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Bicycle Ordinance Enacted March 2, 1942

Ordinance regulating the use and manner of use of bicycles in the night time, Viz: Every bicycle when in use at night shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front end, and with a reflector on the rear which shall be visible from all distances from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle.

A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the end reflector.

Any person convicted of a violation of the provisions of this ordinance shall be punished by a fine of five dollars and costs.

**TOWN OF CRANBERRY ISLES
BUILDING NOTIFICATION ORDINANCE
AS ENACTED AT A SPECIAL TOWN MEETING MAY 25, 1989**

SECTION 1. TITLE AND PURPOSE:

This ordinance shall be known as the "Building Notification Ordinance of the Town of Cranberry Isles, Maine" and will be referred to herein as "This Ordinance". It is enacted by the inhabitants of the Town of Cranberry Isles to promote the health, safety, convenience, welfare, and property values of the inhabitants by requiring notification of intention to build for all dwellings and structures, as defined in this ordinance.

SECTION 2. AUTHORITY:

2.1 This ordinance is enacted pursuant to the authority given the town in 30 MRSA 1917 (Home Rule), and 30 MRSA 3221 (Soil and Suitability Prior to Construction).

2.2 The effective date of this ordinance shall be immediately upon adoption by vote at the May 25, 1989 Special Town Meeting of the Town of Cranberry Isles.

2.3 This ordinance shall in no way impair or remove the necessity of compliance with any other rule, regulation, by-law, permit or provision of law.

2.4 This ordinance shall apply to all construction commenced after the effective date of the ordinance.

SECTION 3. ADMINISTRATION:

3.1 The Code Enforcement Officer and Plumbing Inspector shall enforce all State Laws and the regulations of this ordinance, with the assistance from the Town Selectmen.

3.2 The Code Enforcement Officer shall immediately report any violations of this ordinance to the Board of Selectmen.

3.3 The Town Clerk shall accept completed Intention to Build Notification Form and shall place submitted forms on file in the Town Office.

SECTION 4. NOTIFICATION OF INTENTION TO BUILD:

4.1 Before construction is started on any structure, the owner shall file written notice of the intent to build upon forms provided by the Town and available at [at] the Town Clerk's office. Said notice shall be filed with the Town Clerk.

4.2 Said notice forms shall include the following information:

- (a) sketch showing location and layout of proposed structure(s);
- (b) estimated cost of the proposed structure, including cost of labor.

4.3 For new dwellings, expansion of existing dwellings, and conversion of seasonal dwellings to year round use, a valid permit issued by the Licensed Plumbing Inspector or written certification by the Licensed Plumbing Inspector that a permit is not required, shall accompany said notice.

4.4 If the proposed structure is located in an area governed by the Shoreland Ordinance, a Land Use Permit issued by the proper authority shall also accompany said Notice.

4.5 The term "structure" as used by this ordinance is defined as a building or buildings or portions thereof, constructed or erected with a fixed location on or in the ground. This ordinance shall not apply to structures occupying less than 200 square feet of ground area nor to structures the cost of which to build, does not exceed \$1,500.00.

SECTION 5 ENFORCEMENT AND VIOLATIONS:

The Code Enforcement Officer shall notify in writing, any individual who is proceeding to build without filing the Notice required by this ordinance, to stop construction until said notice is filed.

Any person or persons who violate this ordinance after having been notified by the Code Enforcement Officer, shall be deemed to have committed a civil infraction and shall be subject to being penalized in accordance with Title 30, Section 4966, NRSA, as amended.

SECTION 6. AMENDMENTS:

This ordinance may be amended by majority vote of the Town at any Town Meeting, the warrant for which gives notice of proposed change.

Camping Permit Ordinance Enacted March 6, 1978

Pursuant to Title 30, Section 2151, MSRS, as amended, The Town of Cranberry Isles, Hancock County, Maine hereby enacts this ordinance entitled "Camping Permits, An Ordinance Of The Town of Cranberry Isles" promoting the public welfare and providing for public safety.

1. For the purpose of the ordinance "camping" shall mean to establish temporary living quarters, with or without shelter and with or without facilities for preparation of food.
2. Any person camping, as an individual or as leader, or representative, of several persons camping at the same site, shall have at the camp site at all times a written permit to so camp from the owner of the land on which the site is located. The permit shall name each person who may camp at the site, shall identify the approximate location of the site, shall state the approximate date and duration for which the permit is issued, shall be dated and shall be signed by the owner of the land.
3. A permit to camp which is issued in compliance with this Ordinance shall in no way be construed as a permit to have any manner of fire. All fires shall be subject to compliance with applicable laws and ordinances.
4. Failure to comply with this Ordinance may result in immediate eviction from the site, or other penalties enforceable under the laws of the State of Maine.
5. Constables of the Town of Cranberry Isles shall have the authority to enforce the Ordinance.

DOCKING ORDINANCE OF THE TOWN OF CRANBERRY ISLES

Pursuant to Title 30, Section 2151, as amended, the Town of Cranberry Isles, Hancock County, Maine, hereby enacts this Docking Ordinance promoting the public convenience and welfare and providing for public safety in the use of harbors, waterways, moorings areas and public docks of the Town.

1. No person shall tie up and leave a boat at any town float or dock for more than two (2) hours except to beach the same for repairs.
2. The head of all town floats and companionways of docks shall be kept clear at all times except to load and unload cargo or passengers.
3. No person in any motor craft shall exceed five (5) miles per hour through the mooring areas of the town's harbors.
4. All moorings shall be rigged and placed so they do not create an excess hazard to marine traffic.
 - 4a. Anything shall not be left upon a float more than one hour unattended by the person responsible therefor.
 - 4b. Docks are public ways. Passage of the traveling public, including motor vehicles at Great and Little Cranberry Islands, shall not be unreasonably obstructed. Traps, materials, packages and other objects may be left thereon, in such a manner that passage along the dock is not obstructed, for no longer than 72 hours. A similar ordinance enacted in 1969 is repealed.
 - 4c. Buildings on the docks are public buildings intended for the temporary shelter of persons and perishable objects and materials. Anything placed within such buildings shall be removed within 72 hours.
5. Failure to comply with these regulations shall result in a warning or a fine of not more than \$50.00 nor less than \$20.00
6. Harbor Masters and Constables of the Town of Cranberry Isles, Maine, shall have the authority to enforce this ordinance.
enacted March 4, 1974
amended March 8, 1976
amended March 12, 1990

Dog Ordinance Enacted May 8, 1969

To have all dogs on leash except when on owners property. Whoever violates or fails to comply with the provisions of this ordinance shall be punished by a fine of not more than fifty (50) dollars.

Fireworks Ordinance For the Town of Cranberry Isles As Amended September 02, 2014

1. Definitions.

- a. "Consumer fireworks" has the same meaning as the words are defined and used in Title 8 MRS §221-A.1-A.
- b. "Fireworks" has the same meaning as the word is defined and used in Title 8 MRS §221-A.4.
- c. "Municipality" means the Town of Cranberry Isles.
- d. "Permit" means a permit to possess and use fireworks issued by the Maine Commissioner of Public Safety, or his designee, pursuant to Title 8 MRS §227-A.
- e. "Person," "Possession," "Sale" and "Sell" have the same meaning as the words are defined in Title 8 MRS §221-A.7, 8 and 9.
- f. "Territorial Waters" as defined in the Town of Cranberry Isles Harbor Management Ordinance, all waters surrounding the five islands within a third mile and/or the halfway point between the mainland and any island shall be the harbor waters of the Town of Cranberry Isles and the outer limits of these waters shall be the harbor limits.

2. Prohibition of consumer fireworks. The sale, possession for use or intent to sell, or the use of, consumer fireworks within the municipality and its territorial waters by any person is prohibited.

3. Fireworks. The possession and use of fireworks within the municipality and its territorial waters is limited by Maine statutes; and, fireworks may only be possessed and used within the municipality pursuant to a permit.

4. Penalties. Any violation of this Ordinance shall be a civil infraction subject to a fine of not less than \$500.00 nor more than \$1,000.00. Each violation shall be deemed a separate offense. Prosecution shall be in the name of the municipality and shall be brought in the Maine District Court. The municipality or its officers may seize and dispose of consumer fireworks, sold, possessed or used in violation of this Ordinance or which the municipality has probable cause to believe that said consumer fireworks are sold, possessed or used in violation of this Ordinance. Seized consumer fireworks shall be disposed of by transferring seized consumer fireworks to the Maine Commissioner of Public Safety or his designee.

5. Amendments. This Ordinance may be amended by the municipal officers at any properly noticed meeting.

6. Severability; Effective Date. In the event any portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect. This Ordinance shall take effect immediately upon enactment by the inhabitants.

