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Tremont, Me

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NOTICE

To the Citizens of Tremont:

The records of the Town are kept at the Town Office.
Residents may examine these records by calling the Town Office
during regular business hours, Monday –Friday, 8:00am – 4:00 pm.

To the Taxpayers of Tremont, Maine:

All taxpayers should read and comply with the following provision
of the law on tax assessments.

Title 36, Chapter 105 and 706, M.S.R.A., 1981

Before making an assessment, the assessor may give reasonable notice in writing
to persons liable to taxation in the municipality to furnish to the assessor a true
and perfect list of all their estates, not by law exempt from taxation, of which
they were possessed on the first day of April of the same year. The notice to
owners may be by mail directed to the last known address of the tax payer or by
any other method that provides reasonable notice to the taxpayer.

If notice is given by mail and the taxpayer does not furnish the list, he is barred of
his right to make an application for the assessor or any appeal there from for any
abatement of his taxes, unless he furnishes the list with his application and satisfies the
assessor he was unable to furnish at the time appointed.

TOWN OF TREMONT MONTHLY BOARD MEETING SCHEDULE

All meetings are held at the Tremont Town Office at the time indicated unless otherwise
posted. Please contact the Town Office for more information.

Board of Selectmen	1 st and 3 rd Monday 6:00PM
Planning Board	2 nd and 4 th Tuesday 6:00PM
Harbor Committee	Last Thursday of each month 5:00PM

*Please bring your copy of the Annual Report to the Town Meeting. Upon arrival please check in
with the Registrar of Votes to receive your voting card.*

ADMINISTRATIVE TOWN OFFICIALS

Dana Reed	Town Manager Treasurer G.A. Administrator Road Commissioner
Katie Dandurand	Town Clerk Tax Collector Deputy Treasurer Deputy Registrar of Voters
Janice Sprague	Bookkeeper Deputy Clerk
Beatrice Grinnell	Deputy Clerk
John Larson	CEO Plumbing Inspector E-911 Officer
Justin Seavey Jimmy Schlaefer Heath Higgins Janet Patton Keith Higgins	Harbormaster Public Works Foreman ACO Registrar of Voters Fire Chief Emerg Management Director
Terri Lanpher Carey Donovan	Health Officer Acadia Disposal District

TREMONT BOARD OF SELECTMEN

Katharine Thurston-Chairman-2017
Stewart Murphy-Vice Chairman-2017
Christopher Eaton-2018
Kevin Buck-2018
James Thurlow-2019

Town Manager's 2016 Annual Report



The Year 2016, my second full year with the Town, has been an exciting one: a year full of changes, upgrades, and fond goodbyes.

Several long-time employees moved on to other endeavors this year: Equipment Operator Austin “Peppy” Seavey, Town Clerk McKenzie Jewett and Assessor/Code Officer Debbie Nickerson. I want to recognize each of them for their many years of service to the Town. As anyone who has worked in municipal government knows, these are very difficult positions and my hat is off to them for their many years working on behalf of their fellow citizens.

It was not easy to fill their shoes, but we are proud of our new colleagues and welcome them to our public service team! Filling the Public Works Department slot is Troy Bridges, who comes to us with 14 years of road maintenance experience with the Maine Department of Transportation. In the Town Clerk/Tax Collector slot is Katie Dandurand, most recently a customer service representative at the Maine Bureau of Motor Vehicles, who also has 12 years of well-rounded clerical and administrative experience. For the assessing and code enforcement duties, the Selectboard and I decided to split the two positions, so we could hire experts in both. John Larson, who works for several area municipalities, is our new part-time Code Enforcement Officer and is available every Tuesday afternoon and Thursday morning. For the assessing, we’ve contracted those duties to RJD Appraisals, assessors to a number of area towns.

One of our major responsibilities every winter is keeping your roads safe and clear. Although 2016 was much less severe than the previous year, we still needed to purchase 300 tons of rock salt and nearly 1000 cubic yards of winter sand. Helping us spread all that material were Public Works Foreman and snowfighter-in-chief Jimmy Schlaefer, assisted by fulltime Town employees Troy Bridges and Harbor Master Justin Seavey. But we couldn’t have done it without frequent help from our cadre of part-time snowfighters: Brian Gordius, Matt Grinnell, Scott Harper, Steve “Fogger” Harper, Wayne “Coolie” Rich, John Thurston and Jerry Walls. Despite their dedication, we can always use another plowtruck driver or two. So if you have some free time in the winter, please join our team. We respect your other time commitments and even train those who have never plowed before. Just stop by the Town Office to apply.

It was a good year for road improvements, too. In the spring, we finished the final paving of the Lopaus Point Road, which had been repaired and patched the previous fall. Contractor R.F. Jordan Construction overlaid the entire 7/10 mile with new pavement, then dressed the shoulders. We also overlaid the turnaround area at the south end of the Steamboat Wharf Road at the same time. The northerly 8/10 of a mile of the Kelleytown Road was next. This road was upgraded and repaired several years ago, but funds were insufficient to finish the final topcoat of paving. In the summer and fall of 2016, we repaired the shoulders, replaced some culverts, and fixed the failing areas of pavement, before overlaying the entire length of the project. At year end, we were engineering the repair and overlay of the Crocket Point Road and a full-depth reconstruction of the Dow Point Road, both of which are expected to go out to bid in the late spring of

2017. Next up on our Road Improvement Program is the reconstruction of the entire half-mile length of the Dodge Point Road in 2018 and heavy repairs and overlay for the Cape Road from Tremont Road to the Seal Cove Landing and Algerine Coast the year after. Of course, our two man Public Works crew is always busy clearing brush, replacing culverts, sweeping streets, fixing road signs and taking care of the myriad of tasks dreamed up by their Town Manager. Jimmy and Troy are very patient, and I appreciate it!

Other Public Works projects this year included replacing the front porch, door, and five new windows at the Wharf House, as well as finishing the vinyl siding on the front of the building, and installing our 11 new village entrance signs. I'd like to thank Muriel Davisson and the Tremont Historical Society for their help with that last project.

Other volunteers on my "Thank You" list, are the Library Trustees, who have been very busy planning the fundraising and design for the renovation of the existing Bass Harbor Memorial Library and the construction of a very exciting addition to the building, all without local taxpayer dollars. Very impressive! Over the last year, we have amended the Library bylaws, expanded the library budget document, setup a Library Capital Reserve and written the first-ever Library Ordinance, all in preparation for their upcoming building project. Thank you for taking on this project.

Katie Dandurand, our new Town Clerk/Tax Collector, has been quite busy since her arrival in July. She has attended a ton of training, reorganized our filing system, and rebuilt our Town website. At year-end she had completed her six-month probationary period with the BMV, and had the Town staff ready for the return of our license plate-issuing certification from the State.

At the dock, Harbor Master Justin Seavey has tuned-up our mooring registration system, wharf use permitting, and all of our administrative systems. Justin was of invaluable help to the Harbor Committee as he worked with the Town Attorney to prepare the Harbor Ordinance and Wharf Ordinances for Town Meeting action. He also supervised the \$59,000 reconstruction of a large chunk of the Town Wharf. He even got us a State grant to pay for the engineering and found another grant expected to pay for half of the \$230,000 of wharf repairs still needed. In his spare time, he even built several new floats.

Financially, your Town is in good condition. We made the last payment on the Closson Lot at the Town Wharf this year, the Municipal Budget increase was very modest and we have a much better handle on our reserve accounts; where they came from, what they can be used for and how they can be used. Our fund balances are stable.

Yes, it's been a very good year, and I would like to express my appreciation to the Selectmen, my staff and the legions of volunteers who have helped us get here. Thank you for all you have done for me and for the citizens of our community.

Respectfully submitted,

Dana

Dana J. Reed

Town Manager

Treasurer, Road Commissioner



Town Of Tremont Office of the Town Manager

P.O. Box 159

Bernard, ME 04612

Tel. 207-244-7204

Fax 207-244-0758

Dana J. Reed, Town Manager

www.tremont.maine.govtremont@roadrunner.com

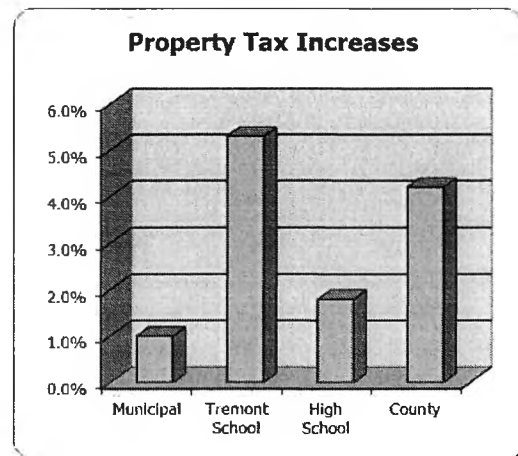
March 15, 2017

Budget Message

I am pleased to report that the Municipal Budget is expected to increase property taxes next year by only 1%, far less than the 2.5% increase of the Consumer Price Index (CPI-U) last year and only slightly more than the 0.3% cost of living adjustment received by those on Social Security.

By contrast, property taxes for the School Department are rising 5.3%, Hancock County 4.2% and MDI High School 1.8%. Fortunately, we expect taxable property values to remain nearly constant, so the bottom line is estimated at a blended property tax rate increase of only 3.1%.

Looking at the breakdown another way, property taxes for the Tremont Consolidated school expenses will increase \$125,000, our share of the High School budget will go up \$18,000 and the Hancock County assessment will increase \$9,000. The property taxes needed to fund the Municipal Budget will increase \$11,000.



Municipal General Fund

Fund Balance

Essential to the analysis of any budget is a look at “fund balance”, that is, how much money the Town has “in the bank”, so to speak. Although sometimes mistakenly called “surplus”, fund balance isn’t really just excess money we have laying around. “Fund balance” is the term used in the auditor’s report, so that’s what I use. Fund balance is generated when we receive more revenues than budgeted or spend less than budgeted. Some of our fund balance is “nonspendable”, such as trust funds; some of it can be used for specific purposes, such as only for roads; Town Meeting has “committed” some of our fund balance, such as for reserves; and some of it has been “assigned” by the Selectmen, such as for encumbrances to be carried over to the following fiscal year. The annual Town Audit contains a detailed explanation of fund balance, but for our budgeting purposes, we are most interested in what is known as “unassigned” fund balance.

The final FY16 audit is not yet complete, but the March 2 draft shows that we ended FY16 (the year ending June 30, 2016) with our expenses \$65,000 under budget and revenues \$43,000 over budget, so our budget surplus for the year was about \$103,000. Added to the \$178,000 of unassigned fund balance we had at the end of FY15, this brings our total General Fund unassigned fund balance to \$281,212. While that may seem like a lot of money, the general rule of thumb is that a community should hold about 25% of its General Fund expenses in unassigned fund bal-

ance, so I would like to see it up around \$1.4 million dollars. Currently our unassigned fund balance is only 3.1% of our FY16 expenditures of \$5,672,554. Consequently, I cannot recommend using any more unassigned fund balance at this time. In other words, we need to have a balanced budget.

Revenues and expenditures are balanced in the proposed budget. However, we are planning to use some Town reserves, most notably for replacement of a school bus and the purchase of a small plow truck, with sander and other necessary equipment. We will also use some of the funds we have put aside over the years to complete the Tremont Road sidewalk project from the school to the Flat Iron Road. The last of the Museum Settlement Reserve (\$29,000) will be used to make half the payment on the Tremont Road Reconstruction bond, a source of funds that will need to be made up when doing your budget next year.

Revenues

Although often overlooked, non-property tax revenues are a very important part of any budget discussion, so I include a detailed estimate of them starting on page Budget-1 and explain the more important sources in Appendix Rev. Auto excise tax is one of our largest sources of revenue, second only to the property tax. Unfortunately, I feel we need to reduce our revenue budget from this source next year by about 2% or \$7,000. The transfer from the Municipal Revenue Sharing Fund will go up next year by about \$22,000.

Expenses

We had a lot of personnel changes this year and last, leading some expenses to go down and some to go up. For example, we contracted-out our assessing and hired a parttime code officer, allowing us to do away with our fulltime assessor/code enforcement officer. Conversely, our parttime Town Clerk was replaced with a fulltime employee. And, because we have had so much trouble hiring a fulltime laborer, we reduced this position to parttime. With all of the changes had to come some wage adjustments. I planned a 2% COLA for all employees, with some to receive a bit more if our 2015 Wage and Benefits Study suggested a wage scale adjustment or if they were new employees whom we started at the new-hire step on the wage scale.

The budget for our Road Improvement Program will rise about 5% next year, with a pavement overlay scheduled for the Crocket Point Road and major reconstruction planned for the Dow Point Road. Unfortunately, engineering the Dodge Point Road reconstruction had to be postponed due to lack of funds, as did part of the funding for the equipment replacement account.

Truck #7, the blue 2005 Ford F350 with a stake-side body and Tommy lift gate, has become very unreliable. It was out of service for over two months this year and passed inspection only after substantial work. Although we would like to keep it around for summertime work, we recommend that it be replaced in our frontline snow removal lineup with an F550, similar to the small dump truck we bought two years ago. Since it is to be purchased with reserve funds, buying this truck now will have little, if any, effect on the budget, other than to save us some money on repairs.

Elementary School Fund

Fund Balance

The School Fund usually carries very little fund balance (often called carryover), but they are having a good year this year, so the School Committee has recommended using \$19,000 more than last year to help reduce the amount of taxes raised this year.

Revenue

Other than property tax, State Aid to Education is the only substantial source of revenue for schools. Next year's budget estimates that State Aid will increase by \$5,000 or 6%. As a point of interest, of the \$2,813,309 needed to run our schools, barely 3% is contributed by the State of Maine.

Expenses

Major increases in the School Department's FY18 budget request include the hiring of two Special Ed ed-techs, as required by State and Federal Law to meet the students' EAPs, the addition of \$5,000 for the Quebec Trip, \$11,000 for social studies textbooks and \$8,000 for the increased price of heating oil. Next year, \$85,000 will be spent on a new school bus, all but \$17,000 of which has already been set aside in a reserve account. The School Committee has also asked that an additional \$10,000 be added to its Contingency Account to deal with the septic system problems recently discovered.

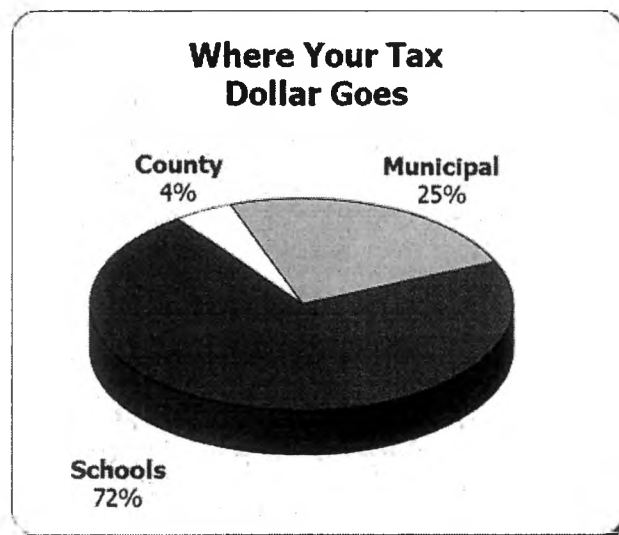
In Closing

My bottom line estimate is a blended property tax rate increase of 3.1%. If approved by Town Meeting the annual taxes on a \$250,000 home will rise \$73 per year, about \$6 per month.

Respectfully submitted,

Dana

Dana J. Reed
Town Manager



Budget Summary

As Adjusted by the Town Manager

Account Name	Actual Year Before Last: FY15	Actual Last Year FY16	Original Budget This Year FY17	Requested Next Year FY18	Change from This Year	
					Dollar Change	Percent Change

Municipal Budget

Expenditures						
Administration			Article 17			
Wages & Salaries	221,564	227,170	244,045	232,738	(\$11,307)	-4.6%
Office Operations	69,237	75,923	64,643	101,791	\$37,148	57.5%
Employee Benefits	165,080	200,308	200,041	220,019	\$19,978	10.0%
Tax Abatements	2,646	3,627	5,690	3,463	(\$2,227)	-39.1%
Town Office Building	16,783	18,533	15,333	22,241	\$6,908	45.1%
Property & Casualty Insurance	28,758	23,801	28,802	25,837	(\$2,965)	-10.3%
Total Administration	504,068	549,362	558,554	606,089	\$47,535	8.5%
Protections			Article 18			
Fire Department	71,084	70,000	76,000	80,200	\$4,200	5.5%
Dispatching	16,000	20,000	20,000	20,000	\$0	0.0%
Animal Control	3,912	3,886	5,641	5,131	(\$510)	-9.0%
Law Enforcement	91,155	90,713	92,040	94,380	\$2,340	2.5%
Ambulance	39,000	39,000	38,500	39,000	\$500	1.3%
Emergency Preparedness	500	509	520	530	\$10	1.9%
Total Protections	221,651	224,108	232,701	239,241	\$6,540	2.8%
Debt Service			Article 19			
Town Office Construction	101,111	97,967	0	Old Account	n/a	n/a
Fire Engines & Hinton Estate	115,464	112,302	109,736	106,137	(\$3,599)	-3.3%
2013 Snowplow Truck	46,828	45,903	0	Old Account	n/a	n/a
Tremont Road - MPI Bond	42,000	49,501	49,380	47,832	(\$1,548)	-3.1%
Total Debt Service	305,403	305,673	159,116	153,969	(\$5,147)	-3.2%
Recreation			Article 20			
Recreation Board	1,728	10,333	6,672	6,830	\$158	2.4%
Harbor House	18,575	18,575	20,275	20,275	\$0	0.0%
Total Recreation	20,303	28,908	26,947	27,105	\$158	0.6%
Public Works			Article 21			
Wages	118,018	120,203	161,928	150,433	(\$11,495)	-7.1%
Summer Roads	16,383	237,136	239,466	249,541	\$10,075	4.2%
Winter Roads	93,789	54,688	78,153	69,934	(\$8,219)	-10.5%
Town Garage Buildings	10,079	6,046	7,075	11,695	\$4,620	65.3%
Equipment	46,667	94,708	22,868	25,135	\$2,267	9.9%
Street Lights	10,711	10,572	10,893	10,604	(\$289)	-2.7%
Seal Cove Fishway	0	0	101	501	\$400	396.0%
Cemeteries	6,120	4,194	8,650	7,982	(\$668)	-7.7%
Total Public Works	301,767	527,547	529,134	525,825	(\$3,309)	-0.6%
General Assistance			Article 22			
Miscellaneous	0	3,080	1,294	2,369	\$1,075	83.1%

Account Name	Actual Year Before Last: FY15	Actual Last Year FY16	Original Budget This Year FY17	Requested Next Year FY18	Change from This Year Dollar Change	Percent Change
Committees						
Article 23						
Planning Board	1,615	1,730	5,160	6,000	\$840	16.3%
Board Of Appeals	0	0	1	1	\$0	0.0%
Memorial Day Flags—VFW	550	Old Acct.	0	Account Moved to Cemeteries		
Historical Society	0	2,500	2,500	2,500	\$0	0.0%
Miscellaneous	2,165	4,230	7,661	8,501	\$840	11.0%
Donations to Third Parties						
Article 24						
Island Explorer	3,000	3,000	3,000	3,000	\$0	0.0%
Campfire Coalition	3,000	3,000	3,000	3,000	\$0	0.0%
Down East Horizons	1,600	1,600	1,600	1,600	\$0	0.0%
WHCA: Wash.-Hanc.Comm.Agn	0	780	897	2,211	\$1,314	146.5%
WIC Program	875	720	0	1,120	\$1,120	n/a
Hospice	600	600	800	800	\$0	0.0%
Island Connections	1,500	1,500	1,500	1,500	\$0	0.0%
Bar Harbor Food Pantry	1,500	1,500	1,500	2,000	\$500	33.3%
Eastern Area Agency On Aging	200	0	0	0	n/a	n/a
Total Third Party Donations	12,275	12,700	12,297	15,231	\$2,934	23.9%
Solid Waste						
Article 25						
Landfill Remediation	9,875	2,499	0	2	\$2	#DIV/0!
Trash Disposal	191,996	168,905	194,155	190,691	(\$3,464)	-1.8%
Total Solid Waste	201,871	171,404	194,155	190,693	(\$3,462)	-1.8%
Contingency						
Article 26						
Contingency	1,163	866	12,713	12,751	\$38	0.3%
Transfers to Reserves						
Article 27						
Community Building	5,000	9,499	5,000	5,000	\$0	0.0%
Town Truck	5,000	0	27,500	27,583	\$83	0.3%
State Road	420,000	21,068	0	Old Account	n/a	n/a
Town Equipment	15,000	2,491	38,015	15,000	(\$23,015)	-60.5%
Tremont Rd. Sidewalk	45,000	0	0	0	\$0	n/a
Landfill Remediation	0	0	395	0	(\$395)	-100.0%
School Bus Reserve	17,000	17,000	0	0	n/a	n/a
Total Transfers to Reserves	507,000	60,058	70,910	47,583	(\$23,327)	-32.9%
Interfund Transfers						
Article 28						
To Library Operating Fund	45,300	49,933	53,378	54,199	\$821	1.5%
Total Expenditures						
	2,122,966	1,937,869	1,858,860	1,883,556	\$24,696	1.3%
Other Revenues						
Article 29						
Taxes Other Than Property Tax	386,961	426,682	432,659	432,603	(\$56)	0.0%
Intergovernmental Revenues	44,621	51,448	45,675	54,154	\$8,479	18.6%
Licenses and Permits	39,637	38,534	37,471	39,897	\$2,426	6.5%
Local Sources	30,849	15,817	28,303	27,274	(\$1,029)	-3.6%
Transfers In & Other Sources	168,584	202,288	149,348	152,745	\$3,397	2.3%
Non-Property Tax Revenue	\$670,652	\$734,769	\$693,456	\$706,673	\$13,217	1.9%
Property Taxes Needed For Municipal Budget	1,452,314	1,203,100	1,165,404	1,176,883	\$11,479	1.0%

Account Name	Actual Year Before Last: FY15	Actual Last Year FY16	Budget This Year FY17	Requested Next Year FY18	Change from This Year	
					Dollar Change	Percent Change

Education Budget

				Total of Articles 12, 13 & 14		
Tremont Consolidated School	2,565,919	2,493,178	2,371,098	2,496,196	\$125,098	5.3%
High School Tax Assessment	956,446	1,032,089	1,042,534	1,060,827	\$18,293	1.8%
Property Taxes Needed For Education Budget	3,522,365	3,525,267	3,413,632	3,557,023	\$143,391	4.2%

County Budget

Property Taxes Needed For County Budget	210,929	209,416	214,033	223,014	\$8,981	4.2%
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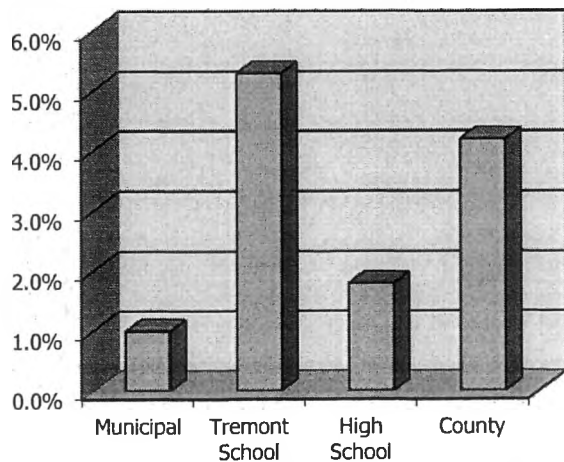
Assessor's Overlay

Assessor's Overlay Allowance				18,874	n/a	n/a
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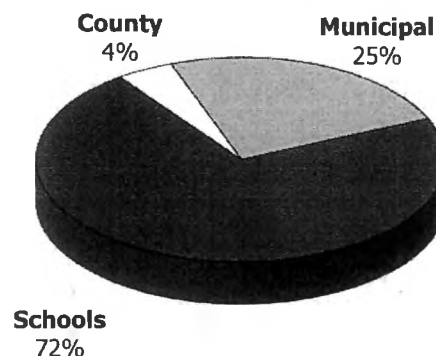
Total Property Taxes

Total Property Taxes	5,185,608	4,937,783	4,793,069	4,975,794	\$182,725	3.8%
Total Valuation Base			507,228,427	508,000,000		
Tax Rate			\$9.50	\$9.79	\$0.29	3.1%
Taxes on a Home Assessed at \$250,000			\$2,375	\$2,448	\$73	3.1%

Property Tax Increases



Where Your Tax Dollar Goes



~ ~ End of Budget Summary ~ ~

TOWN CLERK

I am excited and eager to be serving the residents of Tremont as your new Town Clerk. I have met many residents in my first six months and look forward to meeting many more of you in the near future. You have all been so kind and patient with the office transition.

Getting adjusted and learning the job has been an amazing experience! It is truly a privilege to serve a community such as Tremont, and I am very grateful for the opportunity. I look forward to what is to come!

The most exciting news I have to share with you all, is that the Town has received license plates back in the office! The staff has worked extremely hard to make this happen for the residents. Without the help from the whole team, this wouldn't be possible, and for that I thank them. You can once again register your new vehicle and receive your license plates immediately here at the town office.

We have also created a new Town website which is up and running! If you haven't visited the site yet there is a variety of new user friendly functions. You can renew motor vehicle, boat, ATV and snowmobile registrations as well as hunting & fishing licenses. Registering your dog or even requesting a vital record online is now available. Go to www.tremontmaine.org and check it out!

The Town is always looking for volunteers; we have a broad range of committees and boards. If you are interested in volunteering your time, please contact the Town Office.

The Town Office is open Monday-Friday, 8 a.m. - 4 p.m. Come on in and visit!!

Respectfully submitted,
Katie
Katie Dandurand
Town Clerk

Dear Friends of Tremont,

Since being sworn into the Senate in 2013, I have made it my mission to address at the federal level the most important issues facing our great state. Working closely with my colleagues in the Maine Congressional Delegation, we've been able to successfully secure a number of legislative victories that support our state's economy, our rich traditions, and the hardworking people I am proud to represent.

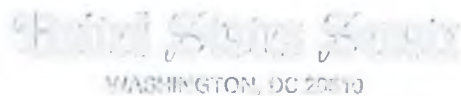
In an increasingly polarized Congress, my goal as an Independent is to put partisanship aside, build consensus and further common-sense solutions to address the needs of the American people. To this end, I have co-founded the Former Governors Caucus, a group of former state executives who are frustrated with legislative gridlock and eager to find bipartisan solutions. And as always, I aim to bridge the partisan divide by hosting barbeque dinners in Washington with colleagues ranging from Ted Cruz to Elizabeth Warren. If you know a person's children, then you see them as a mother or father and not a rival vote, and working to further personal dialogue and build relationships can lay the foundation for successful legislation.

One of the accomplishments of which I am most proud is the legislative victory that protects our college students and their families from an expensive hike in student loan interest rates. In 2013, as students faced a significant spike in interest rates that would have taken thousands of dollars out of their pockets, I brought together colleagues from across the political spectrum to broker compromise legislation called the Bipartisan Student Loan Certainty Act. Thanks to this bill, students will save \$50 billion over the next 10 years by lowering their interest rates, which means that a student in Maine will now save between \$3,000 and \$6,000 over the life of their loan.

Being an Independent in the Senate has allowed me to make calls and vote on policies that are best for Maine, but it has also made it possible to play key roles in finding simple solutions and legislative fixes that make good commonsense to both parties. Of course, much of what we do in the Senate doesn't happen on the Senate floor, or even in committee. Instead, it involves working across all levels of government to ensure the State of Maine receives attention and support from the federal government.

Take, for example, the opioid and heroin epidemic devastating communities across our state. While Congress has passed legislative solutions aimed at expanding access to medical treatment, I've also pressed for other changes that can be accomplished more quickly and make a more immediate difference in Maine. For example, I successfully urged the U.S. Department of Health and Human Services to increase the number of patients to whom a doctor can provide medication-assisted treatment, and in 2015 brought the Director of the Office of National Drug Control Policy to Brewer to meet directly with Mainers and hear their stories. I've also engaged law enforcement – including the Drug Enforcement Agency – to crack down on the production of opioids and work to limit their diversion. Together, Senator Collins and I helped pass the Northern Border Security Review Act to combat drug and human trafficking along our border with Canada.

While the opioid epidemic is certainly our biggest public health crisis, job loss in Maine is still our number one economic problem and that's why we need to focus on bringing good paying jobs back to Maine and protecting the ones we still have. As a member of the Armed Services Committee, I teamed up with Senator Collins and Representative Poliquin to successfully secure a provision in the defense bill that can help domestic shoe manufacturers like New Balance. The three of us also worked together with the Department of Commerce to establish an Economic Development Assessment Team, known as an EDAT, to assist Maine's forest industry in the wake of several mill closures. We have an incredible spirit of innovation and ingenuity in Maine and I believe finding ways to invest in that spirit will reignite Maine's forest products sector and our economy. Part of our economic path forward must also include expanding access to high-speed broadband, which can help connect our businesses and communities to information and economic opportunities.



WASHINGTON, DC 20510

As a member of the Senate Armed Services and Intelligence Committees, I work to keep Maine and our nation safe. Part of that important work means continuing to work for funding for the construction of Navy ships that will be used to protect American interests across the globe. We all know that "Bath Built is Best Built," which is why I've fought to authorize funding for Navy ships built at BIW. The best way to preserve peace is by deterring war through unassailable strength, and to do that we must support our shipbuilders and our brave service members and invest in our military. I strive to meet this solemn responsibility every day as a member of these committees, which is why I hardly ever miss a hearing and take great care in overseeing the agencies sworn to keep us safe. Armed Services Chairman John McCain called me "one of the most serious and hard-working members" of the Committee, and that's a humbling compliment from a true American hero.

As always, please call or write me with thoughts or concerns with matters currently before Congress, or if you need assistance navigating a federal agency. As a public servant, it is critical to me to listen and learn from you, which is why staying connected with people from all over our beautiful state remains a top priority for my work in the Senate. Please call my toll-free line at 1-800-432-1599 or one of my offices: Augusta: (207)622-8292, Bangor: (207)945-8000, Presque Isle (207)764-5124, Scarborough (207)883-1588, or Washington, D.C. (202)224-5344. You can also write me on our website at www.king.senate.gov/contact.

It is an honor and a privilege serving the people of Maine in the Senate, and I look forward to working with you in our search for a more perfect Union.

Sincerely,

Angus S. King, Jr.
United States Senator

Dear Friends:

It is an honor to represent Maine in the United States Senate. I am grateful for the trust the people of our State have placed in me and welcome this opportunity to share some key accomplishments.

Growing our economy by encouraging job creation remains a top priority. The tax relief bill enacted during this last Congress contains provisions I authored to provide small businesses with the certainty that they need to invest, grow, and, most important, hire new workers. The 2017 National Defense Authorization Act includes a provision the Maine delegation worked together to champion requiring that military recruits be provided with athletic footwear made in America, as is required for other equipment and uniform items whenever possible. This is a great victory for our troops and for the 900 skilled workers at New Balance factories here in Maine.

Maine's contributions to our national security stretch from Kittery to Limestone. As a senior member of the Appropriations Committee, I successfully advocated for critical funding for projects at the Portsmouth Naval Shipyard and \$1 billion towards the construction of an additional ship that will likely be built at Bath Iron Works. This funding will strengthen the Navy and our national security, and the additional destroyer will help meet the Navy's goal of a 355-ship fleet.

Maine's growing population of older individuals creates many challenges. That's why, as Chairman of the Senate Aging Committee, my top three priorities are fighting fraud and financial abuse directed at our nation's seniors, increasing investments in biomedical research, and improving retirement security.

The Aging Committee's toll-free hotline (1-855-303-9470) makes it easier for senior citizens to report suspected fraud and receive assistance. Last May, a call to the hotline helped lead to the arrest of a national crime ring targeting seniors, and in June I worked to secure the humanitarian release of a Maine senior who had been imprisoned in Spain after being victimized by an international drug smuggling scam.

The Aging Committee also released an extensive report detailing the findings of our bipartisan investigation into the abrupt and dramatic price increases for prescription drugs whose patents expired long ago.

I advocated strongly for the \$2 billion increase in funding for the National Institutes of Health to advance research on such diseases as diabetes and Alzheimer's. I also championed and authored portions of the 21st Century Cures Act that will further support biomedical innovation and make significant reforms to our mental health system.

The Senate also took steps in the past year to combat the nation's heroin and opioid epidemic by passing the Comprehensive Addiction and Recovery Act (CARA), which I was proud to cosponsor. CARA is a monumental step forward in our effort to address the devastating addiction crisis affecting countless families and communities across the country and right here in Maine.

A Maine value that always guides me is our unsurpassed work ethic. In December 2016, I cast my 6,236th consecutive vote, continuing my record of never missing a roll-call vote since my Senate service began in 1997.

I appreciate the opportunity to serve Hancock County and Maine in the United States Senate. If ever I can be of assistance to you, please contact my Bangor state office at (207) 945-0417 or visit my website at www.collins.senate.gov. May 2017 be a good year for you, your family, your community, and our state.

Sincerely,

Susan M. Collins
United States Senator



Annual Town Report Letter

A Message from Senator Brian D. Langley

Dear Friends and Neighbors:

Let me begin by thanking you for allowing me the honor of serving you in the Maine Senate. I am humbled that you have put your trust in me for a fourth term and can assure you I will continue to work tirelessly on your behalf. Please let me provide you with a recap of the 127th Legislature, as well as my hopes for the upcoming 128th Legislature.

Last year we continued the work of reforming our state's welfare system and achieved the long sought-after goal of banning the purchase of alcohol, tobacco and lottery tickets with welfare benefits. While there is more work to be done, I believe these efforts will help to deter such abuse of the system and help ensure that benefits are going to those who truly need them.

The Legislature also worked in a bipartisan fashion to begin addressing the drug crisis affecting our state. We approved putting 10 new drug enforcement agents on the street, as well as provided funding for treatment programs and drug use prevention efforts. I believe such a comprehensive approach is essential to tackle this awful epidemic.

In the upcoming session, it is clear that we must continue to do all we can to attract more jobs to our state to keep our young people living and working here. To that end, I will work to advocate for proposals which will expand economic opportunity for all Mainers. It is my hope the Legislature can once again work together to find good solutions to the issues facing our state.

You have my humble and sincere thanks for allowing me to represent you in Augusta. Please feel free to contact me at 287-1505 or senatorbrianlangley@gmail.com if you have comments, questions, or if you would like assistance in navigating our state's bureaucracy.

Sincerely,

Senator Brian D. Langley, District 7



HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002

(207) 287-1400

TTY: (207) 287-4469

Walter A. Kumiega III

36 Cedar Lane

Little Deer Isle, ME 04650

Residence: (207) 348-2548

Cell Phone: (207) 479-5459

Walter.Kumiega@legislature.maine.gov

Dear Tremont Residents,

It is an honor to serve once again as your State Representative. I hope to retain your trust and build upon the work I've done representing island communities over the past six years.

This year the Legislature is taking up roughly 2000 bills, but our chief focus is on passing a balanced budget for the next two fiscal years, addressing rising property taxes, fighting the heroin crisis and implementing the four citizen initiatives passed by voters in November of 2016.

This year I am once again co-chairing the Legislature's Marine Resources Committee. As someone who represents many of Maine's island communities, I want to make sure Maine manages its resources in a way that balances harvesting and sustainability and also puts more emphasis on maximizing the economic impact for coastal communities. Many people depend on marine life to make a living, and it's important not to let them down. The committee clerk maintains a list of interested parties that get email notification of the committee schedule. Please let me know if you would like to be added to that list.

I am also continuing to fight to make sure coastal and island communities have affordable access to ferry transportation, well-maintained roads and the same basic services – like affordable electricity rates – as their neighbors further inland.

Whether we are dealing with the above issues or any other topic, I will continue to work with all of my colleagues, regardless of party affiliation, to make sure we're doing the best work we can for the people of our district and all the people of Maine.

Please contact me if I can be of any help or if you want to discuss or testify on any legislation. My email is wkumiega36@gmail.com. My cellphone is 207-479-5459 for voice or text message. I also send out e-newsletters from time to time. Let me know if you would like to receive them.

Respectfully,

Walter Kumiega
State Representative

District 134 Cranberry Isles, Deer Isle, Frenchboro, Isle au Haut, North Haven, Southwest Harbor, Stonington, Swans Island, Tremont and Vinalhaven, plus the unorganized territory of Marshall Island Township

Printed on recycled paper

2014 UNPAID TAXES

MURPHY, DONALD	\$2,716.27
NEW CINGULAR WIRELESS PCS, LLC	\$728.05 *
PETERSON, CHRIS	\$4,768.03
PETERSON, CHRIS & PINKHAM, VANESSA	\$1,066.71
THURSTON, PATRICIA	\$2,364.65 *
TOZIER, DEAN R.	\$771.89 *
Total for 6 Accounts:	\$12,415.60

2015 UNPAID TAXES

COUSINS, ROBERT L. & COUSINS, JUDY A.	\$302.52 *
FALLON, LORIE & FALLON, TIM	\$815.58 **
GEKAS, SHARON A. & GEKAS, GEORGE A.	\$1,867.92 *
GLEASON, LINDA A. & OXLEY, DANIEL R.	\$941.63 *
GOODWIN, HOWARD	\$3,033.52 *
GORDIUS, ALAN	\$3,939.16 *
GORDIUS, ALAN H.	\$4,868.27 *
GRAHAM, LINDA	\$721.08 *
GRAY, ALDEN & GRAY, MARGARET	\$820.97 *
HANLEY, PATRICK E.	\$1,800.34 *
HARKINS, NORMAN & BRENDA	\$2,862.72 *
HIGGINS, LINDA	\$4,292.98 *
LAWSON, DAVID R. SR. & LAWSON, DIANA H.	\$2,796.09 *
LIZZOTTE, SUSAN	\$3,519.66 *
MANNING, DOROTHY	\$1,955.20 *
MURPHY, DONALD	\$2,790.45
MURPHY, LORRIEANN & MURPHY, EDDIE	\$1,056.13 *
NELSON, WILLIAM	\$842.15 *
NEW CINGULAR WIRELESS PCS, LLC	\$747.36 *
PATTON, WAYNE & PATTON, JANET	\$2,662.82 *
PETERSON, CHRIS	\$4,580.15
PETERSON, CHRIS & PINKHAM, VANESSA	\$1,121.82
SCHLAEFER, DAVID	\$1,762.81 *
SCHLAEFER, DAVID	\$2,658.13 *
SEAVEY, MAURICE & SEAVEY, CAROL	\$1,802.22 *
SHEPARD, BRIAN C	\$2,697.55 *
SMITH, WENDY, LONG, TANYA, LONG, GARRETT	\$2,482.63 *
STANLEY, GLENDON	\$2,005.88
TAYLOR, ELIZABETH M.	\$2,491.08 *
THURSTON, KAY	\$225.56 *
THURSTON, WILLIAM H.	\$2,429.13 *
TOZIER, DEAN R.	\$792.41 *
WARD, STEPHEN A. & WARD, W. AUSTIN	\$2,368.13 *
WARD, W. AUSTIN	\$3,007.25 *
WEHRFRITZ, CARL P. & WEHRFRITZ, EVELYN A.	\$1,062.70 *
WEHRFRITZ, EVELYN A.	\$2,220.79 *

WEHRFRITZ, EVELYN A.

\$2,475.12 *

Total for 37 Accounts:

\$78,819.91

2016 UNPAID TAXES

BUTLER, CARROLL & CORLISS, SUSAN	\$217.42 *
BUTLER, PATRICIA S.	\$2,381.61 *
BUTLER, ROBIN DEAN	\$639.01 *
CARTER, STEVE I	\$2,285.43 *
CONNERS, MICHAEL	\$688.54 *
CONNOLLY, SUSAN	\$1,251.92 *
CONNOLLY, SUSAN	\$1,522.81 *
COUSINS, ROBERT L. & COUSINS, JUDY	\$258.65 **
FALLON, LORIE & FALLON, TIM	\$1,082.12
GEKAS, SHARON A. & GEKAS, GEORGE A.	\$1,869.27 *
GLEASON, LINDA A. & OXLEY, DANIEL R.	\$915.27 *
GOODWIN, HOWARD	\$3,059.82 **
GORDIUS, ALAN	\$4,072.72 **
GORDIUS, ALAN	\$3,272.81
GORDIUS, ALAN H.	\$5,077.77
GOTT, MICHAEL L JR.	\$3,011.73 *
GRAHAM, LINDA	\$685.60
GRAY, ALDEN & GRAY, MARGARET	\$1,207.75 *
GRIERSON, SCOTT T	\$1,082.12 *
GRIERSON, SCOTT T	\$346.00 *
GRIERSON, SCOTT T.	\$351.89 *
GRIERSON, SCOTT T. & GRIERSON, RINA C.	\$1,080.16 *
GRIERSON, SCOTT T. & GRIERSON, RINA C.	\$1,356.94 *
HANLEY, PATRICK E.	\$1,789.77
HARKINS, NORMAN & BRENDA	\$2,817.39 **
HICKS, TRACEY	\$1,973.31 *
HIGGINS, LINDA	\$4,476.11 *
HINCKLEY, CATHY L.	\$776.54 *
HODGDON, BENJAMIN & BENJAMIN II	\$784.73 *
HODGDON, BENJAMIN & BENJAMIN II	\$1,728.92 *
JACOBS, JOSEPH & JACOBS, CYNTHIA	\$3,383.71 *
JACOBS, LISA JEAN	\$421.58
LAWSON, DAVID R. SR. & LAWSON, DIANA H.	\$2,910.64 *
LAWSON, HEIDI & LAWSON, ADAM	\$2,027.29 *
LIZZOTTE, SUSAN	\$3,602.59
MANNING, DOROTHY	\$1,946.81 **
MAYER, DOROTHY	\$352.52 *
MAYER, DOROTHY	\$803.38 **
MCKEE, MARK	\$2,445.41
MURPHY, DONALD	\$2,792.86
MURPHY, LORRIEANN & MURPHY, EDDIE	\$1,002.62
NELSON, WILLIAM	\$781.78

NEW CINGULAR WIRELESS PCS, LLC	\$768.04 *
PACKARD, DAVID ESTATE OF	\$734.67 *
PATTON, TRACI	\$1,412.88 *
PATTON, WAYNE & PATTON, JANET	\$2,771.26 **
PELLETIER, WILLIAM & PELLETIER, JENNIFER	\$455.42 *
PETERSON, CHRIS	\$4,567.39
PETERSON, CHRIS	\$310.67
PETERSON, CHRIS & PINKHAM, VANESSA	\$1,079.17
PRAY, GEORGE T & PRAY, PATRICIA A.	\$817.12 *
RICH, SANDY W.	\$1,752.48 *
RICH, SANDY W.	\$1,146.90 *
ROGERS, ROBERT A. & ROGERS, DEBORAH J.	\$523.22 **
SCHLAEFER, DAVID	\$1,752.48 *
SCHLAEFER, DAVID	\$2,675.08 *
SEAVEY, MAURICE & SEAVEY, CAROL	\$1,761.31
SHEPARD, BRIAN C	\$2,700.60
SHOWN, ELAINE P	\$1,261.73
SMITH, WENDY, LONG, TANYA, LONG, GARRETT	\$2,354.13
STANLEY, GLENDON	\$1,983.13
TAYLOR, ELIZABETH M.	\$2,496.45 *
THURSTON, KAY	\$201.72
THURSTON, WILLIAM H.	\$2,526.87 **
TOZIER, DEAN R.	\$815.15 *
TRUST, DAVID K.	\$883.86 *
VARNUM, JOHN JR.	\$1,647.46 *
WARD, STEPHEN A. & WARD, W. AUSTIN	\$2,342.35 *
WARD, W. AUSTIN	\$3,019.58 *
WEDGE, HEATH	\$1,258.56
WEHRFRITZ, CARL P. & WEHRFRITZ, EVELYN A.	\$989.86 *
WEHRFRITZ, EVELYN A.	\$2,096.98 *
WEHRFRITZ, EVELYN A.	\$2,407.13 *
WILCOMB, DAVID E. & ALLEY, WENDY	\$1,532.62 *
WILLIAMS, AMANDA M.	\$1,253.88
YOUNG, JENNIFER LEE	\$1,325.15 **
Total for 76 Accounts:	\$130,160.62

*=paid after 6/30/16

**=partial pmt after 6/30/16

Assessor's Report

RJD Appraisal has enjoyed serving the Town of Tremont as its Assessor/Assessing Agent over the last 6 months. We are available at the Town Office one day a week for appointments. Please call the office to schedule an appointment. Annually, the Assessor's Office reviews valuations and makes adjustments to the valuations that include any additions and deletions. We are also responsible for maintaining accurate records of property ownership. Part of the assessment process includes conducting an annual "ratio study", which compares the actual selling price of property to assessments. The most recent study conducted for the state valuation purposes indicated the assessed values, on average, to be at approximately 100% of market value.

