular use of land or structures in a particular location may impact on community and/or individual goals, adopted the Zoning Ordinance, thereby implementing one of the strategies set forth in the Comprehensive Plan and directed the Planning Board to administer the Ordinance; and

WHEREAS, there is a recognized need to balance implementation of the Zoning Ordinance, the rights of landowners and their abutters, and the protection of that which is held in common by all residents; and

NOW THEREFORE, this Ordinance is adopted pursuant to the enabling provisions of Article VIII, part 2 section 1, of the Maine Constitution; the provisions of Title 30-A, MRSA §3001 (Municipal Home Rule Authority) and the provisions of Title 30-A MRSA §4312 et. seq. (Planning and Land Use Regulation Act).

The Planning Board of the Town of Farmington, herein referred to as “the Board”, shall administer this Ordinance.

This Ordinance shall apply to all proposals regarding the use of land and/or structures, alteration of land, and all construction of structures including erection, relocation, alteration or expansion of such within the Town of Farmington.

Persons or entities wishing to change the use of land or structures as defined above, must first obtain approval from the Code Enforcement Officer, herein after referred to as the “CEO”, or the Board and shall be subject to the provisions of this Ordinance and other applicable ordinances. This approval must be received before any building construction activity, or site preparation may commence.
11-5.3. **Purposes**

The purposes of this Ordinance are to:

A. Provide local review of projects, which may or may not be governed by State law or regulation, that potentially impact the community or residents of the community and to assure consistency with the goals and policies of the Comprehensive Plan;

B. Protect public health and safety, and promote the general welfare and quality of life of the Town;

C. Maintain and protect the rural, agricultural character of the Town by fitting projects harmoniously into the fabric of the community;

D. Conserve the natural resources of the Town and protect the environment and those resources held in common by the public from exploitation, abuse and degradation;

E. Protect historical, archeological, and recreational resources of the Town;

F. Balance the rights of landowners and/or tenants with the corresponding rights of abutting and neighboring landowners and/or tenants and minimize adverse impacts on adjacent property; and

G. Identify potential problems created by a particular project and seek alternatives that minimize the impact on municipal services.

11-5.4. **Conflict with Other Ordinances**

Whenever a provision of this Ordinance conflicts with or is inconsistent with other provisions of this Ordinance, or of any other ordinance, regulation or standard, the more restrictive provision shall apply.

11-5.5 **Effective Date**

The effective date of this Ordinance shall be August 2, 1995. *(To be updated after amendments are approved at Town Meeting.)*

11-5.6. **Validity and Severability**

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

11-5.7. **Definitions**

In general, words and terms used in these regulations shall have their customary dictionary meanings. More specifically, certain words and terms used herein are defined below. Additional definitions maybe found in the Zoning Ordinance or in the
various referenced Town Ordinances. Definitions from all Town Ordinances are collated in the Town of Farmington Lexicon for ease of reference.

Abutter. Abutter shall mean the owner(s) of record of property sharing a common boundary with a given piece of property, whether or not these properties are separated by a public or private street or right-of-way.

Agent. Agent shall mean a person empowered to act for another.

Applicant. Applicant shall mean the person seeking approval to change the use of land and/or structures, alter land, or construct structures including erection, relocation, alteration or expansion of such.

Aquifer. Aquifer shall mean a geological formation composed of rock, sand, gravel or any other permeable bedrock or surficial geological formation that stores and transmits significant quantities of recoverable water.

Campground. Campground shall mean a plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units of the general public for recreational use as transient living quarters.

Commercial. Commercial shall mean any connection with the buying or selling of goods or services on or away from the premises including the provision of facilities for a fee.

Hazardous Materials. Hazardous Materials shall mean any waste as designated by the Maine Board of Environmental Protection in Chapter 850 of their Rules under the authority of 38 MRSA, Section 1301, et. seq.

Historic or Archaeological Resources. Historic or Archaeological Resources shall mean 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 Comprehensive Plan.

Home Occupation. Home Occupation shall mean an occupation or profession which is customarily carried on in a dwelling unit or structure accessory to a dwelling unit which is incidental to residential use and employs no more than one full-time equivalent outside employee. The home occupation must be carried on by the owner of the home, who is living in the dwelling.
Major Projects. Major Projects shall mean the construction of any new structures or structure expansion or building addition having a total floor area of ten thousand (10,000) square feet or more; and/or the construction of any surface parking area(s) for more than ten thousand (10,000) square feet; and/or a change in the use of a total floor area of ten thousand (10,000) square feet.

Owner of Record. Owner of Record shall mean the party, individual, entity, corporation, trust or business which is currently listed at the Franklin County Registry of Deeds as the owner of a subject parcel, lot or property.

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

Public Street. Public Street shall mean a street or road maintained by the Town of Farmington or the State of Maine.

Vicinity. Vicinity shall mean an area which encompasses the property and people who live in close proximity to one another and share a common landscape with its inherent sounds, noises, fumes, odors and other characteristics of a neighborhood.

Wetlands. As defined by Title 38, MRSA, Section 480 B.4

11-5.8 Levels of Review and Review Procedures

A. General Provisions

1. All changes of the use of land (as defined in the Zoning Ordinance Table of Uses) and/or structure(s), alteration of land, and all construction of structures including the erection, relocation, alteration or expansion of such within the Town shall be reported to the Code Enforcement Office before they are commenced.

2. All proposals must comply with all applicable standards of this Ordinance, the Zoning Ordinance and other applicable land use ordinances.

3. The Zoning Ordinance Table of Uses establishes the appropriateness of specific land uses in six defined zones. This Ordinance establishes the process and standards by which review is conducted. As such, proposed uses in certain categories under the Table of Uses may only require reporting to the CEO. Proposed uses in certain categories may be reviewed and approved by the CEO if properly documented to prove minimal or no impact on abutting properties or resources. All other proposed uses must be reviewed and approved by the Board.
4. Certain proposed uses, because of the nature of the activities associated with the use, may have more than one applicable use category in the Table of Uses. In such cases the more restrictive category shall apply.

5. Proposed commercial or industrial uses not specifically listed in the Zoning Ordinance Table of Uses or that would not be generally recognized by the CEO as a subset of an existing category shall be referred to the Zoning Board for interpretation, clarification and decision of where the proposed use fits in the Table of Uses.

6. Overlay Districts and Subdivisions

a. Proposals within certain overlay districts and proposals for subdivisions must first be reviewed and approved subject to application requirements and performance standards set forth in the applicable ordinance or regulations.

   1) Shoreland Zoning Ordinance (11-1)
   2) Floodplain Management Ordinance (11-2)
   3) Wellhead Protection Ordinance (11-7)
   4) Subdivision Regulations

b. In addition the proposal may require review and approval subject to application requirements and performance standards contained in this Ordinance, the Zoning Ordinance and/or other applicable land use ordinances, when determined to be applicable by the CEO or Board.

B. Levels of Review

1. Uses Not Requiring Approval

   a. The following uses, when listed as (Y) “Yes, permitted, subject to land use standards” in the Zoning Ordinance Table of Uses do not require CEO or Board approval.

      1) Construction of detached single-family and two-family dwellings and accessory structures.

      2) The normal and customary practices of agriculture and agricultural management activities. These practices shall be conducted, where applicable, according to and described in the State of Maine Strategy for Managing Nonpoint Source Pollution from Agricultural Sources and Best Management System Guidelines published by the Nonpoint Source Agricultural Task Force and dated October 9, 1991 and as amended thereafter.

      Construction of accessory structures or expansion of existing structures used for normal and customary agricultural practices not exceeding five
thousand (5000) sq. ft. in new construction or not exceeding twenty five percent (25%) expansion of any existing building in area.

3) The normal and customary practices of forestry activities. These activities shall be conducted, where applicable, according to and described in the Erosion and Sediment Control Handbook for Maine Timber Harvesting Operations dated February 1991 and issued by the Maine Forest Service and as amended thereafter.

4) The relocation of an existing retail or service business within the Town of Farmington which is in compliance with all local and State laws and regulations providing that the relocation meets the following criteria:
   a) The relocated business will be located within existing structures, currently used for retail or service business and there will be no new buildings, demolitions, or building additions; and
   b) The relocated business will not require any new curb cuts, driveways, or parking areas; and
   c) The relocated business will not require any additional Town services.

5) Home Occupations that meet the following criteria:
   a) The primary activity associated with the Home Occupation is listed as (Y) “Yes, permitted, subject to land use standards” in the Zoning Ordinance Table of Uses;
   b) The home occupation meets all of the performance standards contained in 11-8.11.B of the Zoning Ordinance; and
   c) The proposal does not seek to expand the dwelling or accessory structure, or seek to construct a new structure to accommodate the home occupation.

6) Telecommunication facilities exempted in 11-11.9 of the Wireless Telecommunication Facility Siting Ordinance.


   b. Although the uses listed above (11-5.8.B1a.) do not require CEO or Board approval they remain subject to and must comply with applicable
standards of Town land use ordinances. The CEO shall make available information necessary to comply with applicable standards.

c. When the use does not require CEO or Board approval, the applicant must complete a Registration Form with the Code Enforcement Office stating the name, address and phone number of owner; name, address and phone number of property owner (if different); and, if a business, the name, location and nature of the business.

2. CEO Review and Approval

Uses listed as (Y) “Yes, permitted subject to land use standards” in the Table of Uses means that the generic use category is acceptable in the zoning district, however a specific proposal for change to a permitted use or expansion of a current use, must be reviewed and approved by the CEO. Before approving such proposal, the CEO must find that the specific proposal conforms to the standards and criteria of this and other applicable ordinances and meets the following criteria:

a. The use will not require alteration of existing land or the natural environment beyond the parameter of the CEO’s authority under the Town’s Shoreland Zoning, Floodplain and Soil Erosion Control/Storm Water Management Ordinances;

b. The use will not require the addition of new structures or expansion of an existing structure which seeks to expand by more than one thousand (1000) sq. ft. or twenty-five percent (25%) in area (which ever is lesser) in any ten (10) year period, regarding (but not limited to) floor space, parking area, seating capacity, outdoor storage area or other facilities;

c. The use will not create health, safety or municipal resource problems;

d. The use will not have adverse impacts on the subject property or abutting properties;

A proposal not meeting the criteria stated above and/or a proposal the CEO feels he/she cannot approve will, at the request of the applicant, be processed for review by the Board.

The Board and abutting landowners will be notified of all CEO determinations.

3. Board Review and Approval

a. Proposals for use not meeting the criteria set forth in 11-5.8.B.2. above, proposals the CEO feels he/she cannot approve, proposals subject to review under 11-5.8.B.2. that a member of the Board requests Board
consideration and/or an abutter has requested review.

b. Uses listed as (Y*) “permitted subject to land use standards and Planning Board approval” means that the generic use category is acceptable in the zoning districts, however a specific proposal in a particular location must be developed in accordance with a detailed plan reviewed and approved by the Board. Before approving such uses the Board must find that the specific proposal in the particular location conforms to the standards and criteria of this and other applicable ordinances.

c. Uses listed as (*) “permitted on a site specific basis, subject to land use standards and Planning Board approval” in the Table of Uses means that the generic use category is not generally acceptable in the zoning district, but that a specific proposal in a particular location developed in accordance with a detailed plan reviewed and approved by the Board may be allowed. In addition to providing all the submissions required for site review, an applicant for such a use must submit a detailed statement describing the probable impacts of the use with reference to the criteria listed below. The applicant must demonstrate to the Board that the specific proposal in the particular location conforms to the standards and criteria of this and other applicable ordinances and meets the following criteria:

1) The use will be developed, implemented and operated in a way which is consistent with the Comprehensive Plan and with the stated purpose of the zoning district in which the use is to be located;

2) The use will be developed, implemented and operated in a way which will not have adverse impacts on the subject property and on nearby properties which are greater in degree or different in kind from the impacts of permitted uses existing in the vicinity of the proposed use;

3) The use will be developed, implemented and operated in a way which will not alter the essential character of the area in which it is located;

4) The use will be developed, implemented and operated in a way which will not substantially reduce the value of or impair the reasonable use of adjoining properties;

5) Sounds, noises, odors, fumes, vibrations, smoke, dust and discharges to the air which will be generated by the proposed use shall not be greater in degree, either in number of occurrences or magnitude (levels) or concentration, or different in kind than those generated by permitted uses existing in the vicinity of the proposed use. If detectable at or beyond the boundary of the property, the use will be developed, implemented and/or operated in such a way that the change in ambient conditions, existing at the time, will not adversely impact residents in
the vicinity of the proposed use;

6) The hours of operation of the proposed use will be compatible with those of permitted uses existing in the vicinity of the proposed use;

7) The use will be developed, implemented and operated in a way which will not create public health, safety or municipal resource problems greater in degree or different in kind from those connected with permitted uses existing in the vicinity of the proposed use;

8) The proposed use will not create erosion and sedimentation problems, water quality problems or problems associated with floodplain development; and

9) The proposed use will not have unreasonable adverse impacts on natural resources and archaeological or historic resources.

4. Additional Review Considerations

a. Notice to Abutters
   1) CEO Review

   Abutting property owners shall be notified by certified mail, by the Town, of an application which the CEO determines is ready for approval by the CEO. Abutters will have a fifteen (15) day period (from date of CEO’s determination) to request consideration by the Board. The cost of notification shall be borne by the applicant.

   2) Board Review

   Abutting property owners shall be notified by certified mail, by the Town, at least fifteen (15) days prior to initial Board consideration, of a pending application for Site Review. This notice shall indicate the time, date and place of Board consideration of the application. The cost of notification shall be borne by the applicant.

   a. Onsite Visit

   All applications shall have an onsite visit by the CEO. An additional site visit(s) may be scheduled by the Board.

   b. Public Hearing

   If the Board decides to hold a public hearing, it shall publish notice of the day, time and place of the hearing in a newspaper of general circulation in the municipality at least twice, the date of the first publication to be at least fifteen (15) days prior to the hearing. The cost of advertising shall be borne by the applicant.
Notice of the public hearing shall be sent through regular mail to all abutters of the proposed development fifteen (15) days prior to the hearing by the Town of Farmington.

c. Professional Review

1) Professional Services

The Board may require that a fully qualified consultant(s) review one or more submissions of an application and report as to compliance or noncompliance with this Ordinance and recommend, if possible, procedures which will result in compliance. The consultant(s) shall be determined by the Board to be competent in a field germane to the issue under consideration and shall be mutually acceptable to the Board and the applicant. The consultant shall 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 consultant from the escrow account and reimburse the applicant if funds remain after payments are completed. If escrowed funds are insufficient, the applicant shall deposit additional funds with the Town, based on the consultant’s estimate, sufficient for completion (if said completion is still desired).

2) Additional Studies

The Board may require the applicant to undertake any study which the Board deems necessary to insure that the requirements of the Ordinance are met. The costs of all such studies shall be borne by the applicant.

d. Departmental Notification and Review

The application shall be forwarded to applicable department heads for their comments and recommendations. All comments and recommendations shall be received within fifteen (15) days unless an extension is requested by the department head.

C. Review Procedures

1. The CEO shall review all proposals to determine if CEO or Board approval is required and within seven (7) days make his/her determination and notify the applicant.

2. Where CEO or Board approval is required, the CEO shall provide the applicant with all necessary application forms, advise the applicant of review criteria and performance standards contained in any applicable Town land use ordinances
and inform the applicant of any other submissions he/she feels necessary to deem the application complete for initial review.

3. Where CEO approval is required, a second meeting will be scheduled for final review of the completed application and required submissions. Within seven (7) days the CEO shall notify the Board and the applicant of his determination.

An application which the CEO determines is ready for approval by the CEO will be considered finally approved after a fifteen (15) day period (from the date of the CEO’s determination) unless consideration by the Board has been requested by a Board member or an abutter.

If such consideration has been requested the Board shall, at its next meeting, determine if further Board review and approval is required.

4. Where Board approval is required, the CEO shall review the application and required submissions to determine if all requested information has been provided and required fees, reimbursements, and deposits have been received. Upon completion of this review the applicant shall be placed upon the next available Board agenda for Initial Review allowing for a fifteen (15) day processing and notification period. The CEO shall forward the application to the Board along with any written comments and recommendations from applicable department heads provided that the proposal is not known to be in violation of any Town land use ordinances.

a. Initial Review

The applicant, or his duly authorized agent, shall attend the meeting of the Board to discuss the proposal. The Board shall provide the applicant with a dated receipt of the Site Review initial application at the Board meeting where the application is first presented and heard by the Board. If the applicant or agent is not present, the Board shall table the review of the application. Review of the application shall be rescheduled at a subsequent meeting of the Board at the request of the applicant. Absence of the applicant at a second Board meeting shall result in the nullification of the application and will require resubmission of the application.

b. Complete Application

Within fifteen (15) days of the Board’s receipt of a Site Review initial application, the Board shall notify the applicant in writing that the application is complete, or what additional submissions and/or additional studies are required for a complete application. The Board shall determine whether to hold a public hearing and/or conduct an additional onsite visit once the application is determined by the Board to be a complete application.
c. Subsequent Review

If additional submissions, additional studies, public hearing(s), or an additional onsite visit, were required as a result of the initial review, a final review will be scheduled by the Board to consider these additional findings and to determine that the application is complete. The Board reserves the right to require professional review of any submission in which compliance or noncompliance with the standards of this ordinance or any other applicable land use ordinance exists.

11-5.9. Approval, Conditions, Findings, Denial

Within thirty (30) days of a public hearing, or within sixty (60) days of receipt of a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact on the application and approve, approve with conditions, or deny the application. The Board may attach conditions to the proposal approval to ensure conformity with the standards and criteria of this Ordinance and/or other applicable ordinances. The Board shall specify, in writing, its findings of facts and reasons for any conditions or denial.

11-5.10. Site Plan Revision

The site shall be developed and maintained as depicted in the site plan and the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval shall require approval of the revised site plan by the CEO or Board, whichever is applicable.

11-5.11. Expiration and Extension of Approval and Completion Date

A. Expiration of Approval

All Site Review approvals shall expire within one (1) year of the date of issuance unless work thereunder is commenced. Normally, if work is not completed within two (2) years from the date of issuance, a new application must be made (See C. Extension of Completion Date). The CEO shall make determinations regarding commencement and completion.

1. In determining commencement the CEO shall consider:
   a. Surveying;
   b. Land work (to include but not be limited to clearing, grading, erosion and storm water runoff control and access road preparation); and
   c. Foundation work if applicable.

2. In determining completion the CEO shall consider:
   a. Final grading;
   b. Completion of access roads to include final surfacing, culverts, and ditches;
c. Permanent erosion and storm water runoff control;
d. External building completion; and
e. Finished landscaping and seeding of appropriate areas.

B. Extension of Approval

Proposal approvals may be extended for one (1) year from the date of issuance by the CEO for projects not commencing within one (1) year of initial Board approval. Written extension requests must be submitted to the CEO at least forty-five (45) days before the one (1) year expiration.

Proposal approvals which are granted a one (1) year extension from the date of issuance shall also have their completion date extended by one (1) year.

Before extending an approval the CEO must determine that extenuating circumstances beyond the control of the applicant exist. Extenuating circumstances may include but are not limited to procurement of financing, legal issues, availability of materials, availability of qualified contractors, and adverse weather conditions.

C. Extension of Completion Date

The CEO may extend the completion date of a commenced proposal by one (1) year beyond the allotted two (2) years.

In determining this extension the CEO shall consider factors such as, but not limited to, financial hardship, legal difficulties, site condition problems, contract delay, disruption in supply of labor and/or materials, or personal issues (illness, injury, death in the family, etc.).

11-5.12. Fees

A. All applications must be accompanied by the appropriate application fee that shall be set by the Board of Selectmen.

B. All applicable fees including but not limited to postage reimbursement, advertising fees, consultant fees, will be the responsibility of the applicant and must be paid before receiving written confirmation of approval by the CEO or Board.

11-5.13. Site Review Application Requirements

A. General Requirements

1. If the applicant and the property owner of record are not one in the same, the applicant shall provide evidence of consent to the proposal by the property owner. A statement signed by the property owner, shall delegate to the applicant the right to develop and implement the proposal in accordance with a
complete Site Review Application approved by the Board. This shall include any changes or conditions required by the Board.

2. If another person(s) is/are to represent the applicant in dealings with the Board that person(s) shall be designated as an agent, in writing, by the applicant.

3. All applications for Site Review shall be submitted on application forms provided by the Code Enforcement Office. The required fees, ten (10) sets of the application form, and ten (10) sets of the required plans, maps and supplemental information shall be submitted to the Code Enforcement Office.

4. Maps, plans or other drawings must of a scale sufficient to allow for review of the proposal under the performance standards of this Ordinance and other applicable ordinances. In no case shall the scale be more than one hundred (100) feet to the inch for that portion of the tract of land being proposed for the project.

B. Submission Requirements for a Complete Site Review Application

A complete site review application shall contain the following:

1. A fully executed and signed Town of Farmington Site Review Application form;

2. A signed Site Review Check List of required submissions;

3. Property owner's statement if owner and applicant are not one in the same;

4. Statement designating agents(s) if applicable;

5. Letter(s) of Review from applicable Town departments;

6. Copy of deed;

7. Evidence of payment of application fee;

8. A site plan if applicable (See 11-5.13.C1);

9. A detailed narrative appropriate to the project describing the proposed development activity;

10. Building plans showing, as a minimum, the first floor footprint and all elevations;

11. Required supplemental information or additional studies; and
12. Copies of all applicable local, State and federal approvals and permits, provided, however, that the Board may approve site plans subject to the issuance of special local, State and federal licenses and permits in cases where it determines that it is not feasible for the applicant to obtain them at the time of site review.

C. Site Plan Requirements

1. A basic Site Plan shall, for new construction and/or land alteration (not for change of use within an already permitted structure) be sufficient to allow review of the following items:

   a. Dimensions of all lot lines (including street frontage) and total square footage of the lot;

   b. The location of all required setbacks;

   c. The location, dimensions and first floor area (sq.ft.) and height of all existing and proposed buildings;

   d. Location and width of proposed streets, curbs, driveways, sidewalks, bike paths, if any;

   e. Location of existing and/or proposed fences, retaining walls, parking spaces, loading areas, open spaces, stands of trees, open drainage courses, service areas and easements (rights-of-way, drainage, utility and grading, etc);

   f. Location of wells and septic systems on site (planned or existing);

   g. Plan scale and orientation to North; and

   h. Location, dimensions, and character of all existing and/or proposed signs and exterior lighting.

2. Major projects or any projects involving significant grading or the construction of roadways, utilities, stormwater drainage facilities, or similar items shall have a site plan prepared by a professional licensed to practice site design and/or engineering in the State of Maine.

3. When an architect, engineer, surveyor, geologist, soil scientist or other professionals licensed or certified and issued a seal by the State of Maine, prepared the plan, the preparer’s seal shall be affixed to the plan.
4. An approval block must be provided on the plan drawing for the signatures of the Planning Board and date together with the following words, “Approved: Town of Farmington Planning Board”.

**D. Supplemental Information**

All applications shall contain at least a detailed narrative appropriate to the project describing the existing conditions of the site and proposed development activities.

Depending on the size, complexity and/or nature of the proposal, the CEO and/or the Board may require sufficient information on one or more of the following to allow for review of the proposal under the performance standards of this Ordinance and other applicable ordinances.

Supplemental information may be in the form of a detailed narrative, reports, studies, surveys, charts, maps, plans or other drawings.

1. Existing Conditions

To allow for a thorough understanding of existing conditions on the proposed site, information on one or more of the following may be required:

a. Location of zoning district boundaries of the property if located in two or more zoning districts and/or overlay districts;

b. Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time;

c. The bearings and distances of all property lines and the source of this information. A formal boundary survey may not be required when sufficient information is available to establish all property boundaries on the ground;

d. The location of existing buildings within fifty (50) feet of the parcel to be developed and the location of intersection roads or driveways within two-hundred (200) feet of the parcel;

e. All existing contours and proposed grade elevations of the entire site. Contour intervals shall be twenty (20) feet or as specified by the Board;

f. Locations and size of any existing sewer and water mains, culverts and drains on the property to be developed and of any that will serve the development from abutting streets or land;

g. Location, names and present widths of existing streets and rights-of-way within or adjacent to the proposed development; and
h. Location, dimensions and ground floor elevations of all existing buildings on the site.

2. Proposed Development Activities

To allow for a thorough review of the proposal, information on one or more of the following maybe required:

a. Location, dimensions and materials to be used in the construction of proposed driveways, parking and loading areas and walkways;

b. A utility plan showing provisions for water supply and wastewater disposal including the size and location of all piping, holding tanks, leach fields, etc;

c. Location and nature of electrical, telephone and any other utility services to be installed on the site;

d. A landscaping schedule keyed to the site plan and indicating the varieties and sizes of trees, shrubs, and other vegetation to be planted on the site;

e. Locations of all existing and/or proposed easements (rights-of-way, drainage, utility, grading, etc.) and other legal restrictions that may affect the premises;

f. An on-site soils investigation report by a Maine Department of Human Services licensed Site Evaluator for sites not served by Town sewer. The report shall identify the types of soil, location of test pits, and proposed location and design for the subsurface disposal system; and

g. An Access Management Plan containing, as a minimum, the information listed below:

1) Site description - A description of the site, including, as applicable, the locations of driveways and streets located on any property immediately adjacent to the site and across the street or road in the immediate vicinity of the project driveway(s);

2) Overall use of the parcel - A description of the existing and proposed uses of the site;

3) Traffic distribution - A description and diagram of the anticipated distribution of traffic entering and exiting the site;

4) Vehicular circulation system within the parcel - A description and diagram of the anticipated distribution of traffic within the lot and the parking;
5) Trip distribution description and diagram - A description and diagram of the anticipated distribution of traffic entering and exiting the site, to include the relationship of all driveways and intersecting roads exiting onto the roadway in terms of angle and grade;

6) Driveway volume - Accompanying the Access Management Plan shall be a letter that shall certify the number of peak hour vehicle trips that the proposed land use will generate (according to the Trip Generation Manual, 6th Edition, published by the Institute of Transportation Engineers or any subsequent adopted revision);

7) Minimum sight distance for all exiting driveways in both directions – Measurement shall be from the driver’s seat of a vehicle that is ten (10) feet behind the curb (or edge of shoulder) line with the height of eye three and one-half (3½) feet above the pavement and the height of object four and one-quarter (4¼) feet; and

8) Driveway spacing - Spacing between the development’s driveway and driveways on contiguous lots.

3. Impacts of the Proposed Development Activities

To allow for a thorough review of the potential impacts of the proposal on adjacent properties, the community or the environment, information on one or more of the following may be required:

a. Assessment of all machinery, processes and activities likely to generate air pollution, fumes/odors, sound or noise, to include type, size, location and potential impacts beyond the lot lines;

b. The provision for handling all solid wastes, including hazardous and special wastes and the location and proposed screening of any on-site collection or storage facilities; and

c. Traffic Impact Study

1) If the project meets a) or b) below, the developer shall provide a full traffic impact study at his/her own expense.

   a) Volume
      During any one (1) hour period, traffic (inbound or outbound) attributable to the development equals or exceeds one hundred (100) passenger car equivalents per hour at the project driveway(s).

   b) Safety or capacity deficiencies
      The Planning Board determines that a traffic impact study must be conducted because of traffic safety or capacity deficiencies in the
vicinity of the development.