FLOODPLAIN MANAGEMENT ORDINANCE

FOR THE

TOWN OF CRANBERRY ISLES, MAINE

ENACTED: MAY 14, 2016

EFFECTIVE: JULY 20, 2016

CERTIFIED BY:

CERTIFIED BY: Denise McCormick

Town Clerk

CONTENTS

ARTICLE	PAGE
I.PURPOSE AND ESTABLISHMENT	2
II.PERMIT REQUIRED.....	2
III.APPLICATION FOR PERMIT	2
IV.APPLICATION FEE AND EXPERT'S FEE	4
V. REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS	5
VI.DEVELOPMENT STANDARDS	6
VII.CONDITIONAL USE REVIEW	13
VIII.CERTIFICATE OF COMPLIANCE.....	14
IX.REVIEW OF SUBDIVISIONS AND DEVELOPMENT PROPOSALS.....	14
X.APPEALS AND VARIANCES	15
XI.ENFORCEMENT AND PENALTIES.....	17
XII.VALIDITY AND SEVERABILITY	18
XII-1. LIABILITY.....	18
XIII.CONFLICT WITH OTHER ORDINANCES.....	18
XIV.DEFINITIONS.....	18
XV.ABROGATION.....	23

ARTICLE I-PURPOSE AND ESTABLISHMENT

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

Therefore, the Town of Cranberry Isles, Maine has chosen to become a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as delineated in this Floodplain Management Ordinance.

It is the intent of the Town of Cranberry Isles, Maine to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards.

The Town of Cranberry Isles has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A MRSA, Sections 3001-3007, 4352, 4401-4407, and Title 38 MRSA, Section 440.

The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the Town of Cranberry Isles having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. This Ordinance establishes a Flood Hazard Development Permit system and review procedure for development activities in the designated flood hazard areas of the Town of Cranberry Isles, Maine.

The areas of special flood hazard, Zones AE and VE for the Town of Cranberry Isles, Hancock County, Maine, identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study – Hancock County, Maine," dated July 20, 2016 with accompanying "Flood Insurance Rate Map" dated July 20, 2016 with panels: 1217D, 1218D, 1219D, 1236D, 1237D, 1238D, 1239D, 1241D, 1431D, 1432D, 1451D, and 1452D, derived from the county wide digital Flood Insurance Rate Map entitled "Digital Flood Insurance Rate Map, Hancock County, Maine," are hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II - PERMIT REQUIRED

Before any construction or other development (as defined in Article XIV), including the placement of manufactured homes, begins within any areas of special flood hazard established in Article I, a Flood Hazard Development Permit shall be obtained from the Code Enforcement Officer except as provided in Article VII. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the Town of Cranberry Isles, Maine.

ARTICLE III - APPLICATION FOR PERMIT

The application for a Flood Hazard Development Permit shall be submitted to the Code Enforcement Officer and shall include:

A. The name, address and phone number of the applicant, owner, and contractor;

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

C. A site plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;

D. A statement of the intended use of the structure and/or development;

E. A statement of the cost of the development including all materials and labor;

F. A statement as to the type of sewage system proposed;

G. Specification of dimensions of the proposed structure and/or development;

[Items H-K.3. apply only to new construction and substantial improvements.]

H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD), or to a locally established datum in Zone A only, of the:

1. base flood at the proposed site of all new or substantially improved structures, which is determined:

a. in Zones AE and VE from data contained in the "Flood Insurance Study - Hancock County, Maine," as described in Article I; or,

b. in Zone A:

(1) from any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265), including information obtained pursuant to Article VI.K. and IX.D.;

(2) from the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a Professional Land Surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or, in the absence of all other data,

(3) to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.

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

3. lowest floor, including basement; and whether or not such structures contain a basement; and,
 4. level, in the case of non-residential structures only, to which the structure will be floodproofed;
- I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article VI;
- J. A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate
- K. The following certifications as required in Article VI by a registered professional engineer or architect:
1. a Floodproofing Certificate (FEMA Form 81-65, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article III.H.4.; Article VI.G.; and other applicable standards in Article VI;
 2. a V-Zone Certificate to verify that the construction in coastal high hazard areas, Zone VE, will meet the criteria of Article VI.P.; and other applicable standards in Article VI;
 3. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.L.2.a.;
 4. a certified statement that bridges will meet the standards of Article VI.M.;
 5. a certified statement that containment walls will meet the standards of Article VI.N.;
- L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
- M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

A nonrefundable fee, for all minor development and all new construction or substantial improvement, established annually by the Board of Selectmen, shall be paid to the Town Office and a copy of the receipt for the same shall accompany the application.

An additional fee may be charged if the Code Enforcement Officer and/or Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be

hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision to hire expert assistance may appeal that decision to the Board of Appeals.

ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Code Enforcement Officer shall:

- A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have been, or will be met;
- B. Utilize, in the review of all Flood Hazard Development Permit applications:
 - 1. the base flood and floodway data contained in the "Flood Insurance Study - Hancock County, Maine," as described in Article I.;
 - 2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.b.; Article VI.K.; and Article IX.D., in order to administer Article VI of this Ordinance; and,
 - 3. when the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.1.b., the community shall submit that data to the Maine Floodplain Management Program.
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;
- D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;
- E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;
- F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits, based on the type of development:

1. A two-part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with a Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer or architect based on the Part I permit construction, "as built", for verifying compliance with the elevation requirements of Article VI, paragraphs F, G, H, or P. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,
2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Article VI.G.1.a., b., and c. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,
3. A Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

For development that requires review and approval as a Conditional Use, as provided for in this Ordinance, the Flood Hazard Development Permit Application shall be acted upon by the Planning Board as required in Article VII.

G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Article X of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance and certifications of design standards required under the provisions of Articles III, VI, and VIII of this Ordinance.

ARTICLE VI - DEVELOPMENT STANDARDS

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

A. **All Development** - All development shall:

1. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 2. use construction materials that are resistant to flood damage;
 3. use construction methods and practices that will minimize flood damage; and
 4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located to prevent water from entering or accumulating within the components during flooding conditions.
- B. **Water Supply** - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- C. **Sanitary Sewage Systems** - All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
- D. **On Site Waste Disposal Systems** – On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.
- E. **Watercourse Carrying Capacity** - All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.
- F. **Residential** - New construction or substantial improvement of any residential structure located within:
1. Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.
 2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B.; or Article IX.D.
 3. Zone VE shall meet the requirements of Article VI.P.
- G. **Non Residential** - New construction or substantial improvement of any non-residential structure located within:
1. Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:

- a. be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - c. be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K. and shall include a record of the elevation above mean sea level to which the structure is floodproofed.
2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B.; or Article IX.D., or
 - a. together with attendant utility and sanitary facilities meet the floodproofing standards of Article VI.G.1.
 3. Zone VE shall meet the requirements of Article VI.P.

H. Manufactured Homes - New or substantially improved manufactured homes located within:

1. Zone AE shall:
 - a. be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation;
 - b. be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,
 - c. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:
 - (1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,

- (2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).
- (3) all components of the anchoring system described in Article VI.H.1.c.(1) & (2) shall be capable of carrying a force of 4800 pounds.

2. Zone A shall:

- a. be elevated on a permanent foundation, as described in Article VI.H.1.b., such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article IX.D.; and
- b. meet the anchoring requirements of Article VI.H.1.c.

3. Zone VE shall meet the requirements of Article VI.P.

I. Recreational Vehicles - Recreational Vehicles located within:

1. Zone AE shall either:

- a. be on the site for fewer than 180 consecutive days,
- b. be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,
- c. be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Article VI.H.1.

2. Zone VE shall meet the requirements of either Article VI.I.1.a. and b., or Article VI.P.

J. Accessory Structures - Accessory Structures, as defined in Article XIV, located within Zone AE, shall be exempt from the elevation criteria required in Article VI.F. & G. above, if all other requirements of Article VI and all the following requirements are met. Accessory Structures shall:

- 1. have unfinished interiors and not be used for human habitation;
- 2. have hydraulic openings, as specified in Article VI.L.2., in at least two different walls of the accessory structure;
- 3. be located outside the floodway;

4. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,
5. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.

K. Floodways -

1. In Zone AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's Flood Insurance Rate Map unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. In Zones AE and A riverine areas, for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article VI.K.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:
 - a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,
 - b. is consistent with the technical criteria contained in FEMA's guidelines and standards for flood risk analysis and mapping.
3. In Zones AE and A riverine areas, for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

L. Enclosed Areas Below the Lowest Floor - New construction or substantial improvement of any structure in Zone AE that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs F, G, or H and is elevated on posts, columns, piers, piles, "stilts," or crawl spaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:

1. Enclosed areas are not "basements" as defined in Article XIV;

2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:
 - a. be engineered and certified by a registered professional engineer or architect; or,
 - b. meet or exceed the following minimum criteria:
 - (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;
 - (2) the bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,
 - (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;
3. The enclosed area shall not be used for human habitation; and,
4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.