PROPERTY TAX EXEMPTIONS AND PROPERTY TAX RELIEF

HOMESTEAD EXEMPTION CHANGES FOR 2017 (FY18)

Beginning in 2017 (FY18) the homestead exemption will increase from \$15,000 to \$20,000. To qualify, homeowners must fill out a simple form declaring property as their principal residence by April 1 in the tax year claimed. Once the application is filed, the exemption remains until the owner sells or changes their place of residence. Forms are available in the Assessor's Office.

VETERANS EXEMPTION

Any person who was in active service in the armed forces of the United States during a federally recognized war campaign period and, if discharged or retired under honorable conditions, may be eligible for a partial exemption from taxes on their primary residence.

The Veteran must have reached age 62 or must be receiving a pension or compensation from the United States Government for total disability, either service or non-service connected.

IMPORTANT CHANGES FOR VETERANS EXEMPTIONS IN 2016, the Law was amended to remove the requirement that a Vietnam veteran serve on active duty for 180 days (any part of which must have occurred after February 27th, 1961 and before May 8th, 1975) in order to qualify for the exemption. The law now only requires that the veteran served on active duty after February 27th, 1961 and before May 8th, 1975, regardless of number of days. **Veterans that previously did not qualify under the old law requirements that now qualify under the new law requirements must re apply to the Assessor's office prior to April 1st of the year it will go into effect.*

Applications forms can be obtained in the Assessor's Office and must be filed with military discharge documentation on or before April 1st of the year it will go into effect.

BLIND EXEMPTION

Residents of Tremont who are certified to be legally blind by their eye care professional are eligible for a partial exemption from taxes on their primary residence in the town.

Respectfully Submitted,

Matthew Caldwell CMA
Kevin McCormick CMA
Assessor Agents RJD Appraisal
Town of Tremont

FIVE YEAR TOWN VALUATION COMPARISONS

	2016 (FY-2017)	2015 (FY-2016)	2014 (FY-2015)	2013 (FY-2014)	2012 (FY-2013)
State Valuation	\$ 510,350,000	\$ 503,400,000	\$ 518,500,000	\$ 520,400,000	\$ 508,800,000
Increase/Decrease	\$ 6,950,000	\$ (15,100,000)	\$ (1,900,000)	\$ 11,600,000	\$ (1,050,000)
Increase/Decrease	1.36%	-3.00%	-0.37%	2.23%	-0.21%
Town Taxable Valuation	\$ 503,648,300	\$ 505,008,574	\$ 514,422,992	\$ 513,253,602	\$ 511,728,369
Increase	\$ (1,360,274)	\$ (9,414,418)	\$ 1,169,390	\$ 1,525,233	\$ 2,979,475
% of Increase	-0.27%	-1.86%	0.23%	0.30%	0.58%
MIL Rate	9.50	9.40	8.84	8.75	7.85
Net Assessment	\$ 4,784,658.85	\$ 4,747,080.60	\$ 4,547,499.25	\$ 4,490,969.02	\$ 4,017,067.70
Increase/Decrease	\$ 37,578.25	\$ 199,581.35	\$ 56,530.23	\$ 473,901.32	\$ (27,486.01)
% of Change	0.79%	4.20%	1.24%	10.55%	-0.68%

In 2016 the Towns State Valuation increased by 1.36%. Tremont's Assessment Ratio, received from the State of Maine in June of 2016 was 99.39% with a combined Assessment Quality Rating of 11.

Code Enforcement Officer/ Local Plumbing Inspector

Name & Contact Information:

John Larson
244-7204

Office Hours:

Tuesdays 1:00pm-4:00pm
Thursdays 8:00am to 12:00pm

In an on-going effort to streamline and make the permitting process easier, check the Town's web site for applications that can be filled out on-line and e-mailed back to the Town. The Town's web site is www.tremont.maine.gov and the code enforcement office is townoftremontceo@gmail.com

In 2016 the following permits were issued:

Building Permits:

- 7 permits issued for projects in the shoreland
- 16 permits issued for new dwelling units
 - 6 stick built
 - 3 modular
 - 7 mobile homes
- 15 permits issued for accessory structures
- 13 permits issued for garages
- 9 permits issued for additions
- 5 permits issued for decks
- 14 permits issued for other (demo, replacements, etc.)

The building permit fees totaled \$4,058.50

Plumbing Permits:

- 12 permits issued for internal plumbing
- 9 permits were issued for new subsurface wastewater disposal systems
- 3 permits were issued for replacement subsurface wastewater disposal systems
- 2 permit issued for tank only
- 1 permit issued for expanded field

The plumbing fees totaled \$5,285.00 of which \$3,963.75 stays with the Town, \$1,321.25 goes to the State.

It is the Code Enforcement Office's continuing goal to assist applicants through the permitting process and answer questions or address any concerns.

Respectfully submitted,

John Larson
Code Enforcement Officer
Local Plumbing Inspector

Bass Harbor Memorial Library 2016/2017

Town of Tremont Annual Report

Fiscal Year 2016/2017 was a year of change and progress for the Bass Harbor Memorial Library. Staff and Trustees continued to offer enriching and entertaining adult and children's programming to the community, while the Board of Trustees approved a concept-plan to expand the library with a 700 sq. foot addition.

The Tremont community responded with enthusiasm to longer operating hours. Our later Thursday evenings allowed for more program offerings such as films, art openings and book discussions. We hosted many events in 2016/2017 surrounding our celebration of EB White, many in the Tremont School as well as at the library. We also started a Saturday pre-K storytime bringing families to Bernard from all over the island. We hosted our first free tax day with preparers from AARP.

As of March 1, 2017 the library welcomed 2,340 patrons through the doors. Patrons checked out 189 titles and offered 19 adult and 24 children's programs. Our Summer Art Camp was once again a big hit with 30 children attending the week long camp. During Ruth Moore Days our events centered around the author's novel "Spoonhandle." We hosted two book fairs in 2016, our traditional summer fair in August and our Holiday book fair in December. Our annual Open Houses for Halloween and year-end Holiday brought in over 300 adults and children and was a fun way for library staff and trustees to meet local families. Despite the lack of snow, the library was full of people for our Winter Tracking Workshop in January 2017.

The library continues to support local artists with our monthly shows. Tremont residents Nancy Diedrickson and Art Paine were among many artists who had their work gracing our walls. We participated in the island-wide Women's History Project in March 2017 with art, discussions and workshops addressing the theme "Making Connections."

In addition to all of the library sponsored programs, we serve as a community meeting space for several other groups including the Tremont Historical Society and the local Boy Scout Troop. A book club meets here regularly after hours.

We thanked long time Library Director Clara Baker for her ten years of service to our community following her resignation in July.

Bass Harbor resident Lisa Taplin Murray was welcomed as the new Library Director, starting in November. Ms. Murray comes to the Library from the Southwest Harbor Public Library where she served as a Librarian for eleven years. As a result we have solidified a strong collaborative

relationship with their staff. With two children at the Tremont School she also has close ties with the faculty and administration there and recently obtained an ILEAD grant to help students and teachers enhance their research skills.

The Trustees and Staff thank the Town of Tremont community for its support through the year and invite all to visit during the posted hours; you can also contact the Library to be placed on our weekly emailed newsletter, keep up with the latest news and events by visiting our website www.tremontlibrary.org or by friending us on Facebook!

Lisa T. Murray, Library Director

Peter Madeira, Chair, Library Board of Trustees

Library Trustees Three Year Terms Nine Members	
<i>Member</i>	<i>Term Expires June 30</i>
Spencer Ervin	2017
Michael Hayes, Treasurer	2017
Peter Madeira, Chair	2017
Elaine Eaton	2018
Susan Edson, Secretary	2018
Katharine Pratt	2018
Carey Donovan	2019
Rachel Kohrman-Ramos, Vice Chair	2019
Art Paine	2019

Tremont Volunteer Fire Department

2016 came with a higher than normal emergency call volume for the Tremont Volunteer Fire Department. For fire emergencies, members saw calls ranging from a large industrial equipment fire to simple cooking mishaps. Both minor and serious motor vehicle accidents kept volunteers busy as did, fire alarm activations and downed utility lines. This year also presented volunteers with the not so typical rescues of retrieving a patient from a well, one needing to be lowered from a second floor balcony and setting up an offshore island landing zone for Life Flight of Maine. In all, volunteers contributed over 400 hours to the 58 calls with nearly twice as many hours devoted to training and administrative duties.

Membership

Let me get straight to the point, "we need volunteers". Emergency departments across the island need volunteers. Our doors are open to men, women and children 16-116 who live or work in Tremont. We will provide you with training and safety gear specific to the tasks you would be willing to perform.

We currently have two members enrolled in the Hancock County Fire Academy. The academy is a huge time commitment but is also rewarding to both the students and our community. Firefighters Parker Murphy and Andrew Jewett started with-in the TFD Junior Firefighter program and have worked up through the ranks.

Planning

Area fire chiefs meet 3-4 times a year to keep open communications with one another.

Some of the newest discussions are towards building an island wide training facility, updating radio communication systems and updating mutual-aid alarm protocols. These chief meetings also allow for the sharing of upcoming trainings, equipment changes and ideas on member recruitment and retention.

Seasonal Structures

Only half of Tremont's residential structures are year round homes. The other half are seasonal rentals or summer homes. This can cause for difficult access in the off season or increase accidental alarm activations.

A number of annual emergency calls to seasonal homes are due to occupants that are not familiar with the normal operations of the cooking or heating systems. Many seasonal homes are behind gated entrances. Notifying the department of lock combinations or key-holder information will prevent the delay of responding apparatus.

Apparatus

The current apparatus fleet is in great working order. Engines, hoses, ladders, rescue equipment and air packs each undergo annual testing. The annual budget provides for all typical testing and repairs. Replacement procedures for the oldest Engine is scheduled start next year.

Recognition

2016 concluded with the passing of retired Assistant Chief Harold Cummings. Harold was a longtime volunteer and TFD board member.

As Chief, I wish to take this opportunity to thank the fire department's Board of Directors and each of its Volunteers. They each sacrifice time away from their family and jobs to handle emergencies, attend meetings and maintain training requirements.

Keith Higgins, Fire Chief
Tremont Volunteer Fire Department

2016 Fire Department Call Log

Alarm Activation	8
Assist Ambulance	5
Boiler Malfunction	2
Burn w/o Permit	3
Cooking Fire/Alarm	3
Mutual Aide Calls	10
Smoke Investigation	3
Structure Fire	1
Technical Rescue	3
Utility Line	9
Vehicle Accidents	10
Vehicle Fire	1



Town Of Tremont

21 Rice Road
Bernard, ME 04612

Tel. 207-266-3359

Office 207-244-4564

Justin W Seavey, Harbormaster

www.tremont.maine.gov

tremontlm@roadrunner.com

Harbor Masters 2016 Annual Report

2016 was a busy year to say the least, many improvements to the wharf, and facilities were completed. We started by conducting a load limit test on the Town Wharf conducted by G.F. Johnston & Associates, which found the wharf in Serious need of repair. 75% of the costs for the engineering studies were covered by a Shore and Harbor Grant. In December Charles Bradley Construction completed a large repair on the wharf to reinforce an area that was in desperate need of repair. A larger project will need to be completed in a few years. We are applying for a Small Harbor Improvement Program Grant to help cover the extensive cost. The wharf's electrical system was completely redone this year and new weather-proof panel boxes installed. All of the winches were professionally inspected and rated this year. A rebuilt winch was swapped out on the western side of the wharf, and both motor spools replaced.

The 2016 lobster boat races went very well, and it was a great day for racing! We had a great turnout and everyone stayed safe. Many thanks to all people involved that made this happen, also to include Maine Marine Patrol, USCG, and Hancock County Sheriff's Department. Bass Harbor's fastest lobster boat trophy goes out to Captain Greg Lewis, F/V Rachel Irene. Planning ahead... we are on the schedule for June 25th for this year's racing. Any questions regarding the race can be directed to Wayne "Coolie" Rich.

Maritime rescues this past year included, the occasional "missing/sunk/adrift punt", various lobster boat tows back into or around the harbor, and the inevitable sail boat that takes the red nun #6 down her port side when heading up the harbor. We've also seen many boats, big and small, on the shore this year, all luckily with very little or no damage.

I am pleased to announce that after lots of hard work we have an accurate Harbor Plan identifying all moorings for A, B, C, and D pools for viewing in the Harbor Master's office. A final draft will be also placed at the town office. I will be continuing this plan to include Gotts Island and Seal Cove in the summer of 2017. The Town currently has over 300 registered moorings in its surrounding waters. Please make sure to have your mooring number permanently affixed to your tackle for easy identification.

In closing, please be aware of your speed coming in and out of all harbors, you are responsible for your wake. We look forward to seeing you on the water. If any assistance at all is needed please do not hesitate to call via cell phone or on VHF channel 16. Special thanks to all Selectboard members, Harbor Committee members, and the Town Manager for their hard work and support.

Sincerely yours,

Justin W Seavey
Harbormaster

Harbor Committee

2016 has seen continued growth in the harbors that are managed under the Town of Tremont.

Harbormaster Justin Seavey has done an exemplary job of administering just under 300 moorings, dozens of lobster cars, four town landings, and two paved launching ramps. He has also watched over significant repairs to the town wharf in Bernard. A new Harbor Ordinance has been drafted and approved by the Harbor Committee, town attorneys, and the Army Corp of Engineers and is now ready for approval via town vote at Town Meeting.

Drafting a new Wharf Ordinance for the Bernard Town Wharf is next on the committee's agenda to insure safe operation and self-financing off this facility. The town attorney is presently giving us his recommendations on how to make that fit with Corp of Engineers regulations.

The Harbor Committee meets on the last Thursday of every month. We would like to encourage the public to attend and comment.

Thank you,

Mel Atherton Chair

Haywood May Vice Chair

Harbor Committee Two Year Terms At Least Seven Members	
<i>Member</i>	<i>Term Expires June 30</i>
Mel Atherton, Chairman	2017
Spencer Ervin	2017
Art Paine	2017
Haywood May, Vice Chair	2018
Rich Helmke	2018
Scott Harper	2018
Josh Lawson	2018

MDI & Ellsworth Housing Authorities

Mailing: PO Box 28 Bar Harbor, ME 04609-0028

Physical: 80 Mt. Desert St., Bar Harbor ME. 04609

Executive Director, *H. Duane Bartlett*

Annual Report

Town of Tremont Housing Authority

The Town of Tremont Housing Authority provides housing units and rental assistance through its Public Housing Program for over 40 elderly and disabled individuals and/or families in our community. All units are occupied, and there is a waiting list of individuals who wish to become tenants.

Regionally, through its Public Housing and Section 8 Programs, the MDI & Ellsworth Housing Authorities assisted over seven hundred individuals and families with rent and utilities in the amount of \$4,050,510.00 in 2016.

The Town of Tremont Housing Authority is very grateful for the continued support it receives from those at the Tremont Town Office, and from other cooperating agencies and community members in the town of Tremont. All help us to reach our objective of providing safe and affordable housing for members of our community.

Payment in lieu of taxes to the Town of Tremont for 2016 is \$5792.44

The Tremont Housing Authority Board of Commissioners meets the first Wednesday of each month. The meetings are handicapped accessible and open to public attendance. Please call 207- 288-4770, extension 127, to confirm the date and time of Board meetings as dates & times are subject to change.

The Housing Authorities' office is located at 80 Mount Desert Street, in Bar Harbor, ME. The office is open from 8 a.m. to 4 p.m., Monday through Friday. To contact the Housing Authorities, please call 207-288-4770 or e-mail Executive Director H. Duane Bartlett at duane.bartlett@emdiha.org

Respectfully submitted,



Frances Martin, Chairwoman
Tremont Housing Authority

Annual Report for the MDIRSS/AO91 Board December 2016

During the 2015-2016 school year, MDI educators focused on quality implementation of standards based teaching and learning, the programmatic implications of proficiency-based diplomas, and the piloting of our revised Supervision and Evaluation System. Student Performance Data revealed improvements in writing and growth in reading and science but pointed to the need to improve math teaching and learning. Student enrollment across MDI schools has remained steady for the third year in a row. While we recognize there is always more to be done to address the needs of all of our learners, we feel the combined efforts of MDIRSS educators are contributing to continuous improvement in our educational program at all levels.

Big Picture

Looking Back (September 2015 to August 2016)	Looking Ahead (September 2016 to August 2017)
<ul style="list-style-type: none"> Completed revisions to the teacher/principal supervision and evaluation system; received approval from local boards, submitted plan for pilot to the state. Developed 11 budgets which were soundly approved by the boards that oversee them as well as town councils; successful annual audit process Submitted and gained approval of state, federal and local grants. Continued to explore and implement revisions to the AOS structure, cooperative initiatives among towns, and opportunities to improve efficiency and effectiveness. 	<ul style="list-style-type: none"> Continue to strengthen standards-based curriculum, assessment, instruction and reporting initiatives leading to a Proficiency-based Diploma. Encourage and support physical and mental wellness across the school community. Improve building safety and security across the district and complete identified capital improvement projects. Explore, and consider, AOS-wide Pre-K programming. Continue to strengthen integrated Science, Technology, Engineering and Math (STEM) programming K-12. Implement Long-Range Planning Process with community visioning and input from stakeholders. Complete Department of Education Special Education Program Audit.

Goal 1: Improve Student Achievement and Engagement in School

Rationale: *Success in the 21st century requires students to leave their K-12 educational experience with high levels of literacy and numeracy. As a district, we need to be engaged in a cycle of continuous improvement to best serve all of our students each year. Programming [curriculum, course of study, pathways, RTI (Response to Intervention), etc.], therefore, must be specifically targeted to improving reading, writing, mathematics, critical thinking and student engagement. New and existing programs of study must be measured by how well they contribute to improvement in these five areas. Parents need to be informed and actively involved as partners with the school system in supporting their children's education.*

Looking Back (September 2015 to August 2016)	Looking Ahead (September 2016 to August 2017)
<ul style="list-style-type: none"> MDIHS freshmen and sophomores experienced a team approach to teaching to increase student success in demonstrating proficiencies necessary to earn a high school diploma. Students were assessed in grades 3 through 8 and 11 through a new state exam in Math and Reading. The SAT was reinstated as the high school assessment. Improved student achievement in writing and growth in the areas of reading and science. 	<ul style="list-style-type: none"> Ensure all K-12 classes are standards-based. All high school teachers will utilize the Mastery Connect system for tracking and reporting student achievement related to standards. Eighth graders will transition to the high school in a standards-based reporting system. Focus on improving math and reading instruction. Implement a robust Response-to-Intervention (RTI) program in all MDIRSS schools, K-12. Expand and support hands-on science, place-based and service learning throughout the district. Obtain approval for Marine Service Technologies satellite CTE program at the high school. Improve Multiple Pathways. Add AP courses in Environmental Science and Humanities.

Goal 2: Improve Teaching and Learning

Rationale: Research shows that quality teaching is the most important variable in student achievement. Skilled teachers who are supported by administrators, have quality teaching materials, have access to, and utilize timely data about student learning, and who actively participate in ongoing professional development make a positive difference for students. Therefore, it is important that the district prioritize teacher professional development, support, supervision and evaluation.

Looking Back (September 2015 to August 2016)	Looking Ahead (September 2016 to August 2017)
<ul style="list-style-type: none"> • Provided mentoring for more than 20 high quality new teachers across the district. • Implemented new standards-based curriculum, assessment, instruction and reporting initiatives leading to Proficiency-based Diplomas. • Increased amount of local and in-state professional development provided by the district and community and state partnerships. 	<ul style="list-style-type: none"> • Complete comprehensive pilot of new teacher and principal evaluation system, including increased peer-to-peer classroom observations. • Strengthen use of data to inform instruction. • Continue ongoing efforts to strengthen standards-based curriculum, assessment, instruction and reporting. • Continue work towards revising and standardizing MDIRSS reporting. • Provide responsive teacher professional development and time for teacher collaboration district-wide. • Increase amount of instructional coaching and emphasize focus on effective instruction district-wide.

Goal 3: Strategic Allocation of Resources, Use of Personnel and Financial Planning

Rationale: The Mount Desert Island Regional School System (MDIRSS) is committed to providing students with an excellent education. However, resources are not unlimited and must be used strategically. Maintenance and utility costs, health insurance and employee benefits must be considerations in seeking efficiencies so as to maximize available resources. Advances in technology enables us to think differently about course delivery, communication, professional development, resource sharing and infrastructure upgrades. Our communities offer significant resources that MDIRSS schools can effectively utilize to further collaborate for collective impact. Preparing students for careers, college and citizenship in the 21st century requires strategic planning, coordinated resource management and accountability.

Looking Back (September 2015 to August 2016)	Looking Ahead (September 2016 to August 2017)
<ul style="list-style-type: none"> • Successfully conducted the search for a new Superintendent, district administrators and four building principals resulting in an exemplary team to lead the district forward. • Provided information regarding accumulated sick leave, personal leave and vacation to employees on a monthly basis. • Strengthened community partnerships; students at all MDI schools actively participated in the Acadia Centennial Celebration. • Improved technology infrastructure. 	<ul style="list-style-type: none"> • Streamlined approval process to facilitate consistency in all AOS policies. • Continue with cooperative initiatives among towns and opportunities to improve efficiency and effectiveness. • Implement single Community-Based Health Insurance Rating in lieu of local pools. • Streamline and implement consistent administrative procedures and protocols across the MDIRSS. • Develop and implement MDIRSS financial and hiring procedure manuals. • Provide each MDIRSS employee with a personalized annual total compensation report. • Continue to make data-informed decisions and align resource allocation as appropriate.

Marc Edward Gousse, Ed.D., Superintendent of Schools

Julie Meltzer, Ph.D., Director of Curriculum, Assessment and Instruction

Melissa Beckwith, Director of Special Services

Nancy Thurlow, Business Manager

TREMONT CONSOLIDATED SCHOOL ANNUAL PRINCIPAL'S REPORT

Enrollment 2016-2017

	Sept	Oct	Nov	Dec	Jan	Feb	Mar
K	9B/4 G 13	9B/4G 13	9B/5G 14	9B/5G 14	9B/5G 14	9B/5G 14	9B/5G 14
1	7B/5 G 12	7B/7G 14	8B/7G 15	8B/7G 15	8B/7G 15	8B/7G 15	8B/8G 16
2	7B/5 G 12	7B/4G 11	7B/3G 10	7B/3G 10	7B/3G 10	7B/3G 10	7B/3G 10
3	2B/8 G 10	2B/8G 10	2B/8G 10	2B/8G 10	2B/8G 10	2B/8G 10	2B/8G 10
4	5B/10 G 15	5B/11 G 16	5B/12G 17	5B/12G 17	5B/12G 17	5B/12G 17	5B/12G 17
5	9B/9 G 18	8B/9G 17	8B/9G 17	8B/9G 17	8B/9G 17	8B/9G 17	8B/9G 17
6	10B/5 G 15	10B/5 G 15	10B/5G 15	10B/5G 15	10B/5G 15	10B/5G 15	11B/5G 16
7	4B/13 G 17	4B/13 G 17	4B/13G 17	4B/13G 17	4B/13G 17	4B/13G 17	4B/13G 17
8	6B/8 G 14	6B/8G 14	6B/8G 14	6B/8G 14	6B/8G 14	7B/8G 15	7B/8G 15
Monthly Enrollment Totals	126	127	129	129	129	130	132

Annual Town Meeting Warrant

Hancock, s.s.
To Justin Seavey, a resident of the Town of Tremont

State of Maine

GREETINGS:

In the name of the State of Maine, you are hereby required to warn and notify the inhabitants of the Town of Tremont, qualified by law to vote in Town affairs, to assemble at the Tremont Town Office, in the Harvey Kelley Meeting Room in said Town, on Monday, May 8, 2017 at one o'clock in the afternoon then and there to act on Article A by Secret Ballot. And immediately thereafter the voters shall act on Articles B through C until eight o'clock in the evening.

And to notify and warn said voters to reconvene at the Tremont Town Office in the Harvey Kelley Meeting Room on Tuesday, May 9, 2017 at six thirty o'clock in the evening then and there to act on Articles 1 through 46, all of said Articles being set forth below, to wit:

Town Election

The following articles will be voted by secret ballot
Monday, May 8, 2017
at the Tremont Town Office in the Harvey Kelley Meeting Room.
Polls Open 1:00 p.m. to 8:00 p.m.

Article A **Moderator:** To elect by written Secret Ballot a Moderator to preside at said meeting. (NOTE: The Moderator is nominated from the floor. At least three (3) registered voters must cast a written Secret Ballot to elect a Moderator.)

Article B **Town Officers and Officials:** To elect the following Town Officers and Officials by written Secret Ballot in accordance with the provisions of Title 30-A, M.R.S.A. Section 2528:

- Two (2) Selectman-Overseer of the Poor for a three (3) year term.
- Two (2) School Board Member for a three (3) year term.
- One (1) School Board Member for a one (1) year term.
- One (1) MDI School Board Trustee for a one (1) year term.
- One (1) MDI School Board Trustee for a two (2) year term.
- One (1) MDI School Board Trustee for a three (3) year term.

Article C **Law Enforcement Contract:** To vote by Secret Ballot the following:

- *Shall the Town of Tremont authorize the Selectmen to negotiate and enter into, on behalf of the Town of Tremont, a three year contract with the Town of Southwest Harbor for law enforcement services including criminal law, civil infractions, town ordinances and animal control services, for the period commencing January 1, 2018, with the total for services not to exceed one hundred and five thousand dollars the first year, one hundred and eight thousand dollars the second year and one hundred and eleven thousand dollars the third year?*

Recommendation: Selectmen make no recommendation

Open Town Meeting

The following articles will be voted on the Town Meeting floor
Tuesday, May 9, 2017 starting at 6:30 p.m.
at the Tremont Town Office in the Harvey Kelley Meeting Room.

Note: Articles 1 through 11 authorize expenditures in cost center categories

School Budget

Article 1 To see what sum the School Committee is authorized to expend for **Regular Instruction** for the fiscal year beginning July 1, 2017 and ending June 30, 2018.

*Recommendation: School Committee and Selectboard recommend **\$1,142,615***

*Note: 2016-17 Amount was **\$1,137,257***

Article 2 To see what sum the School Committee is authorized to expend for **Special Education** for the fiscal year beginning July 1, 2017 and ending June 30, 2018.

*Recommendation: School Committee and Selectboard recommend **\$516,628***

*Note: 2016-17 Amount was **\$ 426,715***

Article 3 To see what sum the School Committee is authorized to expend for **Career and Technical Education** for the fiscal year beginning July 1, 2017 and ending June 30, 2018.

*Recommendation: School Committee and Selectboard recommend **\$ -0-***

*Note: 2016-17 Amount was **\$ -0-***

Article 4 To see what sum the School Committee is authorized to expend for **Other Instruction** for the fiscal year beginning July 1, 2017 and ending June 30, 2018.

*Recommendation: School Committee and Selectboard recommend **\$ 64,210***

*Note: 2016-17 Amount was **\$ 55,145***

Article 5 To see what sum the School Committee is authorized to expend for **Student & Staff Support** for the fiscal year beginning July 1, 2017 and ending June 30, 2018.

*Recommendation: School Committee and Selectboard recommend **\$267,682***

*Note: 2016-17 Amount was **\$ 267,873***

Article 6 To see what sum the School Committee is authorized to expend for **System Administration** for the fiscal year beginning July 1, 2017 and ending June 30, 2018.

Recommendation: School Committee and Selectboard recommend \$ 59,488

Note: 2016-17 Amount was \$ 54,276

Article 7 To see what sum the School Committee is authorized to expend for **School Administration** for the fiscal year beginning July 1, 2017 and ending June 30, 2018.

Recommendation: School Committee and Selectboard recommend \$ 176,770

Note: 2016-17 Amount was \$ 175,700

Article 8 To see what sum the School Committee is authorized to expend for **Transportation & Buses** for the fiscal year beginning July 1, 2017 and ending June 30, 2018.

Recommendation: School Committee and Selectboard recommend \$217,689

Note: 2016-17 Amount was \$145,130

Article 9 To see what sum the School Committee is authorized to expend for **Facilities Maintenance** for the fiscal year beginning July 1, 2017 and ending June 30, 2018.

Recommendation: School Committee and Selectboard recommend \$ 326,227

Note: 2016-17 Amount was \$ 293,029

Article 10 To see what sum the School Committee is authorized to expend for **Debt Service and Other Commitments** for the fiscal year beginning July 1, 2017 and ending June 30, 2018.

Recommendation: School Committee and Selectboard recommend \$ -0-

Note: 2016-17 Amount was \$ -0-

Article 11 To see what sum the School Committee is authorized to expend for **All Other Expenditures** for the fiscal year beginning July 1, 2017 and ending June 30, 2018.

Recommendation: School Committee and Selectboard recommend \$ 42,000

Note: 2016-17 Amount was \$ 39,000

Note: Articles 1 – 11 authorize a total budget of \$2,813,309

Note: 2016-17 Amount was \$2,594,125

Note: Articles 12 – 14 raise funds for the Proposed School Budget

Hand Count Required on the following article

Article 12 To see what sum the voters of the Town of Tremont will appropriate for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act (**Recommend \$1,260,289**) and to see what sum the voters of the Town of Tremont will raise as the Town's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688 for the period July 1, 2017 to June 30, 2018.

*Recommendation: School Committee and Selectboard recommend **\$1,161,024***

Explanation: The Town of Tremont's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.

Hand Count Required on the following article

Article 13 To see what sum the voters of the Town of Tremont will raise and appropriate for the annual payments on debt service previously approved by the legislative body for non-state-funded school construction projects, non-state funded portions of school construction projects and minor capital projects in addition to the funds appropriated as the local share of the Town of Tremont's contribution to the total cost of funding public education from kindergarten to grade 12 for the period July 1, 2017 to June 30, 2018.

*Recommendation: School Committee and Selectboard recommend **\$ -0-***

Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the Town of Tremont's long-term debt for major capital school construction projects and minor capital renovation projects that are not approved for state subsidy.

Written Ballot Vote Required on the following article

Article 14 To see what sum the voters of the Town of Tremont will raise and appropriate in additional local funds for school purposes (**Recommend: \$1,335,172**) for the period July 1, 2017 to June 30, 2018, which exceeds the State's Essential Programs and Services allocation model by (**Recommend: \$1,310,822**) as required to fund the budget recommended by the school committee.

*Recommendation: School Committee and Selectboard recommend **\$1,335,172** for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by **\$1,310,822**: The State funding model underestimates the actual costs to fully fund the 2017-2018 budget.*

Explanation: The additional local funds are those locally raised funds over and above the Town of Tremont's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the Town of Tremont's budget for educational programs.

*Note: Articles 12, 13, & 14 raise a total town appropriation of **\$2,496,196***

*Note: 2016-17 Total Town Appropriation was **\$2,371,098***

Hand Count Required on the following article

Article 15 To see what sum the voters of the Town of Tremont will authorize the School Committee to expend for the fiscal year beginning July 1, 2017 and ending June 30, 2018 from the Town's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

*Recommendation: School Committee and Selectboard recommend **\$ 2,813,309***

*Note: 2016-17 Total Budget was **\$2,594,125***

Note: This article summarizes the proposed school budget and does not authorize any additional expenditures

Article 16 In addition to the amount in Articles 1 – 15, shall the Town appropriate and authorize the School Committee to expend additional state, federal and other funds received during the fiscal year 2017-2018 for school purposes.

Recommendation: School Committee and Selectboard recommend passage.

Current Year Totals: \$ 102,321

Municipal Budget

Article 17 **Administration:** To see what sum of money, not to exceed \$606,089, the Town will vote to raise and appropriate for Administration purposes.

Recommendation: Selectboard recommends \$606,089

Article 18 **Protections:** To see what sum of money, not to exceed \$239,241, the Town will

vote to raise and appropriate for Protections purposes.

Recommendation: Selectboard recommends \$239,241

Article 19 **Debt Service:** To see what sum of money, not to exceed \$153,969, the Town will vote to raise and appropriate for Debt Service purposes.

Recommendation: Selectboard recommends \$153,969

Article 20 **Recreation:** To see what sum of money, not to exceed \$27,105, the Town will vote to raise and appropriate for Recreation purposes.

Recommendation: Selectboard recommends \$27,105

Article 21 **Public Works:** To see what sum of money, not to exceed \$525,825, the Town will vote to raise and appropriate for Public Works purposes.

Recommendation: Selectboard recommends \$525,825

Article 22 **General Assistance:** To see what sum of money, not to exceed \$2,369, the Town will vote to raise and appropriate for General Assistance purposes.

Recommendation: Selectboard recommends \$2,369

Article 23 **Committees:** To see what sum of money, not to exceed \$8,501, the Town will vote to raise and appropriate for Committee purposes.

Recommendation: Selectboard recommends \$8,501

Article 24 **Donations To Third Parties:** To see what sum of money, not to exceed \$15,231, the Town will vote to raise and appropriate for Donations to Third Parties.

Recommendation: Selectboard recommends \$15,231

Article 25 **Solid Waste:** To see what sum of money, not to exceed \$190,693, the Town will vote to raise and appropriate for Solid Waste purposes.

Recommendation: Selectboard recommends \$190,693

Article 26 **Contingency:** To see what sum of money, not to exceed \$12,751, the Town will vote to raise and appropriate for Contingency purposes.

Recommendation: Selectboard recommends \$12,751

Article 27 **Transfers To Reserves:** To see what sum of money, not to exceed \$47,583, the Town will vote to raise and appropriate for Transfers to Reserves.

Recommendation: Selectboard recommends \$47,583

Article 28 **Transfer To Library Fund:** To see what sum of money, not to exceed \$54,199, the Town will vote to raise and appropriate to be transferred to the Library Operating Fund.

Recommendation: Selectboard recommends \$54,199

Article 29 **Other Revenues:** To see what sum the Town will vote to reduce the amount to be raised by property taxation for the Municipal Budget by using reserves, fund balance and estimated revenues.

Recommendation: Selectboard recommends \$706,673

Written Ballot Vote Required on the following article

Article 30 **Tax Cap Override:** To see if the Town will vote to increase the property tax levy limit established for Tremont by State Law in the event that the municipal budget approved under the preceding articles will result in a tax commitment that is greater than that property tax levy limit.

Recommendation: Selectboard recommends adoption.

Other Municipal Articles

Article 31 **Tax Due Date and Interest Rate:** To see if the Town will vote to set the date of commitment as the date when all personal property and real estate taxes for the municipal year 2018 shall become due and payable, and that the maximum rate of interest (7.0%) that can be charged per Title 36, M.R.S.A. Section 505.4 shall be charged on all real estate and personal property taxes remaining unpaid after sixty (60) days from that date.

Recommendation: Selectboard recommends adoption.

Article 32 **Tax Acquired Property:** To see if the Town will vote to authorize the Selectmen on behalf of the Town to sell or convey any real estate acquired by the Town under expired tax lien mortgages on such terms as they may deem proper and to execute release deeds on behalf of the Town to the purchasers of such property. If the property is to be sold, notice of such sale shall be in a local newspaper at least two (2) weeks prior to such sale and the time and place of sale shall be designated. Such sale shall be to the highest bidder except that the prior owner may purchase the property for all taxes, interest penalties and costs then due, plus all costs of the sale to be paid to the Tax Collector in full prior to such sale.

Recommendation: Selectboard recommends adoption.

Article 33 **Grants and Donations:** To see if the Town will vote to authorize the Selectmen or the Town Manager, acting in concurrence with said Selectmen, to apply for and/or accept and expend, on behalf of the Town, money from Federal, State, other governmental units or private sources which may be received, from time to time, in the form of grants or for any other purpose, during the period July 1, 2017 through June 30, 2018.

Recommendation: Selectboard recommends adoption.

Article 34 **Year End Balances:** To see if the Town will vote to have unexpended balances and overdrafts in the Town accounts at the end of the fiscal year, except those which remain by law or are deemed necessary by the Board of Selectmen, lapsed to surplus.

Recommendation: Selectboard recommends adoption.

Article 35 **Tax Prepayments:** To see if the town will vote to accept tax payments prior to the commitment date and to pay interest on said tax payments in the amount of 0% per year figured on a monthly basis until the tax commitment date is reached, pursuant to 36 M.R.S.A. § 506.

Explanation: On rare occasions, taxpayers need to pay their taxes before they have been billed. The Town Treasurer cannot accept such early payments unless an article is passed.

Recommendation: Selectboard recommends adoption.

Article 36 **Overpayment of Taxes:** To see if the Town will vote to establish the interest rate to be paid to a taxpayer who is determined to have paid an amount of real estate taxes in excess of the amount finally assessed for 2018 at 3% per year on the amount of overpayment.

Explanation: If a taxpayer wins a tax appeal against the Town, we must pay them interest on the amount of the difference. We are required by law to set that amount each year. We are suggesting the lowest interest rate allowed by law, which is 4% less than what we charge for late payments..

Recommendation: Selectboard recommends adoption.

Article 37 **Selectmen's Pay:** To see if the Town will vote to authorize the Town Treasurer to pay Selectmen, for their time spent on behalf of the Town, for up to twenty-six (26) meetings per year at the rate of \$50.00 per meeting for the Chair and \$45.00 per meeting for the other members.

Recommendation: The Selectboard made no recommendation on this article.

Article 38 **Surplus Property:** To see if the Town will vote to authorize the Board of Selectmen to dispose of Town owned personal property under such terms and conditions as they deem to be in the best interest of the Town of Tremont.

Recommendation: Selectboard recommends adoption.

Article 39 **Alewife Ordinance:** To see if the Town will vote to inform the State of Maine's Department of Marine Resources that the Town of Tremont wishes to maintain the Town's rights to river herring.

Recommendation: Selectboard recommends adoption.

Article 40 **Alewife Lease:** To see if the Town will vote to authorize the Board of Selectmen to lease the Alewife Fishway at the outlet of Seal Cove Pond to that person, persons or corporation which in its judgment will conduct the Fishway to the best advantage of the fish as well as the Town and set terms of the lease and regulate the Fishway in behalf of the Town.

Recommendation: The Selectboard recommends adoption.

Article 41 **Sold Waste Disposal: PERC Put Option –** To see if the Town will vote to authorize and direct the Board of Selectmen or it's duly authorized designee or designees as a representative of the Town to:

1. Exercise the "Put Option" described in the Sixth Amended and Restated Agreement of Limited Partnership of Penobscot Energy Recovery Company, Limited Partnership; and
2. Execute and deliver on behalf of the Town such documents, and to take such further actions, as the Board of Selectmen or said designee(s) may deem necessary or appropriate in order to exercise the above-described Put Option and to assign the Town's limited partnership interests to Penobscot Energy Recovery Company, Limited Partnership as contemplated thereby.

Explanation: This article authorizes and directs the Board of Selectmen to exercise a Put Option described in the Sixth Amended and Restated Agreement of Limited Partnership of Penobscot Energy Recovery Company, Limited Partnership. (the "PERC Partnership Agreement"). By exercising this Put Option, the Town is electing to require that the Penobscot Energy Recover Company, Limited Partnership ("PERC") repurchase the Town's limited partnership interest in PERC on the terms described in Section 9.3 of the PERC Partnership Agreement in exchange for a cash payment equal to the Town's proportionate share of One Million Five Hundred Thousand Dollars (\$1,500,000), which represents the agreed upon aggregate value of all limited partnership interests held by the Town and other similarly situated municipal members of the Municipal Review Committee.

Recommendation: The Selectboard recommends adoption.

Article 42 **Harbor Management Ordinance:** Shall an ordinance entitled "Harbor Management Ordinance Amendment" as certified by the Board of Selectmen on January 17, 2017 be enacted?

The Harbor Committee and Selectboard recommend adoption.

Note: Copies of the ordinance proposed above are available from the Town Clerk.

Article 43 **Wharf Capital Reserve:** To see if the Town will vote to create a Wharf Capital Reserve, and to authorize the Board of Selectmen to expend these funds at its discretion for Town Wharf repairs, construction, expansion, equipment, personal property or real property costing \$5,000 or more.

Recommendation: The Harbor Committee and Selectboard recommend adoption.

Article 44 **Library Capital Reserve:** To see if the Town will vote to change the purpose of the Library Capital Reserve to allow the Board of Selectmen to use these funds at its discretion for unbudgeted Bass Harbor Memorial Library repairs costing \$5,000 or more and for library expansions and renovations, with associated furnishings, fixtures, parking and landscaping, and the planning of and fundraising for such improvements.

Recommendation: Selectboard recommends adoption.

Article 45 **Library Ordinance:** Shall an ordinance entitled "Library Ordinance" as certified by the Board of Selectmen on January 17, 2017 be enacted?

Recommendation: The Library Trustees and Selectboard recommend adoption.

Note: Copies of the ordinance proposed above are available from the Town Clerk.

Article 46 **Wharf and Facilities Ordinance Amendment:** Shall an ordinance entitled "Wharf and Facilities Ordinance Amendment" as certified by the Board of Selectmen on April 3, 2017 be enacted?

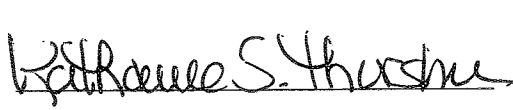
Recommendation: The Selectboard recommends adoption.

Note: Copies of the ordinance proposed above are available from the Town Clerk.


(Warrant Continued on Next Page)

Given under our hands at Tremont, Maine this Third Day of April 2017.