2) In general, the Traffic Impact Study shall include a description of the traffic movement to be generated by the development, including types and peak hour, average daily vehicle trips, travel routes, and duration of traffic movement both during and following construction. The study shall contain, as a minimum, the information listed below:

a) Site description - A description of the site, including, as applicable, the locations of driveways and streets located on any property immediately adjacent to the site and across the street or road in the immediate vicinity of the project driveway(s);

b) Use description (site) - A description of the existing and proposed uses of the site;

c) Regional map - A regional map showing the site, and roads in the vicinity of the development, and other proposed projects in the vicinity of the development;

d) Description of traffic increases - A description of any traffic increases that are likely to occur in the vicinity of the development during the study period. The Developer shall include, as applicable, projects that are: under construction and not fully occupied; are pending State or local approval; or have State or local approval, but are not constructed or fully occupied;

e) Trip generation calculation and summary table - The study shall include a calculation of the trip generation for the development and other likely traffic increases, including a summary table listing each type of land use, the size involved, the average trip generation used, and the resultant total trips generated;

f) Trip distribution description and diagram - The study shall include a description and diagram of the anticipated distribution of traffic entering and exiting the site; and


g) Definition of the study area - The study shall include a definition of the study area, including all links and intersections using the following threshold criteria:

i) The study area shall include the first major intersection to either side of the project driveway(s);

ii) The study area shall be expanded beyond the first major intersection(s) to either side of the project driveway to include those links and intersections for which, during any one (1)
hour peak period, traffic attributable to the development equals or exceeds the following at any intersection in the vicinity of the development:

- Twenty-five (25) vehicles in a left-turn only lane;
- Thirty-five (35) vehicles in a through lane, right-turn lane, or a combined through and right-turn lane; or
- Thirty-five (35) vehicles (multiplying the left-turn lane volume by 1.5) in a combined left-turn, through and right-turn lane;

iii) Capacity analysis of signalized intersections located outside of the study area may be required, if these signals are, or should be, interconnected with an intersection located within the study area. The study area may need to be extended, if signal progression on a signal interconnect system is changed.

h) Use description and diagram (roads) - The study shall include a description and diagram of an anticipated utilization of roads and intersections in the vicinity of the development.

i) Diagram/documentation of traffic volume - The study shall include a diagram and appropriate documentation of the traffic volume on roads and intersections in the vicinity of the development for both the estimated annual average daily traffic and the AM/PM peak hour traffic (including turns during the peak hour). The study shall show the following on the traffic diagrams:

i) Existing traffic volume based on actual counts;

ii) Traffic attributable to other projects that are proposed or approved;

iii) Traffic attributable to the development assuming full build-out and full occupancy;

iv) Projected traffic volume for the design hour at the time the development will begin operation, assuming full build-out and full occupancy of the development; and

v) Left-turn lane/right-turn lane warrant analysis.

j) Capacity analysis - The study shall include a capacity analysis for determination of the level of service for each road and intersection in the vicinity of the development. Capacity analyses must be
performed for all intersections that are currently operated or will be operated as part of a signal interconnect system. The analysis shall report whether or not length of storage for through or turning lanes is adequate.

k) Traffic signal analysis - The study shall include an analysis of the need for new traffic signals in the vicinity of the development. The "Manual of Uniform Traffic Control Devices" shall be used as the basis to analyze the need for construction or elimination of traffic signals, as appropriate.

l) Sight distance determination - The study shall include a determination of the available sight distance in all directions at each intersection in the vicinity of the development.

m) Inventory and analysis of accidents - The study shall include an inventory and analysis of traffic accidents in the vicinity of the development during the most recent three (3) year period. A collision diagram shall be provided for all links and intersections found to meet MDOT criteria for "High Accident Locations."

n) Description of improvements - The study shall include a description of recommendations for improvements to deficient roads or intersections, and the results of implementation of the recommendations.

d. Assessment of stormwater runoff and potential effect on ground water and contiguous soils.

e. Assessment of proposed exterior lighting and its impact on adjacent properties.

E. Performance Guarantee

The Board may require the posting of an improvement guarantee in such amount as is reasonably necessary to ensure the proper installation and maintenance of all offsite improvements, and onsite improvements with offsite impacts, required as a condition of approval. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the applicant.

In the event that a development is abandoned, the performance guarantee may be utilized to stabilize, secure, and/or restore the site as may be necessary, including, but not limited to, re-vegetation of areas, grading and fencing.
11-5.14. **Performance Standards**

The following criteria and standards shall be utilized by the Board in reviewing applications for Site Plan Review approval.

**A. Landscaping**

The landscape shall be preserved in its natural state and enhanced insofar as practicable by minimizing tree removal, disturbance of soil, and retaining existing vegetation during construction, and/or placing new plantings as specified in Landscaping Standards of the Town of Farmington’s Zoning Ordinance (11-8.11.E).

Environmentally sensitive areas such as wetlands, steep slopes, floodplains and unique natural features, and natural drainage areas will be maintained and preserved to the maximum extent as delineated in the Town of Farmington’s Floodplain Management Ordinance and by State and federal law.

**B. Historic and Archaeological Resources**

If any portion of the site has been identified or is found to contain historic or archaeological resources, the Maine Historic Preservation Commission must be notified and requested to make an evaluation of the site and include subsequent measures for protecting these resources.

**C. Relation to Proposed Buildings to Existing Environment**

Proposed structures shall be related harmoniously to existing buildings which represent the historic character of the community and that have a visual relationship to the proposed structures, so as to have a minimally adverse affect on the aesthetic qualities of the developed and neighboring areas.

**D. Vehicular Access and Parking**

The proposed development shall provide safe access to and from public and private roads. Safe access shall be assured by providing an adequate number and location of access points, with respect to sight-distances, intersections, schools and other traffic generators.

**E. Off-Street Parking**

A use shall not be extended and no structure shall be constructed or enlarged unless sufficient off-street automobile parking space is provided. The location of parking to the side or rear of buildings is encouraged. (See the Town of Farmington’s Zoning Ordinance 11-8.11.D.)

**F. Soil Erosion Control & Storm Water Management**
Adequate provisions shall be made to minimize soil erosion and to allow for storm water runoff so that the removal of surface waters will not adversely affect neighboring properties, downstream conditions, or the public storm drainage. All activities must be in compliance with the Town of Farmington Soil Erosion Control & Storm Water Runoff Management Ordinance.

In addition, all erosion and sedimentation controls shall be completed in conformance with the Best Management Practices (BMP’S) as described in:


State of Maine Strategy for Managing Nonpoint Source Pollution from Agricultural Sources and Best Management System Guidelines. NPS Agricultural Task Force. October, 1991 and as amended thereafter; and


G. Site Conditions

1. Within thirty (30) days of completion of building, developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots and debris and excess or scrap building materials shall be removed.

2. Final sitework must be completed within two (2) years from the date of issuance (see 11-5.10 A).

3. No significant change shall be made in the elevation or contour of any lot or site by the removal of earth to another lot or site other than as shown on the approved Site Review Plan.

H. Advertising Features

The size, location, design, lighting and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties, and must be in compliance with the Town of Farmington Sign Ordinance.

I. Hours of Operation

The hours of operation of the proposed development will not have an unreasonable adverse effect on prevailing conditions in the vicinity due to noise during otherwise quiet hours of the day, excessive lighting during the nighttime hours, conditions conducive to loitering, disorderly conduct or
public safety problems, or other conditions in the nature of a nuisance. If the prevailing character in the vicinity of the development is rural or residential, operation during certain nighttime, weekend and holiday hours shall be presumed to have an adverse impact, but may be allowed by the Planning Board if the applicant demonstrates that the proposed development can be operated in ways which will not create adverse impacts during those hours. These certain nighttime, weekend and holiday hours shall be determined on a site specific basis by the Planning Board.

J. Special Features

Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures, shall be subject to such setbacks, screen plantings, or other screening methods deemed reasonable, practicable and required by the Planning Board (see 11-8.9 E. and 11-8.11 E. of the Town of Farmington Zoning Ordinance).

K. Exterior Lighting

All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public (see 11-8.11F. of the Town of Farmington Zoning Ordinance).

L. Emergency Vehicle Access

Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures. Fire lanes shall be not less than twenty (20) feet of unobstructed width, able to withstand live loads of fire apparatus and have a minimum of 13 ft. 6 in. of vertical clearance. An approved turnaround for fire apparatus shall be provided where an access road is a dead end and is in excess of one hundred fifty (150) feet in length; the turnaround shall have a minimum centerline radius of fifty (50) feet.

M. Public Services

The development will not have an unreasonable adverse impact on the public services including municipal road systems, fire department, police department, sewer department, and other municipal services and facilities.

N. Ground Water

The proposed development shall not result in a reduction of the quality or a substantial reduction in the quantity of ground water. In making this determination, the Board shall consider the location of aquifers and aquifer recharge areas and the nature of the proposed development and its potential threat to ground water.
resources. The Board may place conditions upon an application to minimize potential impacts to the Town’s ground water resources.

1. The use will not decrease the quantity of ground water available on nearby properties below that needed to support existing uses, potential expansions of existing uses or allowable uses. Projects anticipating the use of more than the State average yield of five (5) gallons per minute (7,200 gallons per day) from bedrock wells and the State average minimum high yield of ten (10) gallons per minute (14,400 gallons per day) from wells in sand and gravel aquifers will require evaluation by a State licensed hydrogeologist.

2. The use will not increase the contaminant concentration in the ground water to more than eighty percent (80%) of the State and federal Primary and Secondary Drinking Water Standards.

3. For above ground fuel storage, and chemicals or industrial wastes and potentially harmful raw materials, an impermeable diked area shall be provided. The diked area must be sized to contain the total volume of fuel tanks and piping; roofed to prevent accumulation of rainwater in the diked area and shall be properly vented. There shall be no drains in the facility. All concrete, whether walls or pads, shall be reinforced concrete and shall be designed by a Professional Engineer Registered in the State of Maine when required by the Board. All such storage structures must be approved by the State Fire Marshal’s Office.

4. Underground petroleum tanks shall be installed in accordance with the standards promulgated by the Maine Board of Environmental Protection.

0. Air Pollution

The applicant must demonstrate that the proposed development shall not create emission levels of dust, dirt, fly ash, vapors, or gases which could lower ambient air quality, at any point beyond the lot line of the commercial or industrial establishment creating that emission. All such activities shall also comply with applicable federal and State regulations.

P. Fumes/Odors

The applicant must demonstrate that the proposed development will not produce offensive, harmful or unhealthy fumes or odors, that are greater in degree, or different in kind than those generated by permitted uses existing in the vicinity of the proposed use. If detectable at or beyond the boundary of the property, the use will be developed, implemented and/or operated in such a way that the change in ambient conditions, existing at the time, will not adversely impact residents in the vicinity of the proposed use and/or development.

An exception to this standard will exist when the Planning Board and
residents of the vicinity of the proposed development are generally in agreement that the change in the ambient environment is acceptable. Such an exception pre-supposes that there will be a recognizable change in the ambient environment.

Q. Noise (unwanted sound)

The applicant must demonstrate that the nature of sound emanations from the proposed development, regardless of sound pressure level, duration and intensity will not be inconsistent with and will not be abhorrent to the ambient sound environment (nature of sound emanations) generally experienced in the vicinity in which the development is proposed.

An exception to the performance standard for noise will exist when the Planning Board and residents of the vicinity of the proposed development are generally in agreement that the proposed change in the sound environment is acceptable. Such an exception pre-supposes that there will be a recognizable change to the ambient sound environment.

R. Sound Pressure

The proposed development must not exceed federal and State mandated maximum sound pressure levels at or beyond the boundaries of the development.

1. Sound Level Measurement

Sound pressure levels shall be measured with a sound level meter with a frequency weighting network manufactured according to standards prescribed by the American National Standards Institute (ANSI) or its successor body. All measuring meters must be calibrated by a certified laboratory and certificates of calibration shall be made available to the Board upon their request.

Measurements shall be made at all abutting lot lines of the site, at a height of at least four (4) feet above the ground surface.

In measuring sound pressure levels under this sections, sounds with a continuous duration of less than sixty (60) seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast).

Sounds with a continuous duration of sixty (60) seconds or more shall be measure on the basis of the energy average sound level over a period of sixty (60) seconds equivalent sound level (LEQ).

2. Maximum Permissible Sound Pressure Levels

The maximum permissible sound pressure level at or beyond the boundaries of
the development of any continuous, regular or frequent source of sound produced by an activity shall be as follows:

a. Sixty (60) dBA between the hours of 7:00 A.M. and 10:00 P.M. as measured at or within the boundaries of any residential zone.

b. Fifty (50) dBA between the hours of 10:00 P.M. and 7:00 A.M. as measured at or within the boundaries of any residential zone.

c. In addition to the sound pressure level standards established above, best practicable sound abatement techniques shall be employed to minimize noise impacts.

S. Sewage Disposal

The development shall provide for suitable sewage disposal. All individual on-site systems will be designed by a licensed Site Evaluator in full compliance with the Maine Subsurface Wastewater Disposal Rules.

All installation and connection of building sewers and the discharge of waters and wastes into the public sewer system shall be done in compliance with the Town of Farmington Sewer Use Ordinance.

T. Waste Disposal

The proposed development will provide for adequate disposal of solid and hazardous wastes in a timely manner. All disposal activities shall be done in compliance with the Town of Farmington Solid Waste Ordinance and all applicable State and federal laws.

1. All solid and hazardous wastes will be disposed of at a licensed disposal facility having adequate capacity to accept the project’s wastes.

2. All hazardous waste will be disposed of at a licensed hazardous waste disposal facility and evidence of a contractual arrangement with the licensed facility and/or licensed hauler shall be submitted.

U. Setbacks

The proposed development will provide adequate setbacks and shall be done in compliance with the Town of Farmington Zoning Ordinance (See Sections 11-8.9 E).

V. Screening and Buffering

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

11-5.15. **Appeals**

Any person aggrieved by the final action of the CEO or Planning Board may appeal to the Board of Appeals by filing a notice of appeal within thirty (30) days after receipt of the CEO’s or Planning Board’s notification. The CEO determination under §11-5.8C.3 that an application is ready for approval by the CEO is not a final, appealable action until 15 (fifteen) days have passed from the date of such determination and no abutter or Planning Board member has requested Planning Board review. Administrative appeals submitted under this Ordinance shall be subject to the standards and procedures established by the Town of Farmington Board of Appeals Ordinance.

11-5.16. **Amendments**

A. **Initiation of Amendments**

An amendment to this Ordinance may be initiated by:

1. The Board of Selectmen, provided a majority of the Board of Selectmen has so voted;

2. Written petition of a number of voters equal to at least ten percent (10%) of the number of votes cast in the municipality at the last gubernatorial elections;

B. **Public Hearing**

The Board of Selectmen shall hold a public hearing on the proposed amendment. Notification of the hearing shall be posted and advertised in a newspaper of general circulation in the municipality at least seven (7) days prior to the hearing.

11-5.17. **Enforcement**

A. Violations

1. Any violation of this Ordinance, including failure to comply with any condition, shall be deemed to be a violation of 30-A §4452. Every day a violation exists constitutes a separate violation.

2. Commencement of any project without Planning Board or CEO approval shall
be considered a violation of this Ordinance. Any party committing such a violation shall immediately cease project operations, whether of a construction, renovation or business nature, upon notification by the CEO per B.1. below or upon self-discovery of the violation. In such cases, an after-the-fact (ATF) application for Site Review must be immediately filed with the CEO. The ATF application fee will be double the normal application fee and must be paid prior to Planning Board or CEO review. Payment of this ATF application fee does not preclude the Town from pursuing fines and/or penalties under 30A MRSA §4452 (per A. 1. above and D. below) or preclude the Town from negotiating and executing an administrative consent agreement to recover fines without court action (per C. below).

B. Code Enforcement Officer

1. It shall be the duty of the CEO to enforce the provisions of this Ordinance. If the CEO finds that any provision of this Ordinance is being violated, he/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 or mitigation of violations. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.

2. The CEO shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The CEO shall also investigate all complaints of alleged violations of the Ordinance.

3. The CEO shall keep a complete record of all essential transactions of the CEO, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found and fees collected.

C. Legal Actions

When the above action does not result in the correction or abatement of the violation, the Municipal Officers, upon receiving written notification from the CEO, shall institute any and all actions and proceedings, either legal or equitable, including injunctions of violations and the impositions of penalties and/or fines in order to enforce the provisions of this Ordinance. The Municipal Officers or their authorized agent are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without court action.

D. Penalties/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, or
upon failure to comply with any of its requirements, shall be penalized in accordance with title 30-MRSA Section 4452. The owner or tenant of any building, structure, premises, or part thereof and any architect, builder, contractor, agent, or other person who commits, participates in, or maintains such violation may be found guilty of a separate offense and be subject to the penalties herein provided.
TOWN OF FARMINGTON

Subdivision Ordinance

ENACTED: July 22, 2003
AMENDED: March 14, 2005

CERTIFIED BY: 

Name

Town Clerk Affix Seal
Title
## Table of Contents

**Article 10 - Subdivision**

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-10.1</td>
<td>Title</td>
<td>1</td>
</tr>
<tr>
<td>11-10.2</td>
<td>Authority, Administration, and Applicability</td>
<td>1</td>
</tr>
<tr>
<td>11-10.3</td>
<td>Purpose</td>
<td>1</td>
</tr>
<tr>
<td>11-10.4</td>
<td>Validity and Severability</td>
<td>2</td>
</tr>
<tr>
<td>11-10.5</td>
<td>Conflicts with Other Ordinances</td>
<td>2</td>
</tr>
<tr>
<td>11-10.6</td>
<td>Effective Date</td>
<td>2</td>
</tr>
<tr>
<td>11-10.7</td>
<td>Definitions</td>
<td>2</td>
</tr>
<tr>
<td>11-10.8</td>
<td>Review Procedure</td>
<td>4</td>
</tr>
<tr>
<td>11-10.9</td>
<td>Fees/Costs</td>
<td>8</td>
</tr>
<tr>
<td>11-10.10</td>
<td>Performance Standards</td>
<td>8</td>
</tr>
<tr>
<td>11-10.11</td>
<td>Approvals, Conditions, Findings, Denial</td>
<td>10</td>
</tr>
<tr>
<td>11-10.12</td>
<td>Appeals</td>
<td>10</td>
</tr>
<tr>
<td>11-10.13</td>
<td>Amendments</td>
<td>11</td>
</tr>
<tr>
<td>11-10.14</td>
<td>Enforcement</td>
<td>11</td>
</tr>
</tbody>
</table>
Town of Farmington
Subdivision Ordinance

11-10.1 Title

This Ordinance replaces the Farmington Subdivision Regulations (4-3-78 and subsequently modified on 9-12-01) and shall be known and cited as the Town of Farmington Subdivision Ordinance and will be referred to as “this Ordinance”.

11-10.2 Authority, Administration, and Applicability

This Ordinance has been adopted in accordance with Title 30-A M.R.S.A. §4401 et. seq., as hereafter amended. It shall apply to all subdivisions (residential, commercial and industrial) as defined by said State law.

The Planning Board of the Town of Farmington, herein referred to as “the Board”, shall administer this Ordinance.

The provisions of this Ordinance shall govern all land and all structures of all proposed subdivisions, as defined, within the boundaries of the Town of Farmington.

No subdivision (as defined herein) within the Town of Farmington, shall be permitted, except within the provisions and standards of this Ordinance. No person, firm, corporation or other legal entity may sell, lease, develop, build upon or convey for consideration any land or structure(s) requiring approval as a subdivision, before applying for and receiving subdivision approval.

11-10.3 Purpose

The purpose of this Ordinance shall be:

A. To establish an administrative review process which will provide the Board with sufficient evidence, data, and materials to carry out its responsibilities as required by 30-A M.R.S.A. §4401 et seq., and be in accordance with the Town’s goals, objectives and priorities as articulated in its Comprehensive Plan;

B. To assure the comfort, health, safety and general welfare of the residents of the Town of Farmington; and
C. To protect the environment and conserve the natural and cultural resources of the Town of Farmington.

11-10.4 Validity and Severability

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

11-10.5 Conflicts with Other Ordinances

Whenever a provision of this Ordinance conflicts with or is inconsistent with other provisions of this Ordinance, or of any other ordinance, regulation or standard, the more restrictive provision shall apply.

11-10.6 Effective Date

The effective date of this Ordinance shall be July 22, 2003

11-10.7 Definitions

**Abutter.** Abutter shall mean the owner(s) of record of a property sharing a common boundary with a given piece of property, whether or not these properties are separated by public or private right-of-way.

**Aggrieved Party:** Aggrieved Party shall mean any person, body, company, corporation, or other legal entity who has been denied or alleges to have been denied some personal or property right or who has had an imposition, burden or obligation impaired upon or whose pecuniary interest is directly affected.

**Comprehensive Plan:** Comprehensive Plan shall mean the Comprehensive Plan adopted by the Town of Farmington on 7-15-98, amended on 11-18-99, and as subsequently amended.

**Easement:** Easement shall mean the legal right of use of a portion of land for specified purposes.

**Fresh Water Wetland:** Fresh Water Wetland shall mean fresh water swamps, marshes, bogs and similar areas which are:

1. 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
2. Not considered part of a great pond, river stream or brook.

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

**Lot of Record:** Lot of record shall mean a piece of land measured and set apart for a specific use and recorded in the Franklin Country Registry of Deeds.

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

1. It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topography map or if that is not available, a 15-minute series topography map.

2. It contains or is known to contain flowing water continuously for a period of at least three (3) months of the year in most years.

3. The channel bed is primarily composed of material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water.

4. The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present in the stream bed.

5. The channel bed contains aquatic vegetation and is essentially devoid of upland vegetation.

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

**Subdivision:** Subdivision shall mean the subdivision of a tract or parcel of land as defined in Title 30-A, M.R.S.A. §4401 et seq., and as hereafter amended.

A subdivision would include, but not be limited to, such developments as apartments, condominiums, shopping centers, mobile home parks, industrial parks, and planned unit and cluster developments.

Per Title 30-A M.R.S.A. §4401 et seq., and upon enactment of this Ordinance, the Town has elected not to count lots of forty (40) or more acres as lots for the purposes of this Ordinance when the parcel of land being divided is located entirely outside any shoreland area as defined in the Town’s Shoreland Zoning Ordinance.
11-10.8 Review Procedure

This Ordinance shall provide an application and review procedure consisting of:

A. Pre-application meeting with the Code Enforcement Officer (CEO).

The applicant, or his agent who shall be authorized as such in writing, shall first meet with the CEO to present general information regarding the proposed subdivision. The CEO shall provide the applicant with all necessary application forms, advise the applicant of review criteria, including the review criteria contained in Title 30-A M.R.S.A. §4404 et seq., performance standards, and any other applicable Town land use ordinances, and inform the applicant of any other submissions that may be necessary to deem the application complete.

B. Submission of a complete application form and subdivision plan.

The applicant shall submit ten copies of the completed application form, subdivision plan, and supplemental information to the CEO.

1. The application form shall include:

   a. Name, address, and phone number of property owner, applicant, and any other person involved in preparation of this application and plan;

   b. Name, address, and map and lot numbers of all abutting property owners;

   c. Location of the proposed subdivision;

   d. Type of subdivision (residential, commercial or industrial);

   e. Name of proposed subdivision;

   f. Number of units;

   g. Number of acres;

   h. Existing use of proposed site;

   i. Notification if site is in Tree Growth or Farm and Open Space;

   j. Average number of vehicles per day anticipated using this site;

   k. Nature of interior roads;
I. Manner in which police and fire service (access for emergency vehicles) will be provided;

m. Impact on public infrastructure;

n. Water supply; and

o. Sewage disposal.

2. The subdivision plan shall include, but not be limited to:

a. A survey plan (to scale, recommended 1 inch : 100 feet) showing the location of the entire proposed subdivision, boundaries of the tract, lot lines with their approximate dimensions, location and width of all streets, roads, rights-of-way, location of all existing and proposed buildings, utility poles, walls or fences, brooks, culverts, soil test pits, and permanent markers. The survey plan shall include the stamp and signature of the surveyor, architect, engineer or planning consultant. The survey plan must also include topography at twenty (20) foot intervals unless otherwise prescribed by the Board. In addition, the survey plan shall show the location of existing and proposed wells and septic systems, the location of any existing natural and manmade features including all rivers, streams, brooks, and wetlands within or adjacent to the proposed subdivision which may influence the layout of the proposed subdivision;

b. Septic suitability soil tests for every “non-sewered” lot in a residential, commercial or industrial subdivision; and

c. The location and elevation of any 100-year floodplain. When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency, the plan shall indicate that the principal structures on lots in the subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

3. Supplemental Information

Depending on the size, complexity and/or nature of the proposal, the CEO and/or the Board may require sufficient information on one or more of the following to allow for review of the proposal under the performance standards of this Ordinance and other applicable ordinances:
a. A soil erosion control and storm water runoff management plan using Best Management Practices (BMP’s) as stated in “Maine’s Erosion and Sediment Control Handbook for Construction” – March 1991 or latest revision. [Note: If the proposed subdivision triggers applicability of the Town’s Soil Erosion Control and Storm Water Management Ordinance, an additional application for approval under same must also be filed];

b. Parking plan [see Zoning Ordinance Performance Standards];

c. An Access Management Plan and/or a copy of the approved Driveway or Entrance Permit issued by the Maine Department of Transportation if a driveway(s) or entrance(s) will enter onto a State or State aid road outside the urban compact area. [see Zoning Ordinance Performance Standards];

d. Landscaping plan [see Zoning Ordinance Performance Standards];

e. If applicable, a letter stating that the subdivision will not cause an unreasonable burden on the water supply from either the Farmington Water Department (FVC), or the Farmington Falls Standard Water District (FFSWD);

f. If applicable, a letter from the Wastewater Treatment Facility (WWTF) superintendent assessing the impact of the proposed subdivision and stating that it will not cause an unreasonable burden on the municipal sewer system. Commercial and industrial subdivisions must state their plans for solid waste disposal;

g. A letter from the CEO stating that the proposed subdivision property is in compliance with all applicable Town land use ordinances, or State and federal requirements;

h. Letters from the Fire Chief, Police Chief, and Director of Public Works stating that the proposed subdivision is adequately designed for traffic safety and handling emergency vehicles;

i. Aerial photo (or copy of same) of subject and adjacent properties;

j. The location of and nature of significant wildlife habitat identified by the Maine Department of Inland Fisheries and Wildlife; and

k. The location of known archeological resources, historic buildings or sites, unique natural areas, and scenic areas with a written description of how such features will be maintained or impacts upon them minimized.
C. Onsite Visit

All proposed subdivision sites shall have an onsite visit by the CEO or designated agent. Additional site visits may be scheduled by the Board.

D. Abutter Notification

When the CEO determines that the application and subdivision plan are complete, abutting property owners shall be notified by certified mail, at least fifteen (15) days prior to initial Board consideration of a pending application for subdivision. This notice shall indicate the time, date and place of Board consideration of the application. The cost of notification shall be borne by the applicant.

E. Planning Board Review

When the CEO has determined that the application and subdivision plan are complete, the CEO shall then place the application on the Board’s agenda. The applicant, or duly authorized agent, who shall not be the CEO, shall attend the meeting where the application is presented and reviewed by the Board.