M. **Bridges** - New construction or substantial improvement of any bridge in Zones AE and VE shall be designed such that:

1. when possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation; and
2. a registered professional engineer shall certify that:
 - a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.K.; and
 - b. the foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

N. **Containment Walls** - New construction or substantial improvement of any containment wall located within:

1. Zones AE and VE shall:

- a. have the containment wall elevated to at least one foot above the base flood elevation;
- b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
- c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K.

O. Wharves, Piers and Docks - New construction or substantial improvement of wharves, piers, and docks are permitted in Zones AE and VE, in and over water and seaward of the mean high tide if the following requirements are met:

- 1. wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and
- 2. for commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

P.Coastal Floodplains -

- 1. All new construction located within Zones AE and VE shall be located landward of the reach of mean high tide except as provided in Article VI.P.6.
- 2. New construction or substantial improvement of any structure located within Zone VE shall:
 - a. be elevated on posts or columns such that:
 - (1) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to one foot above the base flood elevation;
 - (2) the pile or column foundation and the elevated portion of the structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components; and,
 - (3) water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state and local building standards.
 - b. have the space below the lowest floor:
 - (1) free of obstructions; or,

- (2) constructed with open wood lattice-work, or insect screening intended to collapse under wind and water without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting piles or columns; or,
- (3) constructed to enclose area with non-supporting breakaway walls that have a design safe loading resistance of not less than 10 or more than 20 pounds per square foot.
Enclosures of 300 square feet or more may substantially increase flood insurance costs for the structure.

c. require a registered professional engineer or architect to:

- (1) develop or review the structural design, specifications, and plans for the construction, which must meet or exceed the technical criteria contained in the *Coastal Construction Manual*, (FEMA-55); and,
- (2) certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the criteria of Article VI.P.2.

- 3. The use of fill for structural support in Zone VE is prohibited.
- 4. Human alteration of sand dunes within Zone VE is prohibited unless it can be demonstrated that such alterations will not increase potential flood damage.
- 5. The area below the lowest floor shall be used solely for parking vehicles, building access, and storage.
- 6. Conditional Use - Lobster sheds and fishing sheds may be located seaward of mean high tide and shall be exempt from the elevation requirement in Article VI.G. only if permitted as a Conditional Use following review and approval by the Planning Board, as provided in Article VII, and if all the following requirements and those of Article VI.A., VI.K., and VI.L. are met:
 - a. The conditional use shall be limited to low value structures such as metal or wood sheds 200 square feet or less and shall not exceed more than one story.
 - b. The structure shall be securely anchored to the wharf or pier to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.
 - c. The structure will not adversely increase wave or debris impact forces affecting nearby buildings.
 - d. The structure shall have unfinished interiors and shall not be used for human habitation.

- e. Any mechanical, utility equipment and fuel storage tanks must be anchored and either elevated or floodproofed to one foot above the base flood elevation.
- f. All electrical outlets shall be ground fault interrupt type. The electrical service disconnect shall be located on shore above the base flood elevation and when possible outside the Special Flood Hazard Area.

ARTICLE VII - CONDITIONAL USE REVIEW

The Planning Board shall hear and decide upon applications for conditional uses provided for in this Ordinance. The Planning Board shall hear and approve, approve with conditions, or disapprove all applications for conditional uses. An applicant informed by the Code Enforcement Officer that a Conditional Use Permit is required shall file an application for the permit with the Planning Board.

A. Review Procedure for a Conditional Use Flood Hazard Development Permit

- 1. The Flood Hazard Development Permit Application with additional information attached addressing how each of the conditional use criteria specified in the Ordinance will be satisfied, may serve as the permit application for the Conditional Use Permit.
- 2. Before deciding any application, the Planning Board shall hold a public hearing on the application within thirty days of their receipt of the application.
- 3. If the Planning Board finds that the application satisfies all relevant requirements of the ordinance, the Planning Board must approve the application or approve with conditions within 45 days of the date of the public hearing.
- 4. A Conditional Use Permit issued under the provisions of this Ordinance shall expire if the work or change involved is not commenced within 180 days of the issuance of the permit by the Planning Board.
- 5. The applicant shall be notified by the Planning Board in writing over the signature of the Chairman of the Planning Board that flood insurance is not available for structures located entirely over water or seaward of mean high tide.

B. Expansion of Conditional Uses

- 1. No existing building or use of premises may be expanded or enlarged without a permit issued under this section if that building or use was established or constructed under a previously issued Conditional Use Permit or if it is a building or use which would require a Conditional Use Permit if being newly-established or constructed under this Ordinance.

ARTICLE VIII - CERTIFICATE OF COMPLIANCE

No land in a special flood hazard area shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a Certificate of Compliance is issued by the Code Enforcement Officer subject to the following provisions:

- A. For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer:
 - 1. an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer, or architect, for compliance with Article VI, paragraphs F, G, H, or P and,
 - 2. for structures in Zone VE, certification by a registered professional engineer or architect that the design and methods of construction used are in compliance with Article VI.P.2.
- B. The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this ordinance.
- C. Within 10 working days, the Code Enforcement Officer shall:
 - 1. review the required certificate(s) and the applicant's written notification; and,
 - 2. upon determination that the development conforms to the provisions of this ordinance, shall issue a Certificate of Compliance.

ARTICLE IX - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

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

- A. All such proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.
- C. Adequate drainage is provided in order to reduce exposure to flood hazards.
- D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.
- E. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area, are

to be constructed in accordance with Article VI of this ordinance. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

ARTICLE X - APPEALS AND VARIANCES

The Board of Appeals of the Town of Cranberry Isles may, upon written application of an aggrieved party, hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration or enforcement of the provisions of this Ordinance.

The Board of Appeals may grant a variance from the requirements of this Ordinance consistent with state law and the following criteria:

- A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances shall be granted only upon:
 - 1. a showing of good and sufficient cause; and,
 - 2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,
 - 3. a showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and,
 - 4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:
 - a. that the land in question cannot yield a reasonable return unless a variance is granted; and,
 - b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
 - c. that the granting of a variance will not alter the essential character of the locality; and,

- d. that the hardship is not the result of action taken by the applicant or a prior owner.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as is deemed necessary.
- D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
 - 1. other criteria of Article X and Article VI.K. are met; and,
 - 2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:
 - 1. the development meets the criteria of Article X, paragraphs A. through D. above; and,
 - 2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- F. Any applicant who meets the criteria of Article X, paragraphs A. through E. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:
 - 1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage;
 - 2. such construction below the base flood level increases risks to life and property; and,
 - 3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.
- G. Appeal Procedure for Administrative and Variance Appeals

1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.
2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
3. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.
4. The person filing the appeal shall have the burden of proof.
5. The Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing, and shall issue a written decision on all appeals.
6. The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.
7. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five days from the date of any decision of the Board of Appeals.

ARTICLE XI - ENFORCEMENT AND PENALTIES

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A MRSA § 4452.
- B. The penalties contained in Title 30-A MRSA § 4452 shall apply to any violation of this Ordinance.
- C. In addition to other actions, the Code Enforcement Officer may, upon identifying a violation, submit a declaration to the Administrator of the Federal Insurance Administration requesting a flood insurance denial. The valid declaration shall consist of;
 1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
 2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;

3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;
4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,
5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

ARTICLE XII - VALIDITY AND SEVERABILITY

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

ARTICLE X-1 LIABILITY

The Town of Cranberry Isles shall defend and indemnify the Code Enforcement Officer, the Planning Board, the Board of Appeals, or any individual member of the said boards regarding legal action and lawsuits filed against any or all of them based on their actions or inactions under this ordinance and all other applicable laws and responsibilities.

ARTICLE XIII - CONFLICT WITH OTHER ORDINANCES

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

ARTICLE XIV - DEFINITIONS

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

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

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

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

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

Basement - area of a building that includes a floor that is subgrade (below ground level) on all sides.

Breakaway Wall - a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Building - see **Structure**.

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

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

Conditional Use - a use that, because of its potential impact on surrounding areas and structures, is permitted only upon review and approval by the Planning Board pursuant to Article VII.

Containment Wall – wall used to convey or direct storm water or sanitary water from the initial source to the final destination.

Development – a manmade change to improved or unimproved real estate. This includes, but is not limited to, buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; and the storage, deposition, or extraction of materials.

Digital Flood Insurance Rate Map (FIRM) – see **Flood Insurance Rate Map**

Elevated Building - a non-basement building that is:

- a. built, in the case of a building in Zones AE, so that the top of the elevated floor, or in the case of a building in Zone VE, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the ground level by means of pilings, columns, post, piers, or "stilts;" and
- b. adequately anchored to not impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

In the case of Zone AE, **Elevated Building** also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article VI.L. In the case of Zone VE, **Elevated Building** also includes a building otherwise meeting the definition of elevated building, even though the lower area is enclosed by means of breakaway walls, if the breakaway walls meet the standards of Article VI.P.2.b.(3).