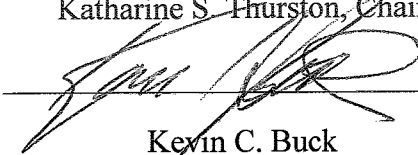
Tremont Board of Selectmen



Katharine S. Thurston, Chair



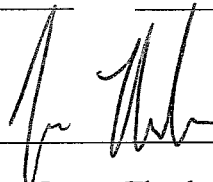
Stewart Murphy, Vice Chair



Kevin C. Buck



Christopher A. Eaton



James Thurlow

TCS Student Activities: 2016-2017

Activity	Season	Grade Levels Participating	# of students participating
Soccer	Fall	6-8	17
Cross Country Running	Fall	5-8	17
Garden Club	Fall/Spring	K-8	8
Golf	Fall	5-8?	1
Girls basketball	Winter	6-8	5
Boys basketball	Winter	6-8	8
Track	Spring	6-8	Not yet in session
Softball	Spring	6-8	Not yet in session
Baseball	Spring	6-8	Not yet in session
Lego Robotics	Winter/Spring	4-8	10
Jazz Band	Fall/Winter/Spring	6-8	11
Band	Fall/Winter/Spring	4-8	24
Chorus	Fall/Winter/Spring	5-8	17
Show Choir	Fall/Winter	3-8	18
Orchestra	Fall/Winter/Spring	4-8	7
Drama	Winter/Spring	3-8	29
Math Club	Winter	6-8	7-8
OPTIONS	Fall/Winter/Spring	6-8 - can depend on projects and activities	5
Yearbook	Winter/Spring	8	8
Tech Club	Fall/Winter/Spring	5-8	10
Recharge	Spring	K-8	Not yet in session

The Tremont Consolidated School remains focused on best practices in teaching and learning. We are privileged to have a dedicated and well-educated group of teachers and support staff. As a school we consistently take a “whatever it takes” approach to reaching all students. We strive to meet students where they are at and provide skills, tools, and strategies to allow them to progress and succeed. Our commitment is to the whole child, encouraging

social and emotional growth, as well as academic achievement. As a district, AOS #91 continues to be strengthening standards based teaching and learning. This has provided increased rigor, as we work to challenge all students at the appropriate level of readiness. Teachers give great effort to knowing and understanding students and building supportive relationships that allow students to feel safe and comfortable, opening the door for the risk taking necessary that is necessary for success.

This year kicked off with many new faces at Tremont Consolidated School. The student body is steadily increasing with 22 new students so far. However, there were many new faculty and staff members as well. We were thrilled to welcome Ashley McCaslin as our new kindergarten teacher, Patricia April as our new K-4 resource room teacher, Janet Adler as our new third grade classroom teacher, Jane White as our new 5-6 math and science teacher. Natalia Pajor, who finished the 2015-2016 school year in 4th grade as a long-term substitute, formally accepted the position and continued this year. Tammy Smith has revived the school library and is sharing a love of reading, research, and technology with students.

We have been thrilled to work with Island Readers and Writers this year to bring several visiting authors in to work with students. This fall, Melissa Sweet spent a day at Tremont sharing her experiences as a writer and illustrator with students from kindergarten through eighth grade. She was promoting her beautiful new book, an illustrated biography titled Some Writer: The Story of E.B. White. What was most impressive was her ability to engage students through the personal nature of her presentations and workshops. Students shared their work with her, received high praise, learned about the writing process, and every child received and signed hardcover copy of the book. Leading up to the event, classroom teachers and specialists worked with students to prepare for Ms. Sweet's visit. In art, many students created pieces connected to the work of E.B. White. 6th grade student Cedar Ellis, presented Ms. Sweet with a framed copy of his barnyard illustration, bringing her to tears. During Arts Week, we will share experiences with author Robin Hansen. She will work with K-4 students in connection with her picture book Ice Harbor Mittens. Students will learn and experience the art of knitting and it's connection to some coastal communities.

Arts Week is one of the most exciting weeks of the year at Tremont Consolidated School. We are beyond grateful for Mrs. Raymond and the many artists and volunteers who bring this opportunity to students. This year students will participate in activities that include 3D printing, birchbark drawing and wood burning, multiple technology options offered by an Apple representative, pottery, glass/watercolor collage, mosaics, macrame and more.

Our work with students often exceeds school hours. Students have many opportunities to explore activities that they find engaging. Our music ensembles take advantage of MDI festivals, including MDI Sing Day, MDI Jazz Festival, Show Choir Extravaganza, and MDI String Day which are all coordinated by the AOS #91 music teachers in an effort to give our students the opportunity to perform in a large ensemble setting, while at the same time making a smoother transition into high school. 3rd and 4th graders attend the the Bangor Symphony Orchestra and middle school choral members attend a concert by The University Singers.

The Wildcats Show Choir has grown tremendously from last year, from 6 students to 20. The Tremont Show Choir has put in many hours before and after school preparing their musical

performance of Peter Pan. In collaboration with Pemetic and Trenton Show Choirs, Tremont students will be traveling to Boston in June for a cultural arts experience. They will be visiting the Boston Museum of Fine Art, dining at a traditional restaurant in Chinatown and attending the musical "Wicked" at the Boston Opera House. The drama program is preparing for a spring show of the musical "Annie Jr". The number of students participating in activities involving performing arts is steadily increasing each year. As part of a school and community outreach program, Barn Arts organized a singalong based on the musical "Hamilton" which a few of our students participated in at Pemetic. Several Tremont students participated in the Global Read Event, a district-wide Gifted and Talented event. At this event students read "Boxers and Saints" by Gene Luen Yang, participated in a live online book discussion with the author, and joined students from across AOS #91 for discussion and reflection on the book.

This year the Tremont/Pemetic girls basketball team competed against Deer Isle-Stonington in the middle school Coastal League Championship Game after defeating Mount Desert in the semi-final game. Although the game did not end with a Tremont victory, this was a great team building experience for an overall young team. We are looking forward to watching them continue to strengthen as a team and gain new skills and confidence next year.

As always, we continue to appreciate the many volunteers who give their time and energy to our school. Parent volunteers and the PTO make many events possible. Because of the generosity of our volunteers, we are able to provide opportunities such as Reader Dog, Book Fairs, the Fishing Derby, the Chinese Auction, the Veterans Day lunch and assembly, the Father/Daughter Dance, Arts Week, field trips, and many in class hands-on learning experiences. We would like to sincerely thank all those who have devoted time to our school.

The 8th grade class will travel to Boston as a culminating trip this year. This trip is intended to offer educational, cultural, and fun components for the students transitioning to the high school next year. Students will participate in activities such as walking the Freedom Trail, visiting the U.S.S. Constitution, touring the Holocaust Memorial, attending a Red Sox game and watching the musical "Wicked". 8th grade students and families have helped to raise funds to make this trip possible. The annual fishing derby was unable to take place as planned, due to unsafe ice conditions. However, the children's mock derby and raffle in the school gym was still a great success. Nan Young was the winner of the PTO boat raffle. Thank you to all who supported the derby and continue to participate each year.

We are making progress on a nature trail behind the school. This trail is intended for school and community use for those who want to enjoy the outdoors. Our goal is to make this a usable outdoor learning space for students to engage with nature and explore the natural scientific world, as well as a setting for sports teams to run. Thanks to the efforts of Mr. Wood, students, volunteers, and the town selectmen this trail has already been used for science observation, nature walks, a writing space, snowshoeing, and a fall scavenger hunt. We are fortunate to be located in an area that offers incredible diversity and beauty. Teachers have worked closely with Billy Helprin, Director at Somes-Meynell Wildlife Sanctuary to enhance science curriculum and step outside the classroom for authentic science instruction.

Tremont students will spend time listening to the stories of a Holocaust Survivor who is scheduled to visit the school later in March in connection with their learning in Mrs. Rabasca's

middle school English Language Arts class. Through a generous donation granted by the Tremont School Fund, students will have the opportunity to hear about one individual's experience during the Holocaust and engage in discussion. We are working with the Bass Harbor Memorial Library in hopes of arranging a public discussion session as well.

There are endless opportunities for Tremont students to learning and grow academically, socially, and emotionally through high quality authentic experiences. Tremont Consolidated School is welcoming to all students, families, and community members. We have much to be proud in our students, teachers, and the incredible level of support we receive from our school committee and community. Please feel free to stop by and observe for yourself the incredible things that are happening. We value your input and feedback. Please visit our website <http://www.tremontconsolidated.org/>, read our weekly newsletter, contact us at (207) 244-7777 or jandrea.true@mdirss.org. Thank you for your support of our wonderful school community.

Respectfully submitted,

Jandrea True, Principal

TREMONT CONSOLIDATED SCHOOL PERSONNEL DIRECTORY

Superintendent of Schools..... Dr. Marc Gousse

Curriculum Coordinator/Assistant Superintendent.....Julie Meltzer

Special Services Director..... Melissa Beckwith

Assistant Special Services Director..... Cynthia Badger

Principal..... Jandrea True

Office Manager..... Susan McIsaac

Kindergarten..... Ashley McCaslin

Grade 1..... Sue Hodgdon

Grade 2..... Sherri Christianson

Grade 3..... Janet Adler

Grade 4..... Natalia Pajor

Grade 5-6-7-8..... Jane White

Grade 5-6-7-8..... Daniel Horning

Grade 5-6-7-8..... Elizabeth Holbrook-Rabasca

Grade 5-6-7-8..... Geoffrey Wood

French Katrina Linscott

Special Education..... Liz Robbins (5-8), Patricia April (K-4)

Gifted and Talented..... Allison Putnam

Tech Integration Iris Meehan

Speech/Language Clinician..... Jeanne Ott

Occupational Therapist.....Liz Oppewall

Physical Therapist.....Kathleen Morin

Guidance..... Anne Dalton

Title I/Reading Recovery..... Cathy Gage

Math Intervention Teacher..... Lorena Beal

Music Teacher..... Allison Putnam

Art Teacher..... Chandra Cousins-Raymond

Librarian.....Tammy Smith

Physical Education/Health & Athletic Director..... Emmy Watson

School Nurse Rose Iuro-Damon

Ed Techs..... Ann Clark, Katie Leighton, Nicole
Murphy, Katherine Pratt, Terri Riemens,
Jacqui Carpenter

Kitchen Staff..... Jen Caeti, Anne Lee

Bus Drivers..... Linda Campbell, Nancy Elvin

Custodians..... Bob Williams

School Board Members:

Heidi Lawson - Chair
Jen Horner - Vice Chair
Heather Davis
Andrew Simon
Molly Goodwin

Tremont Consolidated School
Report of the School Nurse 2016 – 2017 School Year

The school health program, supervised by the school nurse, consists of hearing, vision, and growth screening and making appropriate referrals, arranging necessary physical exams, consulting with parents and health professionals when health problems arise, provides first aid, screens for health problems, and assists in the basic health and wellness related issues. The nurse serves as a member of the Crisis Assistance Team and is available to all students, staff and families as needed.

On a daily basis I continue to students good hand washing, proper hydration & sneezing/coughing into their sleeves or elbows to help prevent the spread of germs to others! As well this nurse tries to find teachable moments to slip in little jewels of information to the students regarding nutrition, safety, hygiene and kindness.

We continue to offer an on-site mobile dental clinic here at the school, provided by MDI Dental Arts. Several families participated in the program. This will be offered again in the spring! We are also currently scheduling MDI Dental Arts to come in for annual dental education programs in several different grades.

Our health clinic was also lucky to have a Husson Nursing student with us for several weeks. While here our student participated daily in the clinic with the daily bumps, bruises and tummy aches as well as assisted with state mandated screenings. As a project he also did a great overview of CPR skills to the 7th and 8th grades. He was a real asset to the school while he was here!

This fall I worked with our garden club and we made healthful lip salves (“chapsticks”) utilizing herbal oils that we created from herbs and flowers in our own beautiful gardens! We sell the salve at a low cost and the proceeds go right back to the garden club!

School health services are contracted through the Mount Desert Island Hospital to provide health services thirty-two hours a week. Rose Iuro-Damon, RN is the Tremont School Nurse. I am so pleased to be able to serve the wonderful children (and families!) of Tremont!

Services provided thru March 2016

- Flu Clinic: 23 children (since the state no longer offers use of the nasal vaccine our numbers were definitely down)
- Vision Screening: Seventy three screened, six referred.
- Hearing Screening: Still in progress!!
- Ht/Wt/BMI Screening: One hundred twenty nine screened
- Office visits continue to run the gamut from splinters to stomachaches to sore throats to sprains, strains and some “mysterious” ailments (such as a student stepping on another student’s tongue....how that happened I will never know! ;o)

Thank you,

“Nurse Rose”

TOWN OF TREMONT, MAINE

***FINANCIAL STATEMENTS
WITH INDEPENDENT AUDITOR'S REPORT***

***FOR THE FISCAL YEAR
ENDED JUNE 30, 2016***

INDEPENDENT AUDITOR'S REPORT

March 16, 2017

Members of the Board of Selectmen
Town of Tremont
P.O. Box 65
Bernard, ME 04612

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of the Town of Tremont, Maine as of and for the year ended June 30, 2016, which collectively comprise the Town's basic financial statements as listed in the table of contents including related notes to the financial statements.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, each major fund, and the aggregate remaining fund information of the Town of Tremont, Maine as of June 30, 2016, and the respective changes in financial position for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis, budgetary comparison information, and pension disclosure schedules on pages 3-7, 33, and 34, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Supplementary Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Town of Tremont, Maine's financial statements as a whole. The supplementary information and the schedule of expenditures of federal awards are presented for purposes of additional analysis and are not a required part of the financial statements. The supplementary information and the schedule of expenditures of federal awards are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the financial statements. The schedule of expenditures of federal awards is presented for purposes of additional analysis as required by the State of Maine Department of Education.

The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion the supplementary information and the schedule of expenditures of federal awards is fairly stated in all material respects in relation to the financial statements as a whole.

Respectfully Submitted,

James W. Wadman, CPA

James W. Wadman, CPA

TOWN OF TREMONT, MAINE
Management's Discussion and Analysis
For the Fiscal Year Ended June 30, 2016

Management of the Town of Tremont, Maine provides this *Management's Discussion and Analysis* of the Town's financial performance for readers of the Town's financial statements. This narrative overview and analysis of the financial activities of the Town is for the fiscal year ended June 30, 2016. We encourage readers to consider this information in conjunction with the financial statements and accompanying notes that follow.

The financial statements herein include all of the activities of the Town of Tremont, Maine (the Town) using the integrated approach as prescribed by Government Accounting Standards Board (GASB) Statement No. 34.

FINANCIAL HIGHLIGHTS – PRIMARY GOVERNMENT

Government-wide Highlights:

Net position – The assets of the Town exceeded its liabilities at fiscal year ending June 30, 2016 by \$7,676,595 (presented as “net position”). Of this amount, \$1,439,904 was reported as “unrestricted net position”. Unrestricted net position represents the amount available to be used to meet the Town's ongoing obligations to citizens and creditors.

Changes in Net position – The Town's total net position increased by \$649,683 (a 9.2% increase) for the fiscal year ended June 30, 2016.

Fund Highlights:

Governmental Funds – Fund Balances – As of the close of the fiscal year ended June 30, 2016; the Town's governmental funds reported a combined ending fund balance of \$1,796,493 with \$281,212 being general unassigned fund balance. This unassigned fund balance represents approximately 5% of the total general fund expenditures for the year.

Long-term Debt:

The Town's total long-term debt obligations decreased by \$298,895 (25.3%) during the current fiscal year. Existing debt obligations were retired according to schedule.

Additional information on the School's long-term debt can be found in Note3E of the notes to the financial statements on pages 26-27 of this report.

OVERVIEW OF THE FINANCIAL STATEMENTS

This discussion and analysis are intended to serve as an introduction to the Town's basic financial statements. The Town's basic financial statements include three components: 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the financial statements. This report also contains additional required supplementary information (budgetary comparison) and other supplementary information. These components are described below:

Government-wide Financial Statements

The Government-wide financial statements present the financial picture of the Town from the economic resources measurement focus using the accrual basis of accounting. They present governmental activities and business-type activities (if applicable) separately. These statements include all assets of the Town (including infrastructure) as well as all liabilities (including long-term debt). Additionally, certain elimination entries have occurred as prescribed by the statement in regards to interfund activity, payables and receivables.

The government-wide financial statements can be found on pages 8-9 of this report.

Fund Financial Statements

The fund financial statements include statements for each of the three categories of activities – governmental, business-type and fiduciary (if applicable). The governmental activities are prepared using the current financial resources measurement focus and the modified accrual basis of accounting. The business-type activities are prepared using the economic resources measurement focus and the accrual basis of accounting. Fiduciary funds are used to account for resources held for the benefit of parties outside the Town government. Fiduciary funds are not reflected in the government-wide financial statements because the resources of these funds are not available to support the Town's own

programs. Reconciliation of the fund financial statements to the Government-wide financial statements is provided to explain the differences created by the integrated approach.

The basic governmental fund financial statements can be found on pages 10-12 of this report.

The fiduciary fund financial statements can be found on pages 13-14 of this report.

Notes to the Financial Statements

The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and the fund financial statements. The notes to the financial statements can be found on pages 15-32 of this report.

Required Supplementary Information

This section includes a budgetary comparison schedule, which includes a reconciliation between the statutory fund balance for budgetary purposes and the fund balance for the general fund as presented in the governmental fund financial statements (if necessary). Required supplementary information can be found on page 33 of this report.

GOVERNMENT-WIDE FINANCIAL ANALYSIS

Net Position

74.7% of the Town's net position reflects its investment in capital assets such as land, buildings, equipment and infrastructure (roads, bridges and other immovable assets); less any related debt used to acquire those assets that are still outstanding. The Town uses these assets to provide services to citizens; consequently, these assets are not available for future spending. Although, the Town's investment in its capital assets is reported net of related debt, it should be noted that the resources needed to repay this debt must be provided from other sources, since the capital assets themselves cannot be used to liquidate these liabilities.

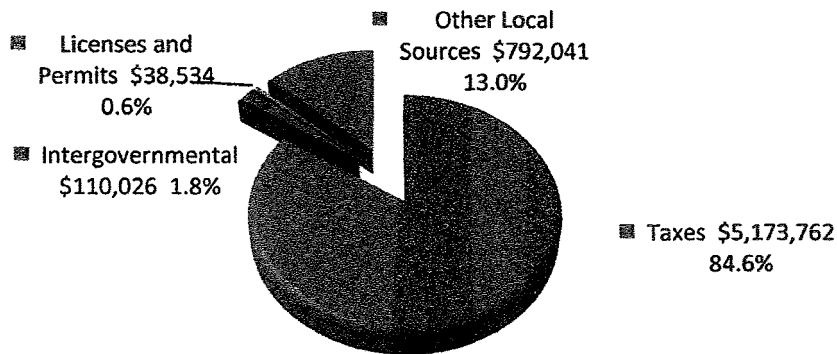
	<i>Governmental Activities</i>	
	<i>Total 2016</i>	<i>Total 2015</i>
Current Assets	2,173,244	2,682,047
Capital Assets	6,621,386	5,887,133
<i>Total Assets</i>	8,794,630	8,569,180
Related to Pensions	76,793	22,834
<i>Total Deferred Outflows of Resources</i>	76,793	22,834
<i>Total Assets and Deferred Outflows of Resources</i>	8,871,423	8,592,014
Current Liabilities	437,043	576,206
Other Liabilities	724,625	939,772
<i>Total Liabilities</i>	1,161,668	1,515,978
Related to Pensions	21,021	26,639
Prepaid Taxes	12,139	22,485
<i>Deferred Inflows of Resources</i>	33,160	49,124
Net Investment in Capital Assets	5,737,886	4,699,101
Restricted	498,805	327,498
Unrestricted	1,439,904	2,000,313
<i>Total Net Position</i>	7,676,595	7,026,912
<i>Total Liabilities, Deferred Inflows, and Net Position</i>	8,871,423	8,592,014

Changes in Net Position

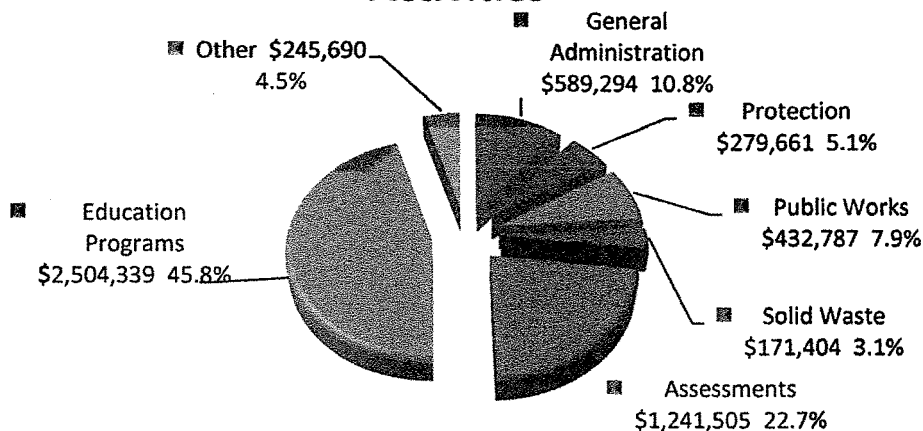
Approximately 84.6 percent of the Town's total revenue came from property and excise taxes, approximately 1.8 percent came from State subsidies and grants, and approximately 13.6 percent came from services, investment earnings and other sources. Depreciation expense on the Town's governmental activity assets represents \$353,778 of the total expenses for the fiscal year.

	<i>Governmental Activities</i>	
	<i>Total 2016</i>	<i>Total 2015</i>
Revenues:		
Taxes	5,173,762	4,935,951
Intergovernmental Revenues	110,026	99,736
Licenses and Permits	38,534	39,637
Other Local Sources	792,041	538,989
Total	6,114,363	5,614,313
Expenses:		
General Administration	589,294	687,760
Protection	279,661	276,704
Recreation	86,188	64,422
General Assistance	3,080	-
Public Works	432,787	402,975
Solid Waste	171,404	191,996
Committees	4,230	1,615
Third Party Donations	12,700	9,825
Debt Service	80,540	144,381
Assessments	1,241,505	1,167,375
Education Programs	2,504,339	2,712,316
Capital Outlay	9,050	5,614
All Other	49,902	26,081
Total	5,464,680	5,691,064
Changes in Net Position	649,683	(76,751)

Revenues By Source - Governmental Activities



Expenditures By Source - Governmental Activities



FINANCIAL ANALYSIS OF THE TOWN'S INDIVIDUAL FUNDS

Governmental Funds

The focus of the Town's governmental funds is to provide information on near-term inflows, outflows, and balances of expendable resources. Such information is useful in assessing the Town's financing requirements. In particular, unassigned fund balance may serve as a useful measure of a government's net resources available for spending at the end of the fiscal year.

At the end of the fiscal year, the Town's governmental funds reported ending fund balances of \$1,796,493 a decrease of \$413,501 in comparison with the prior year. Approximately 15 percent of this total amount constitutes unassigned fund balance. The remainder is reserved to indicate that it is not available for spending because it has been committed to liquidate contracts and commitments of the prior fiscal year or for a variety of other purposes.

GENERAL FUND BUDGETARY HIGHLIGHTS

Variances between actual General Fund revenues and expenditures and the final amended budget included the following:

- \$21,719 positive variance in auto excise. Registrations came in higher than anticipated.

- \$34,239 positive variance in trash disposal. The variance is due to prior year carryover.
- \$12,260 negative variance in public work wages. The variance is due to a transfer made to cover the road improvements.

Capital Assets

The Town's investment in capital assets for its governmental activities amounts to \$11,462,649, net of accumulated depreciation of \$4,841,263, leaving a net book value of \$6,621,386. Current year additions include 46,950 for a public works truck, \$18,080 for truck rigging, \$1,008,663 for road reconstruction, \$8,714 for ice skating rink & parking, and \$5,624 for school lighting project.

REQUESTS FOR INFORMATION

This financial report is designed to provide a general overview of the Town's finances for all citizens, taxpayers, investors and creditors. This financial report seeks to demonstrate the Town's accountability for the money it receives. Questions concerning any of the information provided in this report or requests for additional information should be addressed to: Town of Tremont, P.O. Box 159, Bernard, ME 04612.

TOWN OF TREMONT
BALANCE SHEET - GOVERNMENTAL FUNDS
JUNE 30, 2016

Exhibit C

	<i>General Fund</i>	<i>Capital Improvement Projects</i>	<i>Other Governmental Funds</i>	<i>Total</i>
Assets				
Cash and Equivalents	1,553,297	60,290	292,921	1,906,508
Investments	2,739			2,739
Receivables				
Taxes	1,404			1,404
Tax Liens	213,363			213,363
Accounts	46,429			46,429
Due from Other Funds	-	92,783	10,000	102,783
Inventory	2,801			2,801
Total Assets	1,820,033	153,073	302,921	2,276,027
Liabilities				
Cash Deficit			9,574	9,574
Accounts Payable	17,145			17,145
Accrued Salaries Payable	155,881			155,881
Due to Other Funds	102,783			102,783
Total Liabilities	275,809	-	9,574	285,383
Deferred Inflows of Resources:				
Prepaid Taxes	12,139			12,139
Unavailable Property Tax Revenue	182,012			182,012
Total Deferred Inflows of Resources	194,151	-	-	194,151
Fund Balances				
Nonspendable	2,801		182,587	185,388
Restricted	400,945	1,797	-	402,742
Committed	573,104	151,276	115,143	839,523
Assigned	92,011		5,191	97,202
Unassigned	281,212		(9,574)	271,638
Total Fund Balances	1,350,073	153,073	293,347	1,796,493
Total Liabilities, Deferred Inflows of Resources and Fund Balances	1,820,033	153,073	302,921	2,276,027

Amounts reported for governmental activities in the Statement of Net Position are different because:

Total Fund Balance	1,796,493
Capital assets used in governmental activities are not financial resources and, therefore, are not reported in the funds, net of accumulated depreciation of \$4,841,263	6,621,386
Deferred outflows of resources related to pension plans	76,793
Deferred inflows of resources related to pension plans	(21,021)
Certain long-term liabilities are not due and payable from current financial resources and, therefore, are not reported in the funds:	
Bonds Payable	(883,500)
Unavailable Property Tax Revenue	182,012
Net Pension Liability	(69,990)
Accrued Compensated Absences	(25,578)
Net Position of Governmental Activities	<u>7,676,595</u>

The notes to financial statements are an integral part of this statement.

TOWN OF TREMONT

Exhibit A-1

GENERAL FUND

STATEMENT OF ESTIMATED AND ACTUAL REVENUES - BUDGETARY BASIS

FOR THE YEAR ENDED JUNE 30, 2016

	<u><i>Budget</i></u>	<u><i>Actual</i></u>	<u><i>Over (Under)</i></u> <u><i>Budget</i></u>
Taxes			
Property	4,767,936	4,764,402	(3,534)
Auto Excise	366,625	388,344	21,719
Interest and Costs on Taxes and Liens	23,689	38,338	14,649
	<u>5,158,250</u>	<u>5,191,084</u>	<u>32,834</u>
Intergovernmental Revenues			
Snowmobile Refund	464	530	66
Homestead Reimbursement	20,398	20,398	-
BETE Reimbursement	469	478	9
Veterans Reimbursement	1,110	1,258	148
Gas Tax Refund	692	1,625	933
General Assistance	1,070	1,388	318
Federal PILT	17,990	19,148	1,158
Tremont Housing Authority PILT	3,252	4,527	1,275
U.S. Wildlife PILT	6,027	853	(5,174)
Tree Growth Reimbursement	430	1,243	813
	<u>51,902</u>	<u>51,448</u>	<u>(454)</u>
Licenses and Permits			
Building Permit Fees	5,275	4,550	(725)
Town Clerk Fees	2,072	1,574	(498)
Registration Agent Fees	7,561	7,100	(461)
Cable Television	20,000	21,128	1,128
Plumbing Fees	3,316	2,520	(796)
Miscellaneous Fees	589	1,662	1,073
	<u>38,813</u>	<u>38,534</u>	<u>(279)</u>
Local Sources			
Interest on Investments	6,500	10,650	4,150
Other PILT		1,382	1,382
Cemetery Income	1,526		(1,526)
PERC Reimbursements		3,551	3,551
Insurance Reimbursement	1	234	233
	<u>8,027</u>	<u>15,817</u>	<u>7,790</u>
Transfers and Other Sources			
Transfers In			
Municipal Revenue Sharing	28,406	28,406	-
Harbor Management	13,901	14,969	1,068
Wharf Fund	13,901	14,969	1,068
Local Road Assistance Program	50,303	50,303	-
Reserves	92,432	93,641	1,209
	<u>198,943</u>	<u>202,288</u>	<u>3,345</u>
	<u>5,455,935</u>	<u>5,499,171</u>	<u>43,236</u>
Fund Balance Used to Reduce Tax Rate	<u>4,499</u>		
Total Revenues and Use of Fund Balance	<u>5,460,434</u>		

TOWN OF TREMONT

GENERAL FUND

**STATEMENT OF APPROPRIATIONS, EXPENDITURES AND ENCUMBRANCES - BUDGETARY BASIS
FOR THE YEAR ENDED JUNE 30, 2016**

Exhibit A-2

Page 1 of 3

	<i>Encumbered From 2015</i>	<i>Budget</i>	<i>Revenues/ Transfers In</i>	<i>Expenditures</i>	<i>Encumbered to 2017</i>	<i>(Over) Under Budget</i>
General Administration						
Wages and Salaries		236,364		227,170		9,194
Employee Benefits		194,539		200,309		(5,770)
Office Operations		72,672		75,923		(3,251)
Abatements		3,626		3,627		(1)
Town Office Building		15,972		18,534		(2,562)
Insurance		24,274		23,801		473
Contingency		3,236		866		2,370
	<u>-</u>	<u>550,683</u>	<u>-</u>	<u>550,230</u>	<u>-</u>	<u>453</u>
Protection						
Fire Department		70,000		70,000		-
Dispatch		20,000		20,000		-
Animal Control		5,946		3,886		2,060
Law Enforcement		92,040		90,713		1,327
Ambulance		39,000		39,000		-
Emergency Preparedness		510		509		1
	<u>-</u>	<u>227,496</u>	<u>-</u>	<u>224,108</u>	<u>-</u>	<u>3,388</u>
Recreation						
Recreation Board	6,301	6,000		10,333		1,968
Harbor House		18,575		18,575		-
	<u>6,301</u>	<u>24,575</u>	<u>-</u>	<u>28,908</u>	<u>-</u>	<u>1,968</u>
General Assistance		2,661		3,080		(419)

TOWN OF TREMONT

GENERAL FUND

STATEMENT OF APPROPRIATIONS, EXPENDITURES AND ENCUMBRANCES - BUDGETARY BASIS

FOR THE YEAR ENDED JUNE 30, 2016

Exhibit A-2

Page 2 of 3

	<i>Encumbered From 2015</i>	<i>Budget</i>	<i>Revenues/ Transfers In</i>	<i>Expenditures</i>	<i>Encumbered to 2017</i>	<i>(Over) Under Budget</i>
Public Works						
Wages		107,943		120,203		(12,260)
Summer Roads	138,505	202,578		237,136	92,011	11,936
Winter Roads		54,688		54,688		-
Town Garage Buildings		6,047		6,046		1
Equipment		94,708		94,708		-
Seal Cove Fishway		101				101
Cemetery Care	7,880	(3,865)		4,194		(179)
Street Lights		10,973		10,572		401
	<u>146,385</u>	<u>473,173</u>	<u>-</u>	<u>527,547</u>	<u>92,011</u>	<u>-</u>
Solid Waste						
Trash Disposal	31,661	171,483		168,905		34,239
Landfill Remediation		645		2,499		(1,854)
	<u>31,661</u>	<u>172,128</u>	<u>-</u>	<u>171,404</u>	<u>-</u>	<u>32,385</u>
Committees						
Planning Board		5,160		1,730		3,430
Board of Appeals		1				1
Historical Society		2,500		2,500		-
	<u>-</u>	<u>7,661</u>	<u>-</u>	<u>4,230</u>	<u>-</u>	<u>3,431</u>
Third Party Donations						
Campfire Coalition		3,000		3,000		-
Washington Hancock Community Agency		780		780		-
Downeast Health		720		720		-
Island Connection		1,500		1,500		-
Island Explorer		3,000		3,000		-
Downeast Horizons		1,600		1,600		-
Bar Harbor Food Pantry		1,500		1,500		-
Hospice		600		600		-
	<u>-</u>	<u>12,700</u>	<u>-</u>	<u>12,700</u>	<u>-</u>	<u>-</u>

TOWN OF TREMONT

GENERAL FUND

STATEMENT OF APPROPRIATIONS, EXPENDITURES AND ENCUMBRANCES - BUDGETARY BASIS

FOR THE YEAR ENDED JUNE 30, 2016

Exhibit A-2

Page 3 of 3

	<i>Encumbered From 2015</i>	<i>Budget</i>	<i>Revenues/ Transfers In</i>	<i>Expenditures</i>	<i>Encumbered to 2017</i>	<i>(Over) Under Budget</i>
Debt Service						
Hinton Property/ Fire Truck		112,952		112,302		650
Town Office		101,111		97,967		3,144
New Roads		50,303		49,501		802
Snow Plow		45,988		45,903		85
		<u>310,354</u>		<u>305,673</u>		<u>4,681</u>
Education						
Elementary School	<u>206,956</u>	<u>2,308,632</u>	<u>273,871</u>	<u>2,493,178</u>	<u>296,281</u>	<u>-</u>
Assessments						
MDI Community School District		1,032,089		1,032,089		-
County Tax		209,417		209,416		1
Overlay		<u>18,874</u>				<u>18,874</u>
		<u>1,260,380</u>		<u>1,241,505</u>		<u>18,875</u>
Operating Transfers Out						
Reserve Funds						
Community Building		9,499		9,499		-
Town Equipment		2,491		2,491		-
School Bus Reserve		17,000		17,000		-
School Maintenance		10,000		10,000		-
Bass Harbor Memorial Library		49,933		49,933		-
Town Roads		<u>21,068</u>		<u>21,068</u>		<u>-</u>
		<u>109,991</u>		<u>109,991</u>		<u>-</u>
Totals	<u>391,303</u>	<u>5,460,434</u>	<u>273,871</u>	<u>5,672,554</u>	<u>388,292</u>	<u>64,762</u>

TOWN OF TREMONT
GENERAL FUND
STATEMENT OF CHANGES IN UNASSIGNED FUND BALANCE
BUDGETARY BASIS
FOR THE YEAR ENDED JUNE 30, 2016

Exhibit A-3

Unassigned Fund Balance July 1, 2015	177,713	
Unassigned Fund Balance June 30, 2016	<u>281,212</u>	
Increase/(Decrease)		<u><u>103,499</u></u>

Analysis of Change

Budget Summary		
Revenue Surplus (Exhibit A-1)	43,236	
Unexpended Balance of Appropriations (Exhibit A-2)	<u>64,762</u>	
Budget Surplus		107,998
Deductions		
Beginning Fund Balance Used to Reduce Tax Rate		<u>(4,499)</u>
Increase /(Decrease)		<u><u>103,499</u></u>

TOWN OF TREMONT
GENERAL RESERVE AND RESTRICTED FUNDS
BALANCE SHEET
JUNE 30, 2016

Exhibit A-4

<i>Assets</i>	<i>Municipal Revenue Sharing</i>	<i>Library Operating Fund</i>	<i>Town Reserves</i>	<i>Totals</i>
Cash & Equivalents		5,966	554,877	560,843
Due From Other Funds	107,465	12,261		119,726
Total Assets	107,465	18,227	554,877	680,569
<i>Liabilities & Fund Balances</i>				
Liabilities				
Due to Other Funds				
Total Liabilities				
Fund Balances				
Restricted	107,465			107,465
Committed		18,227	554,877	573,104
Total Fund Balances	107,465	18,227	554,877	680,569
Total Liabilities & Fund Balances	107,465	18,227	554,877	680,569

TOWN OF TREMONT
GENERAL RESERVE AND RESTRICTED FUNDS
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN
FUND BALANCES
FOR THE YEAR ENDED JUNE 30, 2016

Exhibit A-5

	<i>Municipal Revenue Sharing</i>	<i>Library Operating Fund</i>	<i>Town Reserves</i>	<i>Totals</i>
Revenues				
Intergovernmental	33,142			33,142
Local Sources		8,260	5,000	13,260
Interest/Dividends			3,277	3,277
Total Revenues	33,142	8,260	8,277	49,679
Expenditures				
All Other		52,227	14,362	66,589
Total Expenditures		52,227	14,362	66,589
Excess of Revenues Over (Under) Expenditures	33,142	(43,967)	(6,085)	(16,910)
Other Financing Sources (Uses)				
Transfers In		49,933	19,499	69,432
Transfers Out	(28,406)		(47,842)	(76,248)
Total Other Financing Sources (Uses)	(28,406)	49,933	(28,343)	(6,816)
Excess of Revenues and Other Sources Over (Under) Expenditures and Other Uses	4,736	5,966	(34,428)	(23,726)
Fund Balance - July 1	102,729	12,261	589,305	704,295
Fund Balance - June 30	107,465	18,227	554,877	680,569

TOWN OF TREMONT
GENERAL RESERVE FUNDS
STATEMENT OF ACTIVITY
FOR THE YEAR ENDED JUNE 30, 2016

<i>Reserve</i>	<i>Balance July 1</i>	<i>Transfers In</i>	
Community Building	73,772	9,499	
Law Enforcement	118,150		
Landfill Remediation Reserve	3,846		
Museum Settlement	123,679		
Recreation	1,207		
Seal Cove Fishway	4,980		
Library Capital Reserve	27,385		
Maintenance of School Plant	62	10,000	
Emergency Special Education	236,224		
Totals	589,305	19,499	

Exhibit A-6

<i><u>Interest</u></i>	<i><u>Revenue</u></i>	<i><u>Expenditures</u></i>	<i><u>Transfers Out</u></i>	<i><u>Balance June 30</u></i>
305	5,000	(14,362)		74,214
647				118,797
21			(645)	3,222
677			(45,988)	78,368
2			(1,209)	-
27				5,007
166				27,551
5				10,067
1,427				237,651
<u>3,277</u>	<u>5,000</u>	<u>(14,362)</u>	<u>(47,842)</u>	<u>554,877</u>

TOWN OF TREMONT
ALL SPECIAL REVENUE FUNDS
BALANCE SHEET
JUNE 30, 2016

Assets

Cash
Due From Other Funds

Total Assets

Liabilities & Fund Balances

Liabilities
Cash Deficit

Total Liabilities

Fund Balances
Restricted
Committed
Unassigned

Total Fund Balances

Total Liabilities & Fund Balances

Exhibit B-1

<i>Municipal Wharf</i>	<i>Harbor Management</i>	<i>Seal Cove Facilities</i>	<i>Totals</i>
102,061		3,082	105,143
10,000			10,000
112,061		3,082	115,143
	9,574		9,574
	9,574		9,574
			-
112,061	(9,574)	3,082	115,143 (9,574)
112,061	(9,574)	3,082	105,569
112,061	-	3,082	115,143

TOWN OF TREMONT
ALL SPECIAL REVENUE FUNDS
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN
FUND BALANCES
FOR THE YEAR ENDED JUNE 30, 2016

	<i>Municipal Wharf</i>	
Revenues		
Local Sources	89,257	
Interest/Dividends	790	
Total Revenues	90,047	
Expenditures		
Capital Outlay	4,000	
Maintenance and Repairs	13,466	
Debt Payment	73,762	
All Other	16,052	
Total Expenditures	107,280	
Excess of Revenues Over (Under) Expenditures	(17,233)	
Other Financing Sources (Uses)		
Transfers from Other Funds		
Transfers to Other Funds	(14,969)	
Total Other Financing Sources (Uses)	(14,969)	
Excess of Revenues and Other Sources Over (Under) Expenditures and Other Uses	(32,202)	
Fund Balance - July 1	144,263	
Fund Balance - June 30	112,061	

Exhibit B-2

<i>Harbor Management</i>	<i>Seal Cove Facilities</i>	<i>Cable Grant</i>	<i>Totals</i>
31,402	3,000		123,659
(47)	17		760
31,355	3,017		124,419
			4,000
6,529	10		20,005
			73,762
10,829	3,016		29,897
17,358	3,026		127,664
13,997	(9)		(3,245)
			-
(14,969)		(15,000)	(44,938)
(14,969)		(15,000)	(44,938)
(972)	(9)	(15,000)	(48,183)
(8,602)	3,091	15,000	153,752
(9,574)	3,082	-	105,569

TOWN OF TREMONT
ALL CAPITAL PROJECT FUNDS
BALANCE SHEET
JUNE 30, 2016

Exhibit C-1

	<u>Capital Improvement Projects</u>
<i>Assets</i>	
Cash	60,290
Due from Other Funds	<u>92,783</u>
Total Assets	<u>153,073</u>
 <i>Liabilities and Fund Balances</i>	
Liabilities	
Due to Other Funds	<u> </u>
Total Liabilities	<u>-</u>
 Fund Balances	
Restricted	1,797
Committed	<u>151,276</u>
Total Fund Balances	<u>153,073</u>
 Total Liabilities and Fund Balances	<u>153,073</u>

TOWN OF TREMONT
ALL CAPITAL PROJECT FUNDS
STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES
FOR THE YEAR ENDED JUNE 30, 2016

Exhibit C-2

	<i>Capital Improvement Projects</i>	<i>Dredging Project</i>	<i>Totals</i>
Revenues			
Intergovernmental	25,436		25,436
Local Sources	360,353	26	360,379
Total Revenues	385,789	26	385,815
Expenditures			
Dredging			-
Miscellaneous	788,370		788,370
Total Expenditures	788,370	-	788,370
Excess of Revenues Over (Under) Expenditures	(402,581)	26	(402,555)
Other Financing Sources (Uses)			
Transfers from Other Funds	60,425		60,425
Transfers to Other Funds	(96,102)	(4,866)	(100,968)
Total Other Financing Sources (Uses)	(35,677)	(4,866)	(40,543)
Excess of Revenues and Other Sources Over (Under) Expenditures and Other Uses	(438,258)	(4,840)	(443,098)
Fund Balance - July 1	591,331	4,840	596,171
Fund Balance - June 30	153,073	-	153,073

TOWN OF TREMONT
CAPITAL IMPROVEMENT PROJECTS
STATEMENT OF ACTIVITY
FOR THE YEAR ENDED JUNE 30, 2016

<i>Reserve</i>	<i>Balance July 1</i>	<i>Transfers In</i>	
Town Road Reserve	407,907	21,068	
Town Truck	25,846	4,866	
Local Road Assistance Program	26,519		
Sidewalks	45,059		
Town Equipment Reserve	36,675	17,491	
School Bus	49,325	17,000	
Totals	591,331	60,425	

Exhibit C-3

<i>Interest</i>	<i>Revenue</i>	<i>Expenditures</i>	<i>Transfers Out</i>	<i>Balance June 30</i>
(605)	360,000	(788,370)		-
142			(25,799)	5,055
145	25,436		(50,303)	1,797
247				45,306
139			(20,000)	34,305
285				66,610
353	385,436	(788,370)	(96,102)	153,073

TOWN OF TREMONT
BALANCE SHEET
ALL PERMANENT FUNDS
FOR THE YEAR ENDED JUNE 30, 2016

Exhibit D-1

<i>Assets</i>	<i>Cemetery Trust Fund</i>	<i>Library Trust Fund</i>	<i>Total</i>
Cash	173,188	14,590	187,778
Due from Other Funds			-
Total Assets	173,188	14,590	187,778
<i>Liabilities & Fund Balances</i>			
Liabilities			
Due to Other Funds			-
Total Liabilities	-	-	-
Fund Balances			
Nonspendable	171,587	11,000	182,587
Assigned	1,601	3,590	5,191
Unassigned			-
Total Fund Balances	173,188	14,590	187,778
Total Liabilities & Fund Balances	173,188	14,590	187,778

TOWN OF TREMONT
STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES
ALL PERMANENT FUNDS
FOR THE YEAR ENDED JUNE 30, 2016

Exhibit D-2

	<i>Cemetery Trust Fund</i>	<i>Library Trust Fund</i>	<i>Total</i>
Revenues			
Local Sources	938	80	1,018
Total Revenues	938	80	1,018
Expenditures			
Cemetery Maintenance			-
	-	-	-
Excess of Revenues Over Expenditures	938	80	1,018
Other Financing Sources (Uses)			
Transfers to Other Funds			-
Total Other Financing Sources (Uses)	-	-	-
Excess of Revenues and Other Sources Over (Under) Expenditures and Other Uses	938	80	1,018
Fund Balance - July 1	172,250	14,510	186,760
Fund Balance - June 30	173,188	14,590	187,778



Town Of Tremont

Office of the Town Manager

P.O. Box 159

Bernard, ME 04612

Tel. 207-244-7204

Fax 207-244-0758

Dana J. Reed, Town Manager

www.tremont.maine.gov

tremont@roadrunner.com

To: Tremont Citizens
From: Dana J. Reed, Town Manager & Treasurer
Date: March 29, 2017

Re: **Audit Report**

In order to conserve space and reduce printing costs, we have published the 24 most useful pages of the full 53 page audit report. You can review the full report at the Town Office, or we will be happy to mail you a copy upon request.