1. Public Hearing

In the event that the Board determines to hold a public hearing on the proposed subdivision, it shall hold such hearing within thirty (30) days of the receipt of the completed application, and shall publish notice of the date, time and place of such hearing in a newspaper of general circulation at least two (2) times. The date of the first publication must be at least fourteen (14) days before the hearing and the second notification must be at least seven (7) days before the hearing. Notice of the hearing must be posted in the municipal office building at least fourteen (14) days before the hearing.

2. Additional Studies

The Board may require the applicant to undertake any additional studies which are reasonable and justifiable to accomplish the requirements of this Ordinance. The costs of all such studies shall be borne by the applicant.

F. Performance Guarantee

The Board may require the posting of an improvement guarantee in such amount as is reasonably necessary to ensure the proper installation and maintenance of all offsite improvements, and onsite improvements with offsite impacts, required as a condition of approval. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the applicant.
In the event that a development is abandoned, the performance guarantee may be utilized to stabilize, secure, and/or restore the site as may be necessary, including, but not limited to, re-vegetation of areas, grading and fencing.

11-10.9 Fees/Costs

A. All applications must be accompanied by the appropriate application fee that shall be set by the Board of Selectmen.

B. All applicable fees, including but not limited to postage reimbursement, advertising fees, consultant fees, will be the responsibility of the applicant and must be paid before receiving written confirmation of approval by the Board.

C. The cost of all first time street/road signs including any type of sign that is required for the development i.e. – Stop, Curve, etc. will be the responsibility of the developer.

11-10.10 Performance Standards

The following performance standards, in addition to the criteria contained in Title 30-A §4404.1-19, are to be used by the Board in reviewing subdivision applications and shall serve as minimum requirements for approval. The subdivision shall be approved, unless in the judgment of the 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 demonstrate that the standards will be met.

A. Landscape Preservation
   The landscape shall be preserved in its natural state insofar as practicable by minimizing tree removal and disturbance of soil, and retaining existing vegetation during construction.

B. 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 site distances, turning lanes, and traffic signalization when required by existing and projected traffic flow on the municipal and State road systems. Access management plans must conform with all performance standards for same in the Town’s Zoning Ordinance.

C. 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 arrangement and use of parking areas.
Off-street parking and loading area plans must conform with all performance standards for same in the Town’s Zoning Ordinance.

D. Soil Erosion/Stormwater Runoff/Drainage
The development shall not cause unreasonable 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 the public storm drainage system. When possible, on-site absorption of run-off waters shall be utilized to minimize discharges from the site. If the proposed subdivision triggers applicability of the Town’s Soil Erosion Control and Storm Water Management Ordinance, an additional application must be filed.

E. Existing Utilities
The development shall not impose an unreasonable burden on sewers, storm drains, water lines, or other public utilities.

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

G. Exterior Lighting
All exterior lighting shall be designed to minimize adverse impact on neighboring properties. Outdoor lighting plans must conform with all performance standards for same in the Town’s Zoning Ordinance.

H. Groundwater Quality
The development shall not result in an obvious reduction of groundwater quality. In making this determination, consideration shall be given to topography, any underlying aquifers and aquifer recharge areas, the nature of soils and subsoils and, if applicable, their ability to adequately support subsurface wastewater disposal.

I. Water Supply
The developer shall provide reasonable evidence for an adequate water supply for its intended use and will not cause an unreasonable burden on an existing water district or water department, if one is to be utilized.

J. Sewer/Septic
The development shall provide for adequate sewage waste disposal in accordance with the Town of Farmington Sewer Use Ordinance and the Maine Subsurface Wastewater Disposal Rules.
K. Natural Areas/Historic Sites
   The development shall not have an undue adverse effect on historic sites or rare and irreplaceable natural areas.

L. Capacity
   The applicant shall demonstrate adequate financial and technical capacity to meet the above standards.

11-10.11 Approvals, Conditions, Findings, Denial

The Board, within thirty (30) days of a public hearing, or within sixty (60) days of receiving the completed application if no hearing is held, or within such other time limit as may be otherwise mutually agreed to, shall deny or grant approval of the proposed subdivision or grant approval with conditions as it may deem advisable to satisfy the performance standards listed in Section 11-10.11 of this Ordinance and the performance standards in the Town’s Zoning Ordinance. In all instances the burden of proof shall be on the applicant.

Upon completion of the requirements of this Ordinance, and approval by the Board, the majority of the Board shall sign the submitted plan which shall deem the Board’s final approval. The plan shall be filed by the applicant with the Franklin County Registry of Deeds. Any subdivision plan not so filed or recorded within ninety (90) days of the date upon which such plan is approved and signed by the Board as herein provided shall become null and void, unless the particular circumstances of said applicant warrant the Board to grant an extension which shall not exceed two (2) additional periods of ninety (90) days. The developer shall bear the cost of any registration fees.

No changes, erasures, modifications, or revisions shall be made on any plan after approval has been given by the Board and endorsed in writing on the plan, unless the plan is first resubmitted and the Board approves any modifications. In the event that a plan is recorded without complying with this requirement, the same shall be considered null and void.

11-10.12 Appeals

Any party aggrieved by the final determination by the Board may appeal to the Farmington Board of Appeals by filing an application for appeal within thirty (30) days after receipt of the Board’s decision. The Board of Appeals may affirm, modify or reverse the Board’s decision after holding a public hearing and may grant a variance as defined herein. Public hearings shall be held in accordance with Title 30-A M.R.S.A. §2691.
11-10.13 Amendments

A. An amendment to this Ordinance may be initiated by:

1. The Board of Selectmen, provided a majority of the Board of Selectmen has so voted;

2. Written petition of a number of voters equal to at least ten percent (10%) of the number of votes cast in the municipality at the last gubernatorial elections.

11-10.14 Enforcement

A. Violations

1. Any violation of this Ordinance, including failure to comply with any condition, shall be deemed to be a violation of 30-A M.R.S.A. §4452.

2. Commencement of any project without Planning Board or CEO approval shall be considered a violation of this Ordinance. Any party committing such a violation shall immediately cease project operations, whether of a construction, renovation or business nature, upon notification by the CEO per B.1. below or upon self-discovery of the violation. In such cases, an after-the-fact (ATF) application for Subdivision Approval must be immediately filed with the CEO. The ATF application fee will be double the normal application fee and must be paid prior to Planning Board review. Payment of this ATF application fee does not preclude the Town from pursuing fines and/or penalties under 30A MRSA §4452 (per A. 1. above and D. below) or preclude the Town from negotiating and executing an administrative consent agreement to recover fines without court action (per C. below).

B. Code Enforcement Officer

1. It shall be the duty of the CEO to enforce the provisions of this Ordinance. If the CEO finds that any provision of this Ordinance is being violated, he/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 or mitigation of violations. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
2. The CEO shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The CEO shall also investigate all complaints of alleged violations of the Ordinance.

3. The CEO shall keep a complete record of all essential transactions of the CEO, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found and fees collected.

C. Legal Actions

When the above action does not result in the correction or abatement of the violation, the Municipal Officers, upon receiving written notification from the CEO, shall institute any and all actions and proceedings, either legal or equitable, including injunctions of violations and the impositions of penalties and/or fines in order to enforce the provisions of this Ordinance. The Municipal Officers or their authorized agent are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without court action.

D. Penalties/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, or upon failure to comply with any of its requirements, shall be penalized in accordance with Title 30-A M.R.S.A. §4452. The owner or tenant of any building, structure, premises, or part thereof and any architect, builder contractor, agent, or other person who commits, participates in, or maintains such violation may be found guilty of a separate offense and be subject to the penalties herein provided.
TOWN OF FARMINGTON

Zoning Ordinance

ENACTED: November 18, 1999

AMENDED: March 12, 2001
June 12, 2001
March 11, 2002
April 9, 2002
August 5, 2002
March 10, 2003
July 19, 2004
March 12, 2007
September 25, 2007
March 10, 2008
March 19, 2012

CERTIFIED BY: ______________________________
Name

Town Clerk ________________________ Affix Seal
Title
## Article 8 – Zoning

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-8.1</td>
<td>Title</td>
<td>1</td>
</tr>
<tr>
<td>11-8.2</td>
<td>Authority &amp; Administration</td>
<td>1</td>
</tr>
<tr>
<td>11-8.3</td>
<td>Purposes</td>
<td>1</td>
</tr>
<tr>
<td>11-8.4</td>
<td>Applicability</td>
<td>1</td>
</tr>
<tr>
<td>11-8.5</td>
<td>Conflicts with other Ordinances</td>
<td>2</td>
</tr>
<tr>
<td>11-8.6</td>
<td>Effective Date</td>
<td>2</td>
</tr>
<tr>
<td>11-8.7</td>
<td>Validity and Severability</td>
<td>2</td>
</tr>
<tr>
<td>11-8.8</td>
<td>Definitions</td>
<td>2</td>
</tr>
<tr>
<td>11-8.9</td>
<td>Establishment of Districts</td>
<td>18</td>
</tr>
<tr>
<td></td>
<td>Table of Uses</td>
<td>21</td>
</tr>
<tr>
<td></td>
<td>Dimensional Requirements</td>
<td>24</td>
</tr>
<tr>
<td></td>
<td>Setback Starting Point</td>
<td>26</td>
</tr>
<tr>
<td></td>
<td>Road Classifications</td>
<td>27</td>
</tr>
<tr>
<td>11-8.10</td>
<td>Non-Conformance</td>
<td>31</td>
</tr>
<tr>
<td>11-8.11</td>
<td>Performance Standards</td>
<td>35</td>
</tr>
<tr>
<td></td>
<td>Manufactured Housing</td>
<td>35</td>
</tr>
<tr>
<td></td>
<td>Home Occupation</td>
<td>42</td>
</tr>
<tr>
<td></td>
<td>Extractive Industry</td>
<td>43</td>
</tr>
<tr>
<td></td>
<td>Off-Street Parking and Loading</td>
<td>46</td>
</tr>
<tr>
<td></td>
<td>Landscaping</td>
<td>55</td>
</tr>
<tr>
<td></td>
<td>Private Outdoor Lighting</td>
<td>62</td>
</tr>
<tr>
<td></td>
<td>Transportation: Access Management</td>
<td>64</td>
</tr>
<tr>
<td></td>
<td>Facades in the Village Business Historic District</td>
<td>77</td>
</tr>
<tr>
<td></td>
<td>Open Space Residential Development</td>
<td>78</td>
</tr>
<tr>
<td></td>
<td>Wind Energy System</td>
<td>82</td>
</tr>
<tr>
<td>11-8.12</td>
<td>Appeals</td>
<td>89</td>
</tr>
<tr>
<td>11-8.13</td>
<td>Amendments</td>
<td>90</td>
</tr>
<tr>
<td>11-8.14</td>
<td>Enforcement</td>
<td>91</td>
</tr>
<tr>
<td>11-8.15</td>
<td>Zoning Map</td>
<td></td>
</tr>
<tr>
<td></td>
<td><a href="#">Attachment A</a></td>
<td></td>
</tr>
</tbody>
</table>
Town of Farmington
Zoning Ordinance
Chapter 11
Land Use

11-8.1 Title:
This Ordinance shall be known and cited as the Town of Farmington Zoning Ordinance and will be referred to herein as “this Ordinance”.

11-8.2 Authority and Administration:
This Ordinance is adopted pursuant to the enabling of Article VIII, Part 2, Section 1, of the Maine Constitution and the provisions of Title 30-A MRSA Section 3001 et. seq. (Home Rule) and Section 4312 et. seq. (Planning and Land Use).

This Ordinance is pursuant to and consistent with the Comprehensive Plan adopted by the Town of Farmington.

A zoning map indicating each established zone is incorporated in this Ordinance.

The Planning Board of the Town of Farmington, herein after called “the Board”, shall administer this Ordinance.

11-8.3 Purposes:
The purposes of this Ordinance are:

1. To implement the provisions of the Town’s Comprehensive Plan;

2. To promote the health, safety and general welfare of the residents of the Town;

3. To encourage the most appropriate use of land throughout the Town;

4. To promote traffic safety;

5. To provide safety from fire and other elements;

6. To provide an allotment of land area in new developments sufficient for adequate enjoyment of community life; and

7. To conserve natural resources.

11-8.4 Applicability:
The provisions of this Ordinance shall govern all use of land, buildings, or structures, and all construction of buildings or structures including the erection, relocation,
modification, alteration, or expansion of such within the Town of Farmington. In addition, land, building, structures, and uses located within shoreland areas as defined in 38 M.R.S.A. Sec. 435 are subject to the Town of Farmington Shoreland Zoning Ordinance.

11-8.5 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 apply.

11-8.6 Effective Date:
The effective date of this Ordinance shall be the date this Ordinance was originally adopted by the voters at Town Meeting, and is subsequently amended by the voters at Town Meeting.

11-8.7 Validity and Severability:
Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision.

11-8.8 Definitions:
The definitions listed in this section 11-8.8 are an integral part of this Ordinance. Where the definitions include regulations, restrictions, limitations or prohibitions, the definitions shall constitute enforceable requirements of this Ordinance.

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

Abutting Property: Any lot which is physically contiguous with the subject lot even if only at a point and any lot which is located directly across a street or right-of-way.

Acceleration Lane: A speed-change lane for the purpose of enabling a vehicle entering a roadway to increase its speed to a rate at which it can safely merge with through traffic.

Access: The ability to enter or leave a public street or highway from an adjacent driveway or another public street.

Access Management: The management of driveways and intersections to maintain highway safety and traffic carrying capacity of all highways/roads and to maintain the posted speed limit of arterials.
Accessory Apartment: An apartment created by converting part of an existing single family detached dwelling or accessory building into a separate dwelling unit containing not more than one bedroom and not more than five hundred and fifty (550) square feet of total space.

Accessory Structure or Use: A structure or use which is incidental and subordinate to the principal use or structure, allowed in the district in which it is located, and located on the same lot with such principal building or use. An accessory building is a structure detached from the principal building and containing the accessory use. A garage attached to the principal structure by roof or common wall is considered part of the principal structure.

Agricultural Products Processing: Establishments engaged in the processing and/or manufacturing and/or packaging of foods and all other plant and animal products, including but not limited to: forages and sod crops; grains and seed crops; dairy products; meat products (beef, poultry, pork, lamb, venison, etc.); fruits and vegetables; ornamental and greenhouse products; maple syrup products; commercial composting and storage of all the preceding.

Agriculture and Agricultural Management Activities: The production, keeping, or maintenance, for sale or lease, of plants and/or animals to include ornamental and greenhouse products; land clearing if the land topography is not altered; tilling, fertilizing, spreading and disposal of manure, liming, planting, pesticide application, harvesting or cultivating crops, pasturing of livestock, minor drainage; and other similar or related activities. Agriculture does not include forest management or timber harvesting activities.

Air Transportation Dependent Use: Facilities and uses associated with the functions and support of air transport activities, both cargo and passenger, including by way of example, but not limited to, hangers, terminals, refueling, control towers, repair and maintenance, and various accommodations for passengers and crews.

Amusement Facility/Park: A commercially operated premises which is maintained or operated primarily for the amusement, patronage, or recreation of the public. This includes, but is not limited to, activities for entertainment such as motorized rides, water slides, miniature golf, batting cages, indoor table sports, and the like.

Animal Breeding and/or Care (Husbandry): The breeding and raising of livestock for commercial purposes. Does not include a kennel, which is defined separately.

Annual Average Daily Traffic (AADT): The annual average two-way daily traffic volume that represents the total annual traffic on a road for the year, divided by three hundred and sixty-five (365).

Aquifer: A permeable geologic formation, either rock or sediment, that is capable of transporting water through the formation.

Arterial: A major/minor public roadway that serves long-distance through-traffic.
**Authorized Agent:** An individual or firm having written authorization to act on behalf of a property owner or applicant. The authorization shall be signed by the property owner or applicant.

**Auto Body Shop:** A business establishment engaged in body, frame or fender straightening and repair, or painting and undercoating.

**Auto Repair Shop:** A business establishment engaged in general repair, engine rebuilding and parts replacement. Auto Repair shall not mean auto body repair or the sale of gasoline, other motor fuels or motor oil.

**Automobile Graveyard:** A yard, field or other area used to store three (3) or more unserviceable vehicles or discarded, worn-out or junked motor vehicles or parts of such motor vehicles. This does not include any area used for temporary (up to ninety (90) days) storage by an establishment or place of business that is primarily engaged in doing auto body repair work or in making repairs to render a motor vehicle serviceable. This does include an area used for automobile dismantling, salvage and recycling operations.

**Automobile Recycling Business:** The business premises of a person who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles, provided that eighty percent (80%) of the property (or, in the case of multiple uses, eighty percent (80%) of the portion of the property used for the automobile recycling business) is devoted to recycling activities, as distinguished from disposal or storage of unserviceable, discarded, worn out or junked motor vehicles or parts of such motor vehicles.

**Automobile Sales:** Any site and/or facility where new and/or used vehicles are sold. This includes, but is not limited to, brand dealerships, used car dealerships, and any other locations where vehicles may be sold as a primary use or as an adjunct to other activities. This definition does not include the sale of personally owned registered vehicles.

**Backlot:** Any lot or parcel of land that does not have frontage (or lacks the minimum required thereof) on a public road (per the Town Street Ordinance) or on a privately owned road, or lacks the potential for legal access.

**Bed and Breakfast:** Any dwelling in which transient lodging or boarding and lodging are provided and offered to the public for compensation for less than one week. This dwelling shall also be the full-time, permanent residence of its owner. There shall be no provisions for cooking in any individual guest room.

**Boarding/Lodging:** Any residential structure where lodging, with or without meals, are provided for compensation for a period of at least one week, and where a family residing in the building acts as proprietor or owner. There shall be no provisions for cooking in any individual guest room.
**Boat Building, Sales and Repair:** The commercial construction or fabrication of boats. Boat building, as an activity, and the place in which boat building takes place, are distinct from a marina and/or boat storage facility. Wooden boats are those comprised primarily of wood and have wooden hulls. Non-wooden boats are those primarily comprised of materials such as fiberglass, ABS, carbon fiber, steel, concrete, etc.

**Building Materials:** Any and all materials which could be used in the construction of a building.

**Building:** Any three-dimensional enclosure by any building materials of any space for any use or occupancy, temporary or permanent, and shall include foundations and air-raid shelters in the ground, as well as all parts of any kind of structure above ground, except fences and field or garden walls or embankment retaining walls. “Building” shall include the phrase “manufactured housing unit”, as defined in this section, and the word “structure”, unless the context unequivocally indicates otherwise. “Building” shall not include any recreational trailer or tent that is a structure to provide temporary living quarters for recreational camping; travel, or other legally permitted use.

**Bulk Storage Plant or Terminal:** That portion of a property where liquid, semi-solid or solid materials (chemicals, grains, particulates, etc.) are received by tank vessel, pipelines, tank car, tank vehicle or container, and are stored or blended in bulk for the purpose of distributing such materials by tank vessel, pipeline, tank car, tank vehicle, portable tank, or container.

**Campground:** A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units of the general public for recreational use as transient living quarters.

**Cemetery:** Land used for the internment of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

**Chemical Dependency Treatment Facility:** A state-licensed facility for the treatment of chemical dependency.

**Church:** A place of worship, regardless of denomination. (See also synagogue)

**Civic, Convention Center:** A facility, either publicly or privately owned, designed and equipped to provide mass accommodation to the public for events such as, but not limited to: sports games, concerts, lectures, circuses, stunt shows, expositions (garden, home, auto, construction, trade etc.), large group meetings (business, government, special interest, etc.) etc.

**Clinic, Medical, or Dental:** An establishment providing outpatient examination, treatment, or other care by a physician or dentist, excluding chemical dependency treatment facilities.
Club: Any volunteer association of persons organized for recreational, social, religious, benevolent, literary, scientific or political purposes, whose facilities, especially a clubhouse, are open to members and guests only and not the general public and not engaged in activities customarily carried on by a business for pecuniary gain.

Code Enforcement Officer: A person appointed by the municipal officers to administer and enforce the Town’s land use ordinances.

Collector Road: A roadway that connects local streets to arterials.

Commercial School: A place or institution for teaching and learning, which place or institution is established for commercial or profit-making purposes, including, by way of example only, schools for dance, music, riding, gymnastics, photography, driving, business, etc.

Communication Facility: See Telecommunication Facility.

Community Center: A building owned and operated by the Town of Farmington for the benefit of the community, which provides a meeting place for activities such as Town Meetings, voting, recreational and institutional programs.

Compact Zone: The most recent designation by MDOT of the built-up urban area of Town known as the “Compact Zone”.

Conference Center: A facility designed for gatherings of groups of people for formal or informal meetings. It may also include a dining hall and overnight accommodation facilities.

Congregate Housing: A type of dwelling which is occupied by elderly and/or disabled persons and that provides shared community space and shared dining facilities and normally also provides its residents with housekeeping services, personal care and assistance, transportation assistance, recreational activities, and/or specialized shared services such as medical support services.

“Shared community space” is space designed to be used in common for the enjoyment and leisure of residents of the facility, such as, by way of example only, reading rooms, sitting rooms, recreational rooms, rooms for entertaining guests, and exercise rooms.

“Shared dining facilities” are a room or rooms designed for the serving of meals to residents sitting together, plus the kitchen and ancillary facilities required to prepare the meals.

A congregate housing development shall include either or both the following types of residential units: 1.) Dwelling units, as defined by this ordinance, that is, single housekeeping units with living, sanitary, sleeping and permanent cooking facilities. 2.) Residential care units, which do not meet the definition of dwelling unit because they have no cooking facilities within the units, but which normally consist of rooms with single or shared sleeping and sanitary facilities.
Additionally, the term congregate housing includes specialized facilities that provide long-term residential care, such as those designed specifically for persons with Alzheimer’s Disease or other afflictions of the elderly for which specialized care outside of a nursing home may be appropriate. Congregate housing is distinct from “group home, hospice, nursing home, convalescent home, rest home or residential care facility”.

**Conservation Easement:** A non-possessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space use, protection of natural resources, or maintaining air or water quality.

**Corner Clearance:** The minimum dimension, measured parallel to a highway, between the curb, pavement or shoulder lines of an intersecting highway and the nearest edge of a driveway.

**Corner Lot:** A single lot with continuous frontage abutting two (2) intersecting roads.

**Cul-de-sac:** A dead-end road with a circular or T-shaped turnaround at the end, usually built to serve a small subdivision.

**Day Care Center:** A facility registered with or licensed by the State that provides care and/or instruction during the day to three or more children, exclusive of children who may be living in the home that is serving as the day care center.

**Deceleration Lane:** A speed-change lane for the purpose of enabling a vehicle to leave the through traffic lane at a speed equal to or slightly less than the speed of traffic in the through lane and to decelerate to a stop or make a slow speed turn.

**Demolition Disposal:** See Waste Disposal.

**Design Hourly Volume:** The hourly traffic volume used to evaluate or design a roadway or driveway.

**Development:** Any alteration of existing land or structures.

**Driveway:** A vehicular access way serving one (1) or more land uses on a parcel or a lot of land. The design of a driveway may involve a single vehicular access point along the parcel or lot frontage providing two-way travel or may involve up to two (2) well-marked/signed access points, one providing ingress to, and the other providing egress from, the roadway.

**Driveway/Entrance:** A vehicular access way serving one (1) or more land uses on a parcel or a lot of land. The design may involve a single vehicular access point along the parcel or lot frontage providing two-way or may involve up to two (2) well-marked/signed access points, one providing ingress to, and the other providing egress from, the roadway.
Driveway/ Entrance Volume:
   a. Low volume driveway: A driveway with a traffic volume of less than one hundred (100) vehicle trips per day, or less than twenty-five (25) vehicles trips per peak hour.
   b. Medium volume entrance: An entrance with a traffic volume of one hundred (100) to less than fifteen hundred (1500) vehicles trips per day, or twenty five (25) to less than one hundred (100) vehicle trips per peak hour.
   c. High volume entrance: An entrance with a traffic volume of fifteen hundred (1500) or more vehicle trips per day, or one hundred (100) or more vehicle trips per peak hour.

Driveway Width: The narrowest width of the driveway, measured perpendicular to the highway right-of-way.

Duplex: A building containing only two dwelling units for occupation by not more than two families.

Dwelling Unit: A room or suite of rooms within a dwelling designed and equipped as living quarters for a person or for a family, including provisions for living, sleeping, cooking, bathing, and eating.

Dwelling: Any building or structure or portion thereof designed or used for residential purposes. The following types of dwellings are herein defined:

   **Single Family Detached Dwelling:** A freestanding building exclusively for residential use by not more than one family. The term shall include manufactured housing, as defined in this section. Where accessory apartments are listed as allowable uses, they shall not be deemed to turn a single family detached dwelling into a two-family dwelling. See also the definition of accessory apartment.

   **Two Family Dwelling:** A building used for residential occupancy by two families living independently of each other. See also the definition of duplex.

   **Multi Family Dwelling:** A building used for residential occupancy by three or more families, each living independently of each other.

Enlargement or Expansion of a Structure: An increase of the building footprint and/or increase in the volume and/or increase in the height of the structure including all extensions such as, but not limited to, attached decks, garages, porches, and greenhouses. Alterations of existing buildings which are required in order to meet the requirements of the Americans with Disabilities Act (ADA) and/or the State Fire Code are not considered to be enlargements or expansions of a structure and are not required to meet otherwise applicable setback requirements, provided the alterations are the minimum necessary to satisfy the ADA and/or State Fire Code as determined by the Planning Board pursuant to section 11-8.10 (B) (5).
**Enlargement or Expansion of Use:** Any intensification of use in time, volume, or function, whether or not resulting from an increase in the footprint, height, floor area, land area or cubic volume occupied by a particular use.

**Essential Services:** Essential Services include the following facilities, provided they primarily serve populations within the Town of Farmington or a neighborhood or structure within the Town: steam, fuel, gas, communication, emergency service, transportation, electric power, or water transmission, or distribution lines 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 poles, wires, mains, drains, pipes, conduits, cables, fire alarms, and police call boxes, traffic signals, hydrants, pumping stations, and similar accessories, but shall not include telecommunications facilities, or buildings which are necessary for the furnishing of such services.

**Extractive Industry:** Any extraction of water, sand, gravel, rock, topsoil, limestone, slate, granite, coal, gems, metallic or non-metallic ores, or other minerals or other like material which is removed from its natural location and transported from the extraction site.

**Family:** One or more persons occupying a premise and living as a single housekeeping unit.

**Farm and Forest:** Areas that have been traditionally used for farming and forestry as rural areas, and areas of open space with limited amounts of residential development and appropriate businesses.

**Farm Stands:** A structure designed, arranged or used for the display and sale of agricultural products primarily grown or produced on the premises upon which such stand is located. A farm stand may be located on the premises that the products are not grown upon provided such premise is owned by the grower.

**Firewood Processing:** The cutting, splitting, handling and temporary storage of firewood for other than personal use.

**Forestry Activities:** Forest activities include timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, timber and stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, but not the construction, creation or maintenance of land management roads.

**Frontage:** The width of a single lot, measured parallel to the roadway right-of-way.

**Full Cut-Off Type Fixture:** A luminaire or light fixture that, by design of the housing, does not allow any light dispersion or direct glare to shine above a ninety degree (90°), horizontal plane from the base of the fixture. Full cut-off fixtures must be installed as designed.
Gasoline Service Station: Any place of business at which gasoline or other motor fuels are sold to the public for use in a motor vehicle, regardless of any other business on the premises.