Elevation Certificate - an official form (FEMA Form 81-31, as amended) that:

- a. is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and,
- b. is required for purchasing flood insurance.

Flood or Flooding

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - 1. The overflow of inland or tidal waters.
 - 2. The unusual and rapid accumulation or runoff of surface waters from any source.
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.

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

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

Flood Insurance Study - see **Flood Elevation Study**.

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

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

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

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

Floodway - see **Regulatory Floodway**.

Floodway Encroachment Lines - the lines marking the limits of floodways on federal, state, and local floodplain maps.

Freeboard - a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed, which could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

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

Historic Structure - means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior 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;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior, or
 2. Directly by the Secretary of the Interior in states without approved programs.

Locally Established Datum - for purposes of this ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.

Lowest Floor - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in Article VI.L. of this Ordinance.

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

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

Mean Sea Level – when related to the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Minor Development - means all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

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

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

North American Vertical Datum (NAVD)- means the national datum whose standard was established in 1988, which is the new vertical datum used by the National Flood Insurance Program (NFIP) for all new Flood Insurance Rate Maps. NAVD is based upon vertical datum used by other North American countries such as Canada and Mexico and was established to replace NGVD because of constant movement of the earth's crust, glacial rebound, and subsidence and the increasing use of satellite technology.

100-year flood - see **Base Flood**.

Recreational Vehicle - a vehicle that is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;
- c. designed to be self-propelled or permanently towable by a motor vehicle; and
- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway –

- a. the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and
- b. when not designated on the community's Flood Insurance Rate Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

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

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

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

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

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

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

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the Board of Appeals.

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

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

ARTICLE XV - ABROGATION

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

BOARD OF SELECTMEN

RICHARD F BEAL, CHAIRMAN
CHRISTOPHER HATHAWAY
PHIL A. WHITNEY



MUNICIPAL ADVISORY COMMISSION

M. DONALD, K. DAMON
R. AXELROD, J. BERZINIS, C. DUGGAN
J. AMUSO, K. WHITNEY

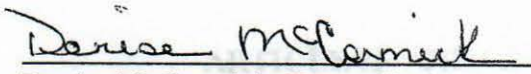
TOWN CLERK / TREASURER

DENISE Mc CORMICK

ADMINISTRATIVE ASSISTANT

JAMES FORTUNE

I, Denise McCormick, the duly elected Town Clerk for the Town of Cranberry Isles, hereby certify pursuant to 30-A MRSA§3006, that the attached is a true and accurate copy of the Town of Cranberry Isles HARBOR MANAGEMENT ORDINANCE, which was amended at the Annual Town Meeting, March 10, 2012.


Denise McCormick, Town Clerk

**TOWN OF CRANBERRY ISLES
HARBOR MANAGEMENT ORDINANCE**

ARTICLE I – PREAMBLE

1.1 AUTHORITY

This ordinance is adopted under this authority granted in Titles 12, 17, 30-A and 38 M.R.S.A... as amended.

1.2 SHORT TITLE

This ordinance shall be known as and may be cited as the “Harbor Management Ordinance for the Town Of Cranberry Isles”.

1.3 PURPOSES

The purpose of this ordinance is to provide for the just and orderly operation and regulation of marine activities on and within all tidal waters of the Town Of Cranberry Isles and the Manset Dock in Southwest Harbor, Maine in order to insure safety to persons and property, to promote availability and use of a valuable public resource, and to create a fair and efficient framework for the administration of that resource.

1.4 JURISDICTION

The provisions of this ordinance shall govern all marine activities on and within all tidal waters of the Town Of Cranberry Isles and the Manset Dock in Southwest Harbor, Maine.

**ARTICLE II – TIDAL WATERS, HARBOR LIMITS AND CHANNEL
LIMITS**

2.1 PURPOSE

The purpose of this article is to define the boundaries, tidal waters, harbors, and the channels within these harbors of the Town Of Cranberry Isles.

2.2 CRANBERRY ISLES: HARBOR LIMITS

The Town Of Cranberry Isles is composed of five islands: Bear Island, Sutton Island, Baker Island, Great Cranberry Island, and Little Cranberry Island (Islesford). For the purpose of this ordinance, all waters surrounding the five islands within a third of a mile and/or the halfway point between the mainland and any island shall be the harbor waters of the Town Of Cranberry Isles and the outer limits of these waters shall be the harbor limits. These harbor waters include “Cranberry Harbor” and the “Gilley Thoroughfare” as shown on US Department of Commerce, National Oceanic and Atmospheric

Administration National Ocean Service Nautical Chart #13312. The Town Of Cranberry Isles is contained within the limits of longitude 68 degrees 11 minutes to 68 degrees 17 minutes, and the latitude of 44 degrees 13.5 minutes to 44 degrees 17.2 minutes.

ARTICLE III – HARBOR MASTER(S) AND HARBOR COMMITTEE

3.1 HARBOR MASTER(S)

3.1.1 APPOINTMENT

The Harbor Master(s) shall be recommended by the Harbor Committee and shall be appointed by the Board of Selectmen.

3.1.2 DUTIES AND RESPONSIBILITIES

Certain duties, responsibilities of this office are prescribed by Titles 12, 17, and 38, M.R.S.A., The Harbor Master(s) shall administer and enforce the provisions of this ordinance with the authority granted by law, and as a representative of the Town of Cranberry Isles; and the provisions of all rules, regulations, ordinances and other laws, which are lawfully promulgated that are within their responsibility and within their legal certification and training. The Harbor Master(s) shall have authority over all moorings and mooring locations in accordance with the provisions of this ordinance, the laws of the State of Maine (Title 28 M.R.S.A.) as above and applicable Federal regulations.

The authority of the Harbor Master(s) shall include, but are not limited to the following:

- A) Promote order in the harbor and assure safety and use of the harbor for the general public.
- B) Regulate placement of new moorings and verify the inspection of existing moorings.
- C) Provide copies of all rules, regulations, ordinances and other laws which pertain to the harbors, their use, and to vessels within the Town Of Cranberry Isles and to make copies available to those persons using the harbors.
- D) Inspect or verify the inspection of docks, floats, piers, and wharves in the waters of the Town Of Cranberry Isles, and give notice to the owners of such structures that have fallen into a state of disrepair or which may create a dangerous condition or may interfere with safe passage.
- E) The Harbor Master(s) shall oversee the maintenance and enforcement of the Town's waterfront facilities to include but not be limited to, moorings, floats,

docks, ramps, channels, breakwaters, and adjacent municipal property and excluding parking lots.

- F) The Harbor Master(s) shall attend all meetings of the Harbor Committee as a non-voting member.

3.2 HARBOR COMMITTEE

3.2.1 APPOINTMENT

The Harbor Committee shall consist of not less than three and not more than five voting members appointed by the Board of Selectmen. The initial Committee shall have the following appointments:

The first three members shall serve a one, two and three year terms and position four will serve a two year term and position five will serve a three year term. In addition, two alternates will be appointed, who will serve one year terms and shall have voting power in the absence of a quorum. Harbor Committee members and alternates shall be voting residents of the Town Of Cranberry Isles and shall represent diverse interests in the harbor.

3.2.2 DUTIES AND RESPONSIBILITIES

The duties and responsibilities of the Harbor Committee shall be to oversee the Town waters and harbors and report to the Board of Selectmen as follows:

- A) To advise as to the care, management and enforcement of the Town waters and harbors.
- B) To recommend policy, rules, and regulations, and develop long and short range plans for the harbor waters of the Town.
- C) To make recommendations on the construction of piers, wharves, breakwaters, marine railways, or bulkheads within the harbor waters of the Town.

3.2.3 MEETINGS

The Chairman or the Harbor Master(s), may call meetings of the Committee. There shall be a minimum of two meetings per year conducted in public following a one week notification of the meeting date, location, and agenda. This notification shall be posted in the post offices located on Great Cranberry and Little Cranberry Islands.

3.2.4 QUORUM

A majority of the members appointed to the Committee shall constitute a quorum.

3.2.5 VOTE

The Committee decisions will be made by vote of a majority of the members present and voting.

3.2.6 CHAIRMAN AND SECRETARY

A Chairman of the Harbor Committee shall be elected by the membership by a majority vote of the Committee and a different member chosen by vote as Secretary. The Secretary shall keep a written record of all proceedings and provide them to the Board of Selectmen within two weeks following a meeting. This committee shall make a report at the close of each year for inclusion in the annual Town Report.

ARTICLE IV – GENERAL PROVISIONS

4.1 PURPOSE

The purpose of this Article is to set forth provisions for the safe and orderly operation of the waters and harbors within the Town, to ensure safety of persons and property, and to minimize conflicts between various users.