We are sorry for any inconvenience, but will be happy to answer your questions or comments. Just give us a call or drop me a line.

Sincerely yours,

Dana J. Reed
Town Manager
Treasurer

TOWN OF TREMONT HOLDING TANK ORDINANCE

The Town of Tremont hereby ordains that a Holding Tank Ordinance is adopted as follows:

BE IT ENACTED AND ORDAINED by the Selectboard of the Town of Tremont, Hancock County, and it is hereby enacted and ordained as follows:

Section 1. Purpose. The purpose of this Ordinance is to establish procedures for the use and maintenance of holding tanks designed to receive and retain wastewater from residential or commercial uses. It is hereby declared that the enactment of this ordinance is necessary for the protection, benefit, and preservation of the health, safety, and welfare of the inhabitants of this municipality.

Section 2. Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance is as follows:

“Authority” means Selectboard of Tremont, Hancock County, Maine.

“Holding tank” means a closed, watertight structure, designed and used to receive and store wastewater or septic tank effluent. A holding tank does not discharge wastewater or septic tank effluent to surface or ground water or onto the surface of ground. Holding tanks are designed and constructed to facilitate ultimate disposal of wastewater at another site.

“Improved property” means any property within the municipality upon which there is a structure intended for continuous or periodic habitation. Occupancy, or use by humans or animals and from which structure wastewater may be discharged.

“Municipality” means Tremont, Hancock County, Maine.

“Owner” means any person vested with ownership, legal or equitable, sole or partial, of any property located in the Municipality.

“Person” means any individual, partnership, company, association, corporation, or other group or entity.

“Wastewater” means any domestic wastewater, or other wastewater from commercial, industrial, or residential sources which has constituents similar to that of domestic wastewater. The term specifically excludes industrial, hazardous, or toxic wastes and materials.

Section 3. Rights and privileges granted. The Authority is hereby authorized and empowered to undertake, within the municipality, the control of, and methods of, disposal of holding tank wastewater and the collection and transportation thereof.

Section 4. Rules and regulations to be in conformity with applicable law. All such rules and regulations adopted by the Authority must be in conformity with provisions herein, all other ordinances of the Town of Tremont, all applicable laws, and applicable rules and regulations of the administrative agencies of the State of Maine. Holding tanks cannot be used for seasonal conversion or new construction within the shoreland zone of a major water course.

Section 5. Rates and changes. The Authority shall have the right and power to fix, alter, charge and collect rates, assessments, and other charges in the area served by its facilities at reasonable and uniform rates, as authorized by applicable law.

Section 6. Exclusiveness of rights and privileges. The collection and transportation of all wastewater from any improved property utilizing a holding tank must be done solely by, or under the direction and control of, the Authority, and the disposal thereof must be made at such site or sites as may be approved by the Maine Department of Environmental Protection.

Section 7. Duties of owner of improved property. The owner of an improved property that utilizes a holding tank must:

- A. Maintain the holding tank in conformance with this or any other Ordinance of this Town, the provisions of any applicable law, rules and regulations of the Authority, and any administrative agency of the State of Maine; and
- B. Permit only the Authority, or its agent, to collect, transport, and dispose of the contents therein.

Section 8. Violations. Any person who violates any provisions of section 7 must, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than One Hundred and not more than Three Hundred dollars, plus costs.

Section 9. Abatement of nuisances. In addition to any other remedies provided in this ordinance, any violation of Section 7 above constitutes a nuisance and must be abated by the municipality or Authority by seeking appropriate equitable or legal relief from a court of competent jurisdiction.

Section 10. Alternative disposal. An alternative means of wastewater disposal must meet first time system criteria.

[end of ordinance]

I attest this to be a true copy of this ordinance.

Katie A. Dandurand
Town Clerk

LEGISLATIVE HISTORY:

04-02-18 Draft Certified by Selectboard
05-08-18 Adopted by Town Meeting

Tremont Land Use Ordinance

Town of Tremont

ARTICLE I, AUTHORITY, APPLICABILITY AND ADMINISTRATION

A. AUTHORITY

(1) Ordinance Name

This Ordinance shall be known and may be cited as "The Tremont Land Use Ordinance."

(2) Home Rule

This Ordinance is adopted pursuant to the provisions of Title 30-A M.R.S.. § 3001

(3) Standards

The standards in this Ordinance have been prepared in accordance with the provisions of Title 38, M.R.S., § 435-449, Mandatory Shoreland Zoning Act and Title 30-A, M.R.S., § 4351-4352, Land Use Regulations.

(4) Administrative Authority

This Ordinance shall be administered by the Planning Board and the Code Enforcement Officer of the Town of Tremont. (See also Article VIII.B)

B. APPLICABILITY

This Ordinance applies to all land areas within the Town of Tremont. This Ordinance also applies to any structure extending below the Normal High-Water Line (NHL) of a water body or within a wetland and to any structure built on, over or abutting a dock, wharf or pier.

C. ADMINISTRATION

(1) Effective Date.

The effective date of this Ordinance is March 3, 1988 and as subsequently amended thereafter. A certified copy of this Ordinance is filed with the Town Clerk and is accessible to any member of the public. Copies are available for reference and may be purchased at the Town Office for a fee determined by the Board of Selectmen.

(2) Amendment

(a) This Ordinance may be amended by a majority vote of the legislative body present at a regular or special town meeting.

(b) Copies of the amendments affecting the shoreland zone, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of DEP within forty five (45) days of the Town Meeting approval, 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 receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the Town within this period shall be governed by the terms of the amendment, if such amendment is subsequently approved.

(c) Severability

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

(d) Inconsistency

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.

(e) Administrative Cost

Any costs incurred by the Town in excess of one thousand dollars (\$1,000) in its effort to interpret information submitted for the approval of an application, including requests for legal opinions pertaining to the application, shall be borne by the applicant.

(f) 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.

ARTICLE II, PURPOSE

This Ordinance is an important tool for directing the future growth of the Town of Tremont. It encourages orderly growth in appropriate areas while working to preserve the rural character of the Town. It assures local control and promotes the values and concerns of the community as expressed in the Comprehensive Plan.

The purposes of this Ordinance are:

- A. To protect the health, safety and welfare of the community;
- B. To encourage orderly growth and development by establishing Land Use Standards now that promotes an economic climate which increases job opportunities and overall well-being;
- C. To encourage growth in accordance with the Comprehensive Plan so that the essential character of each neighborhood is maintained;
- D. To promote shoreline management that gives preference in specific zones to functionally water-dependent uses over other uses while preserving the community's access to the water;
- E. To protect commercial fishing and maritime activities by giving preference to those activities in specific zones;
- F. To prevent and control possible air, water and soil pollution;
- G. To conserve shore cover, freshwater and coastal wetlands;
- H. To protect existing and potential fish spawning grounds, aquatic life, bird and other wildlife habitat;
- I. To protect archaeological and historic resources;
- J. To conserve natural beauty, open space and scenic vistas and visual as well as actual points of access to inland and coastal waters;
- K. To protect fragile island environments;
- L. To protect buildings and lands from flooding and accelerated erosion;
- M. To control building sites, placement of structures and land uses, and;
- N. To anticipate and respond to the impacts of development in shoreland areas

ARTICLE III, ZONES AND ZONING MAP

- A. The areas to which this Ordinance is applicable are hereby divided into the following zones as shown on the Official Zoning Map:

- (1) Residential-Business Zone
- (2) Residential Zone
- (3) Harbor Shoreland Zone
- (4) Commercial Fishery/Maritime Activity Shoreland Zone
- (5) Limited Residential Shoreland Zone
- (6) Resource Protection Shoreland Zone

(7) Island Protection Zone

(8) Rural Residential Zone

The Official Zoning Map and all future amendments thereto, is hereby made part of and incorporated into this Ordinance.

The depictions of districts on this map are merely illustrations of their locations. These districts shall be determined from distances measured on the ground, from the "Normal High Water Line" of a water body or the upland edge of a wetland.

B. MAP

(1) Standards

The Official Zoning Map is drawn at a scale of one inch (1") = one thousand feet (1,000'). Zone boundaries are clearly delineated and a legend indicating the symbols for each zone is on the map.

(2) Certification and Location

The Official Zoning Map shall be certified by the attested signature of the Town Clerk and shall be located in the Town Office.

(3) Amendments

If amendments, in accordance with Article I.B.(3) above, are made in the zone boundaries or other matters portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

C. INTERPRETATION

Unless otherwise set forth on the Official Zoning Map, zone boundary lines are property lines, the centerlines of streets, roads and rights-of-way. Where uncertainty exists as to the exact location of zone boundary lines, the Board of Appeals shall be the final authority as to location.

D. ZONE CRITERIA

(1) Residential-Business Zone (R-B Zone)

Areas not within two hundred fifty feet (250') of the shoreline, which are predominantly residential, but may contain some maritime related commercial and industrial activity, institutional facilities, public facilities or other commercial activity.

(2) Residential Zone

Areas not within two hundred fifty feet (250') of the shoreline which are devoted primarily to residential use or are suitable for residential development. These areas contain some multi-family development and home occupations.

(3) Harbor Shoreland Zone

Areas within two hundred fifty (250') feet, horizontal distance, of the shoreline, include those additional adjacent areas as approved by majority vote at Town Meeting, where the existing predominant pattern is a mixture of maritime and non-maritime uses and commercial and residential uses.

(4) Commercial Fishery/Maritime Activity Shoreland Zone (CFMA Zone)

Areas within two hundred fifty feet, (250') horizontal distance, of the shoreline, including those additional adjacent areas as approved by majority vote at Town Meeting, where the existing predominant pattern of development is commercial fishing and other maritime activities and contains areas which are suitable for functionally water-dependent uses.

(5) Limited Residential Shoreland Zone

Areas within two hundred fifty feet (250'), horizontal distance, of the shoreline, including those additional adjacent areas as approved by majority vote at Town Meeting, on shoreline of water bodies and wetlands where the existing pattern of development is low density residential with some home occupation.

(6) Resource Protection Shoreland Zone

(a) Area Locations

Areas within two hundred fifty feet (250'), horizontal distance, of the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department. Coastal wetlands are rated as of January 1, 1973. Freshwater wetlands are rated as of December 31, 2008. For the purposes of this paragraph "wetlands associated with great ponds" shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond, and have a surface elevation at or below the water

level of the great pond during the period of normal high water. "Wetlands associated with great ponds" are considered to be part of that great pond.

(b) 100 Year Floodplains

This district shall also include one hundred (100) year floodplains adjacent to coastal as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

(c) Contiguous Acres

[1] Slopes

Areas of two or more contiguous acres with sustained slopes of twenty per cent (20%) or greater.

[2]. Wetland Vegetative and Hydric Soils

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

[3] Land areas adjacent to coastal wetlands which are subject to severe erosion or mass movement, such as steep coastal bluffs.

(7) Island Protection Zone (Non-Shoreland)

Island Areas not within two hundred fifty feet (250') of the shoreline which are devoted primarily to residential use or are suitable for low density residential development.

(8) Rural Residential Zone (Non-Shoreland)

Areas not within two hundred fifty feet (250') of the shoreline which are devoted primarily to residential use or are suitable for residential development. These areas contain some multi-family development and home occupations.

ARTICLE IV, STANDARDS FOR THE ZONE

A. GENERAL ZONE STANDARDS

(1) Structures

(a) Definition - For the purposes of this Ordinance, the term “structure” is defined in Article 11,

(b) Commercial Towers

Commercial Towers shall be restricted to a height of one hundred twenty-five feet (125') from the original grade.

(2) Water Setbacks

(a) Measurements

All setback measurements from the normal high-water line (NHL) of any water body, or tributary stream, or from the upland edge of a wetland are horizontal distances.

(b) Exceptions

The water body or wetland setback provision shall not apply to structures which require direct access to the water as an operational necessity, such as piers, docks and retaining walls, or to other functionally water-dependent uses.

(c) Stairways or Similar Structures

Stairways or similar structures may be allowed with a permit from the Planning Board to provide shoreline access in areas of steep slopes or unstable soils provided: that the structure is limited to a maximum of four feet (4') in width; that the structure does not extend below or over the NHL of a water body or upland edge of a wetland (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S., § 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

(3) Lot line Setbacks

(a) Measurements

Lot line setbacks shall be measured perpendicular to the side, rear or front lot lines or edge of road right of way if lot has frontage on road.

(b) Exceptions

Lot line setbacks for a Municipal Library, outside the Shoreland Zone, shall be six feet (6').

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

(a) Exceptions:

[1] Multi-Unit Residential Development

This does not refer to multi-unit residential development whose dimensional requirements are specified within the structure standards of each zone.

[2] Harbor Shoreland and Commercial Maritime Activity Zones
Accessory Use

One residential dwelling unit is permitted in the Harbor Shoreland and the Commercial Fishery/Maritime Activity Zones as an accessory use to a principal maritime commercial use. The applicant must demonstrate with clear and convincing evidence that the state subsurface wastewater laws will be satisfied.

[3] All Other Zones Accessory Use

One accessory residential dwelling unit is allowed in all districts (unless subject to Resource Protection or Commercial Fisheries Maritime Activities zoning standards) without an increase in density requirements over those required for single family homes if wastewater disposal arrangements meet town and state standards and the principal residential dwelling unit is on a lot that conforms to current minimum lot size standards. Accessory residential dwelling units are defined as being accessory, incidental and subordinate to the principal use or structure. The Accessory residential dwelling unit shall not exceed six hundred square feet (600 Sq. Ft.) footprint and shall not include more than one bedroom.

[4] Flood Hazard. The lowest floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot (1') above the elevation of the one hundred (100) year flood. (See: Tremont Floodplain Management Ordinance.)

(2) Lots

(a) Lot Coverage

Within the shoreland zone lot coverage shall include all non-vegetated surfaces, including, but not limited, to structures and parking lots.

[1] Exception

Outside the Shoreland Zone the maximum lot coverage for a Municipal Library shall be seventy per cent (70%).

(b) Lot Area

Land below the NHL 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 for lots created since May, 1992.

(c) Separate Lots

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

(d) Lot Access

No lot can be developed unless it has driveway or road access as defined in this Ordinance.

(e) Shore Frontage

Minimum shore frontage is the length of a lot bordering on a water body or wetland, and shall be measured in a straight line between the points of intersection of the side lot lines with the shoreline. The minimum width of any portion of any lot within one hundred feet (100'), horizontal distance, from the shoreline shall be equal to or greater than the shore frontage requirement for the lot with the proposed use.

(f) Division

No lot shall be divided as to make a substandard lot.

B. RESIDENTIAL-BUSINESS ZONE (R-B ZONE)

The purpose of the Residential-Business Zone is to preserve the integrity of the residential uses while allowing for maritime related and light commercial activity which are compatible with the physical capability of the land.

(1) Land Use Standards

(a) All uses are permitted subject to the Lot, Structure, Performance and Conversion Standards.

(2) Lot Standards

(a) Minimum Lot Area per residential dwelling unit or principal non-residential structure

Forty thousand square feet (40,000 Sq. Ft.)

(b) Minimum Lot Area per Residential Multi-Unit Dwelling:

[1]. Forty thousand square feet (40,000Sq. Ft.) for first unit

[2] Twenty thousand square feet (20,000 Sq. Ft.) for each additional unit

(c) Structure Standards

[1] Setbacks

Lot Lines: Minimum of fifteen feet (15') for residential principal and accessory structures and fifteen feet (15') from edge of right of way if lot has frontage on road.

[2] Minimum of twenty-five feet (25') for non-residential principal and accessory structures

[2] Height:

Forty foot (40') maximum. Whenever physically possible, buildings taller than twenty five feet (25') should be positioned so as to minimize visual impact and protect residential views.

[3] Lot Coverage:

Twenty- five per cent (25%) maximum

[4] Building Size

Non-maritime related uses not to exceed five thousand square feet (5,000 Sq. Ft.).

(d) Conversion Standards

[1] Structures that existed on May 9, 1994 in their current form may convert to any use permitted by this section without regard to lot line setback requirements provided the buffering standards are met.

[2] Structures built or rebuilt after May 9, 1994 may convert to any use permitted in this zone provided that the structure complies with all the standards for the new use.

C. RESIDENTIAL ZONE

(1) Land Use Standards

The following uses are allowed subject to Lot, Structure and Performance Standards:

- (a) Single-family residential use and its accessory uses.
- (b) All multi-unit residential use and its accessory uses.
- (c) Home Occupations as an accessory use.
- (d) Governmental and institutional use.

No commercial or industrial activity is allowed.

(2) Lot Standards

(a) Minimum Lot Area per Principal Structure

Forty thousand square feet (40,000 Sq. Ft.) per residential dwelling unit or institutional or governmental principal structure.

(b) Minimum Lot Area per Multi-unit Residential Dwelling Unit:

- [1] Forty thousand square feet (40,000 Sq. Ft.) minimum for first unit
- [2] Twenty thousand square feet (20,000 Sq. Ft.) minimum for each additional unit

(3) Structure Standards

(a) Setbacks

Fifteen foot (15') minimum from lot lines and fifteen feet (15') from edge of right of way if lot has frontage on road.

(b) Height

Forty foot (40') maximum outside Shoreland Zoning 250' Setback

(c) Lot Coverage

Twenty per cent (20%) maximum

D. HARBOR SHORELAND ZONE

(1) Land Use Standards

The following uses are allowed subject to Lot, Structure and Performance Standards.

- (a) Single-family residential use and its accessory uses (no multi-unit residential use is permitted);
- (b) All maritime commercial uses;
- (c) Non-maritime commercial uses (excluding transient accommodations) up to a total of three thousand square feet (3,000 Sq. Ft.) in total building area;
- (d) Marinas with up to five hundred fifty linear feet (550') of slip/dock space.

One residential unit is allowed as an accessory use to a principal maritime commercial use. The applicant must demonstrate with clear and convincing evidence that the State subsurface wastewater laws will be satisfied.

(2) Lot Standards

(a) Minimum Lot Area per Residential Dwelling Unit or Principal Non-Residential Structure

Minimum forty thousand square feet (40,000 Sq. Ft.) per lot and per residential dwelling unit or principal non-residential structure.

[1] Exception: No minimum for maritime commercial uses.

(b) Shore Frontage

Minimum Shore Frontage of one hundred fifty feet (150') per lot and per residential dwelling unit or principal non-residential structure located within seventy- five feet (75') of the shoreline of a stream or two hundred fifty feet (250') of the shoreline of any wetland.

[1] Exception: No minimum for maritime commercial uses.

(3) Structure Standards

(a) Setbacks

[1] Minimum of fifteen feet (15') from lot lines and fifteen feet (15') from edge of right of way if lot has frontage on road.

[2] Residential: Minimum of seventy- five feet (75') from the shoreline.

[3] Non-residential: Minimum of twenty- five feet (25') from the shoreline.

(a) Exception: No setback minimum for maritime commercial uses

[4] Minimum of seventy- five feet (75') from the shoreline of a stream (if sustained slopes exceed twenty per cent (20%), a one hundred foot

(100') setback of undisturbed vegetation shall be maintained.) and seventy- five feet (75') from the shoreline of a tributary stream.

(b) Height

Thirty- five foot (35') maximum.

(c) Lot Coverage

Seventy per cent (70%) maximum (includes non-vegetated surfaces).

E. COMMERCIAL FISHERY/MARITIME ACTIVITY SHORELAND ZONE

(1) Land Use Standards

The following uses are allowed subject to Lot, Structure and Performance Standards:

(a) All maritime commercial uses;

(b) Non-maritime limited commercial use up to a total of two thousand square feet (2,000 Sq. Ft.) in total building area provided it is an accessory use to an existing maritime commercial use for as long as the principal maritime use continues to operate. Accessory transient accommodations are not allowed.

(c) Only one residential dwelling unit is allowed, in addition to the square footage allowed in Article IV.E. (1)(b), whether existing, new, conforming or non-conforming under Article VII, as an accessory use to a principal maritime commercial use. The applicant must demonstrate with clear and convincing evidence that the State subsurface wastewater rules will be satisfied.

(d) All functionally water-dependent industry;

(e) Marinas with up to five hundred fifty linear feet (550') of slip/dock space;

(2) Lot Standards

(a) Minimum Lot Area

(b) Residential: Forty thousand square feet (40,000 Sq. Ft.) minimum per lot and per residential dwelling unit or principal non-residential structure.

(c) Non-Residential: no minimum

(d) Shore Frontage:

[1] Residential: One hundred fifty feet (150') minimum per lot and per residential dwelling unit or principal non-residential structure located within two hundred feet (250') of the shoreline.

[2] Non-Residential: no minimum

(3) Structure Standards

(a) Setbacks (minimum)

[1] Fifteen feet (15') from lot lines and fifteen feet (15') from edge of right of way if lot has frontage on road.

[2] Residential – Seventy- five feet (75') from the shoreline of any wetland, stream or tributary stream.

[3] Non-Residential - None from the shoreline.

(b) Height

Thirty- five feet (35') maximum

(c) Lot Coverage

Seventy per cent (70%) maximum (includes non-vegetated surfaces).

F. LIMITED RESIDENTIAL SHORELAND ZONE

(1) Land Use Standards

(a) Single family residential use and its accessory uses are the only allowed uses and are subject to Lot Structure and Performance Standards.

(b) Home Occupations as an accessory use

No commercial, industrial, governmental or institutional activity is allowed.

(2) Lot Standards

(a) Minimum Lot Area per Residential Dwelling Unit.

Forty thousand square feet (40,000 Sq. Ft.).

(b) Minimum Lot Area per Multi-Unit Residential Non-Conforming Expansion:

[1] Forty thousand square feet (40,000 Sq. Ft.) minimum for first unit

[2] Twenty thousand square feet (20,000 Sq. Ft.) for each additional unit

(c) Shore Frontage

One hundred fifty foot (150') minimum per lot and per residential dwelling unit located within two hundred fifty feet (250') of the upland edge of a coastal wetland or within seventy- five feet (75') of the shoreline of a stream, two

hundred foot (200') minimum per lot and per residential dwelling unit located within shoreland zone of any other water body or freshwater wetland.

(3) Structure Standards

(a) Setbacks (minimum):

- [1] Fifteen feet (15') from lot lines and fifteen feet (15') from edge of right of way if lot has frontage on road.
- [2] Seventy- five feet (75') from the upland edge of a wetland
- [3] One hundred feet (100') from the normal high-water line of any great pond.
- [4] Seventy- five feet (75') from the shoreline of a stream (if sustained slopes exceed Twenty percent (20%), a one hundred foot (100') setback of undisturbed vegetation shall be maintained.) and seventy five feet (75') from the shoreline of a tributary stream.

(b) Height

Thirty- five foot (35') maximum

(c) Lot Coverage

Twenty per cent (20%) maximum (non-vegetated surfaces)

G. RESOURCE PROTECTION SHORELAND ZONE

(1) Land Use Standards

(a) The following uses are permitted subject to Lot, Structure and Performance Standards:

- [1] Small non-residential structures or facilities for educational, scientific or nature interpretation purposes.

(b) The following uses are not allowed.

- [1] Residential, commercial, industrial, governmental and institutional development;
- [2] Private sewage disposal systems; and
- [3] Road, driveway and parking areas.
- [4] Marinas

(2) Lot Standards

(a) Lot Area

Two (2) acres minimum per principle structure or recreational facility within Shoreland Zone.

(b) Shore Frontage

Two hundred fifty foot (250') minimum per principle structure or recreational facility within Shoreland Zone.

(3) Structure Standards

(a) Setbacks (minimum):

Twenty- five feet (25') from lot lines and twenty- five (25') from edge of right of way if lot has frontage on road, two hundred fifty feet (250') from the shoreline; except for small non-residential structures or facilities for educational, scientific or nature interpretation purposes, in which case setbacks shall be one hundred feet (100') from the shoreline of a great pond and seventy- five feet (75') from the shoreline of a tributary stream, stream, or wetland.

(b) Height

Twenty foot (20') maximum

(c) Lot Coverage

Twenty per cent (20%) maximum (includes non-vegetated surfaces).

H. ISLAND PROTECTION ZONE

(1) Land Use Standards

The following uses are allowed subject to Lot, Structure and Performance Standards:

(a) Single-family residential use and its accessory uses.

(b) Governmental and Institutional use.

(c) Home Occupations as an accessory use

No commercial or industrial activity is allowed.

(2) Lot Standards

(a) Minimum Lot Area per Lot and per Residential Dwelling Unit or Principal Non-Residential Structure.

Forty thousand square feet (40,000 Sq. Ft.).

(3) Structure Standards

(a) Setbacks (minimum):

Fifteen feet (15') from lot lines and fifteen feet (15') from edge of right of way if lot has frontage on road.

(b) Height:

Thirty- five foot (35') maximum

(c) Lot coverage:

Twenty per cent (20%) maximum (includes non-vegetated surfaces)

I. RURAL RESIDENTIAL ZONE

(1) Land Use Standards

The following uses are allowed subject to Lot, Structure and Performance Standards.

(a) Single-family residential use and its accessory uses.

(b) All multi-unit residential use and its accessory uses.

(c) Home Occupations as an accessory use.

(d) Governmental and institutional use.

No commercial or industrial activity is allowed.

(2) Lot Standards

(a) Minimum: Area per Lot and per Residential Dwelling Unit or Institutional or Governmental Principal Structure.

Forty thousand square feet (40,000 Sq. Ft.)

(b) Minimum Area per Multi-unit residential:

[1] Forty thousand square feet (40,000 Sq. Ft.) minimum for first unit

[2] Twenty thousand square feet (20,000 Sq. Ft.) for each additional unit

(3) Structure Standards

(a) Setbacks (minimum):

Fifteen feet (15') from lot lines and fifteen feet (15') from edge of right of way if lot has frontage on road.

(b) Height

Forty foot (40') maximum

(c) Lot coverage

Twenty per cent (20%) maximum

ARTICLE V, OTHER LAND USE ACTIVITIES AND THEIR STANDARDS

A. Agriculture

- (1) All spreading of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S. § 4201-4209).
- (2) Manure shall not be stored or stockpiled within one hundred feet (100'), horizontal distance, of a great pond, or within seventy-five feet (75') 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 square feet (40,000 Sq. Ft.) in surface area, or the spreading, disposal or storage of manure within the Shoreland Zones 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.

NOTE: Assistance in preparing a Conservation Plan may be available through the local Soil and Water Conservation District office.

- (4) There shall be no tilling of soil within one hundred feet (100'), horizontal distance of the normal high-water line of a great pond, within seventy-five feet (75'), horizontal distance, from other water bodies and coastal wetlands; 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 feet (100'), horizontal distance, of the normal high-water line of a great pond, within seventy-five feet (75'), horizontal distance, of other water bodies and coastal wetlands, nor within twenty-five feet (25'), 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.

NOTE: 17 M.R.S § 2805(4) requires a municipality to provide the Commissioner of Agriculture, Food and Rural Resources with a copy of any proposed ordinance that impacts farm operations. The law further requires the Commissioner to review the proposed ordinance and advise the municipality if the proposed ordinance would restrict or prohibit the use of best management practices. A copy of a shoreland zoning ordinance that regulates no more restrictively than contained in these Guidelines need not be provided to the Commissioner of Agriculture, Food and Rural Resources.

B. Archeological and Historic Sites

- (1) Tremont has twenty- one (21) prehistoric archeological sites (mapped in the Town Office) and two listed historic buildings (Bass Harbor Head Light Station and the Dix Family Stable).
- (2) Any proposed land use activity involving structural development or soil disturbance on or adjacent to these sites or eligible to be listed on the National Register of Historic Places, as determined by the Planning Board, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty days (20) prior to action being taken by the Planning Board.
- (3) The Planning Board shall consider comments received from the Commission prior to rendering a decision on the application.

C. Bed and Breakfast

- (1) As a home occupation, it can have no more than four bedrooms (4) devoted to lodging purposes.
- (2) If more than four bedrooms (4) are used for lodging, the use is commercial.

D. Campgrounds

- (1) Campgrounds shall contain a minimum of five thousand square feet (5,000 Sq. Ft.) per camp site of suitable 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) Campgrounds must conform to the minimum requirements imposed under State licensing procedures. The Planning Board's approval is conditional on the State license approval.

- (3) 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 feet (100') horizontal distance, from the normal high-water line of a great pond, and seventy-five feet (75'), horizontal distance from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
- (4) A recreational vehicle or a site for a recreational vehicle may not be rented, leased or occupied for more than two weeks (2) consecutively from November 1st. through May 1st unless the recreational vehicle is Connected to permanent sewage, water, electricity and heat that will meet State and local codes. During this period, renewal of any occupancy in the campground may not occur unless there is at least one week (1) non-occupancy.

E. Campsites (Individual Private)

The following conditions must be met:

- (1) One campsite per lot is permitted outside of shoreland zone. One campsite is allowed per vacant lot existing on the effective date of this Ordinance, or thirty thousand square feet (30,000 Ft. Sq.) of lot area within the shoreland zone, whichever is less, may be permitted. If there is an existing Principal use or structure, requirements must be met for the existing use, and an additional thirty thousand square feet (30,000 Ft. Sq.) of lot area is required per individual private campsite.
- (2) Campsite placement on any lot, including the areas intended for a recreational vehicle or tent platform, shall be set back one hundred feet (100') horizontal distance, from the normal high-water line of a great pond, and seventy-five feet (75'), horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
- (3) Only one (1) recreational vehicle shall be allowed on a campsite. The Recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.
- (4) The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection Zone shall be limited to one thousand square feet (1,000 Sq. Ft.).
- (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 Licensed Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
- (6) When a recreational vehicle, tent or similar shelter is occupied on-site for more than 90 days (90) 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 Prohibited within Two Hundred Fifty (250') of a shoreline of a great pond or coastal wetland or Seventy Five Feet (75') of a Shoreline of a stream.

The following new commercial and industrial uses are prohibited within two hundred fifty feet (250') of a shoreline of a great pond or a coastal wetland, or seventy- five feet (75') of the shoreline of a stream:

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

G. Communication Towers (see Wireless Telecommunications Ordinance)

"H. 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 Zone 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.

I. Home Occupation

The purpose of the Home Occupation provision is to permit those businesses which are compatible with the Residential Zone in which they are allowed. Home Occupations are limited to those uses which may be conducted within a residential structure or on the property without substantially changing the appearance or condition of the residence or property.

- (1) A home occupation is carried on by a member of the family residing on the property and has no more than two additional employees.

- (2) Home occupations shall be clearly incidental and secondary to the use of the property for dwelling purposes and does not change the essential residential character of such property.
- (3) A home occupation shall not create noise, dust, vibration, odor, smoke, glare, electronic interference, fire hazard, or any other hazard or nuisance to any greater degree or more frequent extent than that normally experienced in an average residential structure in the zone in which located.
- (4) The home occupation use must satisfy the home occupation parking requirements in addition to the residential parking requirements.

J. Junkyards and Automobile Graveyards as defined in Title 30-A M.R.S. § 3753-3755

- (1) Junkyards and Automobile Graveyards shall be set back at least twenty five feet (25') from all lot lines.
- (2) Initial permit applications for Junkyards and Automobile Graveyards must receive approval from the Planning Board.
- (3) Junkyards and Automobile Graveyards are Commercial Uses
- (4) Exception: Junkyards and Automobile Graveyards in possession of a valid Municipal Permit, issued by the Municipal Officers, as of the date of enactment of Article V. J are exempt from the requirements of the Tremont Zoning Ordinance for as long as the Junkyard or Automobile Graveyard continues to possess a valid Municipal Permit but shall comply with Title 30-A M.R.S. § 3753-3755.

K. Hotel, Motel, Boatel, Cabins, Cottages, etc.

- (1) Hotels, motels and boatels are principal commercial uses. Cabins and cottages may be considered as commercial uses or accessory commercial uses to a principal residential or commercial use.
- (2) Efficiency unit includes a food preparation area serving only that unit. If the occupant of the unit is in residence for more than six months (6), the unit must meet the minimum lot size requirements under Multi-Unit Residential.

L. Marina Development

The land use of this development shall comply with the applicable land use structure and performance standards. The water use shall satisfy the applicable standards and an opinion shall be requested from the Harbor Committee. Marina permit applications must contain the following information for referral to the Harbor Committee:

- (1) A storm evacuation plan;

- (2) A plan and/or documentation demonstrating the integrity of the proposed docks during storms;
- (3) A harbor traffic impact study; and
- (4) An overlay of the chart, showing the relationship of this facility to its abutters, detailed moorings in the area and those required for the proposal, and the rigging for securement purposes.

M. Maritime Activities not Located on Land

Those activities which have their principal use not located on land must have their accessory uses which are on land comply with the applicable land use and structure standards of the zone in which they are located and the performance standards.

N. No Embarking or Debarkment

Within the Harbor Shoreland, Commercial Fishery/Maritime Activity Shoreland, Limited Residential Shoreland, and Resource Protection Shoreland Zones no public or private dock, mooring, float, pier, wharf, tendering or berthing facility, or passenger facility shall be used to embark, board, disembark, unload, disgorge, or otherwise facilitate the transfer of more than fifty (50) passengers per ship. This Section applies to all ships, boats, vessels, or watercraft carrying passengers for hire with overnight accommodations for fifty (50) or more passengers. This Section shall not apply to State of Maine Ferries.

O. Mineral Exploration and Extraction

- (1) Mineral exploration to determine the nature or extent of mineral resources, which shall be accomplished by hand sampling, test boring or other methods which create minimal disturbance of less than one hundred square feet (100 Sq. Ft.) of ground surface shall not need a permit.
- (2) Approval by the Planning Board and a permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation.
- (3) 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.
- (4) Mineral extraction may be permitted under the following conditions:
 - (a) 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 Article V. (4) (b) below;
 - (b) No part of any extraction operation, including drainage and runoff control features shall be permitted within one hundred feet (100'), horizontal distance, of the normal high-water line of a great pond and within seventy-five feet (75') 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 feet (50') horizontal distance of any

property line, without written permission of the owner of such adjacent property.

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

[1] 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. NOTE: The State of Maine Solid Waste Laws, 38 M.R.S. §1301 and the solid waste management rules, Title 400-419 of the Department of Environmental Protection's regulations may contain other applicable provisions regarding disposal of such materials.

[2] The final graded slope shall be two and one-half to one slope (2.5:1) or flatter.

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

- (d) 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.

P. Mobile Home Park

(1) Land use Standards

Each lot, dwelling unit, or principle structure within the shoreland zone must meet the standards of the applicable Zone.

(2) Lot Standards (Outside the Shoreland Zone)

(a) Park Lot Size

The area reserved for road rights-of-way, the area for buffer strips plus the area of all mobile home park lots.

(b) Lot Size

[1] Unsewered: Individual on-site subsurface septic system:

Twenty thousand square feet (20,000 Sq. Ft.).

[2] Unsewered: Central on-site waste water system:

Twelve thousand square feet (12,000 Sq. Ft.). (The gross density of the park must be twenty thousand square feet per lot (20,000 Sq. Ft. /lot)

Q. Piers, Docking Structures, Wharves, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland and Shoreline Stabilization.

Any permanent or seasonal "temporary" structure or use extending over or below the normal high-water line of a water body or within a wetland shall require a permit from the Planning Board subject to the following standards. Permanent structures projecting into or over water bodies may also require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act and from the Army Corps of Engineers; seasonal "temporary" structures may require a permit only from Army Corps.

(1) Standards

- (a) Access from shore shall be developed on soils appropriate for such uses and constructed so as to control erosion.
- (b) The location shall not interfere with developed or natural beach areas.
- (c) The facility shall be located so as to minimize adverse effects on fisheries.
- (d) The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock, or wharf in non-tidal waters shall not be wider than six feet for non-commercial uses.
- (e) No new structure shall be built on, over or abutting a pier, dock, wharf or other structure extending below the normal high-water line of a water body or within a wetland unless the structures require direct access to the water body or wetland as an operational necessity. These permitted structures shall not exceed twenty feet (20') in height above the pier, wharf, dock or other structure.
- (f) New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.
- (g) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending below the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.
- (h) Vegetation may be removed in excess of the standards in Article VI. B. of this Ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction

Equipment must access the shoreline by barge when feasible as determined by the Planning Board.

- [1] When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than twelve feet (12'). When the stabilization project is complete the construction equipment access way must be restored.
- [2] Revegetation must occur in accordance with Maine Department of Environmental Protection Chapter 1000, Section 15 (S).
- [3] When an Excavation Contractor removes more than one cubic yard of soil (1 Cu. Yd.), a certified person must be on-site to oversee controls in regard to Article V.Q. (1) (h). Said person must be identified along with his Certification Number and contact information on the permit application,

(2) Structures

One (1) permanent structure (wharf, pier, or docking structure) is allowed per lot, two structures (2) if the lot has double the frontage required. A structure on floats is prohibited unless it is designed to function as and is registered with the Maine Department of Inland Fisheries and Wildlife as a watercraft or is a functionally water dependent use.

R. Pond, Manmade

- (1) All manmade ponds shall be considered a structure and shall conform to the standards appropriate for each district.
- (2) All ponds must conform to DEP Natural Resource Protection Act standards.

S. Timber Harvesting

Repealed- Maine Bureau of Forestry will administer all Timber Harvesting Activities for the Town of Tremont.

T. Business Uses:

The standards in this subsection apply to business establishments with hours of operation open and/or available for public access and use extending into the period between 10:00 pm and 4:00 am.

EXCEPTION: This subsection does not apply to rental of residential buildings and/or dwelling units including but not limited to, bed and breakfasts, inns, and campgrounds.

(1) Standards

(a) Road Safety

- [1] Entrance(s) to the business shall intersect only Routes 102 or 102A.
- [2] Entrance(s) may not be grandfathered. All entrances must meet current Maine DOT technical standards.

(b) Sound Attenuation

- [1] Buildings containing businesses having amplified sound shall be constructed of materials designed to reduce sound transmission. Walls and ceilings shall meet or exceed a Sound Transmission Class of sixty (60). Sound attenuating structures shall be designed and certified by a Licensed Architect or Licensed Professional Engineer.
- [2] Buildings having amplified sound shall not be operated with doors, windows, sky lights, ventilator openings or other wall or ceiling penetrations in a fixed open position which will allow unattenuated transmission of sound to the outside.
- [3] Amplified sound shall be generated only within the building(s) conforming to the standards in Article V. T. (1) and (2).

(c) Light Attenuation

- [1] Direct or indirect (glare or reflection) illumination shall not exceed 0.6 foot-candle upon abutting residential properties or one foot-candle (1.0) upon any other abutting properties. For purpose of this paragraph, abutting properties shall include properties that are separated from the lot by a street, road, or right-of-way. Lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view by or do not create or constitute a hazard or nuisance to motorists, pedestrians, or neighboring residents and so that the maximum apex angle of the cone of illumination is restricted to one hundred fifty degrees (150) degrees.
- [2] The maximum height of freestanding lights shall be the same as the principle building but not exceeding twenty-five feet (25).
- [3] Spotlight-type fixtures attached to building are not allowed.
- [4] Parking area may be illuminated with a maximum average of one and one half foot-candles (1.5).
- [5] Exterior lighting, except for minimal security lighting, shall be turned off during hours when the use is not in operation.

(d) Visual Buffering

The desired effect of these types of buffering is complete visual screening of the activity on the lot. The business use, including all buildings and parking

areas, shall be enclosed by a perimeter of landscape buffering composed of one or more of the following:

- [1] Natural features such as topography, stands of trees, shrubbery, or rock outcrops. When such natural features do not exist, or are insufficient to provide the required screening, other kinds of screening defined in this section must be provided.
- [2] Evergreen trees planted in two staggered rows (spaced a maximum of seven (7) feet apart) spaced a maximum of eight feet (8') on-center. All screening trees shall be installed at a minimum height of five to six feet (5'-6') and have a minimum expected mature spread of eight feet (8').
- [3] An earthen berm topped by evergreen plantings. The berm shall be a minimum of 5 feet high (5'). Evergreen plantings shall be installed at a minimum height of three to four feet (3'-4'), spaced a maximum of four feet on center (4'), and have a minimum expected mature spread of six feet (6').
- [4] If, due to soil conditions or other factors, that would make installation of plantings impractical, the applicant may, at the discretion of the Planning Board, install suitable fencing a minimum of eight feet (8') in height.
- [5] Buffers shall be located and maintained as follows:
 - (a) All buffer strips shall be maintained in a neat and sanitary condition by the owner.
 - (b) If any of the trees, shrubs, or other plantings constituting the buffer should die, the owner of the property shall replace them within six months (6) at a ratio of one-to-one (1:1) for each tree, shrub, or planting loss. The replacement plantings shall be comparable in size to those that had died or meet the minimum criteria specified in Article V.T. (d)
 - (c) Fencing and screening shall be durable and properly maintained at all times by the owner.
 - (d) The finished side of all fences shall face the abutting properties or the public road.
 - (e) All buffers shall be installed in accordance with the requirements specified in Article VI. A. before commencement of the normal activities of the use for which the site was intended. If winter conditions prevent the installation of plantings, activities at the site may commence but installation of plantings shall proceed at the earliest opportunity in the immediately following spring and be completed by July 1 of the same year.

ARTICLE VI, PERFORMANCE STANDARDS

A. Buffering Standards

- (1) Purpose: To screen buildings or activities land uses that could create nuisances, to divert, block or soften lights, to reduce noise, to preserve privacy; and to reduce smells and dust. The depth of the screen and the nature of the planting required will depend upon the potential impact of a development on its neighbors. Among the factors to be considered are the number of parking spaces, the type and number of vehicles which may use the premises, and the likely frequency or intensity of use and the sheer size of very large buildings, such as storage sheds.
- (2) Every development shall provide sufficient buffering when the Planning Board determines that there is a need and the topography and other barriers do not satisfy the requirements.
- (3) Buffers are required within side and rear property lines of commercial, industrial, mobile home parks that are more dense than would be required for single family residential use and multi-family uses which abut residential or vacant properties in all zones that allow such uses. In addition, buffers are required within the front property lines of heavy commercial, heavy industrial and multi-family uses.
- (4) Minimum requirement:

The buffer may consist of any combination of the following that meets the performance standard.