Gross Floor Area: The sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of the exterior walls, or from the center line of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than six feet.

Group Home, Hospice, Nursing Home, Convalescent Home, Rest Home, Residential Care Facility: A housing facility which is approved, authorized, certified or licensed by the State. This includes community living facilities, foster homes, intermediate care facilities, halfway correctional facilities, mentally handicapped facilities, adult daycare facilities, and facilities for the developmentally disabled.

Heavy Equipment Sales & Service: The sales and service of heavy equipment used in agriculture, construction and logging.

Highway Capacity: The maximum number of vehicles that a highway can handle during a specific unit of time at a given level of service.

Home Occupation: An occupation or profession which is customarily carried on in a dwelling unit or structure accessory to a dwelling unit which is clearly incidental and secondary to residential use and employs no more than one full-time equivalent outside employee. The home occupation must be carried on by the resident of the dwelling.

Hospital/Medical Center: An institution providing, but not limited to, overnight health services, primarily for inpatients, and medical or surgical care for the sick or injured including, as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central services facilities, and staff offices.

Hotel/Motel: A commercial building or group of buildings built to accommodate, for a fee, travelers and other transient guests who are staying for a limited duration with sleeping rooms, with or without cooking facilities, each rental unit having its own private bathroom and its own separate entrance leading either to the outdoors or to a common corridor or hallway. May include restaurant facilities where food is prepared and meals served to its guests and other customers.

Indoor Theater: A facility operated for the showing of motion pictures or for dramatic or musical performances.

Industrial Park or Development: A subdivision developed for industrial uses, or a subdivision planned for industrial uses and managed as a unit, usually with provision for common services for the users.
Industrial Uses:

**Heavy:** The use of real estate, building or structure, or any portion thereof, for assembling, fabricating, manufacturing, packaging or processing operations which are not defined as light industrial uses below.

**Light:** The use of real estate, building or structure, or any portion thereof, which will not create a nuisance by noise, smoke, vibration, odor or appearance. Industrial activity involving the manufacturing, packaging, assembly, or distribution of finished products from previously prepared material, including, by way of example only, and not limited to the following: bakeries, bottling, printing, publishing, pharmaceuticals, machine shops, precision instruments, watchmakers, musical instruments, toys, sporting goods, pottery/ceramics using only pulverized clay, wood products, jewelry, assembly of electrical components, canteen services, tool and die shops, and food packaging. Light industrial uses do not include the processing of raw materials or salvage operations.

**Junkyard:** Junkyard means a yard, field or other outdoor area of which 80% of the property used (or in the case of multiple uses, 80% of the portion of the property used) to store any and all of the materials listed below which may also be referred to as “junk”:

- Discarded/worn-out plumbing, heating supplies, household appliances, furniture, machinery, equipment and trailers;
- Discarded scrap and junked lumber and building materials;
- Old/scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or non-ferrous metallic material;
- Garbage dumps, waste dumps and sanitary fills;
- Any discarded/scrap conveyance originally designed to operate on land, water or air.

**Kennel:** An establishment to house dogs or other domesticated animals and where such animals are groomed, bred, boarded, trained, or sold.

**Lane:** The portion of a roadway for the movement of a single line of vehicles, which does not include the gutter or shoulder of the roadway.

**Larger vehicle:** A vehicle that has a larger length, width, or turning radius and/or lesser acceleration capability than standard passenger vehicles or pickup trucks including busses, commercial trucks, and recreational vehicles.

**Level of Service:** A description of traffic conditions along a given roadway or at a particular intersection. The level of service ranges from “A”, which is the best, to “F”,
which is the worst. It reflects factors such as speed, travel time, freedom to maneuver, traffic interruptions, and delay.

Library: A building in which is housed literary and artistic materials, such as books, periodicals, newspapers, pamphlets and prints, kept for reading or reference. The building is maintained by an institution, foundation, or corporation which lends the contained materials for free or for a fee.

Loading Facilities: A principal-use loading site and/or facility where either short or long haul trucks are unloaded and/or loaded for local, regional or distant delivery. Examples of sites where these facilities are often located include, but are not limited to: trucking terminals, wholesale beverage distributors, bakery and other food distributors, etc., grain/feed distributors, bulk fertilizer plants, bulk cement plants (incl. concrete batch plants), paving batch plants, log/woodchip/biomass processing/production sites, milk processors, distribution warehouses, etc.

Local Street: A roadway that directly serves abutting properties.

Manufactured Homes or Housing Units: This category is inclusive of all transportable, factory-built single-family structures: “modular” (no permanent hitch or wheels/axles) which can be single or multi-section; and “mobile” (with permanent hitch and wheels/axles) which are single section (commonly known as “trailers”).

These structures are designed to be transported to a building site and used as dwellings when connected to the required utilities, including the plumbing, heating, electrical and air conditioning systems contained therein.

Mobile Homes: See Manufactured Homes or Housing Units.

Mobile Home Park: A parcel of land under unified ownership designed and/or used to accommodate three or more mobile homes.

Mobile Home Park Lot: An area of land on which an individual manufactured housing unit is situated within a mobile home park and which is reserved for use by the occupants of that unit. The Planning Board shall require that all mobile home park lots are delineated on a mobile home park plan.

Modular Homes: See Manufactured Homes or Housing Units.

Museum: A place or building in which works of artistic, historical, or scientific value are cared for and exhibited.

Nursery: The site of a commercial operation which grows young plants or trees for subsequent sale and transplanting.

Offices: Business, Professional, Medical, Government: The place, such as a building, room or suite, in which services, clerical work, professional duties of a business, medical practice, governmental body or professional service are carried out,
including but not limited to finance, real estate, accounting, data processing, legal, insurance, counseling, design, engineering, and architecture, but expressly excluding any repair services, retail sales, chemical dependency treatment facility, or clinics.

**Open Space Residential Development or Open Space Subdivision:** An alternative form of residential development to the conventional residential subdivision, in which the buildings are clustered or grouped on a portion or portions of the site with remaining portions of the site permanently preserved as open space. All open space residential developments shall be subject to subdivision regulations and approvals. Dwelling units may be located on individual lots, may be leased, or may be in a condominium form of ownership.

**Parish House or Facility:** An independent structure or accessory space owned by a religious organization and used for various religious and secular functions.

**Parking, Commercial Facility:** A facility or lot, which provides parking for vehicles for a fee.

**Passenger Car Equivalents (at peak hour):** The number of passenger cars (or, in the case of non-passenger vehicles, the number of passenger cars that would be displaced by non-passenger vehicles) at the hour of the day during which the traffic volume generated by the development is higher than the volume during any other hour of the day. For purposes of this definition, one (1) tractor-trailer combination is the equivalent of two (2) passenger cars.

**Peak Hour Traffic:** The highest number of vehicles found to be passing over a section of a lane or roadway during any sixty (60) consecutive minutes. Typically, there is a peak hour condition in the A.M. and a peak hour condition in the P.M. for which the roadway or intersection is analyzed for capacity and level of service.

**Primarily:** Greater than fifty-one percent (51%).

**Principal Structure:** A building other than one which is used for purposes incidental or accessory to the use of another building or use on the same premises.

**Principal Use:** A use other than the one which is wholly incidental or accessory to another use on the same premises.

**Printing, Publishing:** An establishment engaged in producing and distributing printed products and materials for sale.

**Public Roadway:** Either a Town or State maintained roadway or highway with the appropriately designated right-of-way delineation defining its location and limits.

**Public Utility:** Facilities for the delivery of such public services as water, electricity, telephone, gas, and transportation, whether publicly or privately owned, which are regulated by such agencies as the Maine Public Utilities Commission, the Maine Department of Transportation, the Federal Communications Commission, or the Federal
Aviation Administration, and which are intended to serve primarily populations or activities outside of the Town of Farmington. This term also includes buildings, other than those housing pumping stations, which are necessary for the furnishing of essential services, whether local or greater in scope.

Recreation: An activity pursued for leisure in order to refresh mind or body. A facility designed or equipped for such pursuit and/or the conduct of leisure time activities and other customary and usual recreational activities. Facilities like theaters are not included in this definition but those like video arcades are included.

Recreational Vehicle: A vehicle or an attachment to a vehicle designed to be towed, and designed for the temporary sleeping or living quarters for one (1) or more persons, and which may include a pickup camper, travel trailer, tent trailer, camp trailer, and motor home.

Recycling Operations: Any site where any materials, components, parts, remnants, containers, etc. are collected and/or sorted and/or processed for reuse. Examples include, but are not limited to: food, beverage and product container recycling; animal and vegetable fat rendering; auto recycling; etc. This does not include any bottle redemption accessory to a retail store.

Residential: Areas that are predominately residential, with very limited commercial use such as “home occupation” businesses located therein as regulated by performance standards. The Residential District is predominantly comprised of residential areas developed through subdivision or other similar historic development patterns. Generally these areas are less suitable for agricultural or forestry production.

Residential/Light Commercial: Areas that are predominantly rural and residential, primarily located along the arterial highways north and west of the town center, the Strong and Town Farm (Rte. 4) Roads, and the Fairbanks and New Vineyard (Rte. 27) Roads. Light commercial activities are allowed to intermix in this rural/residential area on a limited basis in a manner that will conserve the essential character of this district.

Restaurant:

Fast Food: An establishment which serves meals which are prepackaged or presented in a manner that can readily be eaten on or off the premises where sold and which may serve food and beverages directly to occupants of motor vehicles, or directly to pedestrian traffic.

Family: An establishment where meals are prepared and served to the public for consumption on the premises entirely within a completely enclosed building; and where no food or beverages are served directly to occupants of motor vehicles or directly to pedestrian traffic from an exterior service opening or counter, or any combination of the foregoing; and where customers are not encouraged by the design of the physical facilities, by advertising, or by the servicing or packaging procedures, to take-out food or beverage for consumption outside the enclosed building.
Retail: A business primarily engaged in the sale of goods to the consumer for direct use or consumption and not for resale including, but not limited to: basic foods and beverages, motor vehicles, recreational vehicles, equipment, specialty items, gift items, tools, lumber, books, pharmaceutical/health products, jewelry, clothing, florists, photo studios, and similar retail businesses.

Safe Sight Distances: Minimum safe sight distances are specified by MDOT as a function of driveway traffic volumes and posted highway (roadway) speed.

Sawmill: An establishment which machine cuts wood logs into lumber.

School, Public, Private: A place or institution for teaching and learning, at which courses of study are taught sufficient to qualify attendance there as being in compliance with State compulsory education requirements.

Service: A business primarily engaged in providing services (useful labor that does not produce a commodity) for individuals and businesses including, but not limited to: laundries, beauty salons/nail techs, barber shops, advertising, equipment leasing, funeral parlors, auto washes, dry cleaners, furniture stripper, travel service, tradesmen’s shops (see definition), well drilling, boat storage, self-storage, taxidermy, insurance agencies, attorneys, financial advisors, tattoo/piercing, bird sanctuaries, and similar service businesses.

Service Road/Frontage Road: A local street or road located parallel to an arterial for service to abutting properties for the purpose of controlling access to the arterial.

Shared Driveway: A single driveway serving two (2) or more lots. A shared driveway may cross a lot line or be on the lot line, and the owners may have an easement for the shared use.

Shopping Center: Any concentration of two (2) or more retail stores or service establishments under one (1) ownership or management containing fifteen thousand (15,000) square feet or more of gross floor space.

Small Animal Veterinary Clinic: A facility used for the diagnosis, care and medical and/or surgical treatment of small animals and the short-term boarding of such animals when incidental to care. The overnight boarding of healthy animals is defined as a kennel. Small animals refer to house pets such as dogs, cats, ferrets, rabbits, birds, etc. and excludes farm animals such as cows, horses, pigs, sheep and goats.

Sports Activity Center: A place enclosed by walls, roof, and floor, designed and equipped for the conduct of indoor sports, and operated by an entity other than a unit of government. These include, by way of example only, skating rinks, gymnasiums, bowling alleys, racquetball and tennis courts, swimming pools and the like. Facilities like fitness studios, martial arts centers, and video arcades are not included in this definition.
**Stable:** An establishment to house horses and other domesticated animals, where such animals are groomed, bred, boarded, pastured, trained, or sold.

**Storage Length:** Additional lane footage added to a turning lane to hold the maximum number of vehicles likely to accumulate during a peak period so as not to interfere with the through travel lanes.

**Store, Neighborhood Convenience:** A store intended to service the convenience of a residential neighborhood primarily with the sale of merchandise including such items as, but not limited to, basic foods, snacks, beverages, novelty ice cream items, sandwiches, newspapers and magazines.

**Strip Development:** A linear pattern of roadside development. Most commonly, it includes residential or commercial development, or mixed patterns of both.

**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. The term includes structures temporarily or permanently located, such as decks and swimming pools. “Structure” shall not include any recreational tent or trailer that is designed to provide temporary living quarters for recreational camping, travel or other legally permitted use.

**Subdivision:** The division of a tract or parcel of land into three (3) or more lots as defined in the “Town of Farmington Subdivision Ordinance” and applicable State statutes.

**Synagogue:** A place of worship.

**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 access services, and personal communications service (PCS) or pager services. Telecommunications Facility shall be considered a principal use. Pre-existing accessory use towers/antennas shall be exempt from this definition.

**Throat:** A portion of a driveway used to store queued vehicles without impeding vehicular circulation.

**Tower (Radio, Television, Communication):** Tower means any structure, whether freestanding or in association with a building or other permanent structure, that is designed and constructed primarily for the purposes of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and similar structures.
**Tradesman’s Shop:** An establishment occupied by a craftsperson or a person in a skilled trade, including, by way of example only, and not limited to plumbing, carpentry, or electrical work. The term also shall include establishments engaged in the repair of electrical goods and appliances, watches, jewelry, equipment, furniture, or other goods, exclusive of motor vehicles, where such services are the primary use and not accessory to another use, such as retail sales. The shop may include workspace, storage space, and office space, but may not exceed two thousand (2,000) square feet of total floor area.

**Traffic Impact Study:** A report initiated in response to a proposed development that analyzes the anticipated roadway conditions with and without the development. The report may include an analysis of mitigation measures. Elements of the Study are specified in Section 11-5.11.E.3.c. of the Site Review Ordinance.

**Transportation Facility:** A site and/or facility, either publicly or privately owned and operated, which provides access to the public for embarking and debarking from mass transit vehicles or infrastructure such as busses and trains. Air transportation is not included in this definition - see Air Transportation Dependent Use.

**Trip Generation:** The estimated volume of traffic going to and from a particular location.

**Truck:** Any vehicle with a GVW registered in excess of 18,000 lbs., such vehicles would include SU-30 (straight units), B-40 (most buses), WB-50’s (semi’s) and larger tractor-trailers.

**Trucking, Distribution Terminal:** See Loading Facilities.

**Turn Radius:** The radius of an arc that approximates the turning path of a vehicle.

**Uncontrolled Access:** The unlimited number, spacing and/or unstandardized design of driveways onto a street or road.

**Urban Compact Zone:** The most recent designation by MDOT of the built-up urban area of Town known as the “Urban Compact Zone”.

**Variance:** A relaxation of terms as defined in 30A MRSA §4353, and requiring satisfaction of the test for undue hardship, granted by the Board of Appeals.

**Vehicle Trip:** The vehicle moving from an origination point to a destination point.

**Veterinary Hospital or Clinic:** A facility used for the diagnosis, care, medical and/or surgical treatment of ailing or injured animals, and the short-term boarding of such animals when incidental to care. The overnight boarding of healthy animals is defined as a kennel.

**Village/Business (includes Historic Village/Business):** A compact, predominantly business area, mainly in and around the downtown “village” section of town, with a
distinct historic character – both architectural and cultural. Future growth within and in addition to this district shall be compatible with this character.

Village/Commercial: A compact, predominantly commercial area, near the downtown “village” section of town, but distinct from both “village” districts. This is a transition district between the less restrictive General Purpose district and the more restrictive “village” districts.

Village/Residential: A compact, predominantly residential area, mainly in and around the downtown “village” section of town, with a distinct historic character – both architectural and cultural. Future growth within and in addition to this district shall be compatible with this character.

Volume Warrants: The conditions under which a traffic management technique, such as a left-turn or a right-turn lane, is justified. For example, the need for a left-turn lane will vary according to the volumes of advancing and opposing traffic, and the percentages of traffic turning left.

Waiver: A relaxation of the terms of this Ordinance, granted by the Planning Board.

Warehousing/Storage: The storage of goods, wares and merchandise in a warehouse.

Waste Disposal: A facility, including a landfill operated by a public, quasi-public or private entity, which purpose is to dispose of useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including by way of example, and not limited to, rubbish, garbage, scrap materials, junk, refuse, inert fill material, landscape refuse, and demolition debris. This definition does not, however, include commercial hazardous waste disposal facilities, recycling of products or composting for home use.

Wholesale: A business that primarily involves the sale of merchandise, in bulk or large quantities, to retailers for resale, or to industrial, commercial, or institutional users including, but not limited to, foods and beverages, building supplies, chemical supplies, plumbing supplies, electrical and heating supplies, and similar wholesale businesses.

11- 8.9 Establishment of Districts: To implement the provisions of this Ordinance, the Town of Farmington is hereby divided into the following districts:

A. Growth Areas:

1. Village Districts:
   a. Village/Residential
   b. Village/Business (Includes the Historic Village Business)
   c. Village/Commercial

   The purpose of the Village/Residential and Village/Business Districts is to preserve and build upon the existing village-like character of the downtown areas of
Farmington, West Farmington, and Farmington Falls and to allow for growth that is compatible with the architectural/historic and cultural character of these areas by promoting the reuse of buildings therein and prohibiting incompatible uses such as heavy industrial uses.

The purpose of the Village/Commercial District is to provide a district to accommodate certain uses which are often found near Village/Business and Village/Residential Districts, but which would be detrimental to architectural, historic and cultural character if not prohibited from being within these districts.

The Village/Commercial District differs from the General Purpose District in that it is more restrictive than the latter, while at the same time being less restrictive than either the Village/Business or Village/Residential Districts.

By making the above distinction, the character of each of the town’s economic trading areas – Village/Business, General Purpose, Village/Commercial, and Residential/Light Commercial – is kept in tact.

2. General Purpose Districts:

The purpose of the General Purpose Districts is to accommodate a variety of local and regional commercial, industrial, office, restaurant, motel, residential, and other uses in well-planned areas that are easily accessible. As commercial growth areas, General Purpose Districts will provide planned areas in which to concentrate highway dependent uses in order to limit sprawl as well as provide parking and service roads that result in the creation of attractive, efficient and marketable locations for businesses.

3. Residential/Light Commercial:

The purpose of the Residential/Light Commercial District is for these areas to remain essentially as a rural, residential area with occasional light commercial operations intermixed. It is the intent that this district will not include heavy industry or commercial activities that are noisy or polluting or are unsightly in nature, or that cause undue traffic congestion.

4. Residential:

The purpose of the Residential District is to accommodate residential growth in and around the village areas and adjacent neighborhoods and along with the primary roads near the village areas, to encourage residential growth in areas, which are less suitable for agricultural production and forestry. This district will permit uses compatible with the residential nature of the district, prohibit commercial uses, which are incompatible with residential uses, and prohibit strip commercial development.
B. Rural Areas: Farm and Forest District

Farm and Forest District:

The purpose of the Farm and Forest District is to maintain those areas that have traditionally been used for farming and forestry as rural areas, to preserve large areas of open space with limited amounts of residential development, and to allow appropriate businesses.

C. Overlay Districts: (Natural Resource Areas)

In certain limited locations the Town’s Natural Resource Areas may overlay, and compliment (or override if more stringent) the provisions of the Growth and Rural Areas.

1. Wellhead Protection District: Areas regulated by the Town of Farmington Wellhead Protection Ordinance and accompanying map.


3. Floodplain Management District: Areas regulated by the Town of Farmington Floodplain Management Ordinance and accompanying map.

4. Conservation Areas: Areas voluntarily placed into conservation land trusts, conservation easements or other vehicles for the purpose of the preservation of certain unique natural qualities as determined by criteria administered by the Planning Board.
D. Table of Uses:

1. The Table below establishes the appropriateness of specific land uses in the seven (7) districts defined in Sections 11-8.9 (A)(B) and 11-8.8. Proposed uses in certain categories may only require reporting to the Code Enforcement Officer (CEO). Proposed uses in certain categories may be approved by the CEO if properly documented to prove minimal or no impact on abutting properties or resources. All other proposed uses must be approved by the Planning Board. The review process is defined in the Site Review Ordinance.

2. Proposed commercial or industrial uses not specifically listed in the Table or that would not be generally recognized by the Planning board as a subset of an existing use shall be referred to the Zoning Board for recommendations concerning the inclusion of the use in the Table.

3. Table

The uses allowed in each zoning district are set forth in the following Table:

Key:  
Y  = Yes, permitted, subject to land uses standards.  
Y* = Permitted, subject to land use standards and Planning Board approval.  
*  = Permitted on a site-specific basis, subject to land use standards and Planning Board approval.  
N  = No, not permitted

NOTE:  Village Historic District is a sub-district within the Village Business District.

<table>
<thead>
<tr>
<th>Use/Structure</th>
<th>General Purpose</th>
<th>Residential Light Comm.</th>
<th>Village Business District</th>
<th>Village Residential District</th>
<th>Residential District</th>
<th>Farm &amp; Forest District</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>RESIDENTIAL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Use</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Open Space Residential Development</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
</tr>
<tr>
<td>Congregate Housing</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
</tr>
<tr>
<td>Duplex</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Home Occupation</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Manufactured Housing (except modular units)</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>Mobile Home Park</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y*</td>
</tr>
<tr>
<td>Multi-family Dwelling</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
</tr>
<tr>
<td>Single-family Dwelling (including modular units)</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Wind Energy System</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
</tr>
<tr>
<td><strong>COMMERCIAL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Use</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Alternative Tower Structure</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
</tr>
<tr>
<td>Amusement Facility</td>
<td>Y*</td>
<td>*</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
</tr>
<tr>
<td>Auto Graveyard, Junkyard &amp; Auto Recycling</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N*</td>
</tr>
<tr>
<td>Auto Repair &amp; Sales; Small Engine Repair</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>N</td>
<td>N</td>
<td>Y*</td>
</tr>
<tr>
<td>Bed &amp; Breakfast</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Boarding, Lodging</td>
<td>Y</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
</tr>
<tr>
<td>Boat Building, Repair (Non- wooden)</td>
<td>Y</td>
<td>Y*</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N*</td>
</tr>
</tbody>
</table>

NOTE: Village Historic District is a sub-district within the Village Business District.
<table>
<thead>
<tr>
<th>General Purpose District</th>
<th>Residential Light District</th>
<th>Village Comm. District</th>
<th>Village Business District</th>
<th>Village Residential District</th>
<th>Residential District</th>
<th>Farm &amp; Forest District</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Use/Structure</strong> CONTINUED</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Offices: Business, Professional, Medical, Gov't</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial Parking Facility</td>
<td>Y</td>
<td>N</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>Loading Facilities</td>
<td>Y</td>
<td>*</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Medical Marijuana Dispensary</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Offices: Business, Professional, Medical, Gov't</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
</tr>
<tr>
<td>Publishing, Printing</td>
<td>Y</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Radio, T.V. Communication Tower</td>
<td>Y</td>
<td>*</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Recreation</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
</tr>
<tr>
<td>Restaurant (fast food)</td>
<td>Y*</td>
<td>*</td>
<td>*</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Restaurant (family)</td>
<td>Y</td>
<td>Y*</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Retail Business (not mentioned herein)</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Sexually Oriented Business</td>
<td>Y*</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Service Business (not mentioned herein)</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>Small Animal Veterinary Hospital</td>
<td>Y</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
</tr>
<tr>
<td>Shopping Center</td>
<td>Y*</td>
<td>*</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Sports Activity Center</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Wholesale Business (not mentioned herein)</td>
<td>Y*</td>
<td>*</td>
<td>Y*</td>
<td>Y*</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Wind Energy System</td>
<td>Y*</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td><strong>INDUSTRIAL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Use</td>
<td>Y</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Air Transportation Dependent Use</td>
<td>Y*</td>
<td>*</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Bulk Storage Plant or Terminal</td>
<td>Y*</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Demolition, Waste Disposal</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Heavy Industrial</td>
<td>Y*</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Industrial Park</td>
<td>Y*</td>
<td>Y*</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Light Industrial</td>
<td>Y</td>
<td>Y*</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Recycling Operations</td>
<td>Y*</td>
<td>Y*</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Sawmill</td>
<td>Y*</td>
<td>Y*</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Transportation, Communication Facility</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
</tr>
<tr>
<td>Trucking, Distribution Terminal</td>
<td>Y*</td>
<td>*</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Warehousing and Storage</td>
<td>Y*</td>
<td>Y*</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td><strong>EDUCATIONAL, INSTITUTIONAL, PUBLIC</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Use</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Chemical Dependency Treatment Facility</td>
<td>*</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Church, Synagogue, Parish House, Mosque etc</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
</tr>
<tr>
<td>Civic, Convention Center</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Community Center</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Clubs</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Day Care, Home</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Day Care, Center</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>General Purpose</td>
<td>Residential Purpose</td>
<td>Village Purpose</td>
<td>Village Purpose</td>
<td>Village Purpose</td>
<td>Residential Purpose</td>
<td>Farm &amp; Forest Purpose</td>
</tr>
<tr>
<td>-----------------</td>
<td>---------------------</td>
<td>-----------------</td>
<td>----------------</td>
<td>-----------------</td>
<td>---------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Light District</td>
<td>Comm. District</td>
<td>Business District</td>
<td>Residential District</td>
<td>District Forest District</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Use/Structure**

**EDUCATIONAL, INSTITUTIONAL, PUBLIC CONTINUED**

<table>
<thead>
<tr>
<th>Use/Structure</th>
<th>Y</th>
<th>Y</th>
<th>Y</th>
<th>Y</th>
<th>Y</th>
<th>Y</th>
<th>Y</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire, Police, E.R. Service</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group Home, Hospice, Nursing Home,</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Care Facility</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hospital/Medical Center</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>N</td>
<td>N</td>
<td>*</td>
</tr>
<tr>
<td>Museum, Library</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>*</td>
<td>*</td>
<td>Y*</td>
</tr>
<tr>
<td>Public, Private School</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
<td>Y*</td>
</tr>
<tr>
<td>Public Utility Buildings</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
</tr>
</tbody>
</table>

**Use/Structure**

**OUTDOOR, RESOURCE BASED USES**

<table>
<thead>
<tr>
<th>Use/Structure</th>
<th>Y</th>
<th>Y</th>
<th>Y</th>
<th>Y</th>
<th>Y</th>
<th>Y</th>
<th>Y</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory Structure</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agriculture</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agricultural Products Processing</td>
<td>Y*</td>
<td>Y*</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y*</td>
<td>Y</td>
</tr>
<tr>
<td>Animal Breeding or Care</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Campground</td>
<td>Y*</td>
<td>Y*</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y*</td>
<td>Y</td>
</tr>
<tr>
<td>Cemetery</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Extractive Industry</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Farm Stands</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Forestry Activities</td>
<td>Y</td>
<td>Y</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>Y*</td>
<td>Y</td>
</tr>
<tr>
<td>Golf Course (excluding miniature golf)</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Nursery</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>Parks and Recreation (non-commercial)</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
</tbody>
</table>
**E. Dimensional Requirements:**

Lots in all Zoning Districts outside the Shoreland Zoning District shall meet or exceed the following requirements:

<table>
<thead>
<tr>
<th>General</th>
<th>Residential</th>
<th>Village</th>
<th>Village</th>
<th>Village</th>
<th>Village</th>
<th>Residential</th>
<th>Farm &amp; Forest</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purpose</td>
<td>Light Comm.</td>
<td>District</td>
<td>District</td>
<td>District</td>
<td>Historic</td>
<td>District</td>
<td>District (A)</td>
</tr>
<tr>
<td>Minimum lot area SF (B)</td>
<td>40,000</td>
<td>40,000</td>
<td>40,000</td>
<td>40,000</td>
<td>450</td>
<td>15,000</td>
<td>40,000</td>
</tr>
<tr>
<td>With public sewer</td>
<td>60,000</td>
<td>60,000</td>
<td>50,000</td>
<td>50,000</td>
<td>N/A</td>
<td>25,000</td>
<td>50,000</td>
</tr>
<tr>
<td>Without public sewer</td>
<td>4 units per acre after subtracting 50% open space</td>
<td>N/A</td>
<td>N/A</td>
<td>4 units per acre after subtracting 50% open space</td>
<td>4 units per acre after subtracting 50% open space</td>
<td>4 units per acre after subtracting 50% open space</td>
<td></td>
</tr>
<tr>
<td>Minimum frontage (feet)</td>
<td>150 (D)</td>
<td>100 (D)</td>
<td>100</td>
<td>100</td>
<td>20</td>
<td>75</td>
<td>100 (D)</td>
</tr>
<tr>
<td>Minimum frontage on internal road serving OSRD (E)</td>
<td>75</td>
<td>75</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>75</td>
<td>75</td>
</tr>
<tr>
<td>Minimum setback (feet)</td>
<td>50</td>
<td>50</td>
<td>35</td>
<td>35</td>
<td>20</td>
<td>35</td>
<td>35</td>
</tr>
<tr>
<td>Front</td>
<td>20</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>10</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>Side</td>
<td>20</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>Rear</td>
<td>20</td>
<td>20</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Minimum front setback from edge of pavement for internal roads serving OSRD</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Maximum lot coverage</td>
<td>75%</td>
<td>60%</td>
<td>70%</td>
<td>70%</td>
<td>99%</td>
<td>50%</td>
<td>40%</td>
</tr>
<tr>
<td>Building height limits</td>
<td>56'</td>
<td>56'</td>
<td>56'</td>
<td>56'</td>
<td>(G)</td>
<td>56'</td>
<td>56'</td>
</tr>
</tbody>
</table>

Height limits do not apply to towers, antennas, or agricultural silos. Side and rear setbacks shall be measured from property boundary lines. Front setbacks established above shall be measured from the Setback Starting Point as described below in the section entitled Setback Starting Point, except with regard to the front setback from internal roads serving an OSRD. Setbacks apply to all structures except signs, landscaping, fences, and parking lots. The minimum setback from property lines for driveways in all Districts shall be ten feet (10'). Where abutters elect to share a single driveway on or near their common boundary line there shall be no setback required (0').