4.1.1 COMPLIANCE WITH HARBOR MASTER(S) ORDERS

No person shall refuse to obey any lawful order of the Harbor Master(s) with reference to the operation, navigation, movement, relocation or disposal of any vessel owned or occupied by said person within the waters and harbors of the Town Of Cranberry Isles.

4.1.2 INTERFERENCE WITH THE HARBOR MASTER(S)

No person shall assault, intimidate or in any manner willfully obstruct, intimidate or hinder the Harbor Master(s) in the lawful performance of his/her duties.

4.1.3 COMPLIANCE WITH MAINE BOATING LAWS

All vessels operating within the Town waters or using any property, equipment, or mooring managed by the Town Of Cranberry Isles will comply with Title 12 M.R.S.A.

4.1.4 COMPLIANCE WITH CGM1672-2D

All vessels operating within Town waters shall comply with CGM1672-2D (Navigational Rules).

4.2 BOAT OWNER OR OPERATOR

Any person using the facilities or moorings within the limits covered by this ordinance shall assume all risk of damage or loss to their person or property. The Town Of Cranberry Isles assumes no risk of liability on account of fire, theft, Act of God, or damage of any kind to vessels within the above stated geographic limits, or at any property or mooring managed by the Town Of Cranberry Isles.

4.3 OPERATION OF VESSELS

4.3.1 SPEED OF VESSELS

It shall be unlawful for any person to operate any boat or vessel in the harbors of the Town Of Cranberry Isles in such a manner as to cause a wash, or a wake of waves that disturb or damage any wharf, float, anchored or moored boat, or at a speed that endangers any person or property or is contrary to the provisions of Title 38, Section 281, M.R.S. A. as amended. Within the harbor boundaries is a no wake zone.

4.3.2 RECKLESS OPERATION

No person shall operate any vessel in a reckless or negligent manner or while under the influence of intoxicants or drugs so as to endanger the life, limb or property of any person, or contrary to the provisions Title 38, Section 283, M.R.S.A. as amended.

4.3.3 ABANDONMENT

No person shall abandon any boat, vessel, hulk, cradle, raft, float or any other possible obstruction within the geographic limits covered by this ordinance. Any property, as herein above described, which has been left unattended and deteriorating, may be deemed abandoned and therefore is a safety or waterway hazard. The Harbor Master(s) may order the owner to remove the same within fifteen days. In default of removal or in the event the Harbor Master(s) are unable to identify the owner or master of the vessel after reasonable efforts, the Harbor Master(s) may undertake its removal or destruction at the cost of the owner. Any violation of the above may be punishable by a fine of no more than five hundred dollars (\$500.00).

4.4 OBSTRUCTION OF CHANNELS, FLOATS, WHARVES, LAUNCH RAMPS, OR BERTHING SPACES, AND REMOVAL OF VESSELS

It shall be unlawful to tie up or anchor a vessel in such a manner as to obstruct mooring areas, launch ramps, wharves, channels or public floats. The head of floats and stairways are to be used solely to load or offload passengers and cargo. If the Harbor Master(s) should observe a condition in which one vessel is obstructing the free movement or safe anchorage of another vessel, he may order the offending vessel to move.

If any vessel is anchored within the channel limits and mooring fields established by the Town Of Cranberry Isles the Harbor Master(s) shall order the vessel to move. If space is available the Harbor Master(s) may designate the location to which the obstructing vessel may proceed to anchor. It shall also be unlawful to permit or carelessly sink or allow to be sunk any vessel in any channel, mooring area, or berthing space, which shall impede navigation or cause damage to vessels therein. The Harbor Master(s) may order any such vessel to be removed. If a vessel described in this section has no crew on board or if the owner, master, or person in charge neglects or refuses to move such vessel, as directed by the Harbor Master(s), or if the Harbor Master(s) are unable to locate the owner or master or person in charge after reasonable efforts, then the Harbor Master(s) may take steps to remove said vessel, in accordance with the provisions of Title 38, Section 5, M.R.S.A. Vessels so taken into custody shall be released to the owner by the Harbor Master(s) only after satisfactory proof of ownership has been presented, full reimbursement made to the Town for all costs incident to recovery, movement and storage; and a signed release of all claims is executed by the vessel owner or duly authorized representative. In an urgent situation, and in the absence of any such responsible person, the Harbor Master(s) may board any vessel and cause the improper situation to be corrected, and the owner of the vessel shall be liable for any costs incurred by the Town of Cranberry Isles in effecting such correction.

4.4.1 OBSTRUCTION OF CRANBERRY ISLES FLOATS

Vessels may tie up along the sides of public floats for no more than 2 hours in the Town of Cranberry Isles. In situations involving urgent repair or other special circumstances, the Harbor Master(s) may permit longer periods of time. If the sides of a Town float are not occupied on or after 10:00 PM local time, they may be used for overnight dockage, provided any vessel using them shall depart no later than 7:30 AM the following morning. This excludes the stairways and head of floats. Vessels remaining at a Town float after 7:30 AM local time without permission may be fined no more than two hundred and fifty dollars (\$250.00).

4.4.2 SKIFF FLOATS

Only a dinghy as defined in article nine: any 20 hp or less or un-powered punt, skiff, tender or the like fourteen feet in length or less, shall be tied up to the skiff floats. If any additional skiff floats are added the initial regulations will be set by the Harbor Committee.

4.4.3 OBSTRUCTION OF MANSET FLOATS

In Manset, the head of the outermost float is to be used solely to load or offload passengers and cargo. The sides of the four (4) floats are limited to a twelve (12) hour tie up. Dinghy, as defined in article nine, tie up will be designated on the inner most float. Harbor Master(s) or the Dockmaster may extend time limits on a case by case basis.

4.5 UNSEAWORTHY VESSELS PROHIBITED IN THE HARBOR

A person shall not moor or permit to be moored, in, a vessel of any kind whatsoever which is unseaworthy or is in a badly deteriorated condition or which is likely to sink or to damage docks, wharves, floats or other vessels or which may become a menace to navigation, except with the express written permission of the Harbor Master(s).

4.6 WATER-SKIING

No water skiing or related activity shall be permitted within the anchorages or mooring areas of the Town Of Cranberry Isles.

4.7 DISPOSAL OF WASTE AND REFUSE

Unless specifically permitted pursuant to State or Federal law, no person shall deposit or dispose of any refuse, trash, waste, petroleum distillate, or hazardous substance or material in the waters of the Town.

ARTICLE V WHARVES, DOCKS, PIERS, FLOATS, LOBSTER CARS AND RAMPS

5.1 PURPOSE

The purpose of this Article is to set forth provisions for the safe and orderly operation of wharves, docks, piers, floats, lobster cars and ramps in order to ensure safety to persons and property and minimize conflicts between harbor users.

5.2 REMOVAL OF DEBRIS

Persons shall not deposit or leave rubbish, trash, debris or hazardous waste including motor oil on Town owned docks, piers, floats and ramps.

5.3 CONCESSIONS

Concessions operated on a commercial basis shall not be allowed at any Town owned dock, pier, float or boat ramp while doing business except with the express permission of the Board of Selectmen.

5.4 PERSONAL PROPERTY

No person shall leave any personal property on any wharves, municipal waterfront property, or in a public dock building for a period of time in excess of 72 hours without the permission of the Harbor Master(s).

5.5 BLOCKAGE OF TOWN RAMPS AND WHARVES

No person shall place or cause to be placed any float, boat, trailer, vehicle, gear or other object in such a way as to block or impede access to any Town ramp or wharf without the permission of the Harbor Master(s).

5.6 CONDITION OF DOCKS, PIERS, WHARVES, FLOATS AND LOBSTER CARS

Any dock, pier, wharf, float, lobster car or other such structure which is within the Town Of Cranberry Isles and which has fallen into a state of disrepair or which remains in a dangerous condition, or interferes with the keeping open of convenient channels for the passage of vessels in said harbor and or suitable portions of said harbor for anchorage, shall be deemed a nuisance. The Harbor Master(s) shall give the owner of the dock, pier, wharf or lobster car or other structure written notice of the condition. The notice shall order the owner to abate the nuisance within a reasonable period of time, which shall be specified in the notice. In the event that the Harbor Master(s) cannot give notice to the owner it shall be given to the occupant.

If the said owner or occupant refuses to comply with the terms of said order, he/she shall be deemed guilty of a misdemeanor and shall, upon conviction, the court may order the nuisance abated or removed at the expense of said owner or occupant.

5.7 CONSUMPTION OF ALCOHOLIC BEVERAGES

No person shall consume alcoholic beverages on or within publicly accessible areas of any Town pier, dock or float or any vessel tied to such areas.