 - (a) Effective natural area twenty five feet (25') deep;
 - (b) Planted evergreen belt fifteen feet (15') deep;
 - (c) Wooden fence.
- (5) Plant specifications: The natural area or planted belt shall be of sufficient number and species selected and planted according to generally accepted horticultural practices, to yield an effective year-round screen within four years (4). A wooden fence, berm, wall or other such construction may be included in such buffers if the Planning Board determines that it meets the performance standard.
- (6) Maintenance: Plantings shall be maintained by the property owner.

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

Article VI.B. does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.

(1) Buffer Strip (Resource Protection Zone)

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

Elsewhere, the clearing of vegetation shall be limited to that which is necessary for uses expressly authorized in the Resource Protection Zone.

(2) Buffer Strip (Rest of the Shoreland Zones)

(a). Except in areas as described in Article VI.B(1), and except to allow for the development of permitted uses, within a strip of land extending one-hundred feet (100'), horizontal distance, inland from the normal high-water line of a great pond, and seventy-five feet (75'), 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:

(b) There shall be no cleared opening greater than two hundred fifty square feet (250 Sq. Ft.) 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 feet (6) 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.

(c) Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. Adjacent to a great pond or a stream flowing into a great pond, a "well-distributed stand of trees " shall be defined as maintaining a minimum rating score of twenty four (24) or more per each twenty five (25')-foot by fifty (50')-foot one thousand two hundred fifty square foot area (1,250 Sq. Ft.) as determined by the following rating system.

For the purposes of Article VI.B. (2)(a). "other natural vegetation" is defined as retaining existing vegetation under three (3') feet in height and other ground cover and retaining at least five saplings (5) less than two inches (2") in diameter at four and one half feet (4.5') above ground level for each twenty five foot (25') by fifty foot (50') rectangle area. If five saplings (5) do not exist, no woody stems less than two inches (2") in diameter can be removed until five saplings (5) have been recruited into the plot.

Diameter of Tree at four and one half (4.5') feet above Ground Level

Inches	Points
2 - <4 inches	1
4 - <8 inches	2
8 - <12 inches	4
12 inches 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 foot (25') by fifty foot (50') rectangular area.

NOTE: As an example, adjacent to a great pond, if a twenty five foot (25') x fifty foot (50') plot contains four trees (4) between two inches (2") and four inches (4") in diameter, two trees (2) between four inches (4") and eight inches (8") in diameter, three trees (3) between eight inches (8") and twelve inches (12") in diameter, and two trees (2) over twelve inches (12") in diameter, the rating score is:

$$(4 \times 1) + (2 \times 2) + (3 \times 4) + (2 \times 8) = 36 \text{ points}$$

Thus, the twenty five foot (25') by fifty foot (50') plot contains trees worth thirty six points (36). Trees totaling twelve points (12) ($36 - 24 = 12$) may be removed from the plot provided that no cleared openings are created.

The following shall govern in applying this point system:

- (i) The twenty five foot (25') by fifty foot (50') rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
- (ii) Each successive plot must be adjacent to, but not overlap a previous plot;
- (iii) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
- (iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by is Ordinance;
- (v) Where conditions permit, no more than fifty per cent (50%) of the points on any twenty five foot (25') by fifty foot (50') rectangular area may consist of trees greater than twelve inches (12") in diameter.

Notwithstanding the above provisions, no more than forty per cent (40%) of the total volume of trees four inches (4) or more in diameter, measured four and one half feet (4.5') above ground level, may be removed in any ten year (10) period.

- (d). In order to protect water quality and wildlife habitat, existing vegetation under three feet (3') 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 Article VI.B. above.

- (e) Pruning of tree branches, on the bottom one third (1/3) of the tree is allowed.
- (f). In order to maintain a buffer strip of vegetation, when the removal of hazard trees 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.

(3) Rest of Shoreland Zones

Areas Beyond the Buffer Strip Within Two Hundred Fifty Feet (250') of the Normal High-Water Line

- (a). At distances greater than one-hundred feet (100'), horizontal distance, from a great pond, and seventy-five feet (75'), 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 per cent (40%) of the volume of trees four inches (4) or more in diameter, measured four and a half feet (4.5') above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty per cent (40%) calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.
- (b). 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 per cent (25%) of the lot area within the shoreland zone or ten thousand square feet (10,000 Sq. Ft.), whichever is greater, including land previously cleared. This provision shall not apply to the Commercial Fisheries/Maritime Activities Zone.

(4) Legally Existing Non-Conforming Cleared Openings

These openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.

(5) Fields and Other Cleared Openings

These openings which have reverted to primarily shrubs, trees or other woody vegetation shall be regulated under the provisions of Article VI B.

C. Cluster Development Standards

- (1) The purpose of this development option is to allow an alternative zoning provision which provides for desirable and proper open space, tree cover, recreation areas or scenic vistas, all with the intent of preserving the natural beauty of the site. At the same

time, the necessary maximum dwelling unit density limitations of the particular zone will be maintained.

- (2) Cluster development shall apply only to residential development and no clustered development exceed forty units (40), with a maximum of ten units (10) in a cluster.
- (3) For a cluster development in which individual lots will be created or conveyed, the developer may reduce the minimum lot size requirements of the zone in which the development is located provided that the total area of common open space within the development equals or exceeds the sum of the areas by which any individual lots are reduced below the minimum lot size normally required in that zone. When individual lots will not be created or conveyed, the total land area within the development shall equal or exceed the total area required within the zone for the number of dwelling units to be created. Land not utilized for buildings, roads or accessory structures shall be preserved as common open space. The minimum lot area and shore frontage requirements of Article IV (1) (b) shall not be reduced for any portion of any lot within the shoreland zone.
- (4) All structures subject to setback requirements of this Ordinance shall be set back the required distance from the lines of the parcel being developed as well as the lines of the individual lots and such requirements shall not be reduced except pursuant to a duly granted variance. When individual lots will not be created or conveyed and all land will be commonly owned, no buildings within the development shall be closer to one another than twice the distances set forth in the setback requirement of the zone in which the lot is located. No building may be closer to any road created by the developer than the setback requirement of the zone. The shoreline setback requirements of Article IV. shall not be reduced for any structure within the shoreland zone.
- (5) For a cluster development in which individual lots will be created or conveyed, the developer may increase the maximum lot coverage on the individual lots provided that in no event shall lot coverage of non-vegetated surfaces exceed ninety per cent (90%); and provided further that the combined coverage of the lots being developed, including any common open space, shall not exceed the maximum lot coverage set forth for the zone in which the lots being developed are located. When individual lots will not be created or conveyed and all land will be commonly owned, the maximum lot coverage for the lot being developed shall not exceed the maximum lot coverage set forth for the zone in which the lot is located. Maximum lot coverage standards of Article IV (1) (b) shall not be increased for any portion of any lot within the shoreland zone.
- (6) For a cluster development in which individual lots will not be created or conveyed and in which all land will be commonly owned, each residential building shall have such access to a public road, or to a private road giving access to a public road, as will reasonably ensure access to the building by emergency vehicles and as to provide for the safe passage and circulation of pedestrian and vehicular traffic.
- (7) In any cluster development there shall be maintained as common open space an area of land equal to or greater than the open area that would otherwise remain in the

development if individual lots of the minimum size required in the zone were created and if said lots were each built upon to the maximum lot coverage allowed in the district. Further development of the common open space, except for easements for utilities, shall be prohibited by deed restrictions or recorded easements. All common open space shall be shown on the development plan with appropriate notation.

- (8) Private ownership of open space. It shall be protected by legal arrangements, satisfactory to the Planning Board, sufficient to assure its maintenance and preservation for whatever purpose it is intended. Covenants or other legal arrangements shall specify ownership of the cluster open space; method of maintenance; responsibility for maintenance; maintenance taxes and insurance; compulsory membership and compulsory assessment provisions; guarantees that any association formed to own and maintain cluster open space will not be dissolved without the consent of the Planning Board; and any other specifications deemed necessary by the Planning Board.
- (9) The developer shall present the Planning Board with proposed language for incorporation into deeds, recorded plans and declarations designed to ensure the integrity, protection and maintenance of the common open space. Such language shall be subject to the approval of the Town Attorney to be sure it will accomplish its intended purposes. The developer will comply with all reasonable requests of the Town to incorporate such language in appropriate documentation to ensure the purposes of this section will be met. Any violation of the conditions is a land use violation enforceable by the CEO.
- (10) Where a cluster development abuts a body of water, a usable portion of the shoreline, as well as reasonable access to it, shall be a part of the common open space.
- (11) All dwelling units shall be connected to a common water supply and distribution system unless the developer clearly demonstrates to the Planning Board that:
 - (a) Adequate ground water is available at all locations proposed for individual water systems; and
 - (b) The groundwater source(s) proposed for individual water systems is safe from both on-site and off-site contamination.
- (12) All structures with required plumbing in the development shall be connected to a private central collection and treatment system or individual septic systems in accordance with minimum standards set forth in the State of Maine Plumbing Code. The developer shall clearly demonstrate to the Planning Board that:
 - (a) Adequate soils and land area are available at all locations proposed for the central system and/or to the individual septic systems;
 - (b) The proposed system(s) shall in no way endanger ground water supplies which are currently being utilized as a water source for any existing development; and
 - (c) The proposed system(s) shall in no way endanger ground water supplies which will be utilized by any proposed common or individual water system in the cluster development.

- (13) When a private central collection and treatment system is to be utilized, the developer must produce an engineering study to show there is adequate soakage capacity available for the number of units involved.
- (14) The developer or subsequent owner shall not create any dwelling units in excess of the number originally granted site plan approval unless said developer or owner receives approval from the Planning Board for a revised plan.

D. Erosion and Sedimentation Control Standards

- (1) The Planning Board shall require that all activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit have a written soil erosion and sedimentation control plan. That plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
 - (a) Mulching and re vegetation 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 minimize 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.

E. Fill and Excavation Standards.

A separate fill or excavation permit is required for the moving of one hundred cubic yards (100Cu. Yds.) or greater of inert fill if the operation is not associated with permitted construction. Upon completion of work, the permit shall require the site to be properly graded (not steeper than one to two (1: 2), or such lesser slope as may be necessary to prevent erosion) and to be revegetated.

F. Fire Protection Standards

Plans for transient accommodations, marinas, nursing homes, convalescent centers, multi-family developments, hospitals, schools, theaters, mercantile developments over three thousand square feet (3,000 Sq. Ft.), business occupancy of two or more stories (2), etc. shall be approved by the State Fire Marshall's Office.

G. Flood Hazard Area Standards

A Flood Hazard Development Permit must be obtained from the Planning Board before any change caused by individuals or entities to improved or unimproved real estate begins within any areas of special flood hazard identified on the Federal Insurance Rate Maps (FIRM) for Tremont.

(Including but not limited to the construction of buildings or other structures; the construction of additions or substantial improvements to buildings or other structures; mining, dredging, filling, grading, paving, excavation, or drilling operations; and the storage, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities; and the placement of manufactured homes.)

H. Parking Standards

(1) General Standards:

(a) Waiver Conditions

If the applicant demonstrates to the Planning Board that the proposed project, which is outside the shoreland zone, will not have an adverse impact on parking congestion in the area, the Board may waive the parking standards. Otherwise, any additions, modifications or change in use will require compliance with the parking standards for the existing use, the addition and/or modification, or the change in use. Those land uses which are unable to comply with the above will provide as much of the parking and loading for the existing use as they can, and

all the additional parking and loading required by the addition, modification or use change.

(b) Marina Exception

All marinas must provide actual point seven five (.75) parking stalls per boat slip and mooring. Grandfathered parking is prohibited. Other uses on the site shall meet their own parking requirements. Dedicated drop-off areas are required at the dockside at the rate of one per twenty (1 / 20) slips and moorings.

(c) Parking Bay Area:

[1] The minimum parking bay shall be nine and one half feet (9.5') by eighteen feet (18').

[2]. The minimum parking bay for a vehicle and boat trailer shall be nine and one half feet (9.5') by forty feet (40') long.

(d) Aisle Width:

[1]. Twenty four feet (24') two way

[2]. Sixteen feet (16') one way only for sixty degree (60°) parking

[3] Twelve feet (12') one way only for forty five degree (45°) and thirty degree (30°) parking

(2) Parking Spaces Required by Use:

(a) Dwellings:

[1] Single family unit: Two per family unit (2 to 1)

[2] Additional family unit: one per family unit (1 to 1)

[3] Multi-family units: two per unit (2 to 1)

(b) Health Institutions:

One per every three beds (1 to 3) and one per every two employees (1 to 2)

(c) Hotels, inns, cabins, cottages, etc.:

One per every sleeping room (1) plus one per every two employees (1 to 2)

(d) Maritime activities - commercial and recreational:

Three quarters per every slip (.75) and or mooring and one per every two employees (1 to 2)

(e) Maritime activities - industrial:

One per every two employees (1 to 2)

(f) Offices and public buildings:

One per every two hundred square feet (200 Sq. Ft.) of gross floor area

(g) Restaurants, other eating and drinking establishments:

One per every four seats (1 to 4) and one per every two employees (1 to 2).

(h) Retail stores:

One (1) per every two hundred square feet (200 Sq. Ft.) of floor area used for retailing - not storage

(i) Schools:

One per every classroom (1 to 1) and one per every four employees (1 to 4)

(j) Theaters, churches and other assembly places:

One (1) per every two hundred square feet (200 Sq. Ft.) of gross floor area

(k) Warehouses and storage facilities:

One per every employee (1 to 1) plus one for every loading bay (1 to 1)

(l) Home Occupation:

Two (2) spaces plus the two (2) spaces required for single family unit. The Planning Board may set requirements for demonstrated cause.

(3) Joint Use

The joint use of a parking facility by two or more principal buildings or uses may be approved by the Planning Board where it is clearly demonstrated that said parking facilities would substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees of such establishments.

(4) Site Layout

(a) Provision shall be made for providing and maintaining convenient and safe emergency vehicle access at all times.

(b) Parking shall be arranged so that vehicles do not back into the street.

(c) All driveway entrances and exits shall be kept free from visual obstructions higher than 3' above street level for a distance of twenty five feet (25') measured along the intersecting driveway and street lines in order to provide visibility for entering and leaving vehicles.

(d) Off-street parking and loading spaces, where not enclosed within a building, shall be effectively screened from view by a continuous landscaped area not less than six feet (6') in height and fifteen feet (15') in width along exterior lot lines adjacent to residential properties, except that driveways shall be kept open to provide visibility for entering and leaving.

- (e) Shade trees - Any parking lot with ten spaces (10) shall require one tree (1), twenty spaces (20) requires two trees (2), etc. in increments of one tree per every ten spaces (1 to 10). (This is to be applied to parking spaces already in existence at the time of this amendment - May, 1992 -if the lot is expanded.)
- (f) Off-street/off-site parking shall be considered accessory to the principal use and shall be permitted only when parking requirements cannot be met on-site. The following criteria shall apply to an off-site area:
 - [1] All of the requirements for an on-site parking area.
 - [2] The distance between the proposed off-site parking area must be a reasonable and convenient distance for the proposed user.
 - [3] The proposed access route between the off-site parking area and the site must provide for safe pedestrian and vehicle traffic.
 - [4] Drop-off areas shall be provided at the site and the off-site parking area.
 - [5] Parking spaces shall be provided for use at the same time the building is ready for use.
 - [6] Parking areas shall meet the shoreline setback requirements for structures for the zone in which such areas are located, except that in the Commercial Fishery/Maritime Activity Zone parking areas shall be set back at least twenty-five feet (25') horizontal distance from shoreline. The setback requirement for parking areas serving public boat launching facilities, in zones other than the Commercial Fishery/Maritime Activity Zone, shall be reduced to no less than fifty feet (50'), 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.
 - [7] Parking areas shall be adequately sized for the proposed use and shall be designed to prevent storm water runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.

I. Roads, Driveways and Driveway Openings Standards

- (1) Any public road requiring acceptance by the Town shall be designed and constructed to the specifications of the Road Ordinance of the Town of Tremont.
- (2) Any road not requiring acceptance by the Town shall be designed and constructed to the following standards:
 - (a) Design standards:
 - [1] Minimum right-of-way:
Thirty feet (30')

[2] Minimum grade:

One half per cent (0.5%)

[3] Maximum grade:

Ten per cent (10%)

[4] Minimum tangent between curves of reverse alignment:

One hundred feet (100')

[5] Minimum angle of road intersection:

Sixty degree (60°)

[6] Maximum grade at intersection (within fifty feet (50') of intersection):

Three (3) degrees

[7] Minimum sight distance:

One hundred fifty feet (150');

[8] Minimum radii of intersection:

Thirty feet (30')

- (3) Roads and driveways shall be set back at least one hundred feet (100'), horizontal distance from the normal high-water line of a great pond and seventy-five feet (75'), horizontal distance from the normal high-water line of other water bodies, streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board.

EXCEPTION: If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty feet (50'), 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.

- (a) On slopes of greater than twenty degrees (20°) the road and/or driveway setback from the normal high-water line shall be increased by ten feet (10') horizontal distance for each five degree (5°) increase in slope above twenty degrees (20°).
- (b) Article VI. I.(3) Does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of this section except for that portion of the road or driveway necessary for direct access to the structure.
- (4) Existing public roads may be expanded within the legal road right-of-way regardless of the setback from a water body, tributary stream, or wetland.

- (5) No part of any driveway or road shall be located within a minimum of six feet (6') of a side property line.

The Planning Board may permit:

- (a) A driveway serving adjacent sites to be located within the six foot (6') area of the side property line between the adjacent sites; and
 - (b) A driveway or road which does not meet these standards if the lot frontage prohibits compliance.
- (6) A road opening permit must be obtained from the Town for any driveway or road opening onto a Town road; a highway entrance and road opening permit must be obtained from MDOT if the driveway or road opens onto a State road.
- (a) The Town road must be returned to its original condition upon completion of the driveway opening construction.
 - (b) Specifications for the required storm water drainage culvert size are contained in the Road Ordinance of the Town of Tremont.
 - (c) The Code Enforcement Officer shall be notified of the date of construction of the driveway or road opening.
- (7) Road and driveway banks shall be no steeper than a slope of two horizontal to one vertical (2:1), and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Article V.I.E
- (8) 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 feet (50') plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
- (9) 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:

Grade	Spacing
%	in feet

0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21+	40

- (b) Drainage dips may be used in place of ditch relief culverts only where the grade is ten percent (10%) or less.
 - (c) On sections having slopes greater than ten percent (10%), ditch relief culverts shall be placed at approximately a thirty degree (30°) 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.
- (10) 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.
 - (11) New roads and driveways are prohibited in a Resource Protection Zone except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the zone. A road or driveway in the Resource Protection Zone may also be approved by the Planning Board upon a finding that no reasonable alternative route or location is available outside the zone. When a road or driveway is permitted in a Resource Protection Zone, the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, stream or upland edge of a wetland.
 - (12) When the Town posts roads restricting allowable weight over them, the maximum weight allowed shall be twenty two thousand pounds (23,000 lbs.). It shall be a violation of this Ordinance to use larger vehicles and any damage to the roads shall be borne by the violator.

J. Septic Waste Disposal Standards

- (1) All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules (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 feet (75'),

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

(2) The Rules, among other requirements, include:

(a) The minimum setback for new subsurface sewage disposal facilities systems shall be no less than one hundred horizontal feet (100') from the normal high-water line of a perennial water body. The minimum setback distances from water bodies for new subsurface sewage disposal systems shall not be reduced by variance.

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

(c) The following minimum setbacks from the Maine State Plumbing Code shall apply:

Distance in Feet	Treatment	Disposal
Between	Tank	Area
Buildings		
With basements	8'	20'
Without basements	8'	15'
Property Line	10'	10'*

*Sufficient distance shall be maintained to assure that all fill remains on property

K. Sign Standards

(1) Within the shoreland zone, signs relating to goods and services sold on the premises shall be allowed, provided such signs do not exceed six square feet (6 Sq. Ft.) in area on each side except in the Harbor Zone and Commercial Fishery/Maritime Activity Zone where they cannot exceed twenty four square feet (24 Sq. Ft.). The number of signs shall not exceed two signs (2) per premise or business. (This number does not include directional signs; i.e., In, Out, Do Not Enter, etc.). Signs relating to goods and services not rendered on the premises shall be prohibited.

(2) Outside the shoreland zone, four signs per premise or business may be permitted (4 to 1) no greater than twenty four square feet (24') per sign. Tremont official business directional signs are only allowed within the right-of-way of state or town roads.

(3) Name signs shall not exceed two signs per premises (2 to 1) not to exceed four square feet (4 Sq. Ft.) per sign, and shall not exceed twelve square feet (12 Ft. Sq.) in the aggregate within the shoreland zone.

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

- (5) Signs relating to trespassing and hunting shall be allowed without restriction as to number, provided that no such sign shall exceed two square feet (2 Sq. Ft.) in area.
- (6) Signs relating to public safety shall be allowed without restriction.
- (7) No free-standing sign shall extend higher than twenty feet (20') above the ground. No sign attached to a building shall extend higher than the roof line.
- (8) Signs may be illuminated only by shielded, non-flashing lights.
- (9) A sign with a double signboard or display area shall be construed to be one sign for the purpose of this Ordinance. The area of one face of a two-sided sign shall be deemed to be the total area of the sign.
- (10) A home occupation shall have only one (1) sign and it shall not exceed six square feet (6 Sq. Ft.).
- (11) All signs exceeding six square feet (6 Sq. Ft.) require a permit.

L. Soils Standards

- (1) All land uses shall be located on soils in or upon which the proposed uses 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 must comply with the following standards.
- (2) The Planning Board may determine that proposed uses requiring subsurface waste disposal and commercial or industrial development and other similar intensive land uses shall require a soils report prepared by and based on an on-site investigation by State-certified professionals. (Submittal of a soils report is required for any proposed uses within the shoreland zone). 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.
- (3) The report shall be based upon any of the following relevant criteria:
 - (a) The analysis of the characteristics of the soil and surrounding land and water areas
 - (b) Maximum ground water elevation
 - (c) Presence of ledge
 - (d) Drainage conditions
 - (e) Other pertinent data which the evaluator deems appropriate; and
 - (f) The GIS maps of Tremont soils, wetlands and contours in the Town Office.
- (4) The soils report shall include any recommendations for a proposed use to counteract soil limitations where they exist.

M. Storm Water Runoff Standards

- (1) All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm waters.
- (2) Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

NOTE: The Storm water Management Law (38 M.R.S.. § 420-D) requires a full permit to be obtained from the DEP prior to construction of a project consisting of twenty thousand square feet (20,000 Sq. Ft.) or more of impervious area or five acres (5) or more of a developed area in an urban impaired stream watershed or most-at-risk lake watershed, or a project with one acre (1) or more of developed area in any other stream, coastal or wetland watershed. A permit-by-rule is necessary for a project with one acre (1) or more of disturbed area but less than one acre (1) impervious area (twenty five square feet (20,000 Sq. Ft.) for most-at-risk lakes and urban impaired streams) and less than five acres (5) of developed area. Furthermore, a Maine Construction General Permit is required if the construction will result in one acre (1) or more of disturbed area.

N. Water Quality Protection Standards

- (1) No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances will impair designated uses or the water classification of the water body, tributary stream or wetland.
- (2) The following activities may require a permit under the Natural Resources Protection Act from the Department of Environmental Protection if performed in, on or over any freshwater or coastal wetland, great pond, river or stream, or adjacent* to said natural resources such that material or soil may be washed into them:
 - (a) Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials
 - (b) Draining or otherwise dewatering
 - (c) Filling
 - (d). Any construction, repair or alteration of any permanent structure.

*The DEP has defined "adjacent" to mean any land within the floodway of a river, stream or brook; or any land area within one hundred feet (100') of the normal high-water line or upland edge of a coastal wetland, freshwater wetland, river, stream or brook.

O. Lake Watershed Phosphorous Protection

These provisions shall apply to all proposed development lying within the Seal Cove and Hodgdon Pond lake watersheds as shown on the Tremont Comprehensive Plan, Water and Marine Resources Map. A participant in a permit proceeding wishing to show that the location of the proposed activity is, or is not, in fact within one of the watersheds may rebut the presumption of the accuracy of the watershed map only by the production of clear and convincing evidence, including expert testimony, that the location is, or is not, in fact within the relevant watershed.

The proposed development will be designed to retain an absorbent vegetative buffer of at least seventy five feet (75') down slope of any developed area. The Board may require larger buffer areas for slopes exceeding fifteen percent (15%).

(1) Restricted Activities and Practices

The following practices and activities are restricted within the buffer, unless approved by the Planning Board:

- (a) Clearing of existing vegetation
- (b) Soil disturbance by grading, stripping, or other practices
- (c) Filling or dumping
- (d) Drainage by ditching, underdrains, or other systems

Refer to the Maine Department of Environmental Protection's manual: "Storm water Management for Maine: Best Management Practices" for guidance.

(2) Buffer

The buffer shall be located, designed and vegetated in such a manner as to effectively prevent any channelization of water or measurable amount of sediment from leaving the site, thus minimizing phosphorous runoff. If access must be provided through the buffer area, drainage shall be designed to guide storm water from the access way into the buffer area to prevent phosphorous runoff.

- (a) The property owner shall be responsible for construction and maintenance of the buffer.
- (b) The Board may require larger buffer areas or interruption of impervious surfaces of over one acre in extent with buffer areas if necessary to effectively prevent channelization and absorb runoff on site. On non-conforming lots legally created before enactment of this provision, the Board may reduce the size of the buffer proportionally. Alternative measures (e.g., detention ponds) to accomplish this objective may be proposed to the Planning Board for approval
- (c) All plats prepared for recording and all right-of-way plats shall clearly:

[1]. Show the extent of any buffer on the subject property.

[2] Label the "Absorbent Vegetative Buffer." Provide a note to reference any buffer stating: "There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the Planning Board. Provide a note to reference any protective covenants governing all buffer areas stating: "Any buffer shown hereon is subject to protective covenants which may be found in the Zoning Ordinance and which restrict disturbance and use of these areas."

(d) All lease or sale agreements must contain a notation regarding the presence and location of absorbent vegetative buffers.

P. Lighting - Outdoor

(1) Purpose.

To establish requirements for outdoor lighting that enhance visibility and public safety by preventing uncontrolled intrusion into adjacent properties and the natural environment. Recommended best practices are intended to promote energy conservation and preserve the Town's night sky which is an important part of the Town's character.

(2) Requirements

These requirements apply only to construction with outdoor lighting permitted after May 12, 2009.

- (a) Full cutoff. All lights greater than or equal to eighteen hundred lumens (1,800 lm) (a one hundred watt (100 W) incandescent light produces eighteen lumens (1,800 lm) shall be shielded to direct all light towards the ground.
- (b) Light trespass. All light shall be directed away from adjacent properties. The light sources in flood and spot lights shall not be directly visible from adjacent properties nor be directly visible to motorists on public roads.
- (c) Structural Canopies. Areas under structural canopies shall be illuminated so that the uniformity ratio (ratio of average to minimum illumination) shall be no greater than five to one (5:1) with an average illumination level of not more than thirty foot candles (30 fc). Light fixtures located on structural canopies shall be mounted so that the lens cover is recessed or flush with the ceiling of the canopy.

(3) Exceptions to Section (2) Requirements stated above

All lighting less than eighteen hundred lumens (1,800 lm) and lighting of churches, flags, emergency lighting, and holiday lighting.

(4) Recommended Best Practices

- (a) Motion sensors. Use motion sensors to control flood and spot lights.

- (b) HPS lights. Use high pressure sodium (HPS) lights to minimize sky glow where color recognition is not needed.
- (c) Non-security parking lights. Turn off non-security parking lot lights after business hours to save energy and protect the night sky.
- (d) Minimum amount of lighting. Provide the minimum amount of light needed to achieve safe uniform lighting with lights that consume the lowest amount of power possible.
- (e) Shield or flush mount lights. Fully shield or horizontally flush mount all lights.
- (f) Signs and flags. Illuminate signs and flags from above and shield all sports lighting.
- (g) Guidelines for professional design. Request that professionals follow Illuminating Engineering Society guidelines for intensity and uniformity and not to exceed the minimum recommended values.

Q. Blasting

- (1) Blasting within the Town of Tremont shall be conducted in accordance with all applicable State and Federal laws and regulations.
- (2) Applicants for permits involving blasting shall provide the following:
 - (a) Name and address of blaster.
 - (b) A copy of the blaster's license.
 - (c) Proof of liability insurance in a minimum amount of one million (1,000,000) dollars combined single limit per occurrence
 - (d) Estimated dates and times of planned blasting
 - (e) Estimated total number of cubic yards of material to be removed by blasting.
- (3) The applicant shall indemnify and hold harmless the Town of Tremont and its agents and employees from and against all claims, damages, losses and expenses, including attorney's fees, arising out of or resulting from the performance of blasting operations.

ARTICLE VII, NON-CONFORMANCE

A. Purpose.

It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that legally existed before the effective date of this Ordinance and subsequent

amendments shall be allowed to continue, subject to the requirements set forth in Article 7. Except as otherwise provided in this ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

B. 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.

C. Repair and Maintenance

This Ordinance allows, without a permit, the normal repair and 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.

D. Non-conforming Structures

(1) Expansions:

All new principal and accessory structures, excluding functionally water dependent uses, must meet the water body, tributary stream, or wetland setback requirements contained in the Maine Department of Environmental Chapter 1000, Section 15(B)(1)(a),(b)&(c). 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 Article VII.D. (1)(a)(b) below.

(a) Legally Existing Structures that Do Not Meet Shoreland Setback Requirements

Legally existing non-conforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as all other applicable standards contained in this Ordinance are met. Expansion toward the shoreline is prohibited.

[1] Expansion of any portion of a structure within twenty-five feet (25') horizontal distance of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement. Expansion of an accessory structure that is located

closer to the normal high-water line of a water body, tributary stream or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body or wetland setback requirement.

[2] Notwithstanding paragraph [1] above, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable municipal land use standards are met and the expansion is not prohibited by Article VII.D. (1).

(a) The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.

[3] All other legally existing nonconforming principal and accessory structures that do not meet water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal land use standards are met and the expansion is not prohibited by Article VII.D.(1) or D.(1)(a).

[4] For structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.

[5] For structures located less than 100 feet from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater. Any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Article VII.D.(1)(a)[3] above.

[6] In addition to the limitations in subparagraphs [4] and [5] for structures that are legally nonconforming due to their location within the Resource Protection District when located at less than 250 feet from the normal high-water line of a water body or the upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed at the time the Resource Protection District was established on the lot, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75

feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Article VII(D)(3)(c)[4] and Article VII(D)(3)(c)[5], above.

[7] An approved plan for expansion of a nonconforming structure must be recorded by the applicant with the registry of deeds, within 90 days of approval. The recorded plan must show the existing and proposed footprint of the non-conforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the shoreland zone boundary and evidence of approval by the municipal review authority.

[8] The addition of a deck or other structures as defined with floor area shall constitute an expansion.

[9] 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 Article VII.D. (2) Relocation, below.

(2) Relocation:

(a) 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.

(b) In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

(c) 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 accordance with Article VI.B.(2). In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

[1] Trees removed in order to relocate a structure must be replanted with at least one native tree (1), at least three feet (3') in height, for every tree removed. If more than five trees (5) are planted, no one species of tree shall make up more than fifty per cent (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.

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

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

(3) Reconstruction or Replacement:

(a) Any non-conforming structure which is located less than the required setback from a water body, tributary stream, stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause:

[1] By more than fifty per cent (50%) of the market value of the structure before such damage, destruction, or removal, may be reconstructed or replaced provided that a permit is obtained within one year of the date of said damage, destruction or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream, or wetland setback requirement to the greatest practical extent as determined by the 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 nonconformity. If the reconstructed or replacement structure is less than the required setback, it shall not be any larger than the original structure except as allowed pursuant to Article VII.D.(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 replaced 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 Article VII.D.(2)(b).

[2] By fifty per cent (50%) or less of the market value of the structure excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction or removal.

(b) In determining whether the building reconstruction or replacement meets the water 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, the type and

amount of vegetation to be removed to accomplish the relocation and the physical condition and type of foundation present, if any.

(4) Change of Use of a Non-conforming Structure

- (a) 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.
- (b) 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 water, natural beauty, floodplain management, archeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

(5) Non-conforming Uses

(a) 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 Article VII.D.(1).

(b) 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 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 year period (5).

(c) 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, including functionally water-dependent uses in the Commercial Fisheries and Maritime Activities Zone district, than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to the following criteria: 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 water, natural beauty, floodplain management, archeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

(6) Non-conforming Lots:

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

(b) Built Lots: A non-conforming lot of record that was built upon prior to the enactment or subsequent amendment of this Ordinance is subject to the following restrictions:

[1] Structures may be repaired or maintained, and may be enlarged in conformity with the standards of this Ordinance.

[2] If the proposed enlargement cannot meet the dimensional requirements of this Ordinance, a variance may be requested from the Board of Appeals.

(c) Contiguous Built Lots:

[1] If two (2) or more contiguous lots are in single or joint ownership and if all or part of the lots do not meet the dimensional requirements of this Ordinance, or subsequent amendment of this Ordinance, and if a principal use or structure existed on each lot, at the time of adoption of this Ordinance or subsequent amendments thereto, the non-conforming lots may be conveyed, separately or together, provided that the State Minimum Lot Size (12 M.R.S., sections 4807-A through 4807-D) and the and State of Maine Subsurface Wastewater Disposal Rules are complied with.

[2] 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 law and rules of Article VII. (6)(c)[1] above 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.

(d) 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 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.

[1] This provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on May 12, 1992 and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

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

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

ARTICLE VIII, PERMIT APPLICATION AND REVIEW PROCEDURE

A. Permit Applicability

No building, structure or land shall hereafter be used or occupied; no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, altered to change the use, or demolished; no use will be changed; no new lot shall be created for a building, structure or activity; and no new land use activity as defined in Section 5 shall occur, except in conformity with all of the regulations herein specified for the zone in which it is located and the relevant performance standards, unless a variance is granted. A permit shall be obtained from the Code Enforcement officer after approval of appropriate review authority. Any permit required by this Ordinance shall be in addition to other permit required by other law or ordinance.

B. Review Authority

(1) The Code Enforcement Officer:

- (a) All single family residential construction
- (b) Commercial additions one hundred square feet (100 Sq. Ft.) or less
- (c) Alteration of a residential or commercial building or structure which affects its footprint, height or location
- (d) Temporary structures in conformance with the provisions of this Ordinance for up to seven (7) months
- (e) Placement of signs
- (f) Timber harvesting in the in Resource Protection Zone
- (g) Clearing or removal of vegetation for activities other than timber harvesting in the shoreland zones (unless such activity occurs as part of an application for the use)
- (h) The moving or excavation of one hundred to five hundred cubic yards (100-500 Cu. Yds.) of inert fill
- (i) Residential driveways
- (j) Blasting operations
- (k) Temporary piers, docks wharves, bridges and other structures and uses extending over or below the normal high water line or within a wetland

(2) The Planning Board

- (a) All new multi-family residential construction
- (b) Home occupation/profession
- (c) All new commercial buildings, and additions greater than one hundred square feet (100 Sq. Ft.)
- (d) Industrial, Government and Institutional activities
- (e) Mineral extraction including sand and gravel
- (f) Agriculture and Aquaculture
- (g) Campgrounds
- (h) Marinas
- (i) Permanent piers, docks wharves, bridges and other structures and uses extending over or below the normal high water line or within a wetland
- (j) Road and commercial driveway construction
- (k) Parking facilities
- (l) Essential services
- (m) Filling or other earth-moving activity of more than five hundred cubic yards (500 Cu. Yds.)
- (o) Any change of use
- (p) Any other activity not designated above
- (q) Junkyards and Automobile Graveyards
- (r) Communication Towers
- (s) Site Plan Development Requirements

A person who has right, title, or interest in a parcel of land must obtain site plan approval, from the Planning Board, prior to commencing any of the following activities on the parcel, obtaining a building or plumbing permit for the activities, or undertaking any alteration or improvement of the site including grubbing or grading:

- [1] The construction or placement of any new building or structure for a nonresidential use, including accessory buildings and structures.
- [2] The expansion of an existing nonresidential building or structure including accessory buildings that increases the total floor area. The one time expansion of a structure or accessory building by six hundred (600) square feet or less in any five year period may be permitted by the Code Enforcement Officer.

[3] Any new use that changes the basic nature of the existing use such that it increases the intensity of any of the on-off-site impacts. An increase in the intensity of on-off-site impacts includes but is not limited to:

(a) The addition or creation of 5 or more employee or employer positions.

(b) Activities utilizing hazardous materials

(c) Activities utilizing one thousand gallons (1,000 gals.) or more of ground water per-day

(d) Activities requiring an engineered subsurface waste water system

(e). An expected traffic count increase of fifty (50) cars per-day or more.

[4] The establishment of a new nonresidential use even if no buildings or structures are proposed, including uses such as gravel pits, cemeteries, golf courses, and other nonstructural nonresidential uses.

[5] The construction of a residential building containing three (3) or more dwelling units.

[6] The modification or expansion of an existing residential structure that increases the number of dwelling units in the structure by three (3) or more.

[7] The conversion of an existing nonresidential building or structure, in whole or part, into three (3) or more dwelling units.

[8] The construction or expansion of paved areas or other impervious surfaces, including walkways, access drives, and parking lots involving an area of more than two thousand five hundred (2500) square feet.

[9] The following activities shall not require site plan approval. Certain of these activities will, however, require the owner to obtain a building permit, plumbing permit, or other state or local approvals:

(a) The construction, alteration, or enlargement of a single or two-family dwelling, including accessory buildings and structures.

(b) The placement, alteration, or enlargement of a single manufactured housing, or mobile home dwelling, including accessory buildings and structures on individually owned lots.

(c) Agricultural activities, including agricultural buildings and structures

(d) Timber harvesting and forest management activities.

(e) The establishment and modification of home occupations that do not result in changes to the site or exterior of the building.

(t) Floodplain Management Ordinance for the Town of Tremont

(u) Subdivision Ordinance of the Town of Tremont

C. Plumbing and Blasting Permit Required Prior to Building Permit

No building permit shall be issued for any structure or use involving the construction, installation or alteration of plumbing facilities or an increase in the number of bedrooms unless a permit has been secured from the Local Plumbing Inspector by the applicant or his or her authorized agent, according to the requirements of this Ordinance. When a subsurface wastewater disposal system is required, the application approved by the site evaluator and the Plumbing Inspector must be included in the permit application.

(1) Blasting Requirements of Article VI.Q. are Required Prior to Building Permit

- (a) No building permit shall be issued for any structure or use involving blasting unless all the requirements of Article VI.Q. are met by the applicant or his or her authorized agent.
- (b) A permit shall be obtained from the Code Enforcement Officer for all blasting.
- (c) Blasting not associated with a building permit shall be completed within thirty days (30) of the Municipal Permit date.

D. Permit Application Submission Procedure

(1) Filing of Application:

Every applicant for a permit shall submit a written application, on a form provided by the Town, to the appropriate official as indicated in Article VIII.B.(1) and (2) above. Each plan must include a scaled site plan. The Selectmen reserve the right to set an application fee from time to time reflecting the costs to the Town.

(2) Review by the Code Enforcement Officer:

- (a) The original form and one copy shall be submitted with the plans for the project.
- (b) The original application shall be retained by the Town and filed with a copy of the permit; the copy of the application will be returned with the original of the permit to the applicant.

(3) Review by the Planning Board:

- (a) The original form and nine copies (9) shall be submitted with the plans for the project.
- (b) The original application shall be retained by the Town and filed with a copy of the permit; a copy of the application will be returned with the original of the permit to the applicant.

(4) Burden of Proof:

The applicant shall have the burden of proving that the proposed land use activity is in conformity with the standards of this Ordinance. The Code Enforcement Officer or

Planning Board may require the submission of whatever information is necessary to determine conformance with the provisions of this Ordinance.

(5) Right, Title or Interest:

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.

(6) Dated Receipt:

Upon receiving an application and the appropriate application fee, the Town shall issue a dated receipt of this filing, to the applicant.

(7) Completeness of Application:

Within 35 calendar days from the dated receipt, the reviewing authority shall notify the applicant either that the application is a complete or an incomplete application. The decision will be dated and copies issued to the applicant.

- (a) If an application is deemed to be incomplete, the additional material needed to make the application complete shall be specified to the applicant in writing.
- (b) The applicant will have thirty calendar days (30) to return with the specified material to make the application complete. The reviewing authority shall then determine if the application is complete.
- (c) If the applicant is unable to meet the thirty day (30) requirement an additional thirty calendar days (30) may be requested by the applicant to the reviewing authority, who may grant one thirty (30) day time extension for just cause.
- (d) If the applicant does not provide the requested material within thirty calendar days (30) or request an extension of time, as noted in Article VIII.D.(5)(c) above, the reviewing authority shall deny the application as incomplete.
- (e) If the application is denied as noted in Article VIII.D. (5)(d) above, and if the applicant wishes to continue with the project, an entirely new application must be submitted and reviewed as a separate and new application.

(8) Applications for approval under this Ordinance must include evidence that all appropriate local, state and federal agencies have been requested to determine if additional permits must be sought from them. Final approval will be given conditionally upon receipt of these permits if they are required.

(9) When the reviewing authority has determined that the application is complete, the date shall be so noted on the application form. A dated receipt may be issued if so requested. An application is pending only after it has been determined to be complete by the reviewing authority.

(10) The CEO shall act on completed applications presented to him/her according to the following procedure:

- (a) Within thirty five calendar (35) days after the application has been accepted as complete, the Code Enforcement Officer shall send notice of the application by first class mail to all abutting property owners.
- (b) On or after seven calendar days (7) from the date of notification, the CEO shall approve or deny in writing on the conformity of those uses which he or she has authority to hear as established in Article VIII B.(1). The CEO may request the advice and concurrence of the Planning Board on any application and shall refer any application to the Planning Board for decision, which in the CEO's judgment requires a public hearing or otherwise requires action by the Planning Board.

(11) The Planning Board may conduct a workshop session with the applicant during a scheduled Planning Board meeting and before submission of the completed application

(12) The Planning Board shall act on completed applications presented to it according to the following procedure:

- (a) The Planning Board shall hold a public hearing on the application within thirty five (35) calendar days of determination that an application is complete. The Town shall send notice of each public hearing by first class mail to all abutting property owners.
- (b) The applicant or his duly authorized representative shall attend the meeting of the Board to discuss the application.
- (c) The Planning Board shall either approve or deny the application in writing within thirty five (35) calendar days of the public hearing or within another time limit as may be otherwise mutually agreed to by the Board and applicant. Applications shall be approved only by majority decision that the proposed use is in conformance with the land use and land use standards of this Ordinance. If the permit is denied, the denial shall include a statement of findings of fact and of reasons in support of the decision. If the permit is approved, the approval may include a statement of findings of fact.

E. Permit Application Review Criteria

- (1) The permitting authority shall review a completed application and shall grant an approval only if the permitting authority makes a positive finding that the application complies with the requirements 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:

- (a) Will maintain safe and healthful conditions

- (b) Will not result in water pollution, erosion, or sedimentation to surface waters
 - (c) Will adequately provide for the disposal of all wastewater
 - (d) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat
 - (e) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters
 - (f) Will protect archaeological and historic resources as designated in the comprehensive plan
 - (g) Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities district;
 - (h) Will avoid problems associated with floodplain development and use
- (2) The Permitting Authority may attach such restrictions or conditions as it deems necessary to ensure compliance.
 - (3) If a permit is either approved with conditions or denied, the reasons as well as conditions shall be stated in writing.
 - (4) No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance or regulation or any State law which the Town is responsible for enforcing.