The performance standards, dimensional requirements, and definition specific to Open Space Residential Development (OSRD) are only applicable to those individuals or entities voluntarily choosing to submit and OSRD project application and plan to the Town of Farmington Planning Board per 11-8.11.1.4(a) in the Town of Farmington Zoning Ordinance for OSRD approval and permit and, as such, said OSRD standards and requirements are entirely elective and self-imposed.

---

24
by said individuals or entities. The OSRD performance standards, dimensional requirements, and definition apply to no other types of land-use development or projects in Farmington, whether before the Planning Board or not.

(A) The Village Business Historic District is a sub-classification within the Village Business District. Dimensional requirements in this category apply to properties with frontage in these areas: Main Street from Anson Street to Academy Street; Broadway from High Street to the 100-year floodplain boundary of the Sandy River; and Front Street from Park Street to Depot Street.

(B) Minimum lot area does not apply in an Open Space Residential Development. See maximum residential density in OSRD.

(C) A density bonus may be applied as provided in the Performance Standards, Section 11-8.11.I(8).

(D) Backlots with frontages between fifty feet (50’) and these minimums may be built on if structures are set back a minimum of two hundred fifty feet (250’).

(E) Minimum frontage in OSRD applies only where individual lots are created.

(F) No closer to the street than side-abutting buildings, except when a sidewalk exists, the setback shall be no closer than the building edge of said sidewalk (the edge of the sidewalk which lies farthest from the traveled way).

(G) No taller than the highest existing building in this district as of enactment of these requirements.
SETBACK STARTING POINT:

The appropriate front setback distance set forth in the Dimensional Requirements shall be measured perpendicularly from the Setback Starting Point. The Setback Starting Point shall be the greater of either the distance from the “Center Point” or the “Outer Edge of the Traveled Way” as listed in the Setback Starting Point Chart below:

<table>
<thead>
<tr>
<th>Category</th>
<th>From “Center Point”</th>
<th>From “Outer Edge of Traveled Way”</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category 1</td>
<td>55’</td>
<td>22’</td>
</tr>
<tr>
<td>Category 2</td>
<td>40’</td>
<td>16’</td>
</tr>
<tr>
<td>Category 3</td>
<td>25’</td>
<td>15’</td>
</tr>
<tr>
<td>Category 4</td>
<td>20’</td>
<td>15’</td>
</tr>
<tr>
<td>Category 5</td>
<td>N/A</td>
<td>See Note 1</td>
</tr>
</tbody>
</table>

SEE ROAD CLASSIFICATIONS AND SETBACK STARTING POINT DIAGRAMS BELOW. In the event there is any discrepancy between the diagrams below and the Setback Starting Point Chart above, the requirements set forth in the Chart shall prevail.

For paved roads, the term traveled way shall mean the edge of the pavement, regardless of whether or not the shoulder is paved. The existence of a sidewalk shall not affect the distances established in the chart above (see exception for Village Business Historic District below). For gravel roads, the term traveled way shall mean the outside edge of the gravel shoulder, not including vegetated areas or ditches.

Note 1: The front setback for any structure within the Village Business Historic District shall be no closer to the existing street than side-abutting buildings, except where a sidewalk exists the front setback shall be no closer than the outer edge of said sidewalk.

The Town of Farmington makes no representation regarding the setback standards or requirements which may be deeded restrictions or which may be mandated by any other governmental instrumentality.
ROAD CLASSIFICATIONS:

**Category 5 Roads:** All roads within the Village Business Historic District which lie in the following area: Main Street from Anson Street to Academy Street; Broadway from High Street to the 100 year floodplain boundary of the Sandy River; Front Street from Park Street to Depot Street.

**Category 4 Roads:** Any private right of way or easement granted for the purpose of vehicular ingress and egress to two (2) or more dwellings on separate tax parcels. This category shall not apply to public roads or driveways to one dwelling or multiple dwellings on the same tax parcel.

**Category 3 Roads:** North Chesterville Road (Route 156), South Strong Road (Route 149), High Street, Anson Street and all other public roads not otherwise listed in a more restrictive Category. Any portion of High or Anson Street, which lie in the Village Business Historic District shall fall under Category 5.

**Category 2 Roads:** New Vineyard Road (Route 27), except any portion which lies within the Village Business Historic District (see Category 5)

Temple Road (Route 43 W) and Industry Road (Route 43 E), except any portion which lies within the Village Business Historic District (see Category 5)

Livermore Falls Road (Route 133)

Town Farm Road

Seamon Road

The portions of Wilton Road, Intervale Road and Main Street which begin at the intersection of Wilton Road and Oakes Street and extends northerly over Intervale Road and continues northerly over Main Street to the intersection of Belcher Road, except for the portions of Main Street which lie in the Village Business Historic District.

**Category 1 Roads:**

The portion of the Wilton Road (Routes 2 & 4) which begins at the Oakes Street intersection and extends southerly to the Wilton town line.

The portion of Fairbanks Road (Route 4) which begins at the Belcher Road intersection and extends northerly to the Strong town line.

The portion of Farmington Falls Road (Route 2) which begins at the Intervale Road intersection and extends easterly to the New Sharon line.
CATEGORIE 1 ROADS
FRONT SETBACK STARTING POINT DIAGRAMS
(See Front Setback Starting Point Chart, Road Classification List and Minimum Front Setbacks established in Dimensional Requirements above)

FIVE LANE CROSS SECTION*

FOUR LANE CROSS SECTION*

*The configurations above are provided as examples only. Other lane designs may apply.
CATEGORY 2 ROADS
FRONT SETBACK STARTING POINT DIAGRAMS
(See Front Setback Starting Point Chart, Road Classification list and Minimum Front Setbacks established in Dimensional Requirements above)

THREE LANE CROSS SECTION*

CENTER POINT

40' ROW TRAVEL LANE TRAVEL LANE ROW

16' 16' 24' 16'

CENTER POINT

40' ROW TRAVEL LANE TRAVEL LANE ROW

GP FRONT SET BACK 50'

FRONT SETBACK STARTING POINT

OUTER EDGE OF TRAVELED WAY

ROAD WIDTH INCLUDING ROW

72'

(Plus one 3' Growth Buffer = 80')

TWO LANE CROSS SECTION*

CENTER POINT

40' ROW TRAVEL LANE TRAVEL LANE ROW

16' 16' 16' 16'

CENTER POINT

40' ROW TRAVEL LANE TRAVEL LANE ROW

GP FRONT SET BACK 50'

FRONT SETBACK STARTING POINT

OUTER EDGE OF TRAVELED WAY

ROAD WIDTH INCLUDING ROW

64'

(Plus two 3' Growth Buffers = 80')

*The configurations above are provided as examples only. Other lane designs may apply.
CATEGORY 3 ROADS
FRONT SETBACK STARTING POINT DIAGRAMS
(See Front Setback Starting Point Chart, Road Classification list and Minimum Front Setbacks established in Dimensional Requirements above)

CENTER POINT

VR FRONT SETBACK 20'

RES. & F/F SET BACK 35'

FRONT SETBACK STARTING POINT

ROAD WIDTH INCLUDING ROW

50'

CATEGORY 4 ROADS
FRONT SETBACK STARTING POINT DIAGRAMS
(See Front Setback Starting Point Chart, Road Classification list and Minimum Front Setbacks established in Dimensional Requirements above)

CENTER POINT

VR FRONT SETBACK 20'

RES. & F/F SET BACK 35'

FRONT SETBACK STARTING POINT

ROAD WIDTH INCLUDING ROW

40'

The configurations above are provided as examples only. Other lane designs may apply.
11- 8.10 Non-conformance:

Non-conforming structures, lots and uses that existed before the effective date of this Ordinance or any applicable ordinance shall be allowed to continue, subject to the requirements set forth in this article. Nonconforming structures, lots and uses subject to the Town of Farmington Shoreland Zoning Ordinance and made nonconforming by the provisions of that Ordinance are governed by the provisions on nonconformance set forth in that Ordinance.

A. General:

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

   Existing permits which are strictly land use permits, including but not limited to site plan approval, zoning approval, special exceptions and variances (except certain disability variances granted pursuant to 5 MRSA Section 4553), are transferable. Existing permits which are an approval of person and place, including but not limited to liquor licenses, special amusement permits, automobile graveyard permits, automobile recycling permits and junkyard permits, are not transferable.

2. Repair and Maintenance: This Ordinance shall allow, without 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.

B. Non-conforming Structures:

1. Expansions: A non-conforming structure may be added to or expanded after obtaining a permit from the Planning Board if such addition or expansion has no greater impact than the existing structure.

   Further Limitations:

   a. If any portion of a structure is less than the required setback from the property line, that portion of the structure shall not be expanded in floor area or volume, by thirty percent (30%) or more, during the lifetime of the structure.

   b. Construction or enlargement of a foundation beneath the existing structure shall not be 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, basing its decision on the criteria specified below in subsection 2. (Relocation); 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.
c. No structure, which is less than the required setback from the property line, shall be expanded toward the property line.

2. **Relocation**: A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, 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 or have any greater adverse impact than the existing location.

   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 and sedimentation, 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.

3. **Reconstruction or Replacement**: Any non-conforming structure, 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 two (2) years of the date of said damage, destruction or removal. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity or have any greater adverse impact than the existing structure.

   Upon application within the above two (2) year period, the Planning Board may grant an additional extension of any permit issued for such reconstruction or replacement so long as good faith progress has been demonstrated and a realistic plan for completion of construction is presented to and accepted by the Board. The Board may also require evidence of ability to complete the project in the allotted extension time, such as, but not limited to, bank letters of credit and/or written agreements with suppliers or contractors for goods and services required to complete reconstruction or replacement.

   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.

4. **Change of use of a Non-conforming Structure**: The use of a non-conforming structure may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on the subject or adjacent properties and resources than that of
the existing use. The determination of no greater adverse impact shall be made according to, but not limited to, the criteria listed in subsection C3 below.

5. Changes mandated by federal, State, and local Laws or Regulations: Any expansion, relocation, reconstruction or replacement of any portion of a non-conforming structure which is mandated by federal, State or local building and safety codes, including, but not limited to the Americans with Disabilities Act and State Fire Code, shall require review and approval by the Planning Board regardless of whether the required changes are to be performed at the same time as other expansions, relocations, reconstruction or replacement of the non-conforming structure. The Planning Board shall not withhold approval for the mandated changes unless the contemplated changes create a health or safety hazard which is likely to affect the occupants and/or the public.

6. Written documentation required for no greater adverse impact: In determining that no greater adverse impact will occur as a result of the expansion, relocation, reconstruction or replacement, or change of use of a non-conforming structure, the Planning Board shall also require written documentation from the applicant regarding the probable effects on public health and safety, if applicable, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and functionally water-dependent uses.

C. Non-conforming Uses:

1. Expansions: Expansions of non-conforming uses are prohibited, except that the non-conforming use of a residential dwelling unit may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as permitted in Section B1 as above.

2. Resumption Prohibited: A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one (1) year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one (1) year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period unless conditions outlined in B3 exist.

3. Change of Use: An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board. The Planning Board shall require written documentation from the applicant regarding the probable effects. The determination of no greater adverse impact shall be made according to, but not limited to, the criteria listed below:
a. That the proposed use is of the same character or less noxious than the current nonconforming use;

b. That the proposed use will not create a traffic hazard nor increase an existing traffic hazard;

c. That the amount of parking required to meet the minimum requirements for the use that exists on the site or will be otherwise provided in accordance with the Town of Farmington Traffic Ordinance, Site Review Ordinance, and the Off-Street Parking and Loading Performance Standard in this Ordinance;

d. That the extent of noise, odors, vibrations, smoke, dust and air discharges of the proposed use shall be equal to or less than the present use;

e. That the rate of surface water run-off from the site will not be increased;

f. That the hours of operation of the proposed use will be compatible with the existing, surrounding land uses;

g. That the proposed use will have no greater adverse impact on surrounding properties; and

h. That the proposed use will not create adverse effects on public health and safety, erosion and sedimentation, and if applicable, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and functionally water-dependent uses.

D. Non-conforming Lots of Record:

1. Non-conforming Lots of Record: A non-conforming lot of record as of the effective date of this Ordinance or applicable amendment thereto may be built upon, without the need for a variance, provided that such lot is in compliance with State Minimum Lot Size Law and the State of Maine Subsurface Wastewater Disposal Rules and that all provisions of this Ordinance, except lot size and frontage, can be met. Variance relating to setbacks, or other dimensional requirements not involving lot size or frontage may only be obtained by action of the Board of Appeals.

2. Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the lots are in conformance with the State Minimum Lot Size Law and the State of Maine Subsurface Wastewater Disposal Rules.
If two or more principal uses or structures existed on a single lot of record on the effective date of this Ordinance, each may be sold on a separate lot upon issuance of a written determination by the Code Enforcement Officer that each resulting lot is in compliance with the State Minimum Lot Size Law and the State of Maine Subsurface Wastewater Disposal Rules and conforms to the greatest extent possible with the dimensional requirements of this Ordinance.

11- 8.11. Performance Standards:

A. Manufactured Housing:

1. Purpose: It is the purpose of these performance standards to allow for and to regulate the use of manufactured housing in the Town of Farmington. Manufactured housing is important in the provision of moderate cost housing. Therefore, standards in this section are provided both to recognize the valid place of manufactured housing and to set forth necessary criteria on location and use of such housing.

   It is also the purpose of the standards to establish a condition of safety that will allow the home to perform in a manner that will greatly reduce hazards that present an imminent and unreasonable risk of death or serious personal injury.


3. Classifications of Manufactured Housing are defined as follows for purposes of these standards:

   Type A: A modular unit that is a new, factory-built, single-family structure that is manufactured under the authority of 42 U.S.C. 5401 et. seq. (the National Manufactured Housing Construction and Safety Standards Act of 1974), is transportable in one (1) or more sections, and is built on a permanent chassis; but that is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purposes of delivery to a permanent site, and that does not have wheels or axles permanently attached to its body or frame.

   Type B: New mobile homes certified as meeting US Department of Housing and Urban Development (HUD) Mobile Home Construction and Safety Standards, per 42 U.S.C. 3535(d).

   Type C: Used mobile homes, whether or not certified as meeting HUD current or prior codes.

4. Allowable Locations for Manufactured Housing:

   a. Type A - Modular Homes: Type A modular homes are an allowable dwelling unit type in those Zoning Districts where designated residential land uses are permitted. Such housing is subject to all standards in the Zoning Ordinance.
which apply to residential land uses, as well as the Subdivision Ordinance of the Town of Farmington.

b. **Type B - Mobile Homes**: Type B mobile homes are allowed in any mobile home development or park, or on their own individual lots in any district where allowed in the zoning Table of Uses.

c. **Type C - Mobile Homes**: Type C mobile homes are allowed in any mobile home development or park, or on their own individual lots in any district where allowed in the zoning Table of Uses. A Type C mobile home to be moved to a new location must meet the following standards, and this applies to units being moved within the Town or being moved into Town:

1) An application for approval to relocate shall be obtained from the Building Inspector prior to relocation.

2) Upon inspection, the Type C mobile home shall be found to be in compliance with all standards listed below under 4.E. prior to the move. After moving or relocation of the Type C mobile home, a second inspection shall be required to verify that the mobile home remains in compliance with all standards listed below under 4.E. The unit shall not be occupied until such conditions are met and a certificate of occupancy has been issued by the Building Inspector.

5. **Requirements for All Manufactured Housing Units – either being moved within Farmington or being moved into Farmington**:

a. All new and used units must be installed by an installer licensed by the State in accordance with standards adopted by the State Manufactured Housing Board on March 1, 1993 or the most recent version thereof.

b. All new units must meet construction and safety standards for manufactured homes adopted by the State Manufactured Housing Board in October 1991 or the most recent version thereof.

c. All new units must meet the rules for State certification of manufactured housing adopted by the State Manufactured Housing Board on April 1, 1991 or the most recent version thereof.

d. All new and used units must meet any applicable building code adopted by the Town of Farmington subsequent to the adoption of this section.

e. All used units must meet the following minimum standards:


2) HUD Section 8 Standards – the most recent version available at the time of adoption of this section.
3) Exterior Siding:

Exterior wall coverings shall be of moisture and weather resistant materials to resist wind, snow and rain, and shall be residential in appearance.

4) Insulation:

The minimum requirements for a home shall be as follows:

a) Walls – R-11  

b) Roof – R-14  

c) Floor – R-11

5) Plumbing:

The Town’s Licensed Plumbing Inspector (LPI) shall inspect and verify that the following conditions are met:

a) The plumbing is of a durable material, free from defective workmanship that would cause a safety hazard.

b) All plumbing, fixtures, drains, appurtenances, and appliances designed or used to receive or discharge liquid waste or sewage are connected to the drain system in a manner that is consistent with the State Plumbing Code.

c) All piping and fixtures subject to freezing temperatures shall be insulated or protected with UL approved heat tape to prevent freezing under normal occupancy.

d) All dishwashing machines shall not be directly connected to any waste piping, but shall discharge its waste through a fixed air gap above the machine.

e) Clothes washing machines shall drain either into a properly vented trap, into a laundry tub tailpiece with watertight connections, into an open standpipe receptor, or over the rim of a laundry tub.

f) Toilets shall be designed and manufactured according to approved or listed standards and shall be equipped with a water flushing device capable of adequately flushing and cleaning the bowl, aid device to be adjusted to use a minimum quantity of water consistent with proper performance and cleaning.

g) Each shower stall shall be provided with an approved watertight receptor with sides and back at least 1 inch above the finished dam or threshold.

h) Water supply pumping systems shall be sized to provide an adequate amount of water to each plumbing fixture at a flow rate sufficient to
keep the fixture in a clean and sanitary condition without any danger of backflow or siphonage.

i) Each home shall be equipped with a kitchen sink and bathtub and/or shower and be provided with a hot water supply system including a listed water heater.

j) No part of a water system shall be connected to any drainage or vent piping.

k) Any new copper plumbing shall be lead free with solder and flux containing not more than 0.2% percent lead and pipes and pipe fittings containing not more than 8.0% percent lead.

6) Heating and Fuel Burning Systems:

a) Heating and fuel systems must meet NFPA-31 (Installation of Oil Burning Equipment). A person holding a master license issued by the State of Maine Oil and Solid Fuel Examining Board shall inspect and certify that the heating and fuel system is in a safe condition and meets the requirements of NFPA-31.

b) Heat-producing appliances and vents, roof jacks and chimneys necessary for installation in manufactured homes shall be listed or certified by a nationally recognized testing agency for use in manufactured home.

7) Electrical System:

A person holding a master license issued by the State of Maine Electrician's Examining Board shall inspect and certify that the electrical system is safe and meets the National Electrical Code.

8) Light and Ventilation:

Each habitable room shall be provided with exterior windows and/or doors having a total glazed area of not less than eight percent (8%) of the gross floor area.

Each bathroom and toilet compartment shall be provided with artificial light and, in addition, be provided with external windows or doors having not less that 1-1/2 square feet of fully operable glazed area, except where a mechanical ventilation system is provided capable of producing a change of air every twelve (12) minutes. Any mechanical ventilation system shall exhaust directly to the outside of the home.
9) Ceiling Height:

Every habitable room shall have a minimum ceiling height of 6 feet and 6 inches.

10) Exit Facilities – Exterior Doors:

Home shall have a minimum of two exterior doors located remote from each other:

a) Required egress doors shall not be located where a lockable interior door must be used in order to exit.

b) Doors may not be less than 12 feet from each other as measured in any straight line direction regardless of the length of the travel between doors.

c) One of the required exit doors must be accessible from the doorway of each bedroom without traveling more than 35 feet.

d) All exterior swinging doors shall provide a minimum 28 inches wide by 74 inches high clear opening. All exterior sliding glass doors shall provide a minimum 28 inches wide by 72 inches high clear opening. Locks shall not require the use of a key for operation from the inside.

11) Exit Facilities – Egress Windows and Devices:

Homes shall have the following second means of escape or alternate emergency egress facilities:

a) Every room designed expressly for sleeping purposes, unless it has an exterior exit door, shall have at least one outside window operable from the inside without the use of tools and providing a clear opening of not less than 20 inches in width, 24 inches in height and 5.7 square feet in area. The bottom of the opening shall not be more than 36 inches off the floor.

b) Locks, latches, operating handles, tabs and any other window, screen or storm or storm window devices, which need to be operated in order to permit exiting, shall not be located in excess of 54 inches from the finished floor.

12) Interior Doors:

Each interior door, when provided with a privacy lock, shall have a privacy lock that has an emergency release on the outside to permit entry when the lock has been locked by a locking knob, lever, button or other locking devices on the inside.
13) Room Requirements:

Every home shall have sufficient space and functional arrangements to accommodate the normal activities of living in a manufactured home.

a) Every home shall have a least one common area with no less than 150 square feet of gross floor area.

b) All bedrooms shall have at least 50 square feet of floor area.

c) Bedrooms designed for two or more people shall have 70 square feet of floor area plus 50 square feet for each person in excess of two.

d) Every room designed for sleeping purposes shall have accessible clothes hanging space with a minimum inside depth of 22 inches and shall be equipped with rod and shelf. Each such room shall have an operable door with a latch to separate the room from the common area.

e) Each toilet compartment shall have a minimum of 21 inches of clear space in front of each toilet.

f) Hallways shall have a minimum horizontal dimension of 28 inches measured from interior finished surface to the opposite finished surface. Minor protrusions by doorknobs, trim, smoke detectors or light fixtures are permitted.

14) Fire Detection Equipment:

All manufactured homes, regardless of the date of manufacture, shall meet the following requirements:

At least one smoke detector (which may be a single station or alarm device) shall be installed in the home in the following locations:

a) A smoke detector shall be installed on any wall in the hallway or space communicating with each bedroom area between the living area and the first bedroom door unless a door separates the living area from that bedroom area, in which case the smoke detector shall be installed on the living area side as close to the door as practical. Homes having bedroom area separated by any one or combination of communication areas such as kitchen, dining room, living room, or family room (but not a bathroom or utility room) shall have at least one smoke detector protecting each bedroom area.

b) When located in hallways, the smoke detector shall be between the return air intake and the living area.
c) The smoke detector shall not be placed in a location which impairs its effectiveness.

d) Smoke detectors shall be labeled as conforming with the requirements or Underwriters Laboratory Standards No. 217, Third Edition, 1985, as amended through October 8, 1985, for single and multiple station smoke detectors.

e) Each smoke detector shall be installed in accordance with its listing on a wall or ceiling. If installed on a wall, the top of a smoke detector shall be located 4 inches to 12 inches below the ceiling. However, when a smoke detector is mounted on an interior wall below a sloping ceiling, it shall be located 4 inches to 12 inches below the intersection on the connecting exterior wall and the sloping ceiling (cathedral ceiling).

Rental units only: The required smoke detector(s) shall be attached to an electrical outlet box and the smoke detector connected by permanent wiring method into a general electrical circuit. There shall be no switches in the circuit to the smoke detector between the over-current protection device protecting the branch circuit and the smoke detector.

The smoke detector shall not be placed on any circuit protected by a ground fault circuit interrupter.

15) Kitchen Cabinet Protectors:

All manufactured homes, regardless of the date of manufacture, will meet the following requirements:

a) The bottom and sides of combustible kitchen cabinets over cooking ranges to a horizontal distance of 6 inches from the outside edge of the cooking range shall be protected with at least 5/16-inch thick gypsum board or equivalent limited combustible material.

One-inch nominal framing members and trim are exempted from this requirement. The cabinet area over the cooking range or cooktops shall be protected by a metal hood with not less than a 3-inch eyebrow projecting horizontally from the front cabinet face. The 5/16-inch thick gypsum board or equivalent material which is above the top of the hood may be supported by the hood. A 3/8-inch enclosed air space shall be provided between the bottom surface of the cabinet and the gypsum board or equivalent material. The hood shall be at least as wide as the cooking range.

b) The metal hood will not be required if there is an oven installed between the cabinet and the range.
c) Ranges shall have a vertical clearance above the cooking top of not less than twenty-four (24) inches to the bottom of combustible cabinets.

16) Roof/Wind Loads:

All homes with a roof added after construction must be inspected by a registered professional engineer to determine that the home can withstand a 30#/SF roof load and a 15#/SF wind load.

B. Home Occupation:

1. Purpose: It is the purpose of these performance standards to allow for and to regulate the establishment of a home occupation in a residential neighborhood. It is also the intent in this section to regulate the operation of a home occupation so that residential neighbors will not be adversely impacted by its existence.