ARTICLE VI – MOORINGS

6.1 PURPOSE

The purpose of this Article is to set forth the provisions for the placement, use, type and administration of all moorings and mooring spaces within the tidal waters of the Town Of Cranberry Isles, to ensure safety to persons and property of harbor users.

6.2 RESPONSIBLE AUTHORITY

The Harbor Master(s) shall have authority over all moorings and mooring locations in accordance with the provisions of this ordinance, the laws of the State of Maine (Title 38 M.R.S.A.) and applicable federal regulations.

6.3 PLACEMENT OF MOORINGS

After adoption of these ordinances no person shall place a mooring or mooring buoy in the harbor waters of the Town Of Cranberry Isles without first contacting and receiving approval of a location by the Harbor Master(s).

6.3.1 PLACEMENT OF NEW MOORED FLOATS OR LOBSTER CARS

The Harbor Master(s) will designate the placement of all new moored floats and lobster cars, so as not to be a hazard to navigation and moored vessels.

6.4 INSPECTION OF MOORINGS

6.4.1 BASELINE INSPECTION

All moorings within the Town Of Cranberry Isles shall be inspected topside visually and completely underwater to the rock within 365 days following the adoption of this ordinance and documentation of such is provided to the Town Office. All moorings in the Town Of Cranberry Isles shall be inspected as hereinafter provided.

6.4.2 ONGOING INSPECTION

A topside visual inspection shall be made no less than every second year after the adoption of this ordinance. Topside inspections shall require the examination of each mooring at low tide as far down as possible for conformity with the Town's specifications to the satisfaction of the Harbor Master(s). Additionally the mooring shall be completely examined underwater to the rock for similar conformity no less than every fourth year after the adoption of this ordinance. Any defects noted shall be corrected within a time period prescribed by Harbor Master(s). All expenses incurred for inspection, correction of defects, or removal of the mooring shall be the responsibility of the mooring owner.

6.4.3 INSPECTION QUALIFICATIONS AND REPORTING

A list of qualified contractors for mooring inspection, simple guidelines for self-inspection of moorings, and the mooring report shall be maintained in the Town Office. Completed and signed mooring reports shall be returned to the Town Office.

6.5 MOORING INVENTORY AND SAFETY

Upon adoption of this ordinance the Harbor Master(s) will create an inventory, which may include: location, owner/name of boat and size of boat, of all existing moorings within the waters of the Town Of Cranberry Isles. This inventory will be used for the designation of new moorings. A copy of this inventory will be kept in the Town Office. Should any mooring become a hazard to navigation the state of the mooring shall be

corrected to eliminate that hazard to navigation the state of the mooring shall be corrected to eliminate that hazard at the direction of the Harbor Master(s).

6.6 MOORING IDENTIFICATION

Moorings shall be clearly identified with one or all of the following: name of the owner, business, or boat. When the owner of an unsafe mooring cannot be located, identified or refuses to repair or replace the mooring, when so directed by the Harbor Master(s); the Harbor Master(s) may cause the entire mooring to be removed.

Before removing a mooring or buoy, the Harbor Master(s) shall notify the owner, if owner can be determined, by registered mail at his/her last known address, of the action desired, the fact that the mooring will be removed. If the matter is not settled within two weeks, the Harbor Master(s) may take the action provided for in this section.

6.7 GENERAL MOORING PROVISIONS

The following general mooring regulations shall govern the setting and maintaining of all moorings:

- A) The Harbor Master(s) may require heavier mooring gear at their discretion
- B) Floating rope on any mooring is prohibited
- C) All moorings shall carry an approved float from May 15th to October 1st. The use of poles is prohibited after adoption of these ordinances with the exception of the "Pool" area.
- D) From May 15th to October 1st the mooring scope shall be equal to the depth of the water at mean low tide + 15 feet multiplied by 2 from the rock to the bow of the boat. From October 1st to May 14th, pennants may be lengthened, provided such action does not interfere with nearby moorings.
- E) The following shall be minimum specifications for all new moorings and replacement mooring parts in all harbors except as otherwise provided.
- F) Town owned guest moorings within Town waters of Cranberry Isles and at the Town's Manset Facility in Southwest Harbor, Maine, shall be limited to two consecutive nights. Harbor Master(s) or the Dockmaster may extend time limits on a case by case basis.

<u>Boat Length</u>	<u>*Mushroom</u>	<u>**Rock Size</u>	<u>***Bottom Chain</u>	<u>Top Chain</u>	<u>Nylon Size</u>
<u>Less than 20'</u>	75 lb	500#	1/2"	1/2"	1/2"
<u>20' but < 30'</u>	N/A	2,250#	5/8"	1/2"	5/8"
<u>30' but < 40'</u>	N/A	3,000#	3/4"	1/2"	3/4"
<u>40' but < 50'</u>	N/A	5,000#	7/8"	5/8"	1"
<u>50' and over</u>	N/A	6,000#	7/8"	5/8"	1"

* The diameter of the mushroom's eye can be no less than the size of the required bottom chain.

** The rock staple can be no less than 1" in diameter.

*** The bottom chain can be no less than 10' in length.

- G) Mooring owners have until May 15th, 2008 to comply with these newly adopted specifications.

6.8 MOORING PRIORITY

The privilege of maintaining a mooring in the harbors of the Town Of Cranberry Isles shall be allocated according to the following guidelines:

- A) Should a harbor reach capacity as determined by the Harbor Master(s), Harbor Committee, and Board of Selectmen, a waiting list shall be established and made available in the Town Office.
- B) In all events, mooring priorities shall be consistent with allocations required under State and Federal law.

6.9 MOORING RENTAL

Mooring owners may rent their moorings.

ARTICLE VII – REGULATIONS

7.1 PURPOSE

Each of our harbor waters within the Town Of Cranberry Isles is unique and requires individual treatment for its most efficient and satisfactory operation. Accordingly, within the intent and scope of this ordinance rules and regulations will be put into effect, as hereinafter set forth, by the Harbor Master(s) in each of the harbors and harbor waters of the Town upon approval by the Board of Selectmen.

7.2 PROCEDURE FOR REGULATIONS

The Harbor Master(s), in consultation with the Harbor Committee, and upon approval by the Board of Selectmen, shall put into effect rules and regulations governing the use of docks, piers, slips, moorings and maritime activity within the harbor limits.

7.3 VIOLATIONS

Violations of the regulations set forth in this Article shall be considered a violation of this ordinance and carry such penalty as may be provided for therein. A violation of a rule or regulations not specifically covered in the ordinance shall carry a penalty of a fine of not more than two hundred dollars (\$200.00).

7.4 DISPLAY OF REGULATIONS

Harbor rules and regulations shall be displayed in an appropriate location readily visible to the public.

ARTICLE VIII – LEGAL STATUS PROVISIONS

8.1 ADMINISTRATION

8.1.1 ENFORCEMENT

It shall be the duty of the Harbor Master(s), to enforce the provisions of this ordinance. If the Harbor Master(s) shall find that any provision of this ordinance, or any rule or regulation promulgated pursuant to its authority, is being violated, they shall notify the person responsible for such violation, in writing using either a letter or "Civil Violation and Citation" form depending on the nature of the violation. This notice shall contain the nature of the violation and an indication of the necessary action to correct it. A copy of any written notices shall be maintained as a permanent record and in the case of a Civil Violation Complaint and Citation a copy shall be forwarded expeditiously to the District Attorney of Hancock County.

8.1.2 LEGAL ACTIONS

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Board of Selectmen, upon notice from the Harbor Master(s), may initiate proceedings, either legal or equitable, which may include seeking injunctions, imposing fines or any other action deemed necessary to enforce the provisions of this ordinance, or any rule or regulation promulgated pursuant to its authority, in the name of the Municipality. In any such action in which the Municipality prevails, it shall be awarded reasonable attorney's fees, court costs and any other relief to which it may be entitled.

8.1.3 FINES

Except as otherwise specified in this ordinance, persons who violate any provision of this ordinance after receiving notice of such violation shall be subject to a fine of no more than \$200.00 for each violation. Each day such a violation is continued is a separate offense. All fines shall be payable to the Town of Cranberry Isles and the penalty for such offenses shall be in addition to the Town's right to recover its reasonable attorney's fees and costs from the person or entity found in violation of this ordinance.

8.2 APPEALS

Any and all persons aggrieved directly or indirectly by a decision, order, rule or act, or the failure to act of the Harbor Master(s) may appeal said decision, order, rule, act, or failure to act. Such appeal must be in writing, directed to the Board of Selectmen for the Town Of Cranberry Isles, and filed within 10 days of said decision, order, rule, act, or failure to act, and state the reasons for appeal. The Board of Selectmen, upon hearing the appeal, may affirm, modify or set aside the decision, order, rule, act, or failure to act, only if such is not supported by any facts, or is clearly contrary to the intent and specific provisions of this ordinance.