F. Modification and/or Amendment to an Approved Permit

- (1) The permit shall have been approved within the last year.
- (2) The modification and/or amendment shall be minor; e.g., an accessory structure, a small addition or modification to the approved structure, under one hundred square feet (100 Sq. Ft.), etc.
- (3) The CEO shall be the permitting authority for the modification and/or amendment. The CEO will request the advice and concurrence of the Planning Board if the modification and/or amendment raises unusual questions or if, in the CEO's judgment, a public hearing should occur.
- (4) The procedure for a modification and/or amendment shall be the same as for any permit except that the Completeness of Application shall only refer to the modification and/or amendment.

G. Fees

(1) An approved application shall become subject to the following permit fees:

(a) New buildings, additions and modifications:

[1] Residential Structures:

Fifteen cents (\$.15) per square foot of floor area

[2] Commercial Structures:

Twenty-five cents (\$.25) per square foot of floor area

[3] Minimum Charge:

Twenty-five dollars (\$25.00)

(b) Home Occupation:

Thirty dollars (\$30.00)

(c) Fill/Excavation/ Blasting permits:

Fill/Earth moving < 10 cubic yards No fee

Fill/Earth moving > 10 cubic yards up to 100 cubic yards \$25.00 in Shoreland Zone else where No Fee

Fill/Earth moving >100 cubic yards up to 500 cubic yards \$50.00

Fill/Earth moving > 500 cubic yards \$100.00 Plus \$100.00 for every additional 500 cubic yards

Blasting < 500 cubic yards \$50.00

Blasting > 500 cubic yards \$100.00 Plus \$100.00 for every additional 500 cubic yards or part thereof

(d) Road/Driveway permits:

Twenty-five dollars (\$25.00)

(e) Change of Use:

Twenty-five dollars (\$25.00)

(f) Sign permits:

Twenty-five dollars (\$25.00)

(g) Commercial towers:

Fifteen hundred dollars (\$1,500)

(h) Ponds:

Twenty-five dollars (\$25.00)

(i) Demolition Permit:

Twenty-five dollars (\$25.00)

(j) Piers, docks wharves, bridges and other structures and uses extending over or below the normal high water line or within a wetland

\$1.00 per lineal foot

- (2) A minimum one hundred dollar (\$100.00) or a triple permit fee, (whichever is greater) shall be charged for After-the-Fact permit applications in order to encourage compliance with the Zoning Ordinance. This amount shall be determined from time to time by the Board of Selectmen.
- (3) All advertising and hearing costs shall be paid by the applicant.
- (4) The Planning Board reserves the right to obtain an independent evaluation of a proposed development, to assist them in making necessary findings of fact. If the Planning Board deems such study necessary, it will request a reasonable additional sum from the applicant to defray the cost of such study or studies. Any funds not utilized for consultant studies will be returned to the developer.

H. Issuance of the Building Permit and the Life of the Permit

- (1) The CEO shall issue a Building Permit upon application approval by the appropriate review authority. Applicant must pick up and pay for this permit before proceeding.
- (2) Following the issuance of a permit, if no substantial start is made in construction or in the use of the property within one year of the date of the permit, the permit shall lapse and become void. A new permit must be obtained.
- (3) The project must be complete within five years (5) of the effective date of the permit, except in the shoreland zone, where if a substantial start is made within one year (1) of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.
- (4) A request may be made to the original authorizing authority (Planning Board or CEO) for an extension to the start time or completion time of one year (1), but not to exceed two extensions (2), except in the shoreland zone, where if a substantial start is made within one year of the issuance of the permit, the applicant may request two additional years to complete the project, at which time the permit shall expire; should the project not be completed, a new permit is required that meets that meets any new requirements.

ARTICLE IX, APPEALS

A. Board of Appeals Ordinance

- (1) The Ordinance of the Tremont Board of Appeals establishes regulations, requirements and procedures. It is available at the Town Office.
- (2) An appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the CEO or the Planning Board within thirty days (30) of the date of the decision appealed from, and not otherwise. In the event of a written decision, the date of decision is the date of written issuance.

B. Board of Appeals Authority Relating to this Ordinance:

(1) Types of Administrative Appeals

(a) Appellate Basis

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 in the administration of this Ordinance.

(b) De Novo Basis

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 in the review of an action on a permit application under this Ordinance. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a "de novo" capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

(2) Code Enforcement Officer Decisions

(a) CEO Administrative Decision Appeals

All Board of Appeals Code Enforcement Officer administrative decisions shall be reviewed on a "de novo" basis.

(b) CEO Enforcement Decisions

Any order, requirement, decision or determination made, or failure to act, by the CEO in the enforcement (See: Section 10) of this ordinance is not appealable to the Board of Appeals.

(3) Planning Board Decision Appeals

All Board of Appeals Planning Board decisions shall be reviewed on an appellate basis. The Board of Appeals may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board of Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written

or oral arguments. If the Board of Appeals determines that the records of the Planning Board proceedings are inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

(4) Variance Appeals

The Board of Appeals may authorize variances upon appeal within the following limitations:

- (a) Variances may be granted only from dimensional requirements including, but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
- (b) Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
- (c) The Board shall not grant a variance unless it finds that:
 - [1] The proposed structure or use would meet the provisions of the Land Use Standards within this Ordinance except for the specific provision which has created the non-conformity and from which relief is sought; and
 - [2] The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:
 - (a) That the land in question cannot yield a reasonable return unless a variance is granted;
 - (b) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - (c) That the granting of a variance will not alter the essential character of the locality; and
 - (d) That the hardship is not the result of action taken by the applicant or a prior owner.
- (d) Notwithstanding Article IX.(4)(c)[2] above, the Board of Appeals, or the code enforcement officer if authorized in accordance with 30-A MRSA §4353-A, 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 may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in 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. Any permit issued pursuant to this subsection is subject to Article IX.(4)(c)[2] and (e) below.)
- (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.
Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.

ARTICLE X, ENFORCEMENT

A. Nuisances

Any violation of this Ordinance, including any building constructed or altered, any mobile home located or relocated, any new sign, or any fill/excavation operation which violates the provisions of this Ordinance shall be considered a nuisance.

B. Code Enforcement Officer:

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

- (1) It shall be the duty of the Code Enforcement Officer (CEO) to enforce the provisions of this Ordinance. If the CEO shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings, structures, or work being done; removal of illegal buildings or structures, and abatement of nuisance conditions. The CEO shall require compliance with this written notice. A copy of such notices shall be submitted to the Planning Board, the Town officers and shall be maintained as a permanent record.
- (2) The CEO shall conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to permit approvals. The CEO shall also investigate all complaints of alleged violations of this Ordinance.
- (3) The CEO 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.

C. Legal Actions

- (1) When the above action does not result in the correction or mitigation of the violation or nuisance condition, the Town officers, upon notice from the CEO, are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town.
- (2) The Town 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 Town 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.

- (3) A decision of the CEO to take enforcement action for violations of this Ordinance or any permit issued pursuant to this Ordinance is not appealable to the Board of Appeals. This Ordinance shall be enforced in accordance with Title 30-A M.R.S. § 4452.

ARTICLE XI, DEFINITIONS

Terms not defined herein shall be defined according to the latest version of Merriam-Webster's Collegiate Dictionary. As used in this Ordinance, the following definitions shall apply.

Absorbent Vegetative Buffer – A vegetated area, including trees, shrubs and herbaceous vegetation, which exists or is established to protect a stream system, lake, reservoir, or coastal estuarine area. Alteration of this natural area is strictly limited.

Abutter- The owner of any property with one or more common boundaries, or across the street or stream from, the property involved in an application or appeal.

Accessory Structure or Use - A use or structure which is incidental, accessory, 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, estuarine or marine plant or animal species.

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

Bed and Breakfast- An owner-occupied dwelling in which lodging or lodging and meals are offered to guests for compensation.

Blast/Blasting- Any activity for the purpose of producing an explosion to demolish structures or to fragment rock including but not limited to mining, quarrying, excavation and construction including hydro-fracturing operations.

Blaster- A State licensed individual who is in charge of and responsible for the loading and firing of a blast or who is in immediate personal charge and supervision of one or more other persons engaged in such activity.

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.

Boat Storage, Maintenance & Construction Facility – A site on which any or all of the following activities occur, Boat Storage, Boat Maintenance or Boat Construction.

Bureau of Forestry– State of Maine Department of Agriculture, Conservation, and 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.

Campsites - Any plot of ground within a campground intended for the occupancy by a recreational vehicle or a camping unit.

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

Cluster Development - A development approach for residential dwelling units in which building lots shall be reduced in size and buildings sited closer together, usually in groups or clusters, provided the total density does not exceed the density requirements of the zone in which the development is located. The additional land that remains undeveloped must be preserved as open space and recreational land.

Coastal wetland - all tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes.

NOTE: All areas below the highest annual tide level are coastal wetlands. These areas may consist of rocky ledges, sand and cobble beaches, mud flats, etc., in addition to salt marshes and salt meadows.

Commenced - Means either the first placement of permanent construction of a structure on site, such as the pouring of slab or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation; nor does it include the installation of streets and/or walkways; nor does it include excavation or erection of temporary forms; nor does it include the installation of accessory buildings.

Commercial Use - The use of lands, buildings or structures, other than a "home occupation," as defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, and transient rentals exclusive of rental of residential buildings and/or dwelling units for seven (7) days or more.

Communication Towers - Towers, poles and their associated structures the purpose of which is to provide communication services, including but not limited to telephone and radio, beyond the boundaries of the parcel on which the facilities are located. Communication towers are a commercial use.

DBH – the diameter of a tree measured four and one half feet (4.5') from the ground.

Detention Pond - An impoundment designed to temporarily store runoff and release it at a controlled rate.

Developed Area - Area in which any of the following activities take place: clearing, grading, excavation, filling, structural development, or the creation of impervious surfaces.

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

Driveway - A vehicular access-way less than five hundred feet (500') in length serving two (2) single-family dwellings or one (1) two-(2) family dwelling, or less.

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

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

Excavation Contractor: A person or business engaged in moving and rearranging dirt, usually with heavy equipment, primarily for the purposes of grading, terracing, draining, etc. For purposes of this Ordinance, Excavation Contractor excludes, Municipal, State, and Federal employees conducting work associated with their employment, timber harvesters conducting timber harvests, farmers conducting agricultural activities, and home or business owners doing work themselves.

Expansion of a Structure - An increase in the footprint of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses.

Expansion of Use - The addition of one or more months to a use's operating season or the use of more footprint or ground area devoted to a particular use.

Explosive - Any chemical compound mixture or device, the primary or common purpose of which is to function by explosion.

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

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

Footprint - The entire area of ground covered by the structure(s) on a lot, including but not limited to cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios and decks.

Forested Wetlands - A freshwater wetland dominated by woody vegetation that is six (6) meters (approximately 20') tall or taller.

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 acres (10) ; 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, finfish and shellfish processing, fish-related storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, shoreline structures necessary for erosion control purposes, 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. Recreational boat storage buildings are not considered to be a functionally water-dependent use.

Boat storage buildings are not considered to be a functionally water dependent use.

Great Pond - Any inland body of water which in a natural state has a surface area in excess of ten acres (10), and any inland body of water artificially formed or increased which has a surface area in excess of thirty acres (30), except for the purposes of this Ordinance, where the artificially formed 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.

Hazard Tree – a tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes; hurricane-force winds; tornados; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree falls. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather or linger.

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. Filling or excavating for the placement of a building may not be done to circumvent the height limitation.

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.

Hotel, Motel, boatel, Cabins, Cottages, etc. - A building or group of buildings containing rooms which are used or rented for sleeping purposes by transients.

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

stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

Individual Private Campsite - an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten individuals (10) and which 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 municipally owned or operated building, structure or land used for public purposes.

Junkyards and Automobile Graveyards - shall be defined in accordance with

Title 30-A M.R.S. § 3753-3755

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. Chapter 76.

Lot - A parcel of land whose boundaries have been established by some legal instrument such as a current recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

Lot Area - The area of land enclosed within the boundary lines of a lot (minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots (2), if the lot has been created since May 12, 1992.)

Lot Coverage - The percentage of covered area to lot area. Covered area is defined as the extent of roofs and decks (including any overhanging structure), except in the shoreland zone where coverage area includes all non-vegetated surfaces.

Lot Width Within One Hundred Feet (100') of the Shoreline: The minimum lot width is measured as the closest distance between side lot lines.

Manufactured Housing - A structural unit or units designed for occupancy, constructed in a manufacturing facility and then transported, by the use of its own chassis or an independent chassis, to a building site. See 10 M.R.S. § 9002(7).

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

Maritime Commercial Uses – Any one or more than one of the following uses, as long as the use facilitates or supports maritime trade, or the use is directly related to commercial fishing or those commercial activities commonly associated with or supportive of commercial fishing:

1. Marinas
2. Sale, repair, and/or manufacture of boats, ships or vessels
3. Sale, installation, or repair of engines and/or electronic devices commonly used on boats
4. Fabrication, storage and/or repair of fishing equipment
5. Commercial and/or recreational fishing and/or shellfish
6. Processing and/or sale of finfish and/or shellfish
7. Manufacture and/or sale of ice, bait and/or nets
8. Boat charters and/or excursions
9. Maritime museums and /or aquariums or other related educational uses.

Stand-alone boat storage facilities are not a maritime commercial use.

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

Minimum Lot Width - The closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

Mobile Home Park - A parcel of land under unified ownership approved by the Town for the placement of 3 or more manufactured homes.

Mobile Home Park Lot - The area of land on which an individual home is situated within the park and which is reserved for use by the occupants of that home.

Mobile Home Subdivision or Development - A parcel of land approved for the placement of manufactured houses on individually owned lots under the Subdivision Ordinance of the Town of Tremont.

Multi-Unit Residential - A residential structure or structures having two or more dwelling units in the aggregate on a single lot, provided that no structure shall contain less than two dwelling units or more than ten 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, did 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, lot coverage or footprint, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-conforming use - The 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.

Non-Native Invasive Species of Vegetation – species of vegetation listed by the Maine Department of Agriculture, Conservation, and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.

Non-Vegetated Surface – Includes structures, driveways, parking areas, lands previously developed, and other areas from which vegetation was removed. Exemptions are naturally occurring ledge and rock outcroppings, lots existing on March 24, 1990, and public boat launching facilities. There is no exemption for grass paver type products.

Normal High-Water Line (NHL) - 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.

NOTE: Adjacent to tidal waters, setbacks are measured from the upland edge of the “coastal wetland.”

One Hundred Year Flood (100) - The highest level of flood that, on the average, is likely to occur once every 100 years; i.e., that has a 1% chance in any year.

One and one-half (1-1/2) Story Structure - A structure whose outside walls extend above 1 story and less than 2 stories.

One (1)-Story Structure - A structure which has all its living quarters on the ground floor.

Outlet Stream – any perennial or intermittent stream, as shown on the most recent highest resolution version of the national hydrography dataset available from the United States

Geographical Survey on the website of the United States Geographical Survey or the national map, that flows from a freshwater wetland.

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

Piers, docking structures, wharves, bridges and other structures and uses extending over or below 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.

Plat - A plan or map showing land ownership, boundaries, and subdivisions with descriptions.

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

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

Privy - A pit in the ground into which human excrement is placed.

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

Recent Floodplain Soils - Recent flood plain soils include the following soils as described and identified by the National Cooperative Soil Survey:

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

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

Recreational Vehicle - A vehicle or an attachment to a vehicle designed to be towed, and designed for 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.

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

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

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.

Salt Marsh - Areas of coastal wetland (most often along coastal bays) that support salt tolerant species, and where at average high tide during the growing season, the soil is irregularly inundated by tidal waters. The predominant species is saltmarsh cordgrass (*Spartina alterniflora*). More open areas often support widgeon grass, eelgrass and Sago pondweed.

Salt Meadow - Areas of coastal wetland that support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (*Spartina patens*) and black rush; common three-square occurs in fresher areas.

Sapling - a tree that is less than two inches (2") in diameter at four and one half feet (4.5') above ground level.

Seedling - a young tree species that is less than four and one half feet (4.5') above ground level.

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 feet (1,000').
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 feet (1,000') 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, or lot lines, 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 (not the same as realty frontage).

Shoreland Zone - the land area located within two hundred and fifty feet (250'), horizontal distance, of the normal high-water line of any great pond; within two hundred and fifty feet (250'), horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within two hundred and fifty feet (250') of the upland edge of a freshwater wetland; or within seventy-five feet (75'), horizontal distance, of the normal high-water line of a stream.

Shoreline – the normal high-water line, or upland edge of a freshwater or coastal wetland.

Significant River Segments – See: 38 M.R.S. § 437.

Small Wind Energy Systems: Systems designed and installed to produce electricity servicing only the parcel on which the system is placed and producing ten kilowatts (10 KW) or less per structure.

Sound Transmission Class – A numerical rating of the ability of a wall, floor/ceiling assembly or any other building element such as a door or window to minimize sound transmission

Storm Damaged Tree – a tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm.

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, highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map to the point where the stream becomes a river or where the stream meets the shoreland zone of another water body or wetland. When a stream meets the shoreland zone of a water body or wetland and a channel forms downstream of the water body or wetland as an outlet, that channel is also a stream.

Structure – anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind or anything constructed or erected on or in the ground. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in Title 30-A, section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; or wells or water wells as defined in Title 32, section 4700-E, subsection 8.

Substantial Start – completion of thirty per cent (30%) of a permitted structure or use measured as a percentage of the 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.. §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.

Temporary Structure or Use - A use or placement of a structure for a period of up to seven months (7) in one year (1). The land use, structure and performance standards must be satisfied during this period.

Tidal Waters – all waters affected by tidal action during the highest annual tide.

Timber Harvesting - The cutting and removal of timber for the primary purpose of selling or processing forest products. “Timber Harvesting” does not include the cutting or removal of vegetation within the Shoreland Zone when associated with any other land use activities. 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 6.2. *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting.*

Towers, Commercial - Any towers used for communication purposes.

Track - Access formed for brush clearing and such purposes with no stone or gravel material introduced and which does not give access to a separate lot.

Transient - A person staying at a place that does not constitute his or her home or usual dwelling unit for less than 7 days.

Tree – a woody perennial plant with a well defined trunk at least two inches (2”) in diameter at one and one half feet (4.5’) above the ground, with a more or less defined crown, and reaching a height of at least ten feet (10’) at maturity.

Tributary Stream – A channel within the Shoreland Zone that is 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 hydraulically with 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. (Note: 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.)

NOTE: Water setback requirements apply to tributary streams within the shoreland zone.

Two (2)-Story Structure - A structure in which the outer walls extend to a full two (2) stories.

Upland Edge of a wetland - the boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the highest annual tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration

sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six meters (6 m) (approximately twenty feet (20')) tall or taller.

Use - A single activity occupying a lot; it may be recreational, residential or any number of commercial activities.

Variance - A reduction on the dimensional or area requirements of a lot or setback, and can only be granted by the Board of Appeals.

Vegetation - All live trees, shrubs, ground cover and other plants including without limitation trees both over and under four inches (4) in diameter, measured for and one half feet (4.5') above ground level.

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

Volume of a Structure - The volume, expressed in cubic feet, of all portions of a structure enclosed by roof and exterior walls as measured from the exterior faces of these walls and roof.

Water Body - Any great pond, river, or stream.

Wetland - A freshwater or coastal wetland.

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

Legislative History

03-08-88: Approved at Town meeting
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02-04-19: Draft reviewed by Town Manager
03-12-19: Public Hearing
03-25-19: Draft certified by Selectboard for Town Meeting Warrant
05-14-19: Adoption by Town Meeting

I attest this to be a true copy of this ordinance.



Katie Dandurand

Katie A. Dandurand
Town Clerk

Site Plan Review Ordinance

Town of Tremont

ARTICLE I, Purpose

The site plan review provisions set forth in this ordinance are intended to protect the public health and safety, promote the general welfare of the community, and conserve the environment by assuring that nonresidential and multifamily construction is designed and developed in a manner which assures that adequate provisions are made for traffic safety and access; emergency access; water supply; sewage disposal; management of stormwater, wildlife habitat, fisheries, and unique natural areas; protection of historic and archaeological resources; minimizing the adverse impacts on adjacent properties; and fitting the project harmoniously into the fabric of the community.

ARTICLE II, Applicability of Site Plan Review

A. A person who has right, title, or interest in a parcel of land must obtain site plan approval prior to commencing any of the following activities on the parcel, obtaining a building or plumbing permit for the activities, or undertaking any alteration or improvement of the site including grubbing or grading:

- (1) The construction or placement of any new building or structure for a nonresidential use, including accessory buildings and structures.
- (2) The expansion of an existing nonresidential building or structure including accessory buildings that increases the total floor area. The one time expansion of a structure or accessory building by six hundred (600) square feet or less in any five year period may be permitted by the Code Enforcement Officer.
- (3) The conversion of an existing building, in whole or in part, from a residential use to a nonresidential use.
- (4) The establishment of a new nonresidential use even if no buildings or structures are proposed, including uses such as gravel pits, cemeteries, golf courses, and other nonstructural nonresidential uses.
- (5) The conversion of an existing nonresidential use, in whole or part, to another nonresidential use if the new use changes the basic nature of the existing use such that it increases the intensity of on-off-site impacts of the use subject to the standards and criteria of the site plan review described in Article IX of this ordinance.

- (6) The construction of a residential building containing three (3) or more dwelling units.
- (7) The modification or expansion of an existing residential structure that increases the number of dwelling units in the structure by three (3) or more in any five (5) year period.
- (8) The conversion of an existing nonresidential building or structure, in whole or part, into three (3) or more dwelling units within a five (5) year period.
- (9) The construction or expansion of paved areas or other impervious surfaces, including walkways, access drives, and parking lots involving an area of more than two thousand five hundred (2,500) square feet within any three (3) year period.

B. The following activities shall not require site plan approval. Certain of these activities will, however, require the owner to obtain a building permit, plumbing permit, or other state or local approvals:

- (1) The construction, alteration, or enlargement of a single or two-family dwelling, including accessory buildings and structures.
- (2) The placement, alteration, or enlargement of a single manufactured housing, or mobile home dwelling, including accessory buildings and structures on individually owned lots.
- (3) Agricultural activities, including agricultural buildings and structures.
- (4) Timber harvesting and forest management activities.
- (5) The establishment and modification of home occupations that do not result in changes to the site or exterior of the building.
- (6) Activities involving nonresidential buildings or activities that are specifically excluded from review by the provisions of this section.

ARTICLE III, Terminology

A. Definitions

All words not defined herein shall carry their customary and usual meanings. Words used in the present tense shall include the future. Words used in the singular shall include the plural.

B. Definitions

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 from the subject lot such that the extension of the side lot lines of the subject lot would touch or enclose the abutting property.

ACCESSORY BUILDING: A detached, subordinate building, the use of which is clearly incidental and related to that of the principal building or use of the land, and which is located on the same lot as that of the principal building or use.

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 an approval under this ordinance; a person whose land abuts land for which approval 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 approval.

ARTERIAL: A controlled access road or a street or road with traffic signals at important intersections and/or stop signs on side streets or which is functionally classified by the Maine Department of Transportation as an arterial.

BUILDING: Any permanent structure, having one or more floors and a roof, which is used for the housing or enclosure of persons, animals or property. When any portion thereof is separated by a division wall without opening, then each such portion shall be deemed a separate building.

BUILDING FOOTPRINT: The area covered by a building measured from the exterior surface of the exterior walls at grade level inclusive of cantilevered portions of the building. Where the building is elevated above grade level on posts or similar devices, the building footprint is the area the building would cover if it were located at ground level.

CHANGE FROM ONE CATEGORY OF NONRESIDENTIAL USE TO ANOTHER CATEGORY OF NONRESIDENTIAL USE: A change in the type of occupancy of a nonresidential building or structure, or a portion thereof, such that the basic type of use is changed, such as from retail to office or storage to a restaurant, but not including a change in the occupants.

COLLECTOR STREET: A street that collects traffic from local streets and connects with arterials or a street or road functionally classified as a collector by the Maine Department of Transportation.

CURB CUT: The opening along the curb line or street right-of-way line at which point vehicles may enter or leave the street.

ENLARGEMENT OR EXPANSION OF A STRUCTURE: An increase of the building footprint and/or increase in the height of the structure beyond its present highest point. 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.

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. Increases which are required in order to meet the requirements of the Americans with Disabilities Act and/or the State Fire Code are not considered to be enlargements or expansions of use.

FISHERIES, SIGNIFICANT FISHERIES: Areas identified by a governmental agency such as the Maine Department of Inland Fisheries and Wildlife, Atlantic Salmon Authority, or Maine Department of Marine Resources as having significant value as fisheries and any areas so identified in the Town of Tremont's comprehensive plan.

HOME OCCUPATION: An occupation or profession which is carried on in no more than 25% of the total square footage of the single-family dwelling unit, or if located in an accessory building located on the property, in an area equal to no more than 25% of the total square footage of the single-family dwelling unit, by the full-time permanent occupant of the dwelling unit, which employs no more than two (2) persons other than family members residing in the home, and which is clearly incidental and secondary to the use of the dwelling for residential purposes and which does not change the character thereof. By way of illustration and not of limitation, the term home occupation shall include making foods such as breads, cookies or preserves, rugs, birdhouses, fishing flies, and quilts.. The term "home occupation" shall include both professional and personal services. Anything greater than 25% requires Planning Board approval under Site Plan Review.

FLOOR AREA: The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls.

GROUNDWATER: All of the water found beneath the surface of the ground. For purposes of aquifer protection, this term refers to the subsurface water present in aquifers and recharge areas.

HISTORIC OR ARCHAEOLOGICAL RESOURCES: 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 Town of Tremont's comprehensive plan.

IMPERVIOUS SURFACE: The area covered by buildings and associated constructed facilities, areas which have been or will be covered by a low-permeability material, such as asphalt or concrete, and areas such as gravel roads and unpaved parking areas, which have been or will be compacted through design or use to reduce their permeability. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam, or other surfaces which similarly impede the natural infiltration of stormwater.

LOCAL STREET: A public street or road which is not identified as an arterial or collector. A local street includes a proposed street shown on an approved and recorded subdivision.

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

NATURAL AREAS AND NATURAL COMMUNITIES, UNIQUE NATURAL AREAS AND NATURAL COMMUNITIES: Areas identified by a governmental agency such as the Maine Department of Conservation Natural Areas Program as having significant value as a natural area and any areas identified in the Town of Tremont's comprehensive plan.

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.

RECHARGE AREA: Area composed of permeable, porous material through which precipitation and surface water infiltrate and directly replenish groundwater in aquifers.

SETBACK, FRONT: An open area extending the entire width of a lot from lot sideline to lot sideline and extending in depth at a right angle from the street right-of-way to such depth as specified. Such area shall be unoccupied and unobstructed by any building or structure from the ground upward.

SETBACK, REAR: An open area extending the entire width of a lot from lot sideline to lot sideline and extending at a right angle from the rear property line of such lot to such depth as specified. Such area shall be unoccupied and unobstructed by any building or structure from the ground upward.

SETBACK, SIDE: An open area extending along each sideline of a lot between the front setback and the rear setback on such lot and extending at a right angle from the sidelines of

such lot to such depth as specified. Such area shall be unoccupied and unobstructed by any building or structure from the ground upward.

STRUCTURE: Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground, but not including a tent, vehicle, fences or retaining walls.

SUBSTANTIALLY COMMENCED; SUBSTANTIALLY COMPLETED: Construction shall be considered to be substantially commenced when any work beyond the state of excavation, including but not limited to, the pouring of a slab or footings, the installation of piles, the construction of columns, or the placement of a manufactured home on a foundation has begun. Construction shall be considered to be substantially completed when it has been completed to the point where normal functioning, use, or occupancy can occur without concern for the general health, safety, and welfare of the occupant and the general public. It shall also include permanent stabilization and/or re-vegetation of areas of the site that were disturbed during construction.

USE: The purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

VEGETATION: All live trees, shrubs, ground cover, and other plants.

WILDLIFE HABITAT, SIGNIFICANT WILDLIFE HABITAT: Areas identified by a governmental agency such as the Maine Department of Inland Fisheries and Wildlife as having significant value as habitat for animals and any areas identified in the Town of Tremont's comprehensive plan.

ARTICLE IV, Administration and Enforcement

This ordinance shall be administered and enforced by a Code Enforcement Officer (CEO) appointed by the Selectmen.

It shall be the duty of the CEO or his/her agent to enforce the provisions of this ordinance. If the CEO or his/her agent shall find 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. He/she shall order discontinuance of illegal use of buildings, structures, additions, or work being done, or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.

The CEO is hereby authorized to institute or cause to be instituted, in the name of the Town of Tremont, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of this ordinance; provided, however, that this section shall not prevent any person entitled to equitable relief from enjoining any act contrary to the provisions of this ordinance.

Any person, firm, or corporation being the owner of or having control or use of any building or premises who violated any of the provisions of this ordinance, shall be fined in accordance with Title 30-A §4452. Each day such a violation is permitted to exist after notification shall constitute a separate offense. The Selectmen, 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.

ARTICLE V, INTERPRETATION OF THE ORDINANCE

The Code Enforcement Officer (CEO) shall be responsible for administering the provisions of this ordinance including interpreting the provisions hereof.

Any person who believes that the CEO has made an error in the interpretation or application of the provisions of this ordinance, may appeal such determination to the Board of Appeals as an administrative appeal. If the Board finds that the CEO erred in his/her interpretation of the ordinance, it shall modify or reverse the action accordingly.

ARTICLE VI, REVIEW AND APPROVAL AUTHORITY

The Planning Board is authorized to review and act on all site plans for development requiring site plan review as defined above.

In considering site plans under this provision, the Planning Board may act to approve, disapprove, or approve the project with conditions as are authorized by these provisions.

ARTICLE VII, REVIEW PROCEDURES

The Planning Board shall use the following procedures in reviewing applications for site plan review.

A. Pre-application

Prior to submitting a formal application, the applicant or his/her representative may request a pre-application conference with the Planning Board. Said request shall be made, in writing, to the Board Secretary at least fourteen (14) days prior to the date of the meeting. Applicant shall provide the Planning Board with whatever information, relative to the proposed project, is available at the time of the pre-application conference. A pre-application conference is strongly advised. The pre-application conference shall be informal and informational in nature. There shall be no fee for a pre-application review, and such review shall not cause the plan to be a pending application or proceeding under Title 1 M.R.S.A. §302. No decision on the substance of the plan shall be made at the pre-application conference.

(1) Purpose

The purposes of the pre-application conference are to:

- (a) Allow the Planning Board to understand the nature of the proposed use and the issues involved in the proposal,
- (b) Allow the applicant to understand the development review process and required submissions,
- (c) Identify issues that need to be addressed in future submissions, and
- (d) Make the applicant aware of any opportunities for coordinating the development with community policies, programs, or facilities.

In addition, the Board may schedule a site inspection in accordance with subsection (B) (5) if deemed necessary and resolve any requests for waivers and variations from the submission requirements.

(2) Information Required

There are no formal submission requirements for a pre-application conference. However, the applicant should be prepared to discuss the following with the Board:

- (a) The proposed site, including its location, size, and general characteristics,
- (b) The nature of the proposed use and potential development,

(c) Any issues or questions about existing municipal regulations and their applicability to the project, and

(d) Any requests for waivers from the submission requirements.

B. Application Submission and Review Procedures

The applicant must prepare and submit a site plan review application, including the development plan and supporting documentation that meets the submission requirements set forth below. This material must be submitted to the Code Enforcement Officer twenty one (21) days prior to meeting at which application will be considered.

- (1) At the time formal application is made, the Code Enforcement Officer shall give a dated receipt to the applicant and shall notify by first-class mail all property owners of the parcel on which the proposed development is located. Written notice of the pending application shall be provided to the Selectmen, Town Manager, Fire Chief, Road Commissioner, and other interested parties.
- (2) Within thirty (30) days of the receipt of a formal site plan review application, the Planning Board shall review the material and determine whether or not the submission is complete. If the application is determined to be incomplete, the Board shall notify the applicant in writing of this finding, shall specify the additional materials required to make the application complete and shall advise the applicant that the application will not be considered by the Board until the additional information is submitted to the Board. These steps, except the notification requirements, shall be repeated until the application is found to be complete.
- (3) As soon as the Board determines that the application is complete, the Board shall: notify the applicant in writing of this finding, meet the notification requirements of subsection B.(4) below, and place the item on the agenda for substantive review within thirty (30) days of this finding or at the next scheduled Planning Board meeting, whichever is later.
- (4) As soon as the application is found to be complete, the Planning Board may schedule a public hearing, and shall notify the applicant on which the proposed development is located, per the requirements set forth in section B. (5) below. If the Planning Board does not schedule a public hearing, the Planning Board will allow those so notified in section B. (1) above to comment on the application before deliberations on Article IX of this Ordinance commence.
- (5) After the first meeting at which the application is considered, the Planning Board may hold an on-site inspection of the site to review the existing conditions, field verify the information submitted and investigate the development proposal. The Board

may decide not to hold an on-site inspection when the site is snow covered or otherwise impassable due to customary seasonable conditions. If an application is pending during a period when there is snow cover or the site is impassable, the deadline by which the Planning Board shall take final action on the application as specified in B. (6) may be extended, which extension shall not exceed thirty (30) days after the Board is able to conduct an on-site inspection. Written notice of the on-site inspection shall be provided to all parties entitled to notice under subsection B. (1).

- (6) The Planning Board shall take final action on said application within thirty (30) days of determining that the application is complete. The Board shall act to deny, to approve, or to approve the application with conditions. The Board may impose such conditions as are deemed advisable to assure compliance with the standards of approval.

In issuing its decision, the Planning Board shall make written findings of fact establishing that the proposed development does or does not meet the standards of approval and other requirements of the Town. The Board shall notify the applicant, all officials who received notice under B. (4) and all parties who requested to be notified of the action of the Board, including the findings of fact, and any conditions of approval. This requirement can be met through the distribution of minutes of the meeting containing the findings of fact and decision of the Board.

All time limits provided for in this section may be extended by mutual agreement of the applicant and Planning Board.

C. Final Approval and Filing

Upon completion of the requirements of this Section and an approval vote by the majority of the Planning Board, the application shall be deemed to have final approval and the site plan shall be signed by a majority of the members of the Board and must be filed with the Code Enforcement Officer. Any plan not so filed within thirty (30) days of the date upon which such plan is approved and signed by the Board shall become null and void.

D. Fees

(1) Application Fee

An application for site plan review must be accompanied by an application fee in such amount as the Board of Selectmen may by rule from time to time establish. The fee schedule will be provided to the applicant by the Code Enforcement Officer. This fee is intended to cover the cost of the Town of Tremont's administrative processing of the application. The fee shall not be refundable.

This application fee must be paid to the Town of Tremont and evidence of payment of the fee must be included with the application.

(2) Technical Review Fee

In addition to the application fee, the applicant for site plan review must also pay a technical review fee in the amount of five hundred (500) dollars to defray the Town of Tremont's legal and technical costs of the application review. This fee must be paid to the Town of Tremont and shall be deposited in the Development Review Trust Account, which shall be separate and distinct from all other municipal accounts. The application will be considered incomplete until evidence of payment of this fee is submitted to the Planning Board. The Board may reduce the amount of the technical review fee or eliminate the fee if it determines that the scale or nature of the project will require little or no outside review. If seventy five percent of the initial technical review fee is used, the Planning Board may request additional monies to cover expenses.

The technical review fee may be used by the Planning Board to pay reasonable costs incurred by the Board, at its discretion, which relate directly to the review of the application pursuant to the review criteria. Such services may include, but need not be limited to, consulting, engineering or other professional fees, attorney fees, recording fees, and appraisal fees. The Town of Tremont shall provide the applicant, upon written request, with an accounting of his or her account and shall refund all of the remaining monies, including accrued interest, in the account after the payment by the Town of all costs and services related to the review. Such payment of remaining monies shall be made no later than sixty (60) days after the approval of the application, denial of the application, or approval with condition of the application. Such refund shall be accompanied by a final accounting of expenditures from the fund. The monies in such fund shall not be used by the Board for any enforcement purposes nor shall the applicant be liable for costs incurred by or costs of services contracted for by the Board which exceed the amount deposited to the trust account.

(3) Establishment of Fees

The Selectmen may, from time to time and after consultation with the Board, establish the appropriate application fees and technical review fees following posting of the proposed schedule of fees and public hearing.

E. Public Hearing Requirements

- (1) A public hearing is required for any Site Plan Review Application that requires Planning Board approval.
- (2) Notice of the date, time and place of the public hearing, and site inspection if scheduled, shall be made as follows:
 - (a) Published by the Planning Board at least once in a newspaper having general circulation within the Town of Tremont. The date of the first publication shall be at least 21 days before the hearing.
 - (b) Posted at the Town Office, the Tremont Post Offices, the Tremont web site.
 - (c) Mailed by the Planning Board by certified mail to the Applicant.
 - (d) Mailed by the Planning Board by certified mail to the last-known addresses of owners of property located within 500 feet of any property line of the parcel(s) on which the proposed development is located. Failure of any of these property owners to receive notice shall not invalidate the public hearing.
- (3) All costs of notification per requirements of this section any other section of this Ordinance shall be borne by the Applicant.

ARTICLE VIII, Submission Requirements

A. Applications for site plan review must be submitted on application forms provided by the Town of Tremont. The complete application form, evidence of payment of the required fees, and the required plans and related information must be submitted to the Code Enforcement Officer. The submission must contain at least the following exhibits and information unless specifically waived in writing. The Planning Board may waive any of the submission requirements based upon a written request of the applicant. Such request must be made at the time of the pre-application conference or at the initial review of the application if no pre-application conference is held. A waiver of any submission requirement may be granted only if the Board makes a written finding that the information is not required to determine compliance with the standards.

- (1) All applications for site plan review must contain the following information:
 - (a) A fully executed and signed copy of the application for site plan review.
 - (b) Evidence of payment of the application and technical review fees.

- (c) Eight (8) copies of written materials plus eight (8) sets of maps or drawings containing the information listed below. The written materials must be contained in a bound report. The maps or drawings must be at a scale sufficient to allow review of the items listed under the approval standards and criteria, but in no case shall be more than one hundred (100) feet to the inch for that portion of the tract of land being proposed for development:

(2) General Information

- (a) record owner's name, address, and phone number and applicant's name, address and phone number if different.
- (b) the location of all required building setbacks, yards, and buffers.
- (c) names and addresses of all property owners within five hundred (500) feet of any and all property boundaries.
- (d) sketch map showing general location of the site within the Town of Tremont based upon a reduction of the tax maps.
- (e) boundaries of all contiguous property under the total or partial control of the owner or applicant regardless of whether all or part is being developed at this time.
- (f) the tax map and lot number of the parcel or parcels on which the project is located.
- (g) a copy of the deed to the property, an option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant.
- (h) the name, registration number, and seal of the person who prepared the plan, if applicable.
- (i) evidence of the applicant's technical and financial capability to carry out the project as proposed.

(3) Existing Conditions

- (a) zoning classification(s), including overlay and/or sub-districts, of the property and the location of zoning district boundaries if the property is located in two (2) or more zoning districts or sub-districts or abuts a different district.

- (b) the bearings and length of all property lines of the property to be developed and the source of this information. The Planning Board may waive this requirement of a boundary survey when sufficient information is available to establish, on the ground, all property boundaries.
- (c) location and size of any existing sewer and water mains, culverts and drains, on-site sewage disposal systems, wells, underground tanks or installations, and power and telephone lines and poles on the property to be developed, on abutting streets, or land that may serve the development, and an assessment of their adequacy and condition to meet the needs of the proposed use. Appropriate elevations must be provided as necessary to determine the direction of flow.
- (d) location, names, and present widths of existing public and/or private streets and rights-of-way within or adjacent to the proposed development.
- (e) the location, dimensions and ground floor elevation of all existing buildings on the site.
- (f) the location and dimensions of existing driveways, parking and loading areas, walkways, and sidewalks on or immediately adjacent to the site.
- (g) location of intersecting roads or driveways within two hundred (200) feet of the site.
- (h) the location of open drainage courses, wetlands, stonewalls, graveyards, fences, stands of trees, and other important or unique natural areas and site features, including but not limited to, floodplains, deer wintering areas, significant wildlife habitats, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, sand and gravel aquifers, and historic and/or archaeological resources, together with a description of such features.
- (i) the direction of existing surface water drainage across the site.
- (j) the location, front view, dimensions, and lighting of existing signs.
- (k) location and dimensions of any existing easements and copies of existing covenants or deed restrictions.
- (l) the location of the nearest fire hydrant, dry hydrant or other water supply for fire protection.

(4) Proposed Development Activity

- (a) estimated demand for water supply and sewage disposal together with the location and dimensions of all provisions for water supply and wastewater disposal, and evidence of their adequacy for the proposed use, including soils test pit data if on-site sewage disposal is proposed.
- (b) the direction of proposed surface water drainage across the site and from the site, with an assessment of impacts on downstream properties.
- (c) provisions for handling all solid wastes, including hazardous and special wastes and the location and proposed screening of any on-site collection or storage facilities.
- (d) the location, dimensions, and materials to be used in the construction of proposed driveways, parking and loading areas, and walkways and any changes in traffic flow onto or off-site.
- (e) proposed landscaping and buffering.
- (f) the location, dimensions, and ground floor elevation of all proposed buildings or building expansion proposed on the site.
- (g) location, front view, materials, and dimensions of proposed signs together with the method for securing the sign.
- (h) location and type of exterior lighting.
- (i) the location of all utilities, including fire protection systems.
- (j) a general description of the proposed use or activity.
- (k) an estimate of the peak hour and daily traffic to be generated by the project.
- (l) stormwater calculations, erosion and sedimentation control measures, and water quality and/or phosphorous export management provisions, if the project requires a stormwater permit from the Maine Department of Environmental Protection or if the Planning Board determines that such information is necessary based upon the scale of the project or the existing conditions in the vicinity of the project.

(5) Approval Block

Space must be provided on the plan drawing for the signatures of the Planning Board and date together with the following words, "Approved: Town of Tremont Planning Board".

ARTICLE IX, Approval Standards and Criteria

The following criteria shall be used by the Planning Board in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Planning Board determines that the applicant has failed to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable criteria have been met.

A. Utilization of the Site

The plan for the development must reflect the natural capabilities of the site to support development. Buildings, lots, and support facilities must be clustered in those portions of the site that have the most suitable conditions for development. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers must be maintained and preserved to the maximum extent. Natural drainage areas must also be preserved to the maximum extent. The development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

B. Adequacy of Road System

Vehicular access to the site must be on roads which have adequate capacity to accommodate the additional traffic generated by the development. For developments which generate one hundred (100) or more peak hour trips based on the latest edition of the Trip Generation Manual of the Institute of Traffic Engineers, intersections on major access routes to the site within one (1) mile of any entrance road which are functioning at a Level of Service of D or better prior to the development must function at a minimum at Level of Service D after development. If any such intersection is functioning at a Level of Service E or lower prior to the development, the project must not reduce the current level of service. This requirement may be waived by the Planning Board if the project is located within a growth area designated in the Town's adopted Comprehensive Plan and the Board determines that the project will not have an unnecessary adverse impact on traffic flow or safety.