3. Standards: A home occupation is allowable as an accessory use in a bona fide dwelling unit in any zone. All provisions of the Zoning Ordinance pertaining to the applicable zone shall be met. In addition, all of the following standards shall apply:

   a. The appearance of the structure or accessory structure may not be altered, except as provided under subsection B (below). The occupation within the residence must be conducted in a manner that would not cause the residence to differ from its residential character by means of colors, lights, sounds or odors;

   b. Additions to the residence or accessory structure for the express purpose of a home occupation shall be constructed and finished such that the character and appearance of the principal structure is maintained;

   c. There must be adequate off-street parking on the premises for customers’ or clients’ use. The total number of vehicles including the vehicles associated with the dwelling must continue to give an appearance in keeping with the character of the zone;

   d. For home occupations located in residential or village district zones, the home occupation shall not generate vehicular traffic in greater volume than would normally be expected in those zones;

   e. The home occupation shall not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes or electro-magnetic disturbance. All waste material from the home occupation shall be removed promptly from the premises, according to State laws and local ordinances; and
f. There shall be no exterior storage or display of materials or products related to the home occupation, no display of products visible and in any manner from the outside of the dwelling nor any visible evidence of the conduct of a home occupation except for signage which shall comply with the Town of Farmington Sign Ordinance.

C. Extractive Industry:

1. Purpose: It is the purpose of these performance standards to allow for and regulate the commercial extraction of certain natural materials within the Town of Farmington. These materials are utilized in many land use activities and these standards are established for the general benefit, safety and welfare of the public.


3. Permit required: Topsoil, soil, loam, rock, sand, gravel, clay, silt, mineral deposits or fill and similar earth materials may be removed from locations where permitted under the Zoning Ordinance Table of Uses, and site plan review for such operations is required from the Planning Board except as exempted below.

4. Extraction not requiring site plan review:

   a. The following extraction activities shall be allowed without a site plan review from the Planning Board:

      1) The removal or transfer of less than fifty (50) cubic yards of material from or onto any lot in any twelve (12) month period.

      2) The removal or transfer of material on site incidental to construction, alteration or repair of a building or in the grading and landscaping incidental thereto.

      3) The removal or transfer of material on site incidental to construction, alteration or repair of a public or private way or essential service.

      4) Extraction activities requiring review and approval under the Town’s Shoreland Zoning Ordinance.

      5) Extraction activities requiring review and approval by the Maine Department of Environmental Protection under the Natural Resource Protection Act.

   b. All other extraction, processing and storage shall require site plan review from the Planning Board.
5. Application Procedure:

a. Applications to the Planning Board for a site plan review for the excavation, screening, removal or storage of topsoil, soil, loam, rock, sand, gravel, clay, silt, mineral deposits or fill and similar earth materials shall be accompanied by a plan conforming to performance standards herein and in compliance with applicable State laws and accompanied by all required State permits or licenses.

b. The applicant shall submit a site review permit application to the Planning Board on a form provided by the Code Enforcement Office and all applicable requirements and standards of the Site Review Ordinance shall apply. A $50.00 application filing fee shall be submitted with the completed application.

c. Submitted plans of the proposed extraction site shall show the property lines and names of abutting owners and ways, indicating by not greater than five-foot contour intervals, related to United States Geodetic Survey date, the location and slope of the grades, existing and as proposed upon completion of the extraction operation; and detailing proposed fencing, buffer strips, signs, lighting, parking and loading areas, entrances and exits; together with a written statement of the proposed method, regularity, working hours and total proposed rehabilitation and restoration of the site upon completion of the operation.

6. General Requirements:

a. No part of any extraction operation shall be permitted within seventy-five (75) feet of any property or street line or within one hundred and fifty (150) of any established dwelling, except that drainage ways to reduce runoff into or from the extraction area may be allowed up to one hundred (100) feet of such line. Natural vegetation shall be left and maintained on the undisturbed land. (Note: Exception to this allowed if and only if an abutter’s release form is executed and recorded in the Franklin County Registry of Deeds).

b. No slopes steeper than two horizontal to one vertical (2:1) shall be permitted at any extraction site.

c. Any topsoil and subsoil suitable for purposes of re-vegetation shall, 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 shall be protected from erosion, according to the erosion prevention performance standards of this section.

d. Sediment shall be trapped by diversions, silting basins, terraces and other appropriate measures.
e. The sides and bottom of cuts, fills, channels, and artificial watercourses shall be constructed and stabilized to prevent erosion or failure. All such structures are to be designed and built according to the Maine Erosion and Sediment Control Handbook on Construction – Best Management Practices (BMP’s).

f. The hours of operation at any extraction site may be limited as the Planning Board deems advisable to ensure operational compatibility with residents of the Town.

g. Where loads may be prone to blowing or spills, loaded vehicles shall comply with State law regarding covered loads.

h. All access/egress roads leading to/from the extraction site to public ways shall be treated with suitable materials to reduce dust and mud.

i. No equipment debris, junk or other material shall be permitted on an extraction site except those directly related to active extraction operations, and any temporary shelters or buildings erected for such operations and equipment used in connection therewith shall be removed within thirty (30) days following completion of active extraction operations.

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

k. Within twelve (12) months following the completion of extraction operations at any extraction site (or any one (1) or more locations within any extraction site), which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the approved plans filed with the Planning Board so that:

1) All debris, stumps, and similar on-site organic materials shall be removed and disposed of in an approved location. Only inorganic natural on-site materials (boulders, etc.) may be buried (cover with a minimum of two (2) feet of soil).

2) The extent and type of fill shall be appropriate to the use intended. The applicant shall specify the type and amount of fill to be used.

3) Storm drainage and watercourses shall leave the location at the original natural drainage points and in a manner such that the amount of drainage at any point is not significantly increased.

4) The final slope shall be two horizontal to one vertical (2:1) slope or flatter. Sufficient topsoil or loam shall be retained or obtained to cover all disturbed areas, which shall be re-seeded and properly restored to a stable condition adequate to meet the provisions of the Maine Erosion and

7. Permit approval:

All plans and supporting material shall be submitted with respect to the above standards and the standards and requirements in the Town’s Site Review Ordinance in order for an application to be considered for permit approval.

D. Off-Street Parking and Loading:

1. Purpose: It is the purpose of this section to require that off-street parking areas are provided for all new uses of land so that all uses will have adequate parking for the occupants, employees, visitors, customers, and/or patrons and they will not have to rely on the public rights-of-way for this function. Off-street loading areas are required for all uses (except residential) to provide adequate space off the Town’s right-of-way for the temporary parking of motor vehicles (primarily trucks) while loading or unloading.


3. General Requirement: No building or structure in any district shall be subdivided, erected or enlarged, nor shall any building, structure or land be used, designed or arranged for any purpose without provisions for such off-street parking and/or loading facilities as required by this Ordinance nor shall any off-street parking or loading area, whether required by the this Ordinance or voluntarily provided, be developed other than in the manner set forth in this Ordinance.

   a. For the purpose of these standards, one hundred sixty-two (162) square feet of area, shall be deemed a parking space for one (1) vehicle. The minimum dimensions for each parking space shall be nine (9) feet wide by eighteen (18) feet long. The maximum permitted dimensions for each parking space (except for designated handicapped spaces) shall be ten (10) feet wide by twenty (20) feet long. In no case shall any off-street parking space be allowed to back out directly onto any public right-of-way.

   b. The access aisles within any off-street parking area shall be a minimum of twenty-four (24) feet wide.

   c. All parking spaces and access driveway shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area. No surface water from any parking area shall be permitted to drain onto adjoining property.

   d. Required loading spaces shall not be construed as supplying off-street parking space.
4. **Timing of the Provision of Required Off-Street Parking and Off-Street Loading Spaces:** Off-street parking and loading spaces shall be provided at the time any use of land is established; or at the time any building, structure, or land is altered or enlarged in any manner to increase the amount off-street parking or loading spaces as required by this Ordinance. However, when the use of any building or land existing at the time of adoption of this Ordinance is changed to a use in which the parking requirements are calculated differently from the method of calculation for the former use, only such additional parking as may result by reason of the different calculation need be provided for the changed use.

5. **Requirement to Retain Off-Street Parking and Loading Space:** The requirements for off-street parking and loading shall be a continuing obligation of the owner or any assignee of the real estate on which any use is located as long as the use continues, and is a use that requires off-street parking or loading. It shall be unlawful for an owner of any building or land use activity affected by the off-street parking and loading requirements to discontinue, change, reduce or dispense with, or cause the discontinuance, change, or reduction of the required off-street parking or loading space. It shall be unlawful for any individual, firm, or corporation to use such building or land without acquiring such area as is required and permitted to fulfill the off-street parking and loading requirements.

6. **Permitted Reduction in Off-Street Parking Requirements:** Off-street parking space required under these standards may be reduced at the time the capacity or use of a building is changed in such a manner that the new use or capacity would require less space than before the change. Such reduction may not be below the requirements set forth in these standards.

7. **Location of Off-Street Parking and Loading Areas:** The required off-street parking and loading areas shall be located on the same lot or parcel of land they are intended to serve, except as provided in subsection 10 below.

8. **Limitations on Vehicular Storage:** Except as otherwise provided in this Section, off-street parking spaces required herein may be occupied by the occupants, employees, or patrons of the property or by visitors, or by delivery vehicles incidental to the principal use, but not by vehicles being repaired, stored or displayed for sale or hire.

9. **Determination of Seating Capacity at Places of Assembly:** In stadiums, sport arenas, houses of worship and other places of assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each twenty (20) inches of such seating facilities shall be counted as one (1) seat for the purpose of determining requirements for off-street parking facilities.

10. **Collective Off-Street Parking Provisions:** Nothing in these standards shall be construed to prevent the collective provision of off-street parking facilities for two (2) or more structures or uses, provided that the total of such off-street parking spaces supplied collectively shall not be less than the sum of the requirements for the various uses computed separately; provided also that the requirements
set forth hereinbefore as to maximum distances between parking facilities and principal structures or uses served shall apply to each structure or use participating in the collective provisions for parking.

11. Development and Maintenance of Off-Street Parking Areas: For every parcel subject to these requirements, off-street parking shall be developed and maintained by the owner in accordance with the following requirements:

a. Minimum Distances and Setbacks: No part of any parking area, for five (5) or more vehicles, shall be closer than ten (10) feet to any dwelling, school, hospital, or other institution for human care. If on the same lot with a principal structure, the parking area shall not be located within the front yard or side yard setback area required for such structure.

b. Bumper Guard and/or Bollard Requirements: There shall be provided a bumper guard and/or bollard of either wood, metal or concrete not more than two (2) feet in height and securely anchored into the ground on all sides of the parking area where there is required a protective fence or wall. Any required bumper guard and/or bollard shall be located at such distance so that automobiles will not strike the protective fence or wall. As an alternative, a concrete beam serving the same purpose may be provided.

c. Off-Street Parking Area and Driveway Surfacing Requirements:

   1) The Planning Board (or CEO when applicable) shall determine off-street parking area and driveway surfacing requirements on a case-by-case basis. Factors such as, but not limited to, location, topography of the site, drainage issues, extent of use, and soil stability shall be evaluated when making this determination. Cross sections and profiles of the site may be required.

   2) When it has been determined that area surfacing is required, the off-street parking area or driveway shall be surfaced with an asphaltic, bituminous, cement, or other properly bound pavement, or a combination of stone or brick pavers so as to provide a durable and dustless surface, and shall be graded and drained so that no surface water will accumulate within the off-street parking or driveway area.

d. Lighting: Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises used for residential purposes in any district.

e. Entrance, Exit, and Maneuvering Space: Vehicular drives providing entrance and exit to the street system from the off-street parking area shall have a minimum width of twelve (12) feet or a greater width specified by the Planning Board if project is subject to site review. This requirement shall not apply to single family detached residences. The width of high-volume entrances is determined by the Access Management Performance Standards. The radii
on the sides of the driveway exposed to entry or exit shall be a minimum of seventeen (17) feet. Maneuvering areas shall be sufficient to permit vehicles to enter and leave the parking lot in a forward motion except for single family detached dwelling units.

f. Other Design Requirements:

1) Off-street parking areas for all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing up unreasonable distances, or making other dangerous or hazardous turning movements.

2) Circulation areas for off-street parking lots shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles, and without adversely interfering with the normal functioning of the parking lot.

3) The parking spaces shall be appropriately demarcated with painted lines or other markings.

4) Off-street parking areas shall be properly maintained in all respects and kept in good condition.

5) Handicapped parking spaces shall be provided in accordance with federal and State laws.

6) No speed-bumps shall be installed within one hundred (100) feet of the point of access from the off-street parking lot to the street.

12. Plan Requirement: A plan shall be submitted to the Planning Board with every site review or subdivision application for any building or use that is required to provide off-street parking and loading. The plan shall accurately depict the required number and location of parking spaces, other spaces in designated for trash collection, off-street loading spaces (if required), the distance of the off-street parking facilities to the structure or uses they are intended to serve, as well as the relationship of the parking lot to the street system into which the motor vehicles utilizing the parking areas will discharge.

13. Minimum Required Off-Street Parking Spaces: The minimum number of required off-street parking spaces are specified in Section 16 “Off Street Parking Requirements”, below. Requirements for any use not specifically mentioned shall be the same as the most similar to the one sought. When units of measurement determining the required off-street parking spaces result in a fractional space, then such fraction equal to or greater than one-half (1/2) shall be interpreted as one (1) off-street parking space.
14. Off-Street Loading Space Requirements:

a. On the same premises with every building, structure or part thereof erected and occupied for manufacturing, storage, warehousing, goods display, department store, wholesale store, retail sales outlet, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly involving the receipt and distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot adequate space for standing, turning, loading and unloading services to avoid interference with the public use of the streets and alleys.

Each such loading and unloading space shall be an area at least twelve (12) by fifty (50) feet within a fifteen (15) foot height clearance, and shall be provided as specified below for gross non-residential (motel rooms shall be defined as residential floor area for the purpose of this requirement) floor area, except that:

1) No spaces are required for structures with less than ten thousand (10,000) square feet of gross floor area, or less;

2) One (1) space is required for structures with more than ten thousand (10,000) but less than twenty thousand (20,000) square feet or increment thereof;

3) Additional off-street loading spaces shall be provided at a rate of one (1) space for each additional twenty thousand (20,000) square feet or major fraction thereof; and

4) No more than seven (7) loading spaces shall be required, except for warehouse and industrial buildings.

b. Loading and unloading areas shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from the roadway serving the property, and the loading/unloading operations can be completed without obstructing or interfering with any roadway traffic or any off-street parking space or parking lot aisle.

c. No area allocated to loading/unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for off-street loading/unloading facilities.
15. **Exempt Areas:** This Ordinance shall not apply to the exempt areas bordered by the Streets of High, Church, Broadway, Academy, Main, Exchange, Pleasant, Depot, and Front. (See map).
16. Off-Street Parking Requirements:

a. Residential Development:

1) Single Family Dwelling - two (2) spaces per dwelling unit.

2) Two-Family Dwelling - two (2) spaces per dwelling unit, except that one bedroom units shall require one (1) space per unit.

3) Attached Housing – two (2) spaces per dwelling unit, except that one bedroom units shall require 1 space per unit.

4) Multiple-Family Dwelling – one (1) space per one bedroom unit, or two (2) spaces for each two (2) to four (4) bedroom unit.

5) Residential Facilities – three (3) spaces for each five (5) beds, except for uses exclusively serving children under sixteen (16) years of age, in which case one (1) space for every three (3) beds shall be required.

6) Boarding/Rooming Houses – one (1) space per bedroom.

7) Dormitories – one (1) space for each four (4) beds.

b. Motels/Hotels and Similar Uses Providing Overnight Accommodation:

1) One space for each room available for rent, plus one (1) space for each two (2) employees working at any one time.

c. Retail Commercial Establishment:

1) Convenience Stores – one (1) space per two hundred (200) square feet of gross floor Area.

2) Grocery Stores/Super Market Drug Store/General Merchandise – one (1) space per two hundred fifty (250) square feet of gross floor area (Amended 6-12-01).

3) Other Retail Sales Establishment – one (1) space per two hundred fifty (250) square feet of gross floor area (Amended 6-12-01).

4) Eating and Drinking Places (no Drive-In or Fast Food) – one (1) space per two hundred (200) square feet of gross floor area.

5) Drive In or Fast Food Restaurant – one (1) space per two hundred fifty (250) square feet of gross floor area.
6) Auto Service Station – one (1) space per two hundred (200) square feet of gross floor area, plus sufficient space to accommodate vehicles at pumps without interfering with other parking spaces.

7) Auto Repair/Maintenance/Tire Replacement – one (1) space per two hundred (200) square feet of gross floor area.

8) Auto Sales (Display/Showroom Area Only) – one (1) space per one thousand (1,000) square feet of gross floor area.

d. Business/Professional Offices/Banks:

1) One (1) space per two hundred (200) square feet of gross floor area.

e. Educational Facilities:

1) Pre-Schools/Day Care – one (1) space per classroom, plus one (1) space for each ten (10) students (based on the rated capacity of the facility).

2) Primary and Middle Schools – one and three quarters (1.75) spaces per classroom, plus one (1) space for each eight (8) students (based on the rated capacity of the facility).

3) Secondary Schools – five (5) spaces per classroom, plus one (1) space for each (5) students (based on the rated capacity of the facility).

4) Colleges/Universities – one (1) space per one hundred fifty (150) square feet of schools gross floor area Business/Trade/Vocational – one (1) space per two hundred (200) square feet of schools gross floor area.

f. Public and Institutional Facilities:

1) Hospitals – one (1) space per bed, or one (1) space per two hundred fifty (250) square feet of gross floor area, whichever is greater.

2) Nursing, Resting, Convalescent Homes – one (1) space for every one (1) bed.

3) Penal/Correctional Facilities – one (1) space for every four (4) inmates, based on the rated capacity of the facility.

4) Post Offices – one (1) space per fifty (50) square feet of gross floor area.

5) Government Offices/Court – one (1) space per two hundred fifty (250) square feet of gross floor area.

6) Public Safety Facilities – one (1) space per two hundred (200) square feet of gross floor area.
7) Houses of Worship/Places of Assembly – one (1) space for every four (4) seats (fixed), one (1) space for each one hundred (100) square feet gross floor area (non-fixed).

8) Libraries – one (1) space per five hundred (500) square feet of gross floor area.

g. Recreational Facilities:

1) Parks, Trails, and Conservation Areas – The Planning Board shall determine the parking space requirements on a case-by-case basis. Factors such as, but not limited to, planned use of property, size of property in relation to intended use, and specific use restrictions and limitations imposed upon a given property shall be evaluated when making this determination.

2) Recreational Areas – one (1) space per five thousand (5,000) square feet of land area, plus one (1) bus parking space for any facility over two (2) acres that contains active recreation elements including public swimming pools, ball fields, basketball courts and play equipment.

3) Golf Course – four (4) spaces per hole, plus one (1) space for each two hundred (200) square feet for office/lobby/pro-shop/health club/clubhouse/lounge/snack bar/dining/meeting room areas, and fifty percent (50%) of maximum occupancy for exterior recreation uses including swimming pools, golf driving ranges, and tennis courts.

4) Sports Stadiums – one (1) space for every three (3) seats, plus ten (10) bus parking spaces.

h. Other Facilities/Development:

1) Veterinarians/Kennels/Animal Hospitals – one (1) space per three hundred (300) square feet of gross floor area.

2) Health Care Facilities – one (1) spaces for each two hundred (200) square feet of gross floor area.

3) Museums/Art Galleries – one (1) space for each three hundred (300) square feet of floor area open to the general public.

4) Dry Cleaners/Laundromat – one (1) space per two hundred (200) square feet of gross floor area.

5) Manufacturing/Assembling/Fabrication Operation – one (1) space for every two (2) employees on maximum shift, or one (1) space per four hundred (400) square feet of gross floor area, whichever is greater.
6) Greenhouse/Nursery Operations – one (1) space per one thousand (1,000) square feet of lot area used for storage, display, or sales, plus one (1) space per four hundred (400) square feet of gross floor area.

7) Warehousing/Storage/Wholesale – one (1) space for every two (2) employees on maximum shift, but not less than one (1) space per two thousand (2,000) square feet of gross floor area.

17. Planning Board Review:

a. Applicable only to projects and properties that have previously received Site Review by the Planning Board and have previously developed parking according to the performance standards herein as part of Site Review approval(s):

1) In conducting Site Review of subsequent expansions of such projects or additional development of such properties, the Planning Board may determine that a lesser number of parking spaces is warranted rather than that nominally required under the parking performance standards, based on existing sufficiency (or oversupply) of parking, alternative parking options, or other mitigating factors for subject property or project.

E. Landscaping:

Districts: General Purpose, Residential/Light Commercial, Farm and Forest

1. **Purpose:** It is the purpose of these performance standards to improve the appearance of certain set-back and yard areas, including off-street parking and open-lot sales and service areas and to protect and preserve the appearance, character, and value of the surrounding neighborhoods; and to thereby promote the general welfare by providing for installation and maintenance of landscaping for screening and aesthetic qualities, since the Town of Farmington finds that the characteristics and qualities of Farmington justify such requirements to perpetuate its aesthetic appeal.

2. **Non-conformance:** See Article 11-8.10.

3. **Landscaping Requirements for Certain Commercial Yard Areas and Off-Street Parking and Other Vehicular Use Areas:** These standards apply to all commercial areas used for the display or parking of any and all types of vehicles, boats, or heavy construction equipment, whether such vehicles, boats, or equipment are self-propelled or not; and all land upon which vehicles traverse the property as a function of the primary use (drive-thrus), including but not limited to activities of a drive-in nature, such as gasoline filling and/or service stations, grocery stores, banks, restaurants, and the like. The development of these and other commercial activities shall conform to the minimum landscaping requirements hereinafter provided.
While it is the intention of these performance standards to encourage appropriate landscaping on all developed parcels, these performance standards are not mandatory for parcels which engage in the following for their primary activities: Agriculture, Agricultural Management, Agricultural Products Processing, Animal Breeding and/or Care, Churches or Synagogues, except that any retail or wholesale business on such property which offers for sale any products not produced or manufactured through the activities conducted on the parcel or other property under the same ownership within the Town of Farmington, shall be subject to these performance standards.

a. **Installation:** All landscaping shall be installed in a sound, professional manner with the quality of plant materials as hereinafter described. All elements of landscaping shall be installed so as to meet all other applicable code requirements.

b. **Maintenance:** The owner, tenant, and/or manager or agent of any property that is required to be developed in accordance with these standards shall be jointly and severally responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy, neat, and orderly appearance, and shall be kept free from refuse and debris. Dead or diseased plants shall be replaced as soon as climatically possible with plants which meet the minimum size requirements established herein.

c. **Plant Material:**

1) **Quality:** Plant materials used in conformance with the provisions of these standards shall be in good condition at the time of planting. All plant materials shall be examined yearly from the date of their installation and any ground cover, shrubs, or trees found to be in less than acceptable condition by the Code Enforcement Officer shall be replaced by the owner, developer, or their agent. Plants used in landscape design pursuant to this section shall, to the greatest extent possible be:

   a) Appropriate to the conditions/climate in which they are to be planted;

   b) Have non-invasive growth habits;

   c) Encourage low maintenance, high quality design;

   d) If landscaping is utilized for screening of mechanical or electrical equipment, or service areas including those which contain such items as trash dumpsters and propane tanks, vegetation used shall be equally effective at all times of the year, but should not be planted in such a way as to obstruct or inhibit emergency access;
e) Landscaping shall be designed so that it will not obstruct sightlines necessary for the safe vehicular and pedestrian circulation, and will not interfere with public utilities;

f) Landscaping plans shall consider the full growth of the vegetation;

g) Parking lots shall contain plantings and walkways that help direct pedestrians safely and comfortably to their destinations;

h) All landscaped areas must incorporate use of ground cover. Use of vegetative ground cover is expected and use of gravel, rock, or bark, may be allowed if determined appropriate based upon the proposed landscape theme, and present a finished appearance; and

i) Be otherwise consistent with the intent of these standards.

2) Trees: Deciduous trees shall be a minimum of nine (9) feet measured from the top of the root collar at the time of planting. Evergreen trees shall be a minimum of six (6) feet measured from the top of the root collar at the time of planting. Dwarf trees or unique specimens or species are exempted from this requirement when used as accents. Trees of species whose roots are known to cause damage to roadways and other public works shall not be planted closer than twelve (12) feet to any roadway, water line or sewer line.

a) Tree Species Mix: When more than ten (10) trees are required to be planted, a mix of species shall be provided. The number of species to be planted shall vary according to the total number of trees required. The minimum number of species to be planted are indicated in the following Table. Species shall be planted in proportion to the required mix.

**Required Species Mix for New Site Development**

<table>
<thead>
<tr>
<th>Required Number of Trees</th>
<th>Minimum of Species</th>
</tr>
</thead>
<tbody>
<tr>
<td>11 – 20</td>
<td>2</td>
</tr>
<tr>
<td>21 – 30</td>
<td>3</td>
</tr>
<tr>
<td>31 – 40</td>
<td>4</td>
</tr>
<tr>
<td>41 or more</td>
<td>5</td>
</tr>
</tbody>
</table>

(1) Shrubs: Shrubs shall be a minimum of twelve to eighteen (12–18) inches in height when measured at the time of planting.
(2) **Ground Covers**: Ground covers used in lieu of grass shall be planted in such a manner as to present a finished appearance.

(3) **Lawn Grass**: Grass areas shall be planted in species normally grown as permanent lawns. Grass areas may be sodded, plugged, or seeded, except that solid sod, hydro-seeding or commercially available erosion control methods shall be used in areas subject to erosion. Lawn grass should be kept regularly mowed during the summer growing season.

(4) **Prohibition of Pre-Cleared Lots**: Clearing land of trees, vegetation, and/or soil prior to submission of a Site Review Application is prohibited. (See Town of Farmington Site Review Ordinance, and Soil Erosion Control and Storm Water Management Ordinance).

d. **Landscaping Design Standards**:

The following standards shall be considered the minimum requirements for the installation of all plant materials in the Town of Farmington.

1) Minimum Tree and Shrub Planting or Preservation Requirements:

   a) **General**: Trees shall not be placed so as to interfere with site drainage, or where they shall require frequent pruning to avoid interference with overhead power and utility lines. Unless otherwise provided in these standards, a minimum number of trees shall be planted or preserved on each site, as follows:

   b) One (1) tree shall be planted or preserved for every two thousand (2,000) square feet of lot area or fraction thereof. Square footage shall include the total area of the tax parcel to be developed minus the square footage of the cumulative area of all existing buildings and any permanent buildings to be constructed within one (1) year following the landscaping.

   c) Trees required to be planted or preserved by these standards may be used to satisfy requirements of other sections of this Ordinance including interior parking or other vehicular use areas, perimeter of parking or other vehicular use areas, and perimeter buffers.

   d) Planning Board may determine that a lesser number of trees is required based on adjacent development, lot design, topography or any other mitigating factors. A minimum of fifty percent (50%) of all required trees shall be shade trees.

e. **Required Landscape Plan**:
1) **General:** Prior to the review of a Site Review application for development, a landscape plan shall be submitted to the Planning Board for review. Clearing of land prior to submission of a Site Review Application to the Planning Board is prohibited.