An appeal from the decision of the Board of Selectmen may be taken by the aggrieved party or parties to Maine Superior Court, in accordance with Maine Rules of Civil Procedure 80B.

8.3 SEPARABILITY

Should any section or part of a section or any provision of this ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of this ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

8.4 CONFLICT WITH OTHER LAWS

Whenever a provision of this ordinance conflicts with or is inconsistent with another provision of the ordinance or of any other ordinance, regulation, or statute, the provision imposing the greater restriction shall control.

8.5 REPEAL OF PRIOR ORDINANCES

All prior Harbor Ordinances are repealed.

8.6 AMENDMENT

Any amendment to this ordinance requires voter approval at any regular or special town meeting.

8.7 EFFECTIVE DATE

This ordinance shall become effective upon adoption by the citizens of the Town Of Cranberry Isles at either a regular or special Town Meeting.

ARTICLE IX – DEFINITIONS

9.1 CONSTRUCTION OF LANGUAGE

In the interpretation and enforcement of this ordinance, all words other than those specifically defined in the ordinance, shall have the meaning implied by their context in the ordinance or their ordinarily accepted meaning. In the case of any difference of meaning or implication, between the text of this ordinance and any map illustration or table, the text shall control.

9.2 DEFINITIONS

In this ordinance the following terms shall have the following meanings:

ANCHORAGE: An area of the harbor set aside for permanent moorings or for the temporary anchoring of boats and vessels.

AUXILLARY: A vessel having sails and either an inboard or outboard motor and which may be propelled by its sails or by its motor, or both.

BERTH: A place where a boat lies when at anchor or at a wharf.

BOAT: A vessel for transport by water, constructed to provide buoyancy by excluding water and shaped to give stability and permit propulsion.

BREAKWATER: A permanent solid structure of rock, stone, or combinations thereof, extending from the shoreline into the waters, for the principal purposes of breaking and reducing the force of waves.

BULKHEAD: A permanent solid structure or wall built along the shore to retain and protect the upland from wave action and sea erosion.

CHANNEL: Areas of the harbor kept open for navigation or other purposes, by rule or regulation of the Town Of Cranberry Isles, the Department of the Army Corps of Engineers, or other regulatory or Legislative body.

COMMERCIAL FISHERMAN: One whose vessel is commercially registered and makes his/her primary livelihood from harvesting the ocean.

COMMERCIAL VESSEL: Any vessel used or engaged for any type of commercial venture, including but not limited to fishing or the carrying of cargo and/or passengers for hire, push-boats, tugs and barges.

CONCESSION: A business operated under a Contract or License associated with a degree of exclusivity in exploiting a business within a certain geographical area.

DINGHY: A dinghy shall mean any powered (with 20hp or less) or unpowered punt, skiff, tender or the like fourteen feet in length or less.

DOCK: The slip or waterway extending between two piers or projecting wharves or cut into the land for the reception of vessels.

FLOAT: A floating structure which is anchored, moored or secured at or near the shore, used for landing, transfer of passengers or goods, or other purposes.

HARBOR: An area or areas as defined in Article II.

HARBOR MASTERS(S): An official or officials appointed by the Board of Selectmen and employed by the Town Of Cranberry Isles, to enforce the provisions of this ordinance and certain duties and responsibilities as prescribed by Title 38, M.R.S.A.

LANDING: A place for landing or discharging persons or things from a vessel.

MARINA: A dock or basin providing dockage for small vessels.

MOORING: An appliance, used by a vessel, for anchoring purposes, providing a permanent, adequate means of securing a vessel to the bottom in an anchorage, and which cannot be carried aboard such vessel, when such vessel is underway, as regular equipment.

PIER: A platform type structure contiguous with the shoreline and built there from over the water, supported by piles and used for the berthing, loading and unloading of vessels.

PROMULGATE: To put a law into effect by formal public announcement.

RESIDENT: Any person who owns property in the Town Of Cranberry Isles, or any person who rents property with their boat registered in Town and the excise tax paid in Town.

SEAWORTHY VESSEL: A vessel in a fit state for travel or movement without extraordinary efforts or assistance provided to affect such travel or movement.

TO ANCHOR: To secure a vessel to the bottom within a designated area by dropping an anchor or anchors or other ground tackle.

VESSEL: Vessel shall include boats of all sizes propelled by sail, machinery, or hand; scows, dredges, shellfish cars, and craft of any kind.

WHARF: A structure of timber, masonry, cement, earth or other material, built along the shore of a harbor or the like, so that vessels may lie close alongside to receive and discharge passengers and cargo.

CRANBERRY ISLES HOLDING TANK ORDINANCE

Enacted May 14th, 2016

BE IT ENACTED AND ORDAINED by the Inhabitants of the Town of Cranberry Isles, 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 Board of Selectmen of the Town of Cranberry Isles, 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 the 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 the Town of Cranberry Isles, 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. This 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 the provisions herein, all other ordinances of the Town, all applicable laws, and applicable rules and regulations of the administrative agencies of the State of Maine..

Section 5. Rates and charges. 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, the 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 incurred by the Town.**

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. Replacement system criteria must not be considered.

Section 11. Repeal. All ordinances or resolutions, or parts of ordinances or resolutions, insofar as they are inconsistent herewith, are hereby repealed.

Section 12. Severability. If any sentence, clause, Section, or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity must not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this ordinance.

Section 13. Effective date. ENACTED AND ORDAINED into an Ordinance this 14th day of May, 2016 A.D. by the Town of Cranberry Isles, Hancock County in lawful session duly assembled.

Effective Date: May 14th, 2016

Certified by: Denise McCormick

Signature_____

Title: Town Clerk

Open Fire Ordinance For the Town of Cranberry Isles

1. Open Fire shall mean campfire or bonfire, the burning of grass, brush, or rubbish, or any fire of similar character. Fires in fireplaces or Franklin type stoves in buildings are not open fires within the meaning of this ordinance.
2. "Fire Warden" shall mean the resident State Fire Warden or a Fire Warden of the Town of Cranberry Isles.
3. No person may start or have an open fire in the Town of Cranberry Isles without first having obtained a permit therefore in writing from a Fire Warden. The permits shall be available for inspection at the site of the fire at all times.
4. The Fire Warden may include in the permit such conditions as are reasonable and necessary for the purpose of the Ordinance. A Fire Warden may revoke a permit for failure to comply with its terms or because conditions pertinent at the time of issue of the permit are no longer applicable.
5. Fireplaces and other devices for contained fires out of doors may be approved by a Fire Warden, and thereafter fire permits for their use will not be required.
6. Failure to comply with this Ordinance shall result in a warning or a fine of not more than \$50.00 nor less than \$20.00.
7. Fire Wardens and constables of the Town of Cranberry Isles, Maine, shall have the authority to enforce this Ordinance.

Enacted June 27, 1974.

ORDINANCE TO REGULATE THE PARKING
OF MOTORIZED VEHICLES ON PUBLIC LANDS
AND WAYS IN THE TOWN OF CRANBERRY ISLES

"All owners and the authorized users with the owner's consent of motorized vehicles, accessories thereto including trailers and of normally motorized vehicles which are not in operating condition, all being herein referred to as 'motorized vehicles' shall comply with this Ordinance.

The parking of a motorized vehicle in a public place or publicly owned land, outside the right-of-way of the Town roads, for more than fourteen (14) consecutive days during which the motorized vehicle so parked is not removed from the public place or publicly owned land for use elsewhere is prohibited.

The parking of a motorized vehicle in the Town road right-of-way for more than twelve (12) consecutive hours is prohibited.

The parking of a motorized vehicle in the Town road right-of-way in such manner as to impede the flow of traffic is prohibited.

Utility companies and providers of routine services having their bases of operation outside of Town limits are exempted from that portion of this Ordinance governing parking outside of Town owned rights-of-way.

Any motorized vehicle parked in violation of this Ordinance may be removed and stored at the owner's expense by order of the Selectmen. The Selectmen shall give written notice of the action so taken and the expense thereof. The notice shall be delivered in person by a Constable of the Town or shall be sent by certified mail to the last know address of the owner of the motorized vehicle so moved. Expenses incurred shall be collectible by any means legally available to the Selectmen."

for
The Selectmen of Cranberry Isles, assembled in open meeting on Thursday, ~~March~~ 24, 1983, enacted this ordinance pursuant to the authority granted them by Title 30, MRSA, as amended.

Parking Ordinance Enacted March 7, 1966

From the first day of November to the first day of April, no person shall park a vehicle on any street or road in the Town of Cranberry Isles between the hours of 4 p.m. and 6 a.m. for a period longer than thirty minutes.

Any vehicle found parked in violation of this ordinance and obstructing snow removal or sanding operations may be moved to a storage garage or parking lot at the owner's risk, and the owner shall be charged with the storage costs and towing fee.