A development not meeting this requirement may be approved if the applicant demonstrates that:

- (1) A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard, or
- (2) The applicant will assume financial responsibility for the improvements necessary to bring the level of service to this standard and will assure the completion of the improvements with a financial guarantee acceptable to the Town of Tremont.

C. Access into the Site

Vehicular access to and from the development must be safe and convenient.

- (1) Any driveway or proposed street must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation standards, to the maximum extent possible.
- (2) Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.
- (3) The grade of any proposed drive or street must be not more than $\pm 3\%$ for a minimum of two (2) car lengths, or forty (40) feet, from the intersection.
- (4) The intersection of any access/egress drive or proposed street must function:
 - (a) at a Level of Service of D following development if the project will generate one thousand (1,000) or more vehicle trips per twenty-four (24) hour period; or
 - (b) at a level which will allow safe access into and out of the project if less than one thousand (1,000) trips are generated.
- (5) Where a lot has frontage on two (2) or more streets, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and pedestrians hazards. Access from other streets may be allowed if it is safe and does not promote shortcutting through the site.
- (6) Where it is necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets.

- (7) Access-ways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.
- (8) The following criteria must be used to limit the number of driveways serving a proposed project:
 - (a) No use which generates less than one hundred (100) vehicle trips per day shall have more than one (1) two-way driveway onto a single roadway. Such driveway must be no greater than thirty (30) feet wide.
 - (b) No use which generates one hundred (100) or more vehicle trips per day shall have more than two (2) points of entry from and two (2) points of egress to a single roadway. The combined width of all access-ways must not exceed sixty (60) feet.

D. Access-way Location and Spacing

Access-ways must meet the following standards:

- (1) Private entrances/exits must be located at least fifty (50) feet from the closest un-signalized intersection and one hundred fifty (150) feet from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the access-way. This requirement may be reduced if the shape of the site does not allow conformance with this standard.
- (2) Private access-ways in or out of a development must be separated by a minimum of seventy-five (75') feet where possible.

E. Internal Vehicular Circulation

The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.

- (a) Nonresidential projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing for a minimum of 2 vehicles.
- (b) Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane - no parking).
- (c) The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.

- (d) All roadways must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction. The road network must provide for vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.

F. Parking Layout and Design

Off-street parking must conform to the following standards:

- (1) Parking areas with more than two (2) parking spaces must be arranged so that it is not necessary for vehicles to back into the street.
- (2) All parking spaces, access drives, and impervious surfaces must be located at least five (5) feet from any side or rear lot line, except where standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within five (5) feet of the front property line. Parking lots on adjoining lots may be connected by access-ways not exceeding twenty-four (24) feet in width.
- (3) Parking stalls and aisle layout must conform to the following standards.

Nine and one half (9.5) feet wide by eighteen (18) feet long
- (4) In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings or other permanent indications and maintained as necessary.
- (5) Parking areas for nonresidential uses must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles. Double stack parking may be permitted for resident parking in conjunction with residential uses if both spaces in the stack are assigned to the occupants of the same dwelling unit.
- (6) Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.

(7) Off Street Parking and Loading

- (a) No structure shall be erected nor shall any of the following uses be established unless at least the minimum number of off-street

parking spaces as provided below is provided. Off-street parking, either by means of open air spaces or by garage space, in addition to being a permitted use, shall be considered as an accessory use when required or provided to serve conforming uses located in any District.

(b) The following minimum off-street parking requirements shall be provided and maintained in case of new construction, alterations and changes of use or as deemed appropriate by the Planning Board:

[1] Residential – Two (2) parking spaces for each dwelling unit

[2] Home occupation – Minimum of two (2) additional spaces beyond two (2) spaces required for each dwelling unit

(c) Transient Accommodations:

[1] Bed and Breakfast accommodations, motels, hotels, boarding houses, and inns with ten (10) rooms or less – Two (2) parking spaces plus one space for each guest room

[2] Motels, hotels, boarding houses, and inns with more than ten (10) rooms – One (1) parking space for each guest plus one (1) for each three (3) employees

(d) Schools – Five (5) parking spaces for each classroom plus one (1) for each four (4) employees

(e) Hospitals, Nursing Homes (bed facilities only)
One (1) parking space for every three (3) beds, plus one (1) for each employee based on the expected average employee occupancy

(f) Funeral Parlors – twenty (20) spaces or as determined by the Planning Board

(g) Theaters, churches, and other public assembly places – One (1) parking space for every four (4) seats or for every one hundred (100) square feet or major fraction thereof of assemblage space if no fixed seats.

(h) Retail Stores and Businesses – One (1) space for every two hundred (200) square feet of retail area, plus one for every two employees

- (i) Automotive Repair and Service Stations – One (1) space for each regular employee plus one (1) space for each fifty (50) square feet of floor area
- (j) Roadside Farm Stand – Four (4) spaces
- (k) Restaurants, eating and drinking establishments – One (1) parking space for every four (4) seats, plus one (1) for every two (2) employees
- (l) Drive-In Restaurants and Dairy Stands – Ten (10) spaces plus one (1) additional space for each person serving or preparing food
- (m) Professional Offices and Public Buildings – One (1) parking space for every two hundred (200) square feet of working space
- (n) Fraternal Organizations and Clubs – One (1) space for each five (5) members
- (o) Other Commercial Recreation Establishments (mini-golf courses, etc.) the number of spaces deemed appropriate by the Planning Board
- (p) Industrial – One (1) parking space for each one and one half (1.5) employees, based on the highest expected average employee occupancy, plus employee, visitor and customer parking to meet the needs of specific operations
- (q) Maritime activities – commercial and recreational
One (1) per every slip and or mooring and one (1) per every two employees
- (r) For uses not specifically listed in this section, the Code Enforcement Officer shall prescribe the number which in no case will be less than an adequate number for employees and customers and visitors anticipated on the site
- (s) Location On Other Property -. If the required automobile parking spaces cannot be provided on the same lot where the principal use is conducted, the Planning Board can permit that such spaces may be provided on other off-street property provided that such property lies within one thousand (1,000) feet of the main entrance to such principal use. Such automobile parking space shall be associated with the principal use and shall not thereafter be reduced or encroached upon in any manner, provided however, that it may serve different principal uses at different times of day.
- (t) If the applicant demonstrates to the Planning Board that the proposed project, which is outside the shoreland zone, will not have

an adverse impact on parking congestion in the area, the Board may waive the parking standards.

G. Pedestrian Circulation

The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major building entrances/exits with parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project. The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system must be designed to link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect with amenities such as parks or open space on or adjacent to the site.

H. Stormwater Management

Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.

- (1) To the extent possible, the plan must retain stormwater on the site using the natural features of the site.
- (2) Unless the discharge is directly to the ocean or major river segment, stormwater runoff systems must detain or retain water such that the rate of flow from the site after development does not exceed the predevelopment rate.
- (3) The applicant must demonstrate that on- and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to flooding and erosion of shoreland areas, or that he/she will be responsible for whatever improvements are needed to provide the required increase in capacity and/or mitigation.
- (4) All natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the site plan review.
- (5) The design of the stormwater drainage system must provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.
- (6) The design of the storm drainage systems must be fully cognizant of upstream runoff which must pass over or through the site to be developed and provide for this movement.

- (7) The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond.

I. Erosion Control

All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible such that filling, excavation and earth moving activity must be kept to a minimum. Parking lots on sloped sites must be terraced to avoid undue cut and fill, and/or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible.

Soil erosion and sedimentation of watercourses and water bodies will be minimized by an active program meeting the requirements of the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, dated March 1991.

J. Water Supply

The development must be provided with a system of water supply that provides each use with an adequate supply of water.

If the project is to be served by a public water supply, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source or distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.

K. Sewage Disposal

The development must be provided with a method of disposing of sewage which is in compliance with the State Plumbing Code.

- (1) All sanitary sewage from new or expanded uses must be discharged into a public sewage collection and treatment system when such facilities are currently available or can reasonably be made available at the lot line and have adequate capacity to handle the projected waste generation.

- (2) If the public collection system is not at the lot line, but can be extended in the public right-of-way, the collection system must be extended by the owner and the new or expanded use connected to the public system. Such extension shall be required if the public system is within one hundred (100) feet of a new use with a design sewage flow of less than five hundred (500) gallons per day or within three hundred (300) feet of a new use with a design sewage flow of five hundred (500) or more gallons per day and the system has adequate capacity to accommodate the additional flow. The Planning Board may waive this requirement if the use is already served by a properly functioning subsurface disposal system that is properly sized for the projected flows, provided that connection to the public system will occur if and when the subsurface system needs to be replaced.
- (3) If the public system cannot serve or be extended to serve a new or expanded use, the sewage must be disposed of by an on-site sewage disposal system meeting the requirements of the Subsurface Wastewater Disposal Rules.
- (4). When two (2) or more lots or buildings in different ownership share the use of a common subsurface disposal system, the system must be owned and maintained in common by an owners' association. Covenants in the deeds for each lot must require mandatory membership in the association and provide for adequate funding of the association to assure proper maintenance of the system.

L. Utilities

The development must be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility lines and facilities must be screened from view to the extent feasible. If the service in the street or on adjoining lots is underground, the new service must be placed underground.

M. Natural Features

Unless an acceptable landscaping plan is presented and approved by the Planning Board, the landscape must be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as practical during construction. Extensive grading and filling must be avoided as far as possible.

N. Groundwater Protection

The proposed site development and use must not adversely impact either the quality or quantity of groundwater available to abutting properties or to public water supply systems.

Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

O. Water Quality Protection

All aspects of the project must be designed so that:

- (1) No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface or ground-waters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.
- (2) All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshall's Office.
- (3) If the project is located within the watershed of a 'body of water most at risk from development' as identified by the Maine Department of Environmental Protection (DEP), the project must comply with the standards of the DEP with respect to the export of total suspended solids and/or phosphorous.

P. Hazardous, Special and Radioactive Materials

The handling, storage, and use of all materials identified by the standards of a federal or state agency as hazardous, special or radioactive must be done in accordance with the standards of these agencies.

No flammable or explosive liquids, solids or gases shall be stored in bulk above ground unless they are located at least seventy-five (75) feet from any lot line, or forty (40) feet in the case of underground storage. All materials must be stored in a manner and location which is in compliance with appropriate rules and regulations of the Maine Department of Public Safety and other appropriate federal, state, and local regulations.

Q. Shoreland Relationship

The development must not adversely affect the water quality or shoreline of any adjacent water body. The development plan must provide for access to abutting navigable water bodies for the use of the occupants of the development as appropriate.

R Technical and Financial Capacity

The applicant must demonstrate that he/she has the financial and technical capacity to carry out the project in accordance with this ordinance and the approved plan.

S. Solid Waste Disposal

The proposed development must provide for adequate disposal of solid wastes. All solid waste must be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.

T. Historic and Archaeological Resources

If any portion of the site has been identified as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

U. Floodplain Management

If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use and development of that portion of the site must be consistent with the Town's Floodplain management provisions.

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ARTICLE X, Post Approval Activities

A. Limitation of Approval

The following timelines shall apply to any approval granted under this Ordinance. All timelines begin on and refer back to date of approval.

- (1) Construction must be substantially commenced within twelve (12) months of date of approval.

- (2) Construction must be substantially complete and the project must be operational within twenty-four (24) months of date of approval.
- (3). The applicant may apply for up to two (2) six month extensions of either substantial commencement or substantial completion/commencement of operation dates. Such extensions will be reviewed and approved or denied by the Planning Board. Conditions under the Ordinance in place under which the original approval was granted will apply for the duration of the extension periods.
- (4) Under no circumstance will any extensions be allowed to prolong substantial completion or start of project operation beyond thirty-six (36) months after date of approval. If the applicant wishes to complete the project after that time, the applicant must re-apply for a new approval under the terms of the Ordinance in effect at the time of said re-application.

B. Incorporation of Approved Plan

One copy of the approved site plan must be included with the application for the building permit for the project and all construction activities must conform to the approved plan, including any conditions of approval and minor changes approved by the Code Enforcement Officer to address field conditions.

C. The Approved Plan shall be filed in the Town Office.

D. Improvement Guarantees

(1) Application

- (a) Improvement Guarantee - The Planning Board may require the posting of an improvement guarantee in such amount and form as specified in subsection D.(1)(b) below as is reasonably necessary to ensure the proper installation of all off-site improvements required as conditions of approval. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the applicant.
- (b) Upon substantial completion of all required improvements, the developer must notify the Planning Board of the completion or substantial completion of improvements, and must send a copy of such notice to the appropriate Municipal Officials. The respective Municipal Officials shall inspect all improvements and must file a report indicating either approval, partial approval, or rejection of such improvements with a statement of reasons for any rejection.
- (c) The Planning Board shall either approve, partially approve, or reject the improvements on the basis of the report of the Municipal Officials.

- (d) If the improvements are approved, the guarantee shall be released. Where partial approval is granted, the developer shall be released from liability only for that portion of the improvements approved.

(2) Form of Guarantee

Performance guarantees may be provided by a variety of means including, but not limited to, the following which must be approved as to form and enforceability by the Board of Selectmen.

- (a) Security Bond - The applicant may obtain a security bond from a surety bonding company authorized to do business in the state.
- (b) Letter of Credit - The applicant may provide an irrevocable letter of credit from a bank or other reputable lending institution.
- (c) Escrow Account - The applicant may deposit cash, or other instruments readily convertible into cash at face value, either with the Town of Tremont, or in escrow with a bank. Any such account must require Town approval for withdrawal and must stipulate that the Town can withdraw the money upon forty-eight (48) hour advance notice to the applicant to complete the guaranteed improvements.

E. Submission of As-Built Plans

Any project involving the construction of more than five thousand (5,000) square feet of gross floor area or ten thousand (10,000) square feet of impervious surface, must provide the Code Enforcement Officer with a set of construction plans showing the building(s) and site improvements as actually constructed on the site. These "as-built" plans must be submitted within thirty (30) days of the issuance of a certificate of occupancy for the project or occupancy of the building.

F. Minor Changes to Approved Plans

Minor changes in approved plans necessary to address field conditions may be approved by the Code Enforcement Officer provided that any such change does not affect compliance with the standards or alter the essential nature of the proposal. Any such change must be endorsed in writing on the approved plan by the Code Enforcement Officer.

G. Amendments to Approved Plans

Approvals of site plans are dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals, and supporting documents, except minor changes that do not affect approval standards, is subject to Planning Board review and approval.

ARTICLE XI, Appeal Of Planning Board Actions

Appeal of any actions taken by the Planning Board with respect to this section shall be to the Board of Appeals.

ARTICLE XII, AMENDMENTS TO THE ORDINANCE

Amendments of this ordinance may be initiated by the Selectmen, the Planning Board, or as specified in Title 30-A M.R.S.A. §2522.

No proposed amendments to this ordinance shall be referred to the Town Meeting until the Selectmen have held a public hearing on the proposal, notice of which shall be posted at least fourteen (14) days prior to such hearing and advertised in a newspaper of general circulation in the Town of Tremont at least two (2) times with the date of first publication being at least fourteen (14) days prior to the hearing and the second at least seven (7) days prior to the hearing.

The proposed amendments shall be adopted by a simple majority vote of the Town Meeting.

ARTICLE XIII, SEVERABILITY

The invalidity of any section or provision of this ordinance shall not be held to invalidate any other section or provision of this ordinance.

I attest this to be a true copy of this ordinance:



Katie Dandurand

Katie A. Dandurand

Town Clerk

Legislative History

01-07-19: Town Manager Draft

01-29-19: Draft reviewed by Planning Board

02-25-19: Draft reviewed by Town Manager

03-12-19: Public Hearing

03-25-19: Draft certified by Selectboard for Town Meeting Warrant

05-14-19: Adoption by Town Meeting

Subdivision Ordinance

Town of Tremont

ARTICLE I, Authority, Administration and Administrative Procedures

A. Authority

- (1) This Ordinance shall be known and may be cited as "Subdivision Ordinance of the Town of Tremont."
- (2) The standards in this Ordinance have been prepared in accordance with the provisions of Title 30-A MRSA, Sections 4401-4407.

B. Administration

- (1) The Planning Board of the Town of Tremont, hereinafter called the Board, shall administer this Ordinance. No building or plumbing permit shall be issued by the Town officers or Code Enforcement Officer for any use or development within the scope of this Ordinance until an application required by this Ordinance has been reviewed and approved by the Board and any conditions attached to the approval fulfilled.
- (2) The provisions of this Ordinance shall pertain to all land within the boundaries of the Town of Tremont proposed for subdivision defined as follows:
 - (a) The division of a tract or parcel of land into 3 or more lots within any 5-year period that begins on or after September 23, 1971.
 - (b) This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise.
 - (c) The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land, each into 3 or more dwelling units, or separate commercial or industrial uses within a 5-year period, the construction or placement of 3 or more dwelling units, or separate commercial or industrial uses on a single tract or parcel of land exclusive of primitive camping facilities; and the division of an existing structure or structures previously used for commercial or industrial use, each into 3 or more dwelling units, or separate commercial or industrial uses within a 5-year period.
 - (d) In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of the tract or parcel is considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whomever

accomplished, unless otherwise exempted herein, is considered to create a 3rd lot, unless:

- [1] both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single family residence or for open space land as defined in Title 36, Section 1102, for a period of at least 5 years before the 2nd dividing occurs; or
 - [2] the division of the tract or parcel is otherwise exempt under this subchapter.
- (e) The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this subchapter, do not become subject to this subchapter by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The Town reviewing authority shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.
 - (f) A lot of 40 or more acres shall not be counted as a lot, except when the lot or parcel from which it was divided is located entirely or partially within 250 feet of the upper edge of the shore of a water body.
 - (g) A division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage or adoption or a gift to a municipality or by the transfer of any interest in land to the owner of land abutting that land does not create a lot or lots for the purposes of this definition, unless the intent of the transferor in any transfer or gift within this paragraph is to avoid the objectives of this section. If the real estate exempt under this paragraph by a gift to a person related to the donor by blood, marriage or adoption is transferred within 5 years to another person not related to the donor of the exempt real estate by blood, marriage or adoption, then that exempt division creates a lot or lots for the purposes of this subsection.
 - (h) The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971 is not a subdivision.
 - (i) In determining the number of dwelling units in a structure, the provisions of this subsection regarding the determination of the number of lots apply, including exemptions from the definition of a subdivision of land.

C. Administrative Procedure

(1) Administrative Procedure

The Town shall conduct the following review procedure of each application for a Subdivision:

- (a) Pre-application Workshop (Minor & Major Subdivisions)
- (b) Preliminary Plan for Subdivision Approval (Major Subdivisions only)
- (c) Final Plan for Subdivision Approval (Minor & Major Subdivisions)
public health, safety, and welfare, that a Minor Subdivision comply with all of the review procedures above.

- (2) In order to avoid unnecessary delays in processing applications for subdivision review, the Board shall prepare an agenda for each regularly scheduled meeting. Applicants shall request to be placed on the Board's agenda at least 2 weeks in advance of a regularly scheduled meeting by contacting the Town.

(Applicants who attend a meeting but who are not on the Board's agenda may be heard but only after all agenda items have been completed, and then only if a majority of the Board so votes. No decisions may be taken; nor shall that meeting count as one of the required hearings.)

- (3) Applications for approval shall be submitted in writing to the board, on forms provided by it. For projects that are subject to the Maine Site Location of Development Law, the board will accept the application filed by the applicant for the State Site Location Permit, in lieu of the form provided by the Board. The Board may require the submission of whatever additional information is necessary to determine compliance with the provisions of this ordinance.
- (4) Applications for approval under this Ordinance must include evidence that all appropriate local, State and Federal agencies have been requested to determine if additional permits must be sought from them. Final approval may be given conditionally upon receipt of these permits if they are required.
- (5) On all matters concerning subdivision review, the Board shall maintain a permanent record of all its meetings, proceedings and correspondence.
- (6) Joint meetings between town planning boards are required if any portion of a subdivision crosses town boundaries.
- (7) Any costs incurred by the Town in its effort to interpret information submitted for the approval of a subdivision, including requests for legal opinions pertaining to the application, shall be borne by the applicant.

D. Amendments

- (1) This Ordinance may be amended by the legislative body of the Town of Tremont.
- (2) A public hearing shall be held prior to the adoption of any amendment. Notice of the hearing shall be provided at least seven days in advance of the hearing.

ARTICLE II, Purposes

A. The purposes of this Ordinance are:

- (1) to insure the comfort, convenience, safety, health and welfare of the people of the Town of Tremont;
- (2) to protect the environment; and
- (3) to promote the development of an economically sound and stable community.

B. To this end, in approving subdivisions, the Planning Board shall consider the following criteria before granting approval:

- (1) POLLUTION: will not result in undue water or air pollution; In making this determination, the Board shall at least consider:
 - (a) the elevation of the land above sea level and its relation to the flood plains;
 - (b) the nature of soils and subsoils and their ability to adequately support waste disposal;
 - (c) the slope of the land and its effect on effluents;
 - (d) the availability of streams for disposal of effluents; and
 - (d) the applicable health and water resource rules and regulations.
- (2) SUFFICIENT WATER: has sufficient water available for the reasonably foreseeable needs of the subdivision;
- (3) MUNICIPAL WATER SUPPLY: the proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used;
- (4) EROSION: will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;
- (5) TRAFFIC: the proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads

existing or proposed and, if the urban compact area of an urban compact municipality as defined by Title 23, section 754, the Department of Transportation has provided documentation indicating that driveways or entrances conform to Title 23, section 704 and any rules adopted under that section;

- (6) SEWAGE DISPOSAL: will provide adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized;
- (7) MUNICIPAL SOLID WASTE DISPOSAL: will not cause an unreasonable burden on the Town's ability to dispose of waste, if municipal services are to be utilized;
- (8) AESTHETIC, CULTURAL AND NATURAL VALUES: will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat as identified by the Department of Inland Fisheries and wildlife or the Town, or rare and irreplaceable natural areas or any public rights for physical access to the shoreline;
- (9) CONFORMITY WITH LOCAL ORDINANCES AND PLANS: is in conformance with the Tremont Land Use Ordinance and the Tremont Comprehensive Plan.
- (10) FINANCIAL AND TECHNICAL CAPACITY: the subdivider must have adequate financial and technical capacity to meet the above criteria.
- (11) SURFACE WATERS: whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, chapter 3, subchapter I, article 2-B, will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.
- (12) GROUND WATER: the proposed subdivision will not, alone or conjunction with existing activities, adversely affect the quality or quantity of ground water;
- (13) FLOOD AREAS: Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;
- (14) FRESHWATER WETLANDS: All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district;

- (14.1) FARMLAND. All farmland within the proposed subdivision has been identified on maps submitted as part of the application. Any mapping of farmland may be done with the help of the local soil and water conservation district;
- (15) RIVER, STREAM or BROOK. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, section 480-B, subsection 9;
- (16) STORM WATER. The proposed subdivision will provide for adequate storm water management;
- (17) SPAGHETTI-LOTS PROHIBITED.. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1;
- (18) LAKE PHOSPHORUS CONCENTRATION. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision;
- (19) IMPACT ON ADJOINING MUNICIPALITY. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located; and
- (20) LANDS SUBJECT TO LIQUIDATION HARVESTING. Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. A municipal reviewing authority may request technical assistance from the Department of Agriculture, Conservation and Forestry, Bureau of Forestry to determine whether a rule violation has occurred, or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76. If a municipal reviewing authority requests technical assistance from the bureau, the bureau shall respond within 5 working days regarding its ability to provide assistance. If the bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The bureau shall provide a written copy of its finding and determination to the municipal reviewing authority within 30 days of receipt of the municipal reviewing authority's request. If the bureau notifies a municipal reviewing authority that the bureau will not provide assistance, the municipal reviewing authority may require a subdivision applicant to provide a determination certified by a licensed forester.

For the purposes of this subsection, "liquidation harvesting" has the same meaning as in Title 12, section 8868, subsection 6 and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership. This subsection takes effect on the effective date of rules adopted pursuant to Title 12, section 8869, subsection 14.

ARTICLE III, Pre-application Workshop

Definition: Before making a formal application for approval of a plan, the applicant shall submit to the Planning Board a sketch plan of the subdivision and the surrounding land for informal review.

A. Procedure:

- (1) Applicant presentation of sketch plan and informational workshop between the applicant and the Planning Board.
- (2) Scheduling of on-site inspection.
- (3) Determination of required contour level by Planning Board.

B. Submission:

The pre-application sketch plan, which may be a free-hand penciled sketch, shall show the proposed layout of streets, lots, buildings and other features in relation to existing conditions. The sketch plan should be:

- (1) Supplemented with general information to describe or outline the existing conditions of the site and the proposed development;
- (2) Superimposed on, or accompanied by, a copy of the Assessor's Map(s) on which the land is located;
- (3) Accompanied by a copy of a portion of the USGS topographic map of the area showing the outline of the proposed subdivision. Two of the USGS Maps (the Swans's Island Quadrangle and the Bass Harbor Quadrangle) have a contour interval of 10', the Southwest Harbor Quadrangle has an interval of 20' and the Bartlett's Island Quadrangle (the majority of the Town), has a contour interval of 6 meters, or 19-1/2'; and
- (4) Accompanied by any proposed road names and a lot numbering system, in accordance with the provisions of the E-911 Ordinance.

C. On-Site Inspection and Contour Interval: Within 30 days of the Pre-application Workshop, at least two members of the Board shall hold an on-site inspection of the

property. The applicant shall place "flagging" at the centerline of any proposed streets, and at the approximate intersections of the street centerlines and lot corners, prior to the on-site inspection. The Board shall then determine and inform the applicant in writing if they require a more precise contour interval than on the USGS maps for the formal application.

- D. Rights not Vested: The workshop of the pre-application sketch plan and the on-site inspection shall not cause the plan to be a pending application under the protection of Title 1 MRSA, Section 302. This will occur at the time of the acceptance of the completed application.

ARTICLE IV, Preliminary Plan for Subdivision Approval

A. Procedure:

- (1) Within six months of the Pre-application Workshop, the subdivider shall submit an application for approval with a Preliminary Plan approximating the layout shown on the sketch plan (plus any recommendations made by the Board).
- (2) All subdivision fees shall be set by the Selectboard from time to time as appropriate. The Planning Board reserves the right to obtain an independent evaluation of the impacts of a proposed development, to assist it in making necessary findings of fact. If the Planning Board deems such study necessary, it will request a reasonable additional sum from the applicant to defray the cost of such study or studies. Any funds not utilized for consultant studies will be returned to the developer.
- (3) Upon receiving the application, the Town shall issue a dated receipt to the applicant and shall notify by mail all abutting property owners of the proposed subdivision and the clerk and the Planning Board of towns that abut or include any portion of the subdivision, specifying the location of the proposed subdivision and a general description of the project.
- (4) Within 30 days from the dated receipt, the Planning Board shall hold a meeting to determine if the application is complete. The Town shall notify the subdivider either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make a complete application.
- (5) After the Planning Board has determined that a complete application has been filed, it shall have 30 days within which to call a public hearing. The Town shall notify the subdivider of the date, time and place of the public hearing, cause this information to be published in a newspaper of general circulation in the Town, at least 2 times, the date of the first publication to be at least 7 days

prior to the hearing, and similarly notify the abutters to the subdivision by mail.

- (6) The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the application.
- (7) The Board shall, within 30 days of the completion of the public hearing, or within another time limit as may be otherwise mutually agreed to by the Board and the subdivider, make findings of fact on the application, and approve, approve with conditions, or deny the application based on the Preliminary Plan. The Board shall specify in writing its findings of fact and reasons for any conditions or denial.
- (8) When approval to a Preliminary Plan is granted, the Board must state the conditions of such approval, if any, with respect to:
 - (a) The specific changes which it will require in the Final Plan;
 - (b) The character and extent of the required improvements for which waivers may have been requested and which in the Board's opinion may be waived without jeopardy to the public health, safety, and general welfare; and
 - (c) The amount of all performance guarantees which it will require as prerequisite to the approval of the Final Plan (see ARTICLE 10).
- (9) Approval of a Preliminary Plan shall not constitute approval of a Final Plan or intent to approve a Final Plan, but rather it shall be deemed an expression of approval of the design of a Preliminary Plan as a guide to the preparation of a final plan. A Final Plan shall be submitted for approval of the Board upon fulfillment of the requirements of these regulations and the conditions of preliminary approval, if any. Prior to the approval of the Final Plan, the Board may require additional changes as a result of the further study of the subdivision or as a result of new information received.

B. Submission

(1) LOCATION MAP. The preliminary plan shall be accompanied by a location map adequate to show the relationship of the proposed subdivision to the adjacent properties. This location map shall show:

- (a) any existing subdivisions in the proximity of the proposed subdivision;
- (b) locations and names of any existing and proposed streets;
- (c) any boundaries of zoning districts with designations; and

- (d) an outline of the proposed subdivision and any remaining portion of the owner's property if the Preliminary Plan submitted covers only a portion of the owner's entire contiguous holding.

(2) OTHER REQUIRED PERMITS. The Preliminary Plan application shall contain an advisory opinion from the appropriate federal, state and local agencies as to the application of their rules to this subdivision application.

(3) PRELIMINARY PLAN. The Preliminary Plan shall be submitted in two copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The Preliminary Plan shall be drawn to a scale of not more than 100' to the inch. The Board may request such scale as it deems appropriate to the application. In addition, eight copies of the Plan(s) reduced to a size of 8-1/2" x 11" or 11" x 17" shall be submitted to the Board.

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

- (a) proposed name of the subdivision, or identifying title; the name of the town; and the assessor's Map and Lot numbers;
- (b) evidence of right, title, or interest in the property;
- (c) a field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. (The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument to be set or found at each lot corner);
- (d) the date the plan was prepared, north arrow, graphic map scale, names and addresses of the owner(s) of record, subdivider, and individual or company who prepared the plan, and names of adjoining property owners;
- (e) the number of acres within the proposed subdivision, location of vegetative cover type together with any existing buildings, water courses and other essential existing physical features;
- (f) the proposed lot lines with approximate dimensions and lot areas;
- (g) proposed names of any roads, and the numbers assigned to lots in the subdivision, in accordance with the provisions of the E-911 Ordinance;
- (h) the location, names and present widths of any existing and/or proposed streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision;

- (i) the width and location of any streets or public improvements shown upon the official map and the Comprehensive Plan, if any, within the subdivision;
- (j) any parcel of land proposed to be dedicated to public use and the conditions of such dedication;
- (k) the location of any open space to be preserved and a description of proposed improvements and its management;
- (l) the names and addresses of owners of record of adjacent property, including any property directly across an existing public street from the subdivision;
- (m) the location of any Zoning boundaries affecting the subdivision;
- (n) the boundaries of any flood hazard areas and the 100-year flood elevation delineated on the plan, if any portion of the subdivision is in a flood-prone area;
- (o) contour lines at 10 foot intervals, showing elevations in relation to Mean Sea Level
- (p) subsurface sewage disposal systems:
 - [1] test pit analyses, prepared by a licensed site evaluator shall be provided for each proposed lot in the subdivision. A map showing the location of all test pits dug on the site shall be submitted.
 - [2] centralized or shared subsurface sewage disposal system: approval of the scheme by Maine Department of Human Services. A map showing the location(s) of the system shall be submitted. The Planning Board may request a site inspection by the Department of Human Services.
- (q) evidence of adequate ground water supply and quality may be requested by the Board and shall be submitted by a well driller or a hydro-geologist familiar with the area (if the proposed subdivision is within the watershed of a lake, the phosphate concentration impact on the ground water must be determined);
- (r) a copy of the most recently recorded deed for the parcel. A copy of all covenants or deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property;
- (s) a copy of any covenants or deed restrictions intended to cover all or part of the lots in the subdivision;
- (t) a copy of that portion of the State soil survey covering the subdivision. (When the survey shows soils which are generally unsuitable for the uses proposed, the

Board may require the submittal of a report by a registered soil scientist indicating the suitability of soil conditions for those uses);

- (u) an adequate storm water management plan must be provided;
- (v) the location and size of existing and proposed subsurface sewage systems, wells, culverts and drainage ways on or adjacent to the property to be subdivided;
- (w) a determination must be made whenever a subdivision is situated, in whole or in part, within 250' of any wetland, great pond or river, or within their watershed, that the proposed subdivision will not adversely affect the quality or unreasonably affect the shoreline of that body of water;
- (x) a map identifying all freshwater wetlands regardless of size, streams, and/or brooks within or abutting the proposed subdivision;
- (y) an estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours;
- (z) a statement of adequate financial capacity demonstrating the financial ability of the subdivider to complete the project.

(For subdivisions involving 40 or more parking spaces or projected to generate more than 400 vehicle trips per day, a traffic impact analysis, prepared by a registered professional engineer with experience in traffic engineering, shall be submitted. The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets. Trip generation rates used shall be the mean value reported in Table 3 of "Development and Application of Trip Generation Rates," Kellerco, Inc., published by the Federal Highway Administration, January, 1985); and

- (4) SPECIAL REQUIREMENT FOR THE WATERSHED OVERLAY. The Watershed Overlay consists of all those areas lying within the watersheds of Hodgdon Pond and Seal Cove Pond. The boundaries of the watersheds shall be presumed to be those shown on the Water and Marine Resources Map of the Tremont Comprehensive Plan. A participant in a subdivision permit proceeding wishing to show that the location of the proposed activity is, or is not, in fact within one of the watersheds may rebut the presumption of the accuracy of the watershed map only by the production of clear and convincing evidence, including expert testimony, that the location is, or is not, in fact within the relevant watershed.

The following standards shall apply in the Watershed Overlay:

- (a) Before applying for a subdivision permit any part of which is in the Watershed Overlay, the applicant shall read the brochure about preventing phosphorus and similar contaminant loading in Hodgdon Pond and Seal Cove Pond entitled Protecting Seal Cove Pond and Hodgdon Pond. The applicant shall attach to the application a statement certifying that the applicant has read the brochure.
- (b) The applicant shall include with the application a written plan for the control of phosphorus and similar contaminant loading on the lot. At a minimum, the plan shall include the following:
 - [1] For all roads and driveways in the watershed overlay, the plan shall show the layout of each driveway and road with an explanation of how each driveway and road is designed to prevent phosphorus and similar contaminant loading in the pond.
 - [2] If the proposed project includes paved or other impervious areas, including roofs, the plan shall show all such areas and explain how the proposed project is designed to prevent phosphorus and similar contaminant loading in the pond from such areas.
 - [3] If the proposed project includes a lawn or other area, such as a field, to be mowed, the plan shall show the layout of the lawn or area to be mowed with an explanation of how the area is designed to prevent phosphorus and similar contaminant loading in the pond.
 - [4] The plan shall show the natural vegetative buffers and other techniques that the applicant intends to use in the subdivision to prevent phosphorus and similar contaminant loading into the pond.
 - [5] The applicant will include in the plan a statement of the deed restrictions that will be placed on the deeds to all lots in the watershed overlay to enforce the requirements of the phosphorus and similar contaminant loading plan for that subdivision.
 - [6] The Planning Board may require the plan to include such further information, including expert studies that reasonably relates to the project's potential for phosphorus and similar contaminant loading in the pond of that watershed.
- (c) No subdivision permit shall be granted in the Watershed Overlay unless Planning Board finds that the proposed subdivision shall not contribute to phosphorus and similar contaminant loading in the pond of the respective watershed. It shall not be sufficient for an applicant to promise not to use fertilizers on lawns, fields and other areas to be mowed; rather, it shall be conclusively presumed that fertilizers will eventually be used in such areas and

the plan must include sufficient vegetative buffers or other techniques to assure that the fertilizers do not contribute to phosphorus and similar contaminant loading in the pond. The written plan for the control of phosphorus and similar contaminant loading as finally approved by the Planning Board shall automatically constitute conditions on the subdivision permit, which must be referenced in the final plan that is to be recorded in the Registry of Deeds, binding upon the applicant and the applicant's successors. The Planning Board may place whatever further conditions on the permit that are necessary to assure that the subdivision does not contribute to phosphorus and similar contaminant loading on either pond.

ARTICLE V, Final Plan for Subdivision Approval

A. Procedure.

- (1) Within six months after the approval of the completed application submitted with the Preliminary Plan, the subdivider shall file with the Town the application for approval with the Final Plan of the project. This Final Plan shall approximate the layout shown on the Preliminary Plan plus any recommendations made by the Board.
- (2) An additional processing fee shall be required to cover the costs of advertising and postal notification for the public hearing.
- (3) Upon receiving the application with the Final Plan, the Town shall issue a dated receipt to the applicant.
- (4) Within 30 days from the dated receipt, the Planning Board shall hold a meeting to determine if the submission requirements for Final Plan have been met, and if not, what specific information is still needed. The Town shall notify the subdivider in writing either that the application with the Final Plan as submitted has met the requirements or if not, the specific materials needed to do so.
- (5) Within 30 days of a determination that Final Plan submission requirements have been met, the Town shall notify the subdivider of the date, time and place of the public hearing and cause this information to be published twice in a newspaper of general circulation in the Town, the date of the publication to be at least 7 days prior to the hearing, and similarly notify the abutters to the subdivision by mail. When a subdivision is located within 100 feet of a town boundary, the Board shall notify the clerk and the Planning Board of the adjacent town involved, at least 10 days prior to the hearing.
- (6) The Applicant shall notify the school officials and fire chief of the proposed subdivision, the number of dwelling units proposed, the length of roadways, and the size and construction characteristics of any multi-family, commercial or industrial buildings. The Applicant shall request that these officials comment upon

the adequacy of their department's existing capital facilities to service the proposed subdivision.

- (7) The Subdivider, or his duly appointed representative, shall attend the meeting of the Board to discuss the application.
- (8) Before the Board grants approval of the application with the final plan, the subdivider shall meet the performance guarantee requirements contained in Article 10.
- (9) The Board, within 30 days from the completion of the public hearing, shall make findings of fact and conclusions relative to the standards contained in Title 30-A MRSA, Sections 4401 - 4407, to any other regulations as adopted by the reviewing authority, and to the purposes as stated in Article 2.A. of this Ordinance. If the Board finds that all standards of the statute and this Ordinance have been met, the Board shall approve the application with the Final Plan. If the Board finds that any of the standards of the statute or this Ordinance have not been met, the Board shall either issue an order to deny the application or to approve the application with conditions to ensure all of the standards will be met by the subdivision. The reasons for any conditions shall be stated in the records of the Board.

B. Submission.

- (1) LOCATION MAP. As required under Preliminary Plan application.
- (2) OTHER REQUIRED PERMITS. The submission shall include a listing of any local, state and federal permits which have been determined to be applicable to the subdivision and a notification stating the current status of the application.
- (3) FINAL PLAN. The application with the Final Plan submitted for approval shall include all of the information required under Preliminary Plan approval plus any recommendations made by the Board at that time and the following additional information:
 - (a) The plan shall contain sufficient data to allow the location, bearing and length of any street line, lot line and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The length of all straight lines, the deflection angles radii, length of curves and central angles of curves, tangent distances and tangent bearings for any street shall be included.
 - (b) The plan shall show lines or dots in the center of proposed roads every fifty (50) feet, for E-911 purposes, to aid in the assignment of numbers to structures subsequently constructed.

- (c) A soil erosion and sedimentation control plan, prepared in accordance with the standards contained in the Tremont Zoning Ordinance. The Board may require that this plan be prepared by a qualified engineer.
- (4) The plans shall be to the following stated scales and sizes:
 - (a) One reproducible, stable-based transparent original of each sheet (to be recorded at the Registry of Deeds) and 4 paper copies at a scale of not more than 100'=1". (The Board reserves the right to request such scale as it deems appropriate.)
 - (b) The plans shall be no larger than 24"x36" in size and have a margin of 2" outside the border lines on the left side for bending and 1" along the remaining three sides. Space shall be provided for endorsement by the Board.
 - (c) The plan must bear the seal of a professional land surveyor or other authorized design professional. If the plan is prepared by or under the responsible charge of a professional land surveyor, the plan shall include the signature as well as the seal of that surveyor. Note: The Registry of Deeds is unable to accept a plan for recording unless it is embossed with the seal of an architect, professional engineer or registered land surveyor.
 - (d) Eight copies of all information and eight reduced copies of all plans shall be submitted (8-1/2"x11" or 11"x17").

C. Approval of the application with the Final Plan and filing:

- (1) No plan shall be approved by the Board as long as the subdivider is in violation of the provisions on a previously approved plan.
- (2) Upon findings of fact and determination as stated in the above paragraph A.9. and upon voting to approve the subdivision, the Board shall sign the final plans and specify any conditions for approval in writing on the plan. The Board shall specify in writing its findings of fact and reasons for any conditions of approval, or a denial. One paper copy of the signed plan shall be retained by the Board as part of its permanent records, one shall be forwarded to the Tax Assessor and two shall be forwarded to the applicant (one plus the transparent original to be recorded in the Registry).
- (3) Any subdivision not recorded in the Registry of Deeds within ninety days of the date upon which the plan is approved and signed by the Board shall become null and void.
- (4) The approval by the Board of a subdivision shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement or other open space shown on such plan. When a park, playground or other recreation area shall have been shown on the plan to be dedicated to the Town, approval of the plan shall not constitute an acceptance by the Town of such areas. The Board shall require the plan to contain appropriate notes to this effect. The Board may also require the filing of a

written agreement between the applicant and the Town Officers covering future deed and title, dedication, and provision for the cost of grading, development, equipment and maintenance of any such dedicated area.

- (5) Failure to commence substantial construction of the subdivision within 5 years of the date of approval and signing of the final plan, or for subdivisions not including significant construction, failure to sell at least one of the lots or units to a third party within 5 years of the date of approval, shall render the plan null and void. Upon determining that a subdivision's approval has expired under this paragraph, the Board shall have a notice placed in the Registry of Deeds to that effect.

ARTICLE VI, Revisions to Approved Subdivision Applications and Plans

A. Procedure.

- (1) An applicant for a revision to a previously approved subdivision application shall, at least 14 days prior to a scheduled meeting of the Board, request to be placed on the Board's agenda. The procedures for Preliminary Plan approval shall be followed.

B. Submission.

The applicant shall submit a copy of the approved plan, as well as two copies of the proposed revisions to the Town. Eight (8) copies of the proposed revisions reduced to a size of 8-1/2"x11" or 11"x17" shall be submitted to the Board. The application shall also include enough supporting information to allow the Board to make a determination that the proposed revisions meet the standards of this Ordinance.

C. Scope of Review.

The Board's scope of review shall be limited to those portions of the plan which are proposed to be changed. The Board's decision must be accompanied by findings of fact based on the review criteria.

D. Recording.

A subdivision plan presented for recording to the Registry of Deeds which is a revision or an amendment to an existing plan shall cause the Registry to:

- (1) indicate on the index for the original plan that it has been superseded by another plan and reference the book and page on which the new plan is recorded;
- (2) ensure that the book and page on which the original plan is recorded is referenced on the new plan.