2) **Contents of Landscape Plans:** Landscape plans shall:

   a) Be drawn to scale and include dimensions and distances;

   b) Delineate existing and proposed parking spaces and/or other vehicular use areas;

   c) Designate by name, including common names, and location all plant material to be installed or preserved in accordance with these or any other applicable standards;

   d) Identify and describe all other landscape material and elements proposed to be used;

   e) Show all landscape features, including areas of vegetation to be preserved in relationship to all existing or proposed building and/or any other improvements to the site; and

   f) Include a tabular summary clearly indicating the relevant statistical information necessary to determine compliance with the provisions of these standards. This information shall include gross acreage, square footage of vegetation preservation areas, the number of trees to be planted or preserved, square footage of paved areas, and other such information.

3) **Required Landscaping:**

   a) Adjacent to Public Right-of-Way: On the site of a building providing an off-street parking area or other vehicular use area, where such area will not be entirely screened visually by an intervening building or structure from any abutting right-of-way, there shall be provided landscaping between such area and such right-of-way, as follows:

      A strip of land at least fifteen (15) feet in width, located between the abutting right-of-way and the off-street parking areas or other vehicular use area, which is exposed to an abutting right-of-way, shall be landscaped. This requirement shall apply to all frontage which borders a public right-of-way. Such landscaping shall include one (1) tree for every thirty (30) lineal feet or fraction thereof with one dimension being at least five (5) feet. Such trees shall be set back at least twelve (12) lineal feet from the edge of the pavement of the public road. Any landscaping of a mature height of up to three (3) feet shall be set back a minimum of eight (8) feet from the edge of the pavement of the public
road. Mature vegetation which does not exceed two (2) feet in height may be planted within eight (8) feet but no closer than three (3) feet from the pavement. The portion of the planted area extending three (3) feet from the pavement may only be vegetated with grass, ground cover or other minimal height landscape treatment.

Roadside tree plantings should consider the following criteria:

(1) Cast moderate to dense shade in summer;

(2) Be long-lived, i.e., over sixty (60) years;

(3) Be tolerant of pollution and direct or reflected heat;

(4) Require little maintenance, be mechanically strong and insect and disease resistant; and

(5) Be of native origin, provided that they meet the above criteria.

All property abutting a right-of-way, other than the required landscaped strip lying between the right-of-way and off-street parking or other vehicular use areas, shall be landscaped with, at a minimum, grass or other ground cover.

Necessary access ways from the public right-of-way through all such landscaping shall be permitted to service the parking or other vehicular use area. Such access ways, however, may not be subtracted from the lineal dimension used to determine the number of trees required.

Where stone walls exist, care should be taken to disturb these as little as possible, since they also act to retain the character of country roads.

b) Parking Area Interior Landscaping: Trees and landscaping shall be included in all parking lot designs. A differentiation between perimeter landscaping and interior landscaping is made in these requirements. The purpose of perimeter landscaping is to screen parking areas from the street and/or adjacent residential uses. The purpose of interior landscaping is to provide shade within the parking area, reduce heat generated by paved parking spaces in the summer months, assist in on-site circulation and improve the general appearance of the site.

Planting areas for interior landscaping shall be designed so as to maximize provision of shade throughout the parking area during the summer months. For new construction or expansion of existing parking lots by fifty percent (50%) or more, the minimum area for interior landscaping shall be calculated as follows:
Ten percent (10%) of the total parking area, including drive aisles shall be landscaped. Generally a minimum of one (1) tree shall be provided in the interior landscaping areas for every five (5) parking spaces. Developments requiring less than five (5) parking spaces are exempt from the interior landscaping standard. Perimeter landscaping may count for up to fifty percent (50%) of required interior landscaping if site conditions dictate.

Planting areas for perimeter landscaping shall be designed so as to maximize effectiveness of the landscaping as a visual screen. Planting areas for perimeter landscaping shall be a minimum of five (5) feet wide. Shrub materials used in perimeter landscaping areas shall be a minimum of four (4) feet high at the time of planting. Perimeter planting areas shall be required when screening of parking areas from the street or adjacent residential use is required.

c) Sight Distance for Landscaping Adjacent to Public Rights-of-Way and Points of Access: When an access way intersects a public right-of-way, or when a subject property abuts the intersection of at least two (2) or more public right-of-ways, all landscaping shall provide unobstructed cross-visibility at a level between two (2) and ten (10) feet, provided however, that trees shall have their limbs and/or foliage trimmed in such a manner that no visual impediment exists within the cross-visibility area. Trees shall not be located in such a manner as to create a traffic hazard. Landscaping, except required grass or ground cover, shall not be located closer than three (3) feet from the edge of any access way pavement or impervious material.

d) Credit For Existing Plant Material: In instances where healthy plant material exists on a site prior to its development, the Planning Board may adjust the application of these standards to allow credit for such plant material if such an adjustment is in keeping with and will preserve the intent of these standards.

4) Other Applicable Requirements:

a) The provisions of these standards shall apply to new off-street parking or other vehicular uses areas and to expansion of existing parking lots by fifty (50%) or more (based on the parking lot size on the date of the adoption of this standard) in the General Purpose and Residential/Light Commercial districts.

b) The provisions of these standards shall be subject to other applicable codes and regulations where such regulations are more restrictive and are not otherwise inconsistent with the provisions of these standards.
F. Private Outdoor Lighting:

1. **Purpose:** It is the purpose of these performance standards to assure that in all zoning districts, all outdoor lighting shall be located, shielded and directed in a manner which prevents excessive illumination levels, prevents glare on nearby streets and sidewalks, and prevents light trespass beyond the property lines. In furtherance of this standard, the following requirements shall apply:

   a. All freestanding and façade mounted lighting shall utilize full cut-off type fixtures or equivalent shielding to prevent excessive lighting levels, minimize glare and shall be installed in a manner that does not direct light beyond the lot lines of the premises on which the light fixture(s) is located.

   b. All parking area lighting shall be full cut off type fixtures.

   c. The IESNA (Illuminating Engineering Society of North America) “Maintained Horizontal Illuminance Recommendations” shall be followed for a multifamily and/or non-residential project site. (See Table A) The minimum light level specified in Table A shall not be exceeded by more than .2 foot candles.

   d. Maximum height of freestanding lights shall be twenty-five (25) feet.

   e. Canopy lighting. Light fixtures mounted on/in canopies shall be recessed so that the lens cover is recessed or flush with the ceiling surface. Lights shall not be mounted on the top, sides or front face of the canopy nor shall any such side or face of the canopy be illuminated.

   f. Lighting plan. When compliance to these standards is in question, the Code Enforcement Officer may require the submission of a detailed lighting plan showing type of fixtures, shielding, level of wattage and fixture height.

2. **Non-conformance:** See Article 11-8.10.
### TABLE A

IES Maintained Horizontal Illuminance

**Levels of Activity & Foot-candle Recommendations**

<table>
<thead>
<tr>
<th>Vehicle Travel Area</th>
<th>Parking &amp; Pedestrian</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>High</strong></td>
<td></td>
</tr>
<tr>
<td>Avg.</td>
<td>Min.</td>
</tr>
<tr>
<td>2.0</td>
<td>.67</td>
</tr>
<tr>
<td>Avg.</td>
<td>Min.</td>
</tr>
<tr>
<td>3.6</td>
<td>.9</td>
</tr>
</tbody>
</table>

- Major League Athletic Events
- Major Cultural or Civic Events
- Regional Shopping Centers
- Fast Food Restaurants with drive-thru facilities
- Convenience Stores With Gas Pumps
- Other facilities with drive-thru

<table>
<thead>
<tr>
<th><strong>Medium</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Avg.</td>
<td>Min.</td>
</tr>
<tr>
<td>1.0</td>
<td>.33</td>
</tr>
<tr>
<td>2.4</td>
<td>.6</td>
</tr>
</tbody>
</table>

- Community Shopping Centers
- Cultural, Civic or Recreational Events
- Office Parks/Building
- Hospital Parking
- Transportation Parking (Airports, Commuter Lots, etc.)
- Residential Complex Parking (Multi-Family)

<table>
<thead>
<tr>
<th><strong>Low</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Avg.</td>
<td>Min.</td>
</tr>
<tr>
<td>.5</td>
<td>.13</td>
</tr>
<tr>
<td>.8</td>
<td>.2</td>
</tr>
</tbody>
</table>

- Neighborhood Shopping
- Industrial Employee Parking
- Educational Facility Parking
- Church Parking

---

**Level of Activity**

Regional shopping center containing retail space of three hundred thousand (300,000) square feet or greater

**High**
Community shopping centers containing retail space of five thousand (5,000) to two hundred ninety-nine thousand and nine hundred ninety-nine (299,999) square feet  

Medium

Neighborhood shopping containing retail space of less than five thousand (5,000) square feet  

Low

Automotive dealerships  

High

Entertainment theaters, sports arenas  

High

Convenience stores with gas pumps/canopies  

High

Gas Stations  

High

G. Transportation: Access Management

1. Purpose: It is the purpose of these performance standards to:

   a. Keep traffic flowing smoothly and safely on the roads, including arterials, within the Town of Farmington; and

   b. Minimize traffic problems associated with uncontrolled strip development.

Access management, in the context of these standards, is the management of driveways/entrances and intersections to maintain highway safety and traffic carrying capacity of all highways/roads and to maintain the posted speed limit of arterials.

2. Applicability:

   a. These standards shall apply to all development proposals requiring review under the “Town of Farmington Site Review Ordinance”, adopted March 11, 2002, as said Ordinance may be subsequently revised or updated, and the “Town of Farmington Subdivision Regulations,” adopted April 3, 1978, and any subsequently adopted Town of Farmington Subdivision Ordinance.

   b. For these standards, Routes 2, 4, 27, and the Town Farm Road are defined as Arterials, all within the Urban Compact Zone.

   For these standards, Routes 133, 149, 156, and 41 are defined as Major Collectors, and Route 43 is defined as a Major Collector to Industry and a Minor Collector to Temple, all within the Urban Compact Zone.

   For these standards, Knowlton Corner Road, Whittier Road, and Seamon Road are defined as Minor Collectors, all within the Urban Compact Zone.
The segments of these roadways that lie outside of the Urban Compact Zone are under State jurisdiction, and therefore classifications and standards may vary for these.

c. Grandfathered Access: All lots are presumed to have at least one (1) driveway/entrance. Driveways/entrances in existence at the time of adoption of these standards are grandfathered. Farming and forestry access points in existence at the time of adoption of these standards are grandfathered.


4. General Access Management Standards for Local Roads:

This subsection pertains to access management relative to all public roadways within the Town of Farmington. If planned access is to a State highway arterial or collector route within the Urban Compact Zone, also see subsection 5.

The proposed site layout shall take into account existing traffic flow and safe vehicular access to and from public collectors and local roadways within the Town of Farmington.

a. Road capacity:

Vehicular access to the site shall be on roads that have the capacity to accommodate the additional traffic generated by the project. The applicant shall assume financial responsibility for the off-site roadway improvements, if necessary, to accommodate the additional traffic.

Road improvements shall be completed before the project is operational or, in the case of a subdivision, before any lot is sold.

b. Classification of driveways/entrances by traffic volume:

Driveways are classified as low volume; entrances are classified as either medium, or high volume. See Definitions.

c. Minimum sight distance:

1) Sight distance is the length of unobstructed sight line of motor vehicle drivers in normal daylight conditions. Sight distance shall be measured from the perspective of a hypothetical person seated in a vehicle from three vantage points: [1] sitting in the access viewing vehicles traveling on the highway (both left and right), [2] traveling on the highway viewing a vehicle sitting in an access, and [3] traveling on the highway viewing a vehicle turning into the access (both ahead and behind). In case of discrepancy between these measurements, the lesser measurement shall be used to determine whether the sight distance standard is met. Sight distance shall be measured to and from the point on the centerline of the
proposed access that is located ten (10) feet from the edge of traveled way. The height of the hypothetical person’s view shall be three and one-half (3½) feet above the pavement and the height of the object being viewed shall be four and one-half (4½) feet above the pavement.

2) Any exit driveway/entrance or driveway/entrance lane shall be so designed in profile and grading, and so located as to provide a minimum sight distance in each direction. Minimum sight distances depend on the speed of traffic on the road (posted speed limit or a traffic speed study) and the volume of traffic entering and leaving the driveway/entrance.

Tables 1 and 2 specify minimum sight distances for non-arterials and non-collectors as a function of posted highway speed for low volume driveways, medium volume entrances, and high volume entrances respectively. See subsection 5.a.1, for minimum sight distances for arterials.

3) This section shall not apply to driveways serving residential lots in residential zones that will be served by a newly constructed street, or residential areas served by an existing public street, when such street has a posted speed limit of twenty-five (25) miles per hour or less. The Planning Board shall in the review of subdivision proposals ascertain that sight distances at individual driveways ensure safe conditions.

Table 1. Minimum sight distances for low volume driveways and medium volume entrances

<table>
<thead>
<tr>
<th>Posted Speed (MPH)</th>
<th>Low Volume Driveways Minimum Sight Distance (Feet)</th>
<th>Medium Volume Entrances Minimum Sight Distance (Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>125</td>
<td>125</td>
</tr>
<tr>
<td>25</td>
<td>150</td>
<td>150</td>
</tr>
<tr>
<td>30</td>
<td>200</td>
<td>200</td>
</tr>
<tr>
<td>35</td>
<td>225</td>
<td>250</td>
</tr>
<tr>
<td>40</td>
<td>275</td>
<td>325</td>
</tr>
<tr>
<td>45</td>
<td>325</td>
<td>400</td>
</tr>
<tr>
<td>50</td>
<td>400</td>
<td>475</td>
</tr>
<tr>
<td>55</td>
<td>450</td>
<td>550</td>
</tr>
</tbody>
</table>

Table 2. Minimum safe sight distances for high volume entrances

<table>
<thead>
<tr>
<th>Posted Speed (MPH)</th>
<th>Minimum Sight Distance (Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>155</td>
</tr>
<tr>
<td>25</td>
<td>200</td>
</tr>
<tr>
<td>30</td>
<td>250</td>
</tr>
<tr>
<td>35</td>
<td>305</td>
</tr>
<tr>
<td>40</td>
<td>360</td>
</tr>
<tr>
<td>45</td>
<td>425</td>
</tr>
<tr>
<td>50</td>
<td>495</td>
</tr>
<tr>
<td>55</td>
<td>570</td>
</tr>
</tbody>
</table>

AASHTO – Green Book

d. Exceptions and other conditions for minimum sight distances:

1) Where larger vehicle traffic from the development is expected to be thirty percent (30%) or more of the daily peak traffic, the sight distance shall be increased as specified in Tables 3 and 4.

Table 3. Minimum sight distances for low volume driveways and medium volume entrances with large vehicle traffic of thirty percent (30%) or more of daily peak traffic

<table>
<thead>
<tr>
<th>Posted Speed (MPH)</th>
<th>Low Volume Driveways Minimum Sight Distance (Feet)</th>
<th>Medium Volume Entrances Minimum Sight Distance (Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>160</td>
<td>160</td>
</tr>
<tr>
<td>25</td>
<td>190</td>
<td>190</td>
</tr>
<tr>
<td>30</td>
<td>250</td>
<td>250</td>
</tr>
<tr>
<td>35</td>
<td>280</td>
<td>300</td>
</tr>
<tr>
<td>40</td>
<td>340</td>
<td>400</td>
</tr>
<tr>
<td>45</td>
<td>400</td>
<td>500</td>
</tr>
<tr>
<td>50</td>
<td>500</td>
<td>600</td>
</tr>
<tr>
<td>55</td>
<td>560</td>
<td>690</td>
</tr>
</tbody>
</table>

Based on Maine Highway Design Guide – MDOT 1994

Table 4. Minimum safe sight distances for high volume entrances with large vehicle traffic of thirty percent (30%) or more of daily peak traffic

<table>
<thead>
<tr>
<th>Posted Speed (MPH)</th>
<th>Minimum Sight Distance (Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>190</td>
</tr>
<tr>
<td>25</td>
<td>250</td>
</tr>
<tr>
<td>30</td>
<td>300</td>
</tr>
<tr>
<td>35</td>
<td>380</td>
</tr>
<tr>
<td>40</td>
<td>450</td>
</tr>
<tr>
<td>45</td>
<td>530</td>
</tr>
<tr>
<td>50</td>
<td>620</td>
</tr>
<tr>
<td>55</td>
<td>710</td>
</tr>
</tbody>
</table>

Based on AASHTO – Green Book
2) Where more than one business or structure is located on a single parcel, all vehicular access to and from a public or private road shall be via a common access or entranceway serving all businesses and structures.

3) If the intersection of any access driveway/entrance or proposed street in the development is expected to have an increase of one hundred (100) or more passenger car equivalents per hour to the roadway, the Planning Board may require that the intersection be designed by a Professional Engineer licensed by the State of Maine.

4) For lots with shared access, the driveway/entrance may be located along the property line. The minimum spacing to property line may be varied, if:

   a) The safest point of access to the site is closer to the property line; and
   b) There is at least fifty (50) feet of separation between driveways/entrances serving adjacent properties.

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

e. Driveway/Entrance characteristics:

1) Low volume driveways and medium volume entrances shall have the following characteristics:

   a) A single two-way operation for low volume driveways only;
   b) Intersect the road at an angle as close to ninety (90) degrees as site conditions permit, but at no less than forty-five (45) degrees;
   c) For medium volume entrances, all angles between forty-five (45) degrees and ninety (90) degrees shall be channelized;
   d) No median; and
   e) Slope upward from the gutter line or shoulder break on a straight slope of no more than three percent (3%) for the first fifty (50) feet.

2) High volume entrances shall have the following characteristics:

   a) Have two-way operations separated by a raised median of at least six (6) feet in width and fifty (50) feet to one hundred (100) feet in length depending upon necessary storage length for queued vehicles;
b) Intersect the road at an angle as close to ninety (90) degrees as site conditions permit, but at no less than forty-five (45) degrees. All angles between forty-five (45) degrees and ninety (90) degrees shall be channelized;

c) Be striped for two (2) to four (4) lanes, each lane twelve (12) feet wide;

d) Slope upward from gutter line on a straight line of no more than three percent (3%) for the first seventy-five (75) feet; and

e) Signalization and appropriate sign controls may be required depending on traffic conditions.

3) All driveways and entrances shall adhere to the following drainage standards:

a) Culvert Size: The Town Public Works Director shall determine the length and diameter of culverts within the highway right-of-way depending on local conditions; and

b) Construction and Maintenance Standards: Driveways, entrances, on-site ditches, swales, pipes and other structures that direct runoff toward public highway ditches or drainage systems shall be constructed, crowned, stabilized and maintained with stable materials and appropriate erosion control measures such as permanent vegetation or stone, as approved by the Town Public Works Director.

4) All driveways and entrances shall adhere to the following turnaround/parking standard:

Driveways and entrances shall be designed such that all maneuvering and parking of any vehicles shall take place outside of the highway right-of-way and such that vehicles may exit the premises without backing onto the highway traveled way or shoulder. The Planning Board may require a turnaround area to accommodate larger vehicles that are expected to use the driveway/entrance on a regular basis.

5. Arterial/Collector Access Management Standards:

Vehicular access to State highway arterial and collector routes within the Urban Compact Zone shall comply with the following performance standards, in addition to those specified in subsection 4. Where conflicts exist between this subsection and subsection 4., this subsection shall apply. For these standards, Routes 2, 4, 27, and the Town Farm Road are defined as Arterials, all within the Urban Compact Zone.
For these standards, Routes 133, 149, 156, and 41 are defined as Major Collectors, and Route 43 is defined as a Major Collector to Industry and a Minor Collector to Temple, all within the Urban Compact Zone.

For these standards, Knowlton Corner Road, Whittier Road, and Seamon Road are defined as Minor Collectors, all within the Urban Compact Zone.

The segments of these roadways that lie outside of the Urban Compact Zone are under State jurisdiction, and therefore classifications and standards may vary for these.

The Planning Board shall review the Site Review application in light of the following provisions, giving precedence to minimum sight distance, minimum driveway/entrance spacing, and maximum number of driveways/entrances per lot, in that order.

a. Sight Distance:

Driveways/entrances, intersecting roads, and other accesses shall be located to achieve the required sight distance measured in each direction along the arterial, while maintaining adequate distances from adjacent driveways/entrances and intersections as specified in subparagraph 1) and 2) below. In the event that there is a conflict between sight distance and minimum driveway/entrance spacing standards, the sight distance standard should take precedence. Sight distance shall be in accordance with the following standards:

1) Low volume driveways, and medium and high volume entrances – driveway/entrance and intersection road placement shall be such that a driver of an exiting vehicle has an unobstructed sight distance in each direction as specified in Table 5.

Table 5. Minimum sight distances for low volume driveways and medium and high volume entrances

<table>
<thead>
<tr>
<th>Posted Speed (MPH)</th>
<th>Minimum Sight Distance (Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>155</td>
</tr>
<tr>
<td>25</td>
<td>200</td>
</tr>
<tr>
<td>30</td>
<td>250</td>
</tr>
<tr>
<td>35</td>
<td>305</td>
</tr>
<tr>
<td>40</td>
<td>360</td>
</tr>
<tr>
<td>45</td>
<td>425</td>
</tr>
<tr>
<td>50</td>
<td>495</td>
</tr>
<tr>
<td>55</td>
<td>570</td>
</tr>
</tbody>
</table>

AASHTO – Green Book

2) If more than thirty percent (30%) of the traffic projected to use the proposed driveway/entrance will be large vehicles, the minimum sight distances shall be increased as specified in Table 6.
### Table 6. Minimum sight distances for large vehicles

<table>
<thead>
<tr>
<th>Posted Speed (MPH)</th>
<th>Minimum Sight Distance (Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>25</td>
<td>300</td>
</tr>
<tr>
<td>30</td>
<td>370</td>
</tr>
<tr>
<td>35</td>
<td>455</td>
</tr>
<tr>
<td>40</td>
<td>540</td>
</tr>
<tr>
<td>45</td>
<td>635</td>
</tr>
<tr>
<td>50</td>
<td>740</td>
</tr>
<tr>
<td>55</td>
<td>855</td>
</tr>
</tbody>
</table>

AASHTO – Green Book

### b. Minimum driveway spacing:

1) New lots - The minimum distance between nonresidential driveways/entrances served by an arterial shall be a function of posted highway speed according to Table 7. The minimum distances shall apply to nonresidential driveways/entrances on the same lot or on adjoining lots. Measurement of minimum distance between driveways/entrances shall be from the centerline of the driveways at the right-of-way line.

Any new nonresidential lot created after the effective date of these standards shall contain a minimum frontage equal to the minimum spacing requirement as stated in Table 7, unless the applicant can demonstrate to the Planning Board that:

a) The access to the property will be provided by a frontage road, service road or local road;

b) The placement of a driveway/entrance on a lot with a smaller frontage will not prohibit abutting property owners from meeting the minimum spacing requirements contained in Table 7; or

c) The lot will be accessed by a shared driveway/entrance with an abutter.

### Table 7. Minimum distance between driveways/entrances

<table>
<thead>
<tr>
<th>Posted Speed (mph)</th>
<th>Minimum Spacing (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>25 or less</td>
<td>90</td>
</tr>
<tr>
<td>30</td>
<td>105</td>
</tr>
<tr>
<td>35</td>
<td>130</td>
</tr>
<tr>
<td>40</td>
<td>175</td>
</tr>
<tr>
<td>45</td>
<td>265</td>
</tr>
<tr>
<td>50</td>
<td>350</td>
</tr>
</tbody>
</table>
2) Access to lots with nonconforming frontages - Lots which are served by an arterial and which are nonconforming with respect to required frontage as of the effective date of these standards are prohibited from developing more than a total of one (1) access point. Nonconforming nonresidential frontage lots that, as of the effective date of these standards are improved with structures, are prohibited from expanding or converting such structures, where such activity will result in:

a) The need for new access points; or

b) A significant increase in the anticipated peak hour traffic such that the driveway/entrance volume moves from one category to another, e.g., from low volume driveway to medium volume entrance.

Where adjoining lots are owned in common and do not meet the frontage requirements specified in Table 7, an access permit may be granted provided that access is shared by adjoining lots.

3) Maximum number of driveways/entrances per lot – the maximum number of driveways from the roadway to the site to be developed shall be governed by the following:

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

b) No medium or high volume traffic generator shall have more than two (2) two-way accesses, or three (3) accesses in total, onto a single roadway; and;

c) All driveways/entrances shall comply with the spacing requirements in Table 7.

4) Entrances and exits - Where a proposed development is to be located at the intersection of an arterial and a collector or local road, entrance(s) to and exit(s) from the site shall be located only on the collector or local road. This requirement may be waived where the applicant demonstrates that existing site conditions preclude the location of a driveway/entrance on the collector or local road, or that the location of the driveway/entrance on a collector or local road would create safety-related problems within a predominantly residential neighborhood.

5) Corner clearances – Minimum distance from the nearest edge of driveway/entrance corner (point of tangency) to edge of intersection corner (point of tangency) for all types of driveways/entrances shall be one hundred twenty-five (125) feet for signalized intersections and seventy-five (75) feet for non-signalized intersections.

6) Curb opening widths and design shall conform to the following standards:
a)  Low volume driveways

(1)  Have a two-way operation;

(2)  Intersect the road at an angle as close to ninety degrees (90%) as site conditions permit, but at no less than sixty degrees (60%);

(3)  Not require a median; and

(4)  Comply with the geometric standards specified in Table 8.

b)  Medium volume entrances

(1)  Have either two-way or one-way operation;

(2)  Intersect the road at an angle as close to ninety degrees (90%) as site conditions permit, but at no less than sixty degrees (60%);

(3)  Not require a median; and

(4)  Comply with the geometric standards specified in Table 8.

<table>
<thead>
<tr>
<th>Dimension</th>
<th>Desired Value (ft.)</th>
<th>Minimum Value (ft.)</th>
<th>Maximum Value (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ONE-WAY</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R1 (radius)</td>
<td>30</td>
<td>25</td>
<td>40</td>
</tr>
<tr>
<td>R2 (radius)</td>
<td>5</td>
<td>5</td>
<td>10</td>
</tr>
<tr>
<td>W (driveway width)</td>
<td>20</td>
<td>20</td>
<td>24</td>
</tr>
<tr>
<td><strong>TWO-WAY</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R1 (radius)</td>
<td>30</td>
<td>25</td>
<td>40</td>
</tr>
<tr>
<td>WD (driveway width)</td>
<td>26*</td>
<td>24</td>
<td>30*</td>
</tr>
</tbody>
</table>

*Where separate left and right exit lanes are desirable.
c) High volume entrances:

(1) Have two-way operations separated by a raised median of six (6) feet to ten (10) feet in width and fifty (50) to one hundred (100) feet in length, depending upon necessary storage length for queued vehicles;

(2) Intersect with the road at an angle as close to ninety degrees (90%) possible, but at not less than sixty degrees (60%);

(3) Be striped for two (2) lanes to four (4) lanes with each lane twelve (12) feet wide; and

(4) Signalization and appropriate sign controls may be required depending on traffic conditions. Level of service and traffic signal warrants should be conducted for all high volume driveways, and comply with the geometric standards specified in Table 9.
Table 9. Curb opening design for high-volume entrances:

<table>
<thead>
<tr>
<th>Dimension</th>
<th>Without Channelization</th>
<th>Desired Value (ft.)</th>
<th>Minimum Value (ft.)</th>
<th>Maximum Value (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>R (radius)</td>
<td>50</td>
<td>30</td>
<td>50</td>
<td></td>
</tr>
<tr>
<td>WD (drive width)</td>
<td>24</td>
<td>20</td>
<td>26</td>
<td></td>
</tr>
<tr>
<td>M (median width)</td>
<td>4</td>
<td>4</td>
<td>10</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Dimension</th>
<th>With Channelization</th>
<th>Desired Value (ft.)</th>
<th>Minimum Value (ft.)</th>
<th>Maximum Value (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>n</td>
<td>100</td>
<td>75</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>R (radius)</td>
<td>24</td>
<td>20</td>
<td>26</td>
<td></td>
</tr>
<tr>
<td>WD (drive width)</td>
<td>4</td>
<td>4</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>M (median width)</td>
<td>20</td>
<td>16</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>WR</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*For industrial developments with a high percentage of larger vehicle traffic, maximum values are required.