This ordinance is to facilitate snow removal and sanding.

RECALL OF ELECTED MUNICIPAL OFFICERS OF THE TOWN OF CRANBERRY ISLES, MAINE

SECTION 1. ESTABLISHMENT

Under MRSA Title 30-A § 2602 (6) amended Oct. 13, 1993, a town may enact an ordinance for the recall and removal of elected municipal officials with the exception of school board members.

SECTION 2. APPLICABILITY

Any elected Selectman, Town Treasurer, Town Clerk, or Municipal Facilities Commission member of the Town of Cranberry Isles, Maine may be recalled and removed from office as herein provided for.

SECTION 3. PETITIONS FOR RECALL

A. The petition for recall must contain only signatures of the registered voters of the Town of Cranberry Isles, equal to ten percent (10%) of the number of votes cast in the last Gubernatorial election but in all cases no less than ten.

B. The petition shall be addressed to those members of the Board of Selectmen not being the subject of the present recall petition.

C. The petition shall state the name and office of the person whose removal is being sought, and a general statement of the reasons such removal is desired.

D. If recall of more than one official is being sought there shall be a separate petition for each official whose removal is being sought.

E. Each page of the petition shall provide a space for the voter's signature, address, and printed name.

F. All petition pages thereof shall be filed as one document.

SECTION 4. CLERK'S CERTIFICATION

Within ten (10) days of receipt of the petition, the Town Clerk shall certify the signatures contained on the petition and shall determine if the petition meets all of the qualifications as set forth in section 3 of this ordinance. Should the petition be found insufficient, the petition will be filed in the Clerk's office and the voter who filed the petition will be notified.

SECTION 5. CALLING THE RECALL ELECTION

A. If the petition is certified by the Town Clerk to be sufficient, he or she will submit the same with his or her certification to the Board of Selectmen at the next regular meeting and shall notify the official or officials whose removal is being sought of such action.

B. The Selectmen upon receipt of the certified petition shall within ten (10)days time of receipt order an election by secret ballot, pursuant to MRSA 30-A §2528, to be held not less than 30 nor more than 60 days thereafter, provided that a regular municipal election will not be held within 90 days of receipt of the certified petition, in this case the Selectmen may at their discretion provide for the holding of the recall election on the date of the regular municipal election.

C. In the event that the Selectmen fail or refuse to order an election as herein provided, the Town Clerk shall call the election to be held not less than 30 days nor more than 60 days following the Selectmen's failure or refusal to order the required election.

SECTION 6. BALLOTS FOR RECALL ELECTION

Unless the official or officials whose removal is being sought have resigned within ten days of receipt of the petition by the Board of Selectmen, the ballots shall be printed and shall read "SHALL _____ BE RECALLED?" with the name of the official whose recall is being sought inserted in the blank space. These ballots will then be used at the special or regular Town Meeting called by the Selectmen to address the recall.

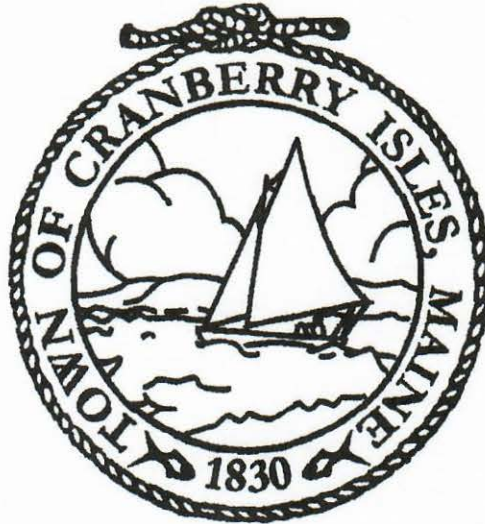
SECTION 7. RESULT OF ELECTION

A 2/3 majority affirmative vote is required for recall. The vote shall take effect as of the recording of the vote tabulation into the records.

SECTION 8. VACANCIES TO BE FILLED

Any vacancy resulting from the removal from office under this ordinance shall be filled in accordance with the provisions contained in the Maine State Statutes. The Board of Selectmen shall convene a Special Town Meeting within 60 days of a vacancy by recall for the purpose of filling the vacancy. Should the vacancy occur within 60 days of an annual Town Meeting, then the vacancy shall be addressed by the voters as part of that annual meeting.

Enacted October 18, 2005



Land Use and Shoreland Zoning Ordinance

March 10, 2018

Certified: March 10, 2018

Certified by: *Denise McCormick*

Denise McCormick
Town Clerk

Land Use and Shoreland Zoning Ordinance for the Municipality of Cranberry Isles, Maine

TABLE OF CONTENTS

	Page
1. Purposes.....	3
2. Authority	3
3. Applicability	3
4. Effective Date.....	3
5. Availability	3
6. Severability.....	4
7. Conflicts with Other Ordinances	4
8. Amendments.....	4
9. Districts and Zoning Map	4
A. Official Shoreland Zoning Map	4
B. Scale of Map	4
C. Certification of Official Shoreland Zoning Map	4
D. Changes to the Official Shoreland Zoning Map	5
10. Interpretation of District Boundaries	5
11. Land Use Requirements	5
12. Non-conformance.....	5
A. Purpose.....	5
B. General.....	5
C. Non-conforming Structures	5
D. Non-conforming Uses.....	9
E. Non-conforming Lots.....	9
13. Establishment of Districts	10
A. Resource Protection District	10
B. Limited Residential District.....	11
C. Limited Commercial District	11
D. General Development I District	11
E. General Development II District.....	11
F. Commercial Fisheries/Maritime Activities District	12
G. Stream Protection District.....	12
14. Table of Land Uses.....	12
15. Land Use Standards	15
A. Minimum Lot Standards	15
B. Principal and Accessory Structures.....	16
C. Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water body or Within a Wetland	19
D. Campgrounds	20
E. Individual Private Campsites	20
F. Commercial and Industrial Uses	21
G. Parking Areas.....	21
H. Roads and Driveways	22
I. Signs.....	24
J. Storm Water Runoff.....	24
K. Septic Waste Disposal	25
L. Essential Services	25

M. Mineral Exploration and Extraction.....	25
N. Agriculture.....	26
O. Timber Harvesting Repealed, Statewide Standards.....	27
P. Clearing or Removal of Vegetation for Activities Other than Timber Harvesting.....	27
Q. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal.....	29
R. Exemptions to Clearing and Vegetation Removal Requirements.....	30
S. Revegetation Requirements.....	31
T. Erosion and Sedimentation Control.....	33
U. Soils.....	34
V. Water Quality.....	34
W. Archaeological Site.....	34
16. Administration.....	34
A. Administering Bodies and Agents.....	34
B. Permits Required.....	35
C. Permit Application.....	35
D. Procedure for Administering Permits.....	35
E. Special Exceptions.....	36
F. Expiration of Permit.....	37
G. Installation of Public Utility Service.....	37
H. Appeals.....	37
I. Enforcement.....	41
17. Liability.....	41
18. Definitions.....	42

Land Use and Shoreland Zoning Ordinance for the Municipality of Cranberry Isles, Maine

- 1. Purposes.** The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.
- 2. Authority.** This Ordinance has been prepared in accordance with the provisions of Title 38 sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).
- 3. Applicability.** This Ordinance applies to all land areas within 250 feet, horizontal distance, of the
 - normal high-water line of any great pond or river,
 - upland edge of a coastal wetland, including all areas affected by tidal action, or
 - upland edge of a freshwater wetland rated by Maine Department of Inland Fisheries and Wildlife as having moderate or high value.

All land areas within 150 ft., horizontal distance, of the upland edge of a freshwater wetland not rated by Maine Department of Inland Fisheries and Wildlife as a moderate or high value in accordance with Title 38-438-A-2 MRS.

and all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.

This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.

- 4. Effective Date of Ordinance and Ordinance Amendments.** This Ordinance, which was adopted by the municipal legislative body on March 10, 2018, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment, within forty-five (45) days of his/her receipt of the Ordinance, or Ordinance Amendment, it shall be automatically approved.

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

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

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

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

8. Amendments.

A. This Ordinance may be amended by majority vote of the eligible voters present and voting in any regular or special Town meeting, and only under the following conditions:

(1) The Planning Board shall hold a public hearing on the proposed change after 14 days notice in a local newspaper and posting in a public place on Great and Little Cranberry Islands.

(2) The Planning Board shall report its desirability of the proposed change in writing to the Board of Selectmen. If the Planning Board does not report its opinion as to the desirability of the proposed change in writing to the Board of Selectmen within 30 days following the public hearing, Planning Board concurrence with the proposed change is assumed.

B. The Planning Board shall hold a public hearing as prescribed above within 30 days after a proposed amendment to this ordinance is submitted to the Planning Board by the Board of Selectmen or by a petition signed by not less than 10 registered voters