ARTICLE VII, Enforcement

A. Inspection of Required Improvements.

- (1) If a waiver is granted and considered a condition of the final subdivision approval, it must be recorded at the Registry of Deeds and attached to the deed within 90 days of its granting.
- (2) Any person who develops a subdivision in a manner other than as depicted on the final approved subdivision plan shall be subject to penalties and fines in accordance with Article VII.B. of this Ordinance.
- (3) At least five days prior to commencing each major phase of construction of required improvements (see Article VIII.A.), the subdivider or builder shall notify the Code Enforcement Officer (CEO) in writing of the time when he proposes to commence construction of such improvements, so that all Town specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.
- (4) If the CEO finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, he shall so report in writing to the Town Officers, Planning Board, and the subdivider or builder. The Town Officers shall take any steps necessary to preserve the Town's rights.
- (5) If at any time before or during the construction of the required improvements, it appears to be necessary or desirable to modify the required improvements, revised plans shall be filed with the Town, and the subdivider shall obtain permission to modify the plans from the Board.
- (6) By December 1st of each year during which construction was done on the site, the Town shall have the site inspected by the CEO. The CEO shall submit a report to the Board based on that inspection, addressing whether storm water and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate to do the job they were designed for. The report shall also include a discussion and recommendations on any problems which were encountered. If the Board so determines that the services of a professional registered engineer are required to assess the stated problems, the expense shall be borne by the subdivider. Failure of the CEO to inspect the site or file a report as required by this paragraph shall not relieve the applicant of any of its responsibilities under this ordinance or constitute a waiver by the Town of any violations at the site.

- (7) Upon completion of street construction and prior to a vote by the Town Officers to submit a proposed Town way to a Town Meeting, a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the Town Officers at the expense of the applicant, certifying that the proposed town way meets or exceeds the design and construction requirements of the Tremont Road Ordinance. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility.
- (8) Prior to the sale of any lot, the subdivider shall install all monumentation for that lot as shown on the plan.

B. Violations and Enforcement.

- (1) No plan of a division of land within the Town which would constitute a subdivision shall be recorded in the Registry of Deeds until a final plan has been approved by the Board in accordance with this Ordinance.
- (2) No person, firm, corporation or other legal entity may convey any land in a subdivision which has not been approved by the Board and recorded in the Registry of Deeds.
- (3) Any person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by these regulations shall be punished by a fine of not less than \$100, and not more than \$2500 for each such conveyance, offering or agreement. The Town may institute proceedings to enjoin the violation of this section, and may collect attorneys' fees and court costs if it is the prevailing party.
- (4) No utility company of any kind shall serve any lot in a subdivision for which a final plan has not been approved by the Board.
- (5) Development of a subdivision without Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land or lots, or construction of buildings which require a final plan approved as provided in these regulations and recorded in the Registry of Deeds.

ARTICLE VIII, General Standards

In reviewing applications for a subdivision, the Board shall consider the following general standards prior to the approval of the final plan. In all instances the burden of proof shall be upon the applicant and the Board reserves the right to require additional information at any stage.

A. Required Improvements.

The following improvements are required for all subdivisions unless waived by the Board in accordance with provisions of these regulations.

(1) Water Supply.

- (a) If a central water supply system is provided by the subdivider, the location and protection of the source, and the design, construction and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144 A.C.M.R. 231: Maine Department of Human Services, Water Division as amended from time to time).
- (b) The subdivider shall be required to construct ponds and dry hydrants whenever necessary to provide adequate water storage for fire-fighting purposes. An easement shall be granted to the Town granting access to and maintenance of the dry hydrants where necessary. The Board may waive the requirement for fire ponds upon submittal of evidence that the soil types in the subdivision will not permit their construction.

(2) Surface Drainage.

The storm water management plan submitted in accordance with Article IX.3. shall be installed.

(3) Sewage Disposal.

The developer shall submit evidence of soil suitability for subsurface sewage disposal prepared by a Maine licensed site evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules. The test log shall include: lot number, test pit number, soil profile/condition (from Table 6-1 of the Plumbing Code), depth of pit, depth to seasonal high groundwater table, depth to restrictive layer, and depth to bedrock. In addition, on lots in which the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted so as not to be built upon.

(4) Monuments.

Permanent monuments shall be set at or within 50' of all lot corners and street intersections on the interior or exterior boundaries of the subdivision. Additional monuments shall be set such that no interior, exterior or highway boundary segment exceeds 750' between monuments. The final plan shall indicate the location and character of all monuments.

Monuments shall be iron pins or pipes of not less than 3/4" diameter and may have "surveyor's caps", stone blocks with metal plates, or Federal Government specification monuments.

B. Impact on Ground Water.

When a hydro geologic assessment is submitted, the assessment shall contain at least the following information:

- (1) a map showing the basic soils types;
- (2) projections of the subdivision's impact on ground water phosphate concentrations shall also be provided for subdivisions within the watershed of a lake; and
- (3) a map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.

C. Land Features.

- (1) Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.
- (2) Except for normal thinning, landscaping and cutting trees to provide access to direct sunlight, existing vegetation shall be left intact to prevent soil erosion and to minimize storm water runoff.
- (3) To prevent soil erosion in shoreline areas, a buffer strip of vegetation shall be preserved within a strip of land extending 100' from the shore of a great pond and 75' inland from the normal high water line of any other water body or upland edge of a wetland. The standards are specified in the Tremont Land Use Ordinance.

D. Access Control and Traffic Impacts.

- (1) General. Provision shall be made for vehicular access to the subdivision and circulation within the subdivision in such a manner as to safeguard against hazards to traffic and pedestrians in existing roads and within the subdivision, to avoid traffic congestion on any road and to provide safe and convenient circulation on public roads and within the subdivision.

- (a) The vehicular access to the subdivision shall be arranged to avoid traffic use of existing local residential roads where possible.

- (b) Where a lot has frontage on two or more roads, the access to the lot shall be provided to the lot across the frontage and to the road where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.
 - (c) The road giving access to the subdivision and neighboring roads which can be expected to carry traffic to and from the subdivision shall have traffic carrying capacity or be suitably improved by the subdivider to accommodate the amount and types of traffic generated by the proposed subdivision.
- (2) Subdivision access design for subdivisions entering onto arterial roads. When the access to a subdivision is a road, the road design and construction standards of Article IX. shall be met. Where there is a conflict between the standards in this section and the standards of Article IX., the stricter or more stringent shall apply.
- (a) General. Access design shall be based on the estimated volume using the access classification defined below.
 - [1] Low volume access: less than 25 vehicle trips per day.
 - [2] Medium volume access: between low and high
 - [3] High volume access: peak hour volume of 400 vehicles or greater.
 - b. Sight distances. Accesses shall be designed in profile and grading and located to provide the required sight distance measured in each direction.

(Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10' behind the curb line or edge of shoulder, with the height of the eye 3-1/2', to the top of an object 4-1/2' above the pavement.)

The required sight distances are listed below for various posted speed limits.

- [1] Two lane roads. A sight distance of 10' for each mile/ hour of posted speed limit shall be maintained or provided.
 - [2]. Vertical alignment. Accesses shall be flat enough to prevent the dragging of any vehicle undercarriage. Low volume accesses shall slope upward or downward from the gutter line on a straight slope of 2% or less for at least 25' followed by a slope of no greater than 10% for the next 50'. The maximum grade over the entire length shall not exceed 10%. Medium and high volume accesses should slope upward or downward from the gutter line on a straight slope of 2% or less for at least 25'. Following this landing area, the steepest grade on the access shall not exceed 8%.
- (c) Construction materials/paving.

- [1] All accesses entering a curbed road shall be curbed with materials matching the road curbing. Sloped curbing is required around all raised channelization islands or medians.
- [2] All accesses shall be paved with bituminous concrete pavement within the road right-of-way. All commercial accesses regardless of access volume shall be paved with bituminous concrete pavement within 30' of the road right-of-way.

E. Retention of Open Spaces and Natural or Historic Features.

- (1) The Board shall in subdivisions of 30 acres or more and may in all other subdivisions require the reservation of up to ten percent of the area of the subdivision as open space in order to provide for the recreational needs of the occupants of the subdivision or to maintain the scenic or natural beauty of the area. In determining the need for open space the Board shall consider: the proximity of the subdivision to neighboring open space or recreation facilities; the needs identified in the Town Comprehensive Plan for open space or recreation facilities in the areas surrounding the subdivision; the type of development and the demographic characteristics of potential residents in the subdivision; and the density or lot sizes of the development.
- (2) The Board may require that the development plans include a landscape plan that will show the replacement of trees and vegetation, graded contours, streams and the preservation of scenic historic or environmentally significant areas. Cutting of trees on the northerly borders of lots should be avoided as far as possible, to retain a natural wind buffer.
- (3) If the proposed subdivision contains any identified historical or archeological sites, or any areas identified in the Comprehensive Plan or by the Maine Critical Areas Program as rare and irreplaceable natural areas, these areas shall be suitably protected by appropriate covenants and management plans.
- (4) Any public rights of access to the shoreline of a water body shall be maintained by means of easements or rights-of-way, or should be included in the open space, with provisions made for continued public access.

F. Construction in Flood Hazard Areas.

When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency, the plan shall indicate that all 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. Such a restriction shall be included in the deed to any lot which is included or partially included in the flood hazard area. A permit must be obtained

under the Floodplain Management Ordinance for the Town of Tremont before any construction on these areas can begin.

ARTICLE IX, Road and Storm design and Construction Standards

A. General Requirements.

- (1) The Board shall not approve any subdivision plan which has a road or roads which are intended for Town acceptance unless the proposed roads and the storm water management systems are designed in accordance with the Road Ordinance of the Town of Tremont. Approval of the final plan by the Board shall not be deemed to constitute or be evidence of acceptance by the Town of any road or easement.
- (2) A Subdivision Plan shall show any proposed road names and lot numbers, in accordance with the provisions of Tremont's E-911 Ordinance. Approval by the Planning Board, after consultation with the Road Commissioner, shall constitute the assignment of road names and numbers to the lots in the subdivision.
- (3) Subdividers shall submit to the Board, as part of the final plan, detailed construction drawings as specified in the Road Ordinance for roads which are proposed to be accepted by the Town. They shall submit construction information for roads in the subdivision which are to remain private roads based on the standards in Article IX. B.
- (4) Where the subdivider proposes improvements within existing Town ways, the proposed design and construction details shall be approved in writing by the Town's Road Commissioner or the Maine Department of Transportation, as appropriate.
- (5) Upon receipt of plans for a proposed Town way, the Board shall forward one copy to the Town Manager/Road Commissioner for review and comment. Plans for roads which are not proposed to be accepted by the Town shall be sent to the Planning Board for review and comment.
- (6) Where the subdivision roads are to remain private roads, the following words shall appear on the recorded plan:

"All roads (rights of way) in this subdivision shall remain private roads (rights of way), to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town."

B. Private Road (or Right of Way) Standards.

- (1) Design Standards: Description
- | | |
|--------------------------------------|--------------------|
| Requirements Minimum right-of-way | 30' |
| Minimum grade | 0.5% Maximum grade |
| | 10% |
| Minimum tangent between curves | 100' |
| of reverse alignment | |
| Minimum angle of street intersection | 60 degrees |
| Maximum grade at intersection | |
| (within 50' of intersection) | 3% |
| Minimum sight distance | 150' |

(2). Construction Standards:

Road Materials	Minimum Requirements
Aggregate sub-base	12"
Crushed aggregate base course	3"

C. Storm Water Management Design Standards.

- (1) Adequate provision shall be made for disposal of all storm water generated within the subdivision, and any drained ground water through a management system of swales, culverts, underdrains and storm drains. The storm water management systems shall be designed to conduct storm water flows to existing watercourses or storm drains.
- (a) Where a subdivision is traversed by a stream, river or surface water drainageway, or where the Board feels that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. The Board may request that the stormwater management system be designed by a registered professional engineer.
- (b) Drainage easements for existing watercourses or proposed drainage ways may be required at least 10' wide, conforming substantially with the lines of existing natural drainage.
- (c) All components of the storm water management systems shall be designed according to the Road Ordinance, Article IX. and X. When the subdivision discharges directly to the sea, peak discharge may be increased from pre-development levels provided downstream drainage structures are suitably sized.
- (2) Outlets shall be stabilized against soil erosion by stone riprap or other suitable materials to reduce storm water velocity. Wherever the storm drainage system is not

within the right-of-way of a public way, perpetual easements shall be provided to the Town allowing maintenance and improvement of the system.

- (3) The storm drainage shall not overload existing storm drainage systems downstream from the subdivision. The subdivider shall be responsible for financing any improvements to existing drainage systems required to handle the increased storm flows.

D. Additional Improvements and Requirements.

- (1) Erosion Control. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction and cleanup stages.
- (2) Cleanup. Following street construction, the developer or contractor shall conduct a thorough cleanup of stumps and other debris from the entire street right-of-way. If onsite disposal of the stumps and debris is proposed, the site shall be indicated on the Plan, and be suitably covered with fill and topsoil, limed, fertilized and seeded.

E. Certification of Construction.

"As built" plans shall be submitted to the Town's Road Commissioner. Upon completion of street construction and prior to a vote by the selectmen to submit a proposed public way to the Town Meeting, a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the Road Commissioner at the expense of the applicant, certifying that the proposed way meets or exceeds the design and construction requirements of these regulations.

ARTICLE X, Performance Guarantees

A. Types of Guarantees.

With submittal of the application for final plan approval, the subdivider shall provide one of the following performance guarantees for an amount required to cover the total construction costs of all covered improvements, taking into account the time span of the construction schedule:

- (1) either a certified check payable to the Town or a savings account or certificate of deposit naming the Town as owner, for the establishment of an escrow account;
- (2) a performance bond payable to the Town issued by a surety company, approved by the Board of Selectmen and the Town Manager; or

- (3) An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision, from which the Town may draw if construction is inadequate. This credit must be approved by the Board of Selectmen and the Town Manager.

The conditions and amount of the performance guarantee shall be determined by the Board with the advice of the Town Officers and/or Town Attorney.

B. Contents of Guarantee.

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

C. Escrow Account.

A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the Town, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the subdivider, the Town shall be named as owner or co-owner, and the consent of the Town shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the subdivider unless the Town has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the subdivider and the amount withdrawn to complete the required improvements.

D. Performance Bond.

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

E. Letter of Credit.

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

F. Release of Guarantee.

Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction, in part upon the report of the Code Enforcement Officer and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.

G. Default.

If, upon inspection, the Code Enforcement Officer finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he shall so report in writing to the Board and the subdivider or builder. The Town Officers shall take any steps necessary to preserve the Town's rights.

ARTICLE XI, Waivers

A. What may be waived. The Planning Board may only waive:

- (1) Submission Requirements. Submission requirements in Article IV.B.(h),(i),(j),(k),(q),(t),(u),(y)(z), Article V.B.3. (c)
- (2) General Standards. VIII A.2. & B., IX.C. and all of X.
- (3) The Planning Board may not waive or grant a variance from any of the standards or requirements in Tremont's Land Use Ordinance; only the Board of Appeals may grant such a waiver or variance.

B. When Given.

- (1) Waivers in Minor Subdivisions to be given liberally. Unless the Board makes written findings of fact that there are special circumstances of a particular site proposed to be subdivided that make a waiver inappropriate, it shall, to permit a more practical and economical development, waive those portions of the submission requirements, the standards, the required improvements or the performance guarantees set forth above in applications for minor subdivisions, unless otherwise prohibited, that are unnecessary to protect the public health, safety and welfare, provided the waivers do not have the effect of nullifying the intent and purpose of the official maps, the Comprehensive Plan, the Tremont Land Use Ordinance or the provisions of this Ordinance, and provided the criteria of the State Subdivision Law are met.
- (2) Waivers in Major Subdivision to be given sparingly. Unless the Board makes written findings of fact supported by clear and convincing evidence that there are special circumstances of a particular site proposed to be subdivided, it shall not

waive portions of the submission requirements, the standards, the required improvements or the performance guarantees set forth above. Upon such a specific finding supporting by clear and convincing evidence, it may waive portions of the submission requirements, the standards, the required improvements or the performance guarantees, unless otherwise indicated in the regulations, to permit a more practical and economical development, provided the public health, safety and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the official maps, the Comprehensive Plan, the Tremont Land Use Ordinance or the provisions of this Ordinance, and provided the criteria of the State Subdivision Law are met.

- (3) In granting waivers to any of these regulations in accordance with the above, the Board shall require such conditions as will assure the objectives of these regulations are met.
- (4) When the Board grants a waiver to any of the standards of these regulations, the final plan shall indicate the waivers granted and the date on which they were granted. It shall refer to Title 30-A, Section 4406, Subsection 1. B.

ARTICLE XII, Appeals

An aggrieved party may appeal any decision of the Board under these regulations to the Board of Appeals within thirty days.

ARTICLE XIII, Definitions

(To be used in conjunction with those definitions in the Tremont Land Use Ordinance.)

Abutter - The owner of any property with one or more common boundaries, or across the street or stream from, the property involved in an application or appeal.

Complete Application - An application shall be considered complete upon submission of the required fee and all information required by these regulations for a preliminary plan. The Board shall issue a receipt to the applicant upon its determination that an application is complete.

Comprehensive Plan - Any part or element of the overall plan or policy for development of the Town as defined in Title 30-A, MRSA, Section 4502.

Contiguous Lots - Lots which adjoin at any line or point, or are separated at any point by a body of water less than 15' wide.

Covered Improvements - Public improvements (roads, sidewalks, sewer, water) stormwater control and erosion control.

Densely-Developed Area - Any commercial, industrial or compact residential area of 10 or more acres with an existing density of at least one principal structure per 2 acres.

Driveway - A vehicular access-way serving 2 dwelling units or less.

Dwelling Unit - Any part of a structure which, through sale or lease, is intended for human habitation. For example: a dwelling unit includes a single-family dwelling, each unit of a multi-family dwelling, a condominium unit, and a time-share unit.

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

Freshwater Wetlands - Freshwater swamps, marshes, bogs and similar areas which are 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 soil. They are not considered part of a great pond, coastal wetland, river, stream or brook.

High Intensity Soil Survey - A map prepared by a certified soil scientist, identifying the soil types down to 1/8 acre or less at a scale equivalent to the subdivision plan submitted. The soils shall be identified in accordance with the National Cooperative Soil Survey. The map shall show the location of all test pits used to identify the soils, and shall be accompanied by a log of each sample point identifying the textural classification and the depth to seasonal high water table or bedrock at that point. Single soil test pits and their evaluation for suitability for subsurface wastewater disposal systems shall not be considered to constitute high intensity soil surveys.

Major Subdivision. Any subdivision that does not qualify as a minor subdivision.

Minor Subdivision. A subdivision that qualifies as a subdivision under Article I. B. (2) consisting of an aggregate of four or fewer lots or units in any ten year period no part of which is located in or abuts the Resource Protection Zone and no part of which is in the watersheds of Hodgdon or Seal Cove Ponds, and in which no road is proposed to be constructed.

New Structure - Includes any structure for which construction began on or after September 23, 1988. The area included in the expansion of an existing structure is deemed to be a new structure for the purpose of this subchapter.

NGVD - National Geodetic Vertical Datum.

Official Submittal Date - The date upon which the Board issues a receipt indicating a complete application has been submitted.

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

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

Primitive camping facilities - Permanent buildings and structures without plumbing, servicing as temporary living quarters only in a licensed camping area.

Principal Structure - Any building or structure in which the main use of the premises occurs.

Privateway - (as defined in Land Use Ordinance of the Town of Tremont) a route or track serving less than 3 units.

Recording Plan - A copy of the final plan which is recorded at the Registry of Deeds and which need not show information not relevant to the transfer of an interest in the property, such as sewer and water line locations and sizes, culverts and building lines.

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

Right of Way - A legal right of passage over another person's ground or the area over which a right of way exists.

Road - (As defined in the Road Ordinance of the Town of Tremont). A route or tract 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. It must be a common access route for 3 or more units.

Streams, brooks - Means a channel between defined banks including the floodway and associated flood plain wetlands where the channel is created by the action of the surface water and characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of top soil containing water-borne deposits on exposed soil parent material or bedrock.

Substantial Expansion -expansion by more than 30% measured as a percentage of estimated total cost.

Tract, or Parcel, of Land - All contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road.

This ordinance becomes effective on May 14, 2019.

I attest this to be a true copy of this ordinance.



A handwritten signature in cursive script, reading "Katie A. Dandurand", is written over a horizontal line.

Katie A. Dandurand
Town Clerk

Legislative History

5-14-91: Adoption by Town Meeting

5-11-93: Amended

8-19-96: Amended

5-13-97: Amended

5-9-00: Amended

5-10-05: Amended

5-8-18: Amended

1-12-19: Draft reviewed by Town Manager

3-12-19: Public Hearing

3-25-19: Draft certified by Selectboard for Town Meeting Warrant

5-14-19: Adoption by Town Meeting

Wireless Telecommunications Facilities Ordinance

Town of Tremont

ARTICLE I, Title

This Ordinance shall be known and cited as the "Wireless Telecommunications Facilities Siting Ordinance" of Tremont, Maine, (hereinafter referred to as the "Ordinance").

ARTICLE II, Authority

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 M.R.S.A. Section 3001 (Home Rule), and the provisions of the Planning and Land Use Regulation Act, Title 30-A M.R.S.A. Section 4312 et seq.

ARTICLE III, Purpose

The purpose of this ordinance is to provide a process and a set of standards for the construction of wireless telecommunications facilities in order to: Implement a municipal policy concerning the provision of wireless telecommunications services, and the siting of their facilities; Establish clear guidelines, standards and time frames for the exercise of municipal authority to regulate wireless telecommunications facilities; Allow competition in telecommunications service; Encourage the provision of advanced telecommunications services to the largest number of businesses, institutions and residents of Tremont; Permit and manage reasonable access to the public rights of way of Tremont for telecommunications purposes on a competitively neutral basis; Ensure that all telecommunications carriers providing facilities or services within Tremont comply with the ordinances of Tremont; Ensure that Tremont can continue to fairly and responsibly protect the public health, safety and welfare; Encourage the colocation of wireless telecommunications facilities, thus helping to minimize adverse visual impacts on the community; Enable Tremont to discharge its public trust consistent with rapidly evolving federal and state regulatory policies, industry competition and technological development; Further the goals and policies of the comprehensive plan, while promoting orderly development of the Town with minimal impacts on existing uses; and Protect the scenic and visual character of the community.

ARTICLE IV, Applicability

This local land use ordinance applies to all construction and expansion of wireless telecommunications facilities, except as provided in section A.

A. Exemptions The following are exempt from the provisions of this ordinance:

1. Emergency Wireless Telecommunications Facility. Temporary wireless communication facilities for emergency communications by public officials.
2. Amateur (ham) radio stations. Amateur (ham) radio stations licensed by the Federal Communications Commission (FCC).
3. Parabolic antenna. Parabolic Antennas less than seven (7) feet in diameter, that are an accessory use of the property.
4. Maintenance or repair. Maintenance, repair or reconstruction of a wireless telecommunications facility and related equipment, provided that there is no change in the height or any other dimension of the facility.
5. Temporary wireless telecommunications facility. Temporary wireless telecommunications facility, in operation for a maximum period of one hundred eighty (180) days.
6. Antennas as Accessory Uses. An antenna that is an accessory use to a residential dwelling unit.

ARTICLE V, Review and Approval Authority

A. Approval Required

No person shall construct or expand a wireless telecommunication facility without approval of the Code Enforcement Officer (CEO) or the Planning Board as follows:

1. Expansion of an Existing Facility and Colocation. Approval by the CEO is required for any expansion of an existing wireless telecommunications facility that increases the height of the facility by no more than 20 feet; accessory use of an existing wireless telecommunications facility; or colocation on an existing wireless telecommunications facility.
2. New Construction. Approval of the Planning Board is required for construction of a new wireless telecommunications facility; and any expansion of an existing wireless telecommunications facility that increases the height of the facility by more than 20 feet.

B. Approval Authority

In accordance with Section A. above, the CEO or Planning Board shall review applications for wireless telecommunications facilities, and make written findings on whether the proposed facility complies with this Ordinance.

ARTICLE VI, Approval Process

A. Pre-Application Conference

All persons seeking approval of the CEO or the Planning Board under this ordinance shall meet with the CEO no less than thirty (30) days before filing an application. At this meeting, the CEO shall explain to the applicant the ordinance provisions, as well as application forms and submissions that will be required under this ordinance.

B. Application

All persons seeking approval of the CEO or the Planning Board under this ordinance shall submit an application as provided below. The CEO shall be responsible for ensuring that notice of the application has been published in a newspaper of general circulation in the community.

1. Application for CEO Approval. Applications for permit approval by the CEO must include the following materials and information:

- a. Documentation of the applicant's right, title, or interest in the property where the facility is to be sited, including name and address of the property owner and the applicant.
- b. A copy of the FCC license for the facility or a signed statement from the owner or operator of the facility attesting that the facility complies with current FCC regulations.
- c. Identification of districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology, engineering or culture, that are listed, or eligible for listing, in the National Register of Historic Places (see 16 U.S.C. 470w(5); 36 CFR 60 and 800).
- d. Location map and elevation drawings of the proposed facility and any other proposed structures, showing color, and identifying structural materials.
- e. For proposed expansion of a facility, a signed statement that commits the owner of the facility, and his or her successors in interest, to:
 - [1] respond in a timely, comprehensive manner to a request for information from a potential colocation applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;
 - [2] negotiate in good faith for shared use by third parties;

[3] allow shared use if an applicant agrees in writing to pay reasonable charges for colocation;

[4] require no more than a reasonable charge for shared use, based on community rates and generally accepted accounting principles. This charge may include but is not limited to a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction and maintenance, financing, return on equity, depreciation, and all of the costs of adopting the tower or equipment to accommodate a shared user without causing electromagnetic interference.

2. Application for Planning Board Approval.

An application for approval by the Planning Board must be submitted to the Code Enforcement Officer. The application must include the following information:

a. Documentation of the applicant's right, title, or interest in the property on which the facility is to be sited, including name and address of the property owner and the applicant.

b. A copy of the FCC license for the facility, or a signed statement from the owner or operator of the facility attesting that the facility complies with current FCC regulations.

c. A USGS 7.5 minute topographic map showing the location of all structures and wireless telecommunications facilities above 100 feet in height above ground level, except antennas located on roof tops, within a five (5) mile radius of the proposed facility, unless this information has been previously made available to the municipality. This requirement may be met by submitting current information (within thirty days of the date the application is filed) from the FCC Tower Registration Database.

d. A site plan:

[1] prepared and certified by a professional engineer registered in Maine indicating the location, type, and height of the proposed facility, antenna capacity, on-site and abutting off-site land uses, means of access, setbacks from property lines, and all applicable American National Standards Institute (ANSI) technical and structural codes;

[2] certification by the applicant that the proposed facility complies with all FCC standards for radio emissions is required; and

[3] a boundary survey for the project performed by a land surveyor licensed by the State of Maine.

e. A scenic assessment, consisting of the following:

[1] Elevation drawings of the proposed facility, and any other proposed structures, showing height above ground level;

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

[3] Photo simulations of the proposed facility taken from perspectives determined by the Planning Board, or their designee, during the pre-application conference. Each photo must be labeled with the line of sight, elevation, and with the date taken imprinted on the photograph. The photos must show the color of the facility and method of screening.

[4] A narrative discussing:

- (a) the extent to which the proposed facility would be visible from or within a designated scenic resource,
- (b) the tree line elevation of vegetation within 100 feet of the facility, and
- (c) the distance to the proposed facility from the designated scenic resource's noted viewpoints.

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

g. Evidence demonstrating that no existing building, site, or structure can accommodate the applicant's proposed facility, the evidence for which may consist of any one or more of the following:

[1] Evidence that no existing facilities are located within the targeted market coverage area as required to meet the applicant's engineering requirements,

[2] Evidence that existing facilities do not have sufficient height or cannot be increased in height at a reasonable cost to meet the applicant's engineering requirements,

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

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

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

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

(d) For facilities existing prior to the effective date of this ordinance, the fees, costs, or contractual provisions required by the owner in order to share or adapt an existing facility are unreasonable. Costs exceeding the pro rata share of a new facility development are presumed to be unreasonable. This evidence shall also be satisfactory for a tower built after the passage of this ordinance;

(e) Evidence that the applicant has made diligent good faith efforts to negotiate colocation on an existing facility, building, or structure, and has been denied access;

h. Identification of districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology, engineering or culture, that are listed, or eligible for listing, in the National Register of Historic Places (see 16 U.S.C. 470w(5); 36 CFR 60 and 800).

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

[1] respond in a timely, comprehensive manner to a request for information from a potential colocation applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;

[2] negotiate in good faith for shared use of the wireless telecommunications facility by third parties;

[3] allow shared use of the wireless telecommunications facility if an applicant agrees in writing to pay reasonable charges for colocation;

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

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

k. Evidence that a notice of the application has been published in a local newspaper of general circulation in the community.

3. Submission Waiver

The CEO or Planning Board, as appropriate, may waive any of the submission requirements based upon a written request of the applicant submitted at the time of application. A waiver of any submission requirement may be granted only if the CEO or Planning Board finds in writing that due to special circumstances of the application, the information is not required to determine compliance with the standards of this Ordinance.

4. Fees

a. CEO Application Fee

An application for CEO approval shall include payment of an application fee of \$500.00. The application shall not be considered complete until this fee is paid. The applicant is entitled to a refund of the application fee if the application is withdrawn within fifteen (15) days of date of filing, less all expenses incurred by the Town of Tremont to review the application.

b. Planning Board Application Fee

An application for Planning Board approval shall include payment of an application fee of \$1,500.00. The application shall not be considered complete until this fee is paid. An applicant is entitled to a refund of the application portion of fee if the application is withdrawn within fifteen (15) days of date of filing, less all expenses incurred by the Tremont Planning Board to review the application.

c. Planning Board Review Fee

An applicant for approval by the Planning Board shall pay all reasonable and customary fees incurred by the municipality that are necessary to review the application. The review fee shall be paid in full prior to the start of construction. That portion of the review fee not used shall be returned to the applicant within fourteen (14) days of the Planning Board's decision.

5. Notice of Complete Application

Upon receipt of an application, the CEO shall provide the applicant with a dated receipt. Within five (5) working days of receipt of an application the CEO shall review the application and determine if the application meets the submission requirements. The CEO or Planning Board, as appropriate, shall review any requests for a waiver from the submission requirements and shall act on these requests prior to determining the completeness of the application.

If the application is complete, the CEO shall notify the applicant in writing of this determination and require the applicant to provide eight (8) copies of the application to the Planning Board.

If the application is incomplete, the CEO shall notify the applicant in writing, specifying the additional materials or information required to complete the application.

If the application is deemed to be complete, and requires Planning Board review, the CEO shall notify all abutters to the site as shown on the Assessor's records, by first-class mail, that an application has been accepted. This notice shall contain a brief description of the proposed activity and the name of the applicant, give the location of a copy of the application available for inspection, and provide the date, time, and place of the Planning Board meeting at which the application will be considered. Failure on the part of any abutter to receive such notice shall not be grounds for delay of any consideration of the application nor denial of the project.

6. Public Hearing

For applications for Planning Board approval under Article V.5., a public hearing shall be held within 30 days of the notice of the complete application.

7. Approval

a. CEO Approval. Within thirty (30) days of receiving a complete application for approval under Article 5.A.1., the CEO shall approve, approve with conditions, or deny the application in writing, together with the findings on which that decision is based. The CEO shall approve the application if the CEO finds that the application complies with the provisions in Article 7. A. of this ordinance. The CEO shall notify all abutters of the decision to issue a permit under this section. The time period may be extended upon agreement between the applicant and the CEO.

b. Planning Board Approval. Within ninety (90) days of receiving a complete application for approval under Article 5.A.2., the Planning Board shall approve, approve with conditions, or deny the application in writing, together with the findings on which that decision is based. However, if the Planning Board has a waiting list of applications that would prevent the Planning Board from making a decision within the required ninety (90) day time period, then a decision on the application shall be issued within sixty (60) days of the public hearing, if necessary, or within 60 days of the completed Planning Board review. This time period may be extended upon agreement between the applicant and the Planning Board.

ARTICLE VII, Standards of Review

To obtain approval from the CEO or the Planning Board, an application must comply with the standards in this section.

A. CEO Approval Standards

An application for approval by the CEO under Article 5. A. must meet the following standards.

1. The proposed facility is an expansion, accessory use, or colocation to a structure existing at the time the application is submitted.
2. The applicant has sufficient right, title, or interest to locate the proposed facility on the existing structure.
3. The proposed facility increases the height of the existing structure by no more than twenty (20) feet.
4. The proposed facility will be constructed with materials and colors that match or blend with the surrounding natural or built environment, to the maximum extent practicable.
5. The proposed facility, to the greatest degree practicable, shall have no unreasonable adverse impact upon districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology, engineering or culture, that are listed, or eligible for listing, in the National Register of Historic Places (see 16 U.S.C. 470w(5); 36 CFR 60 and 800).

B. Planning Board Approval Standards An application for approval by the Planning Board under Article 5. B. must meet the following standards.

1. Location. New wireless telecommunications facilities may be permitted on private property.
2. Siting on Municipal Property. If an applicant proposes to locate a new wireless telecommunications facility, or expand an existing facility on municipal property, the applicant must show the following:
 - a. The proposed location complies with applicable municipal policies and ordinances.
 - b. The proposed facility will not interfere with the intended purpose of the property.
 - c. The applicant has adequate liability insurance and a lease agreement with the municipality that includes reasonable compensation for the use of the property and other provisions to safeguard the public rights and interests in the property.
3. Design for Colocation. A new wireless telecommunications facility and related equipment must be designed and constructed to accommodate expansion for future colocation of at least three (3) additional wireless telecommunications facilities or providers. However, the

Planning Board may waive or modify this standard where the district height limitation effectively prevents future colocation.

4. Height. A new wireless telecommunications facility must be no more than one hundred twenty five (125) feet in height

5. Setbacks. A new or expanded wireless telecommunications facility must comply with the setback requirements for the zoning district in which it is located, or be set back one hundred five percent (105%) of its height from all property lines, whichever is greater. The setback may be satisfied by including the areas outside the property boundaries if secured by an easement. The following exemptions apply:

a. Structures shall be setback a minimum distance equal to two (2) times the height of the structure or two hundred fifty feet (250") whichever is greater.

b. An antenna is exempt from the setback requirement if it extends no more than five (5) feet horizontally from the edge of the structure to which it is attached, and it does not encroach upon an abutting property.

6. Landscaping. A new wireless telecommunications facility and related equipment must be screened with plants from view by abutting properties, to the maximum extent practicable. Existing plants and natural land forms on the site shall also be preserved to the maximum extent practicable.

7. Fencing. A new wireless telecommunications facility must be fenced to discourage trespass on the facility and to discourage climbing on any structure by trespassers. A sign shall be prominently displayed near the entrance to the facility indicating the name and contact number of the owner or his/her designee.

8. Lighting. A new wireless telecommunications facility must be illuminated only as necessary to comply with FAA or other applicable state and federal requirements. However, security lighting may be used as long as it is shielded to be down-directional to retain light within the boundaries of the site, to the maximum extent practicable.

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

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

11. Visual Impact. The proposed wireless telecommunications facility will have no unreasonable adverse impact upon designated scenic resources within the Town, as identified either in the municipally adopted comprehensive plan, or by a State or federal agency.

a.) In determining the potential unreasonable adverse impact of the proposed facility upon the designated scenic resources, the Planning Board shall consider the following factors:

[1] the extent to which the proposed wireless telecommunications facility is visible above tree line, from the viewpoint(s) of the impacted designated scenic resource;

[2] the type, number, height, and proximity of existing structures and features, and background features within the same line of sight as the proposed facility;

[3] the extent to which the proposed wireless telecommunications facility would be visible from the viewpoint(s);

[4] the amount of vegetative screening;

[5] the distance of the proposed facility from the viewpoint and the facility's location within the designated scenic resource; and

[6] the presence of reasonable alternatives that allow the facility to function consistently with its purpose.

12. Noise. During construction, repair, or replacement, operation of a back-up power generator at any time during a power failure, and testing of a back-up generator between 9 a.m. and 5 p.m. is exempt from existing municipal noise standards.

13. Historic & Archaeological Properties. The proposed facility, to the greatest degree practicable, will have no unreasonable adverse impact upon a historic district, site or structure which is currently listed on or eligible for listing on the National Register of Historic Places.

C. Standard Conditions of Approval

The following standard conditions of approval shall be a part of any approval or conditional approval issued by the CEO or Planning Board. Where necessary to ensure that an approved project meets the criteria of this ordinance, the Planning Board can impose additional conditions of approval. Reference to the conditions of approval shall be clearly noted on the final approved site plan, and shall include:

1. The owner of the wireless telecommunications facility and his or her successors and assigns agree to:

- a. respond in a timely, comprehensive manner to a request for information from a potential colocation applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response
- b. negotiate in good faith for shared use of the wireless telecommunications facility by third parties;
- c. allow shared use of the wireless telecommunications facility if an applicant agrees in writing to pay reasonable charges for colocation.
- d. require no more than a reasonable charge for shared use of the wireless telecommunications facility, based on community rates and generally accepted accounting principles. This charge may include, but is not limited to, a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction and maintenance, financing, return on equity, depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference. The amortization of the above costs by the facility owner shall be accomplished at a reasonable rate, over the life span of the useful life of the wireless telecommunications facility.

2. Upon request by the municipality, the applicant shall certify compliance with all applicable FCC radio frequency emissions regulations.

ARTICLE VIII, Amendment to an Approved Application

The invalidity of any section or provision of this ordinance shall not be held to invalidate any other section or provision of this ordinance.

ARTICLE VIII, Amendment to an Approved Application

Any changes to an approved application must be approved by the CEO or the Planning Board, in accordance with Article V.

ARTICLE IX, Abandonment

A wireless telecommunications facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The CEO shall notify the owner of an abandoned facility in writing and order the removal of the facility within ninety (90) days of receipt of the written notice. The owner of the facility shall have thirty (30) days from the receipt of the notice to demonstrate to the CEO that the facility has not been abandoned.

If the Owner fails to show that the facility is in active operation, the owner shall have sixty (60) days to remove the facility. If the facility is not removed within this time period, the municipality may remove the facility at the owner's expense. The owner of the facility shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition, including the removal of roads, and reestablishment of vegetation.

If a surety has been given to the municipality for removal of the facility, the owner of the facility may apply to the Planning Board for release of the surety when the facility and related equipment are removed to the satisfaction of the Planning Board.

ARTICLE X, Appeals

Any person aggrieved by a decision of the CEO or the Planning Board under this ordinance may appeal the decision to the Board of Appeals, as provided by Tremont Zoning Ordinance. Written notice of an appeal must be filed with the Board of Appeals within thirty (30) days of the decision. The notice of appeal shall clearly state the reasons for the appeal.

ARTICLE XI, Administration and Enforcement

The CEO, as appointed through either the Permit Ordinance or by the Board of Selectmen, shall enforce this ordinance. If the CEO finds that any provision of this ordinance has been violated, the CEO shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it. The CEO shall order correction of the violation and may take any other legal action to ensure compliance with this ordinance.

The Selectmen, or their authorized agent, are 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 a violation of this ordinance to continue unless: there is clear and convincing evidence that the violation occurred as a direct result of erroneous advice given by an authorized municipal official upon which the applicant reasonably relied to its detriment and there is no evidence that the owner acted in bad faith; the removal of the violation will result in a threat to public health and safety or substantial environmental damage.

ARTICLE XII, Penalties

Any person who owns or controls any building or property that violates this ordinance shall be fined in accordance with Title 30-A M.R.S.A. § 4452. Each day such violation continues after notification by the CEO shall constitute a separate offense.

ARTICLE XIII, Conflict and Severability

A. 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.

B. Severability

The invalidity of any part of this ordinance shall not invalidate any other part of this ordinance.

ARTICLE XIV, Definitions

The terms used in this ordinance shall have the following meanings:

"Antenna" means any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio or electromagnetic frequency signals.

"Antenna Height" means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure, even if said highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the facility site. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

"Colocation" means the use of a wireless telecommunications facility by more than one wireless telecommunications provider.

"Expansion" means the addition of antennas, towers, or other devices to an existing structure.

"FAA" means the Federal Aviation Administration, or its lawful successor.

"FCC" means the Federal Communications Commission, or its lawful successor.

"Height" means the vertical measurement from a point on the ground at the mean finish grade adjoining the foundation as calculated by averaging the highest and lowest finished grade

around the building or structure, to the highest point of the building or structure. The highest point shall exclude farm building components, flagpoles, chimneys, ventilators, skylights, domes, water towers, bell towers, church spires, processing towers, tanks, bulkheads, or other building accessory features usually erected at a height greater than the main roofs of buildings.

"Historic or Archaeological Resources" means resources that are:

1. Listed individually in the National Register of Historic Places or eligible for listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs approved by the Secretary of the Interior;
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by Secretary of the Interior through the Maine Historic Preservation Commission; or
5. Areas identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as an historic or archaeological resource and any areas identified in the municipality's comprehensive plan, which have been listed or are eligible to be listed on the National Register of Historic Places.

"Historic District" means a geographically definable area possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development and identified in the municipality's comprehensive plan, which is listed or is eligible to be listed on the National Register of Historic Places. Such historic districts may also comprise individual elements separated geographically, but linked by association or history.

"Historic Landmark" means any improvement, building or structure of particular historic or architectural significance to the Town relating to its heritage, cultural, social, economic or political history, or which exemplifies historic personages or important events in local, state or national history identified in the municipality's comprehensive plan, which have been listed or are eligible to be listed on the National Register of Historic Places.

"Line of sight" means the direct view of the object from the designated scenic resource.

"Parabolic Antenna" (also known as a satellite dish antenna) means an antenna which is bowl-shaped, designed for the reception and or transmission of radio frequency communication signals in a specific directional pattern.

"Principal Use" means the use other than one which is wholly incidental or accessory to another use on the same premises.

"Public Recreational Facility" means a regionally or locally significant facility, as defined and identified either by State statute or in the municipality's adopted comprehensive plan, designed to serve the recreational needs of municipal property owners.

"Designated Scenic Resource" means that specific location, view, or corridor, as identified as a scenic resource in the municipally adopted comprehensive plan or by a State or federal agency that consists of:

- 1.) a three dimensional area extending out from a particular viewpoint on a public way or within a public recreational area, focusing on a single object, such as a mountain, resulting in a narrow corridor, or a group of objects, such a downtown skyline or mountain range, resulting in a panoramic view corridor; or
- 2.) lateral terrain features such as valley sides or woodland as observed to either side of the observer, constraining the view into a narrow or particular field, as seen from a viewpoint on a public way or within a public recreational area.

"Targeted Market Coverage Area" means the area which is targeted to be served by this proposed telecommunications facility.

"Unreasonable Adverse Impact" means that the proposed project would produce an end result which is:

- 1.) excessively out-of-character with the designated scenic resources affected, including existing buildings structures and features within the designated scenic resource, and
- 2.) would significantly diminish the scenic value of the designated scenic resource.

"Viewpoint" means that location which is identified either in the municipally adopted comprehensive plan or by a federal or State agency, and which serves as the basis for the location and determination of a particular designated scenic resource.

"Wireless Telecommunications Facility" or "Facility" means any structure, antenna, tower, or other device which provides radio/television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), common carrier wireless exchange phone services, specialized mobile radio communications (SMR), common carrier wireless exchange access services, and personal communications service (PCS) or pager services.

ARTICLE XV, Effective Date

This ordinance becomes effective on May 14, 2019.

I attest this to be a true copy of this ordinance.



Katie A. Dandurand
Town Clerk

Legislative History

01-07-19: Town Manager's draft

03-12-19: Public Hearing

03-25-19: Draft certified by Selectboard for Town Meeting Warrant

05-14-19: Adoption by Town Meeting