6. Subdivision:

The performance standards specified in this subsection are applicable to subdivisions specified in Title 30A MRSA 4452, as administrated through the “Town of Farmington Subdivision Ordinance”. These standards complement all preceding standards. Where conflicts exist between this subsection and any preceding standard, this subsection shall supercede.
a. Access to frontage road/service road - Where such project abuts an existing arterial or a proposed arterial, the following provisions shall apply:

1) Direct Arterial Access to Individual Lots Prohibited - Direct access to any individual lot, or to a single place of business, shall be prohibited unless the Planning Board determines that physical conditions particular to the parcel justify the granting of a waiver from this requirement. A waiver shall be granted only if there will be no further division of the parcel and one of the following conditions is met:

   a) There is too little road frontage to reasonably allow creation of a new way;

   b) The shape or physical condition of the parcel does not permit access to, or creation of, a street other than the arterial; or

   c) Common access will be utilized which will allow all proposed lots to be serviced by one (1) new curb opening.

2) Permitted access:

   Access to the development may include one of the following:

   a) A common frontage road running parallel to the arterial provided that such frontage road shall be located at least fifty (50) feet from the right-of-way of the arterial. As an alternative to constructing the service road, the Town and the developer, acting through a formal agreement, may agree that small sites may be served by individual, temporary driveways/entrances until adjacent lots are developed, provided that a service road shall be constructed by a mutually agreed upon date, after which the temporary driveways/entrances shall be closed and consolidated into one (1) or two (2) access points;

   b) A common driveway/entrance, which may intersect the arterial, and which serves the individual lots or businesses or a common parking lot adjacent to the individual lots or businesses; or

   c) One (1) or more local roads, to be constructed by the developer according to the standards, which shall serve the development.

b. Corner lot access - Where a proposed development is to be located at the intersection of an arterial and a collector or the local road, driveways to the site shall be located only on the collector or local road. This requirement may be waived where the applicant demonstrates that existing site conditions, e.g., inadequate frontage along the collector or local road, preclude the location of a driveway on the collector or local road, or that the location of the driveway on the collector or local road would create safety-related problems within a predominantly residential neighborhood.
c. Shared driveways - Shared driveways shall be encouraged for adjacent sites, in order to minimize the number of driveways along the arterial. The lot size and road frontage requirements may be reduced for shared driveways as follows:

1) A total of ten percent (10%), when the developer agrees to provide shared driveways to the entire site; and

2) A total of fifteen percent (15%), when the shared driveways are on a road other than the arterial.

7. Waiver of Standards:

Standards may be waived only to the extent that existing lots of record as of the effective date of these standards that do not have access to another public way and that do not meet these standards may be allowed one (1) driveway if the applicant meets the standards for granting a waiver set below:

The Planning Board shall review the request and determine whether to grant the request, deny the request, or grant the request with any reasonable condition(s). The request shall be granted only if the applicant demonstrates, to the reasonable satisfaction of the Board, that:

a. The waiver will not significantly impact public safety;

b. The proposed driveway/entrance meets the standards to the maximum extent practicable;

c. There is no feasible alternative; and

d. In determining practicability and feasibility, the Board shall consider the nature and extent of negotiation for a shared driveway/entrance and the availability and cost of alternative driveway/entrance locations and designs in relation to the proposed use.

H. Facades in the Village Business Historic District:

All new facades and any renovated facades in the Village Business Historic District shall be designed and built in a manner that compliments the predominant visual character and quality exhibited by the existing buildings in this district.

The aim is to have all such façade work done in a manner that does not detract from its immediate neighbors or from the overall historic impression of the Village Business Historic District. While individual facades can and will possess their own distinct appearances, the goal is for the collective impact of these appearances to be harmonious and not conflicting.
I. Open Space Residential Development:

1. Purpose:

   This section is intended to promote integrated, creatively-designed residential development that results in the preservation of open space and natural resources, the reduction of infrastructure and site development costs, and the promotion of attractive standards of appearance consistent with town and neighborhood project character.

2. Permit Authority:

   The Planning Board shall have the authority to approve an Open Space Residential Development (“OSRD”) in the Residential, Village Residential, Residential Light Commercial, and Farm and Forest Districts where the applicant demonstrates compliance with the requirements of this section.

3. OSRD Permit Applications:

   a. Any proposed development that would create ten (10) or more single-family, duplex, or multi-family dwelling units on a parcel of land or a set of contiguous parcels of land, containing at least ten (10) acres, may submit an application or an OSRD permit. Parcels separated by roadways shall be considered contiguous.

   b. Any application submitted under this section that involves a subdivision of land shall also be subject to the approval of the Planning Board under the Town of Farmington Subdivision Ordinance.

4. Submittal Requirements:

   All applicants for an OSRD permit shall submit the following to the Planning Board:

   a. An application supplied by the Code Enforcement Office, and the appropriate fee set by the Board of Selectmen;

   b. An OSRD plan addressing the general features of the land, configurations of lots and roadways, and all information required by the Planning Board under Section 8; and

   c. The plans required by this Section 4 shall be prepared by a licensed civil engineer, a land surveyor, or other licensed professional approved by the Planning Board.
5. **Procedures for Approval:**

Applicants seeking an OSRD permit are encouraged to arrange for a pre-application meeting with the Code Enforcement Officer to discuss the proposed OSRD.

6. **Open Space Requirements:**

   a. A minimum of fifty percent (50%) of the OSRD shall be dedicated as permanent open space. Qualifying open space under this section is all non-impervious common area in the development which is devoid of structures, and shall either be left in its undisturbed, natural condition, or developed to assure its use as an area for recreation, or a visual amenity, landscaped, or managed for forestry or used for agriculture in accordance with Best Management Practices. A utility corridor that is permitted to be used for recreational trail purposes shall be deemed to qualify as open space within an OSRD despite the existence of utility structures, provided that no other structures shall be permitted within such corridors.

   b. The open space shall be subject to a recorded deed restriction. The restriction shall provide that the open space will remain in an open state, will be used solely for the purposes allowed by this section, and will be maintained in a manner that will ensure its suitability for its intended purpose.

7. **Density Bonus:**

   The applicant shall be entitled to a twenty percent (20%) density bonus (i.e. 20% more dwelling units) if the applicant proposes to preserve at least seventy percent (70%) of the land in the OSRD as open space.

8. **OSRD Design Requirements:**

   An applicant shall determine the layout of streets, open space, and lots or building areas in the proposed OSRD in compliance with the following:

   a. Identify open space area(s);

   b. Identify the developable area of the site. The developable area must consist only of land outside the open space area(s);

   c. Identify dwelling sites within the developable area(s) and delineate any private yards and shared amenities;

   d. Delineate the streets that will provide access to the house sites, and any desirable trails or walkways; and

   e. Delineate lot lines, except where condominium ownership is used.
9. **OSRD Development Standards:**

a. Underground utilities shall be located so as to not interfere with the Town’s highway drainage facilities, including but not limited to, culverts, catchbasins, underdrainage, interceptors, swales, etc. and the maintenance thereof by the Town.

b. Where multi-dwelling units are proposed, individual buildings shall contain no more than eight (8) dwelling units.

c. There shall be no unbroken building facades longer than sixty (60) feet. For purposes of this standard, an “unbroken façade” means a façade that is lacking in such features as irregularities, recessed entries, “bump outs,” and the like that serve to create visual interest along its length.

d. Where townhouse dwellings are proposed, the development shall provide for varied roofline articulation that stresses New England village-style architecture, and the use of building materials and colors that are compatible with other quality buildings of similar scale in the vicinity.

e. Individual building lots or building locations must be laid out to achieve the following objectives, as applicable. Where the Planning Board finds that objectives conflict, the objectives shall be achieved in the order listed:

1) On soils suitable for subsurface wastewater disposal where on-site wastewater disposal is to be used;

2) In a manner that preserves, as part of the required open space, environmentally sensitive areas, such as wetlands, steep slopes, floodplains, wildlife habitat rated by the Maine Department of Inland Fisheries and Wildlife as high value, and unique natural features;

3) In a manner that preserves or allows the establishment of a vegetated buffer to serve as an effective visual screen from adjacent properties;

4) In a manner that maximizes the amount of contiguous, usable area for agriculture or forest production or outdoor recreation included as part of the required open space; and

5) In a manner that each dwelling unit has as direct access as possible to the open space, as appropriate based on the nature and use of the open space.

10. **Common Open Space:**

a. The open space should be capable of being used and enjoyed by residents of the development for the purpose of informal and unstructured recreation and
relaxation, or a visual amenity, or managed for forestry or used for agriculture in accordance with Best Management Practices.

b. The applicant shall propose that the common open space shall be controlled by one (1) or more of the following methods:

1) Common ownership by the owners of the units within the project through a corporation or trust comprising a homeowners’ association with the additional option of a conservation easement granted to a recognized conservation organization. The developer shall include in the deed to such owners beneficial rights in the open space, and shall grant a perpetual open space deed restriction to insure that it will remain in an open state in accordance with these performance standards. Such restriction shall be reviewed and approved by the Planning Board.

2) Transfer, with permanent restrictions, to a land trust or other recognized conservation organization; or

3) Ownership or lease by a private party for agricultural or other natural resource use provided that permanent restrictions are in place to provide for its continued use for this purpose.

c. Any and all conveyances, transfers, easements, covenants, deed restrictions, and instruments executed in the process of effectuating 10.b.1-3 above shall contain the following:

1) Assurance(s) that the open space will be protected from all forms of development except as shown on an approved OSRD site plan and described in the recorded deed restriction, and shall never be changed to another use.

2) Identification(s) of the proposed allowable use(s) of the dedicated open space.

3) Requirement(s) that the dedicated open space be maintained by parties who have an ownership or lease interest in the open space.

4) Provision(s) of standards for scheduled maintenance by parties who have an ownership or lease interest in the open space.

11. Professional Review:

a. Professional Services:

The Board may require that a fully qualified consultant(s) review one or more submissions of an application and report as to compliance or noncompliance with this Ordinance and recommend, if possible, procedures which will result in compliance. The consultant(s) shall be determined by the Board to be
competent in a field relevant to the issue under consideration and shall be mutually acceptable to the Board and the applicant. The consultant shall 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 consultant from the escrow account and reimburse the applicant if funds remain after payments are completed. If escrowed funds are insufficient, the applicant shall deposit additional funds with the Town, based on the consultant’s estimate, sufficient for completion (if said completion is still desired).

b. Additional Studies:

The Board may require the applicant to undertake any study which the Board deems necessary to insure that the requirements of the Ordinance are met. The costs of all such studies shall be borne by the applicant.

J. Wind Energy System

1. Purpose:

It is the purpose of these performance standards to enable the Town to: regulate the permitting of commercial and residential wind energy systems; be informed of the placement of residential and commercial wind energy systems; preserve and protect public health and safety; allow for the orderly development of land; and protect property values in the Town of Farmington.

2. Permits Required:

No person shall construct a wind energy system without obtaining a permit from the Code Enforcement Officer (CEO) or Planning Board as follows:

a. For residential use, approval by the CEO is required for the construction and/or expansion of all such wind energy systems.

b. For commercial use, approval by the Planning Board is required for the construction and/or expansion of all such wind energy systems

3. Application Procedure:

Applications for residential and commercial wind energy system permits shall be filed on forms provided by the Code Enforcement Office and must include the following information:

a. Name of owner and operator of the wind energy system, and owner of property.
b. Location of proposed wind energy system, including map/lot number, and street address. Plot plan identifying location of wind energy system on the property and physical dimensions of the property.

c. Location of any public road or right-of-way that is contiguous with the property.

d. Any overhead utility lines, commercial wind energy system permits will also require the following information:

1) Wind system specifications, including manufacturer and model, rotor dimension, tower height, and tower type (freestanding or guyed).

2) Tower and tower foundation blueprints or drawings.

Commercial wind energy system permits will also require the following information:

e. Certification that construction of the tower complies with all industry standards, all applicable State construction and electrical codes, the National Electrical Code, the Federal Aviation Administration (FAA), and any other standards applicable to commercial wind generators at the time of permit application.

4. Notice to the Abutters:

Abutting property owners shall be notified by certified mail, by the Town, at least fifteen (15) days prior to initial Planning Board or CEO consideration. The cost of notification shall be borne by the applicant. The notice shall indicate the time, date and place of Planning Board or CEO consideration, if applicable. Public hearings may be called at the discretion of the Planning Board or CEO. If a public hearing is scheduled, a notice of such shall be published in a newspaper of general circulation in the municipality at least fifteen (15) days prior to the hearing and shall include the date, time and place of the hearing. The cost of advertising shall be borne by the applicant.

5. Onsite Visit:

All applications shall have an onsite visit by the CEO. An additional site visit(s) may be scheduled by the Planning Board.

6. Standards for Residential Wind Energy System Permit:

a. For residential use, a permit for a new wind energy system, including all components that comprise the system, shall be granted only in a zoning district in which such a facility is allowed (See Town of Farmington Zoning Ordinance – Section 11-8.9(D) Table of Uses).
b. All wind energy systems shall be setback from abutting property lines, utility lines, and/or public roads or right-of-way by a distance equal to 105% of the tower height including all components. This distance from property lines may be reduced by a written, recorded mutual agreement of the property abutter(s) whose property line(s) is within said distance of the tower base. In no case may the setback be less than the standard setback distance for the zone in which the wind energy system is constructed. Best Engineering Practices should be utilized in determining the optimal placement.

c. Access: All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access. The tower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to unauthorized persons.

d. Wind energy systems shall not exceed 60 dB(A), as measured at the closest property line. The level, however, may be exceeded during short-time events such as utility outages and/or severe weather events.

e. The wind energy system generators and alternators shall be constructed so as to prevent the emission of radio and television signals. The applicant shall correct any signal disturbance problem that is identified within ninety (90) days. Upon identification of a signal disturbance problem, the wind energy system shall not be operated until corrected. If the problem is not corrected within ninety (90) days, the applicant shall be in violation and subject to the enforcement provisions in the Town of Farmington Zoning Ordinance, which may result in wind energy system removal.

f. The supporting tower shall also be enclosed with a six (6) foot tall fence or the base of the tower shall not be climbable for a distance of ten (10) feet.

g. The owner of a wind energy system shall be required to remove the tower if it hasn’t produced power for a period of twelve (12) consecutive months unless otherwise waived by the CEO or the Planning Board.

7. Standards for Commercial Wind Energy System Permit:

a. Location: For commercial use, a permit for a new wind energy system, including all components that comprise the system, shall be granted only in a zoning district in which such a facility is allowed (see Town of Farmington Zoning Ordinance – Section 11-8.9(D) (Table of Uses), and only upon proof of ownership, easement or purchase option, for the location under consideration.

A location map shall be provided which describes the boundaries of the proposed facility site, all property boundary lines, and all contiguous properties under the total or partial control of the applicant, any scenic resource or historic site within ½ mile of the proposed development site and any significant wildlife habitat which may be impacted.
There shall be written evidence that the Environmental Coordinator of the Maine Department of Inland Fisheries and the Maine Natural Resources Program have both been notified of the pending application and the location and tower height of all components covered by the application.

b. Setbacks: All wind energy systems shall be setback from abutting property lines, utility lines, overhead utility lines (not associated with the facility), and/or public roads or right-of-way by a distance equal to 105% of the tower height including all components. This distance from property lines may be reduced by a written, recorded mutual agreement of the property abutter(s) whose property line(s) is within said distance of the tower base. In no case may the setback be less than the standard setback distance for the zone in which the wind energy system is constructed. Best Engineering Practices shall be utilized in determining the optimal placement within the above requirements.

The application shall include a description of the proposed facility to include the manufacturer’s specifications for each wind turbine including make, model, tower height, maximum generating capacity, sound emission levels, over speed controls, normal and emergency shutdown procedures, and the number and aggregate generating capacity of the total system. A description of all associated facilities shall also be included.

c. Visual Appearance: Wind energy systems shall maintain a finish appropriate to and compatible with the surroundings unless Federal Aviation Administration (FAA) standards require otherwise, or if the owner is attempting to conform the tower to the surrounding environment and architecture, in which case it may be painted to reduce visual obtrusiveness. The Planning Board may require photos of the existing proposed site from various locations and similar photos from the same locations with the wind energy system superimposed to aid in evaluating the visual appearance.

d. Access: All ground mounted electrical and control equipment shall be fenced and labeled or secured to prevent unauthorized access. The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public. Access to the tower shall be through a locked gate.

e. Wiring: All electrical wires associated with a wind energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires, shall be located to meet the National Electrical Code (NEC), also known as NFPA 70.

f. Lighting: Wind energy systems shall not be artificially lighted unless required by the FAA or other federal or State authority. If lighting is required, the Planning Board may review available lighting alternatives and approve the design that would cause the least disturbance of the surrounding properties and view.
g. Signage: All signs, other than the manufacturer’s or installer’s identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a wind energy system shall be prohibited. No wind tower should have any signage, or writing or pictures that may be construed as advertising placed on it at any time. In addition, no flags, streamers or decorative items may be attached to the wind energy system tower or turbine.

h. Sound Pressure: Wind energy systems shall not exceed 60 dB(A), as measured at the closest property line. The level, however, may be exceeded during short–time events such as utility outages and/or severe weather events.

i. The applicant shall provide evidence that the proposed height of the wind energy system tower does not exceed the height recommended by the manufacturer or distributor of the system.

j. The applicant shall certify that they will comply with the utility notification requirements contained in the Maine net metering law and accompanying regulations through the Maine Public Utility Commission, unless the applicant intends, and so states on the application, that the system will not be connected to the electricity grid.

k. Tower construction of a commercial wind energy system shall be appropriate to the surroundings and shall be located according to Best Engineering Practice. The application shall include site line, photographic and, if applicable, screening information to aid the Planning Board in evaluation of the environmental and visual impact of the construction and operation of the wind energy system. The supporting tower shall also be enclosed with a six (6) foot tall fence or the base of the tower shall not be climbable for a distance of ten (10) feet.

l. The wind energy system generators and alternators shall be constructed so as to prevent the emission of radio and television signals. The applicant shall correct any signal disturbance problem that is identified within ninety (90) days. Upon identification of a signal disturbance problem, the wind energy system shall not be operated until corrected. If the problem is not corrected within ninety (90) days, the applicant shall be in violation and subject to the enforcement provisions in the Town of Farmington Zoning Ordinance, which may result in wind energy system removal.

m. The owner of a wind energy system shall be required to remove the tower and other system components if it hasn’t produced power for a period of twelve (12) consecutive months. Unless the owner of a tower and the landowner are one and the same, the applicant for a permit under this Section shall post a performance guarantee with the Town prior to obtaining a permit that is equal to 125% of the cost of removing the tower and other system components. The performance guarantee covering such removal shall be for
a minimum term of five (5) years. Requirement for renewal of the guarantee must contain a mechanism, satisfactory to the Town, for review of the cost removal of the structure and other system components every five (5) years, and a mechanism for increasing the amount of the guarantee should the revised cost estimates so necessitate.

n. Shadow Flicker – Computer modeling tools, such as WindPro, or any other such tool, shall be used to generate the predictions of shadow flicker. The application shall include evidence the system will avoid unreasonable adverse effects of shadow flicker at any occupied building located on a nearby property.

o. Visual Screening – The Planning Board shall have the authority to require applicants to consider visual screening if appropriate to minimize visual impact.

p. Tower/Turbine Color and Finish – Tower /turbine and turbine blades shall be painted a non-obtrusive, non-reflective color such as white or gray to minimize negative visual impacts.

8. Permit Fees:

Application for a Residential Wind Energy System Permit shall be accompanied by a fee of fifty ($50.00) dollars. An application for a Commercial Wind Energy System Permit shall be accompanied by a fee of five-hundred ($500.00) dollars for each wind tower.

9. Expiration:

A permit issued pursuant to this Ordinance shall expire if:

a. The wind energy system is not installed and functioning within twenty-four (24) months from the date the permit was issued; or

b. The wind energy system is out of service or not producing power for a continuous twelve (12) month period.

10. Exemptions:

All wind energy systems preexisting to the enactment of these standards will be considered exempt.

Wind energy systems used for pumping water or air or used for operating equipment will be exempt from all requirements for a residential wind energy system.
11. Definitions:

**Best Engineering Practice:** Best Engineering Practice – Equipment specifications, site preparation, construction materials, turbines, blades, and support structures will be of sufficient quality that when completed the existing windmill structure will meet all applicable mechanical, electrical, and industrial engineering standards appropriate for said windmill, as well as any and all codes, standards, requirements, and regulations applicable to said windmill in the State of Maine. In domestic construction, the standards set by the manufacturers of the windmill components will suffice with regard to health and safety requirements.

In commercial applications the windmills must meet all standards as determined by a licensed professional, industrial, or mechanical engineer who is hired by the town at the developer’s expense. A mutually agreeable time-table of quality control and quality assurance will be developed and adhered to prior to and during construction/placement of the commercial windmills as applicable in Maine.

**Commercial:** Commercial means the use of tower structures, the intent and result of which activity is the production of income from the buying/or selling of tower generated energy, with the exception of residential energy contracts with local electrical energy supply companies such as Central Maine Power. “Commercial” shall not include agricultural, educational, institutional, and governmental facilities.

**dB(A):** dB(A) means the sound pressure level in decibels. Refers to the “a” weighted scale defined by American national Standards Institute (ASNSI). A method for weighting the frequency spectrum to mimic the human ear.

**Decibel:** Decibel means the unit of measure used to express the magnitude of sound pressure and sound intensity.

**Historic Site:** Historic site means any site, structure, or archaeological site which has been officially included in the National Registry of Historic Places and/or Maine Historic Resource Inventory, or which has been established by qualified testimony as being of historic significance.

**Rotor:** Rotor means an element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

**Rotor diameter:** Rotor diameter means the cross sectional dimension of the circle swept by the rotating blades.

**Scenic Resource:** Scenic resource means either a scenic resource of state or national significance, as defined in 35 M.R.S.A §3451(9) or a scenic resource of local significance located within the town and identified as such in a Comprehensive Plan, Open Space Plan, or Scenic Inventory adopted by the Board of Selectmen.
**Shadow Flicker:** Shadow flicker means the alternating changes in light intensity caused by the movement of wind turbine blades casting shadows on the ground or a stationary object. Shadow Flicker is not the sun seen through a spinning wind turbine blade, nor what an individual might view moving through the shadows of a wind farm.

**Sight Line:** Sight line means a line of sight extending from the observer’s eye to the lowest point visible on the proposed tower as depicted in a profile drawing showing prominent features including, but not limited to, topography, buildings, and trees.

**Significant Wildlife Habitat:** Significant wildlife habitat means Significant Wildlife Habitat as defined in 38 M.R.S.A. §480-B(10).

**Tower height:** Tower height means the height above grade of the fixed portion of the tower, excluding the wind turbine itself.

**Turbine:** Turbine means the parts of a wind system including the blades, generator, and tail.

**Wind energy system:** Wind energy system means equipment that converts and then stores or transfers energy from the wind into usable forms of energy. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wore, inverter, batteries or other component used in the system. This does not include wiring to connect the wind energy system to the grid.

**Wind generator:** Wind generator means blades and associated mechanical and electrical conversion components mounted on top of the tower.

**Wind tower:** Wind tower means the monopole, freestanding, or guyed structure that supports a wind turbine generator.

### 11-8.12. Appeals:

Administrative appeals and variance applications submitted under this Ordinance shall be subject to the standards and procedures established by the Town of the Farmington Board of Appeals Ordinance.

Any person aggrieved by the action of the Code Enforcement Officer or Planning Board may appeal to the Board of Appeals by filing a notice of appeal within thirty (30) days after receipt of the Code Enforcement Officer or Planning Board's notification.
11 – 8.13. Amendments:

A. Initiation of Amendments: An amendment to this Ordinance may be initiated by:
   1. The Board of Selectmen, provided a majority of the Board of Selectmen has so voted; or
   2. Written petition of a number of voters equal to at least 10% of the number of votes cast in the municipality at the last gubernatorial elections.

B. Hearings:

Board of Selectmen shall hold a public hearing on the proposed amendment in accordance with 30A MRSA 4352 (9). Notification of the hearing shall be posted and advertised twice in a newspaper of general circulation in the municipality. The date of the first publication must be at least fourteen (14) days before the hearing and the second notification must be at least seven (7) days before the hearing. Notice of the hearing must be posted in the municipal office building at least fourteen (14) days before the hearing. Notice must be also sent to the owner(s) of the property to be rezoned and to the owners of all property abutting the property to be rezoned at the owners’ last known address. Additional notification is required if the area to be rezoned is in the Wellhead Protection Zone or is to be re-zoned as resource protection (Shoreland Zoning).

C. Source Water Protection Area:

If the area to be re-zoned is in the Wellhead Protection area, the public drinking water supplier shall be notified by regular mail.

D. Resource Protection Area (Shoreland Zoning):

If the area to be re-zoned is resource protection, the municipality shall provide written notification to landowners whose property is being considered by the municipality for placement in a resource protection zone. Notification to landowners must be made by first-class mail to the last known addresses of the persons against whom property tax on each parcel is assessed fourteen (14) days before the Board of Selectmen votes to establish a public hearing on adoption or amendment of a zoning ordinance or map that places the landowners’ property in the resource protection zone. (Once a landowner’s property has been placed in a resource protection zone, individual notice is not required to be sent to the landowner when the zoning ordinance or map is later amended in a way that does not affect the inclusion of the landowner’s property in the resource protection zone.) The municipal officers shall prepare and file with the municipal clerk a sworn, notarized certificate indicating those persons to whom notice was mailed and at what addresses, and when, by whom and from what location notice was mailed.

E. Adoption of Amendment:

An amendment of this Ordinance shall be adopted by a majority vote of a Town Meeting.
11–8.14. Enforcement:

A. Nuisances:

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

B. Code Enforcement Officer:

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

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

3. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found and fees collected.

C. Legal Actions:

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon receiving written notification from the CEO, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including injunctions of violations and the impositions of penalties and/or fines in order to enforce the provisions of this Ordinance. The Municipal officers or their authorized agent are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action.

D. Penalties/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, or upon failure to comply with any of its requirements, shall be penalized in accordance with title 30-MRSA Section 4452. The owner or tenant of any building, structure, premises, or part thereof and any architect, builder, contractor, agent, or other person who commits, participates in, or maintains such violation may be found guilty of a separate offense and be subject to the penalties herein provided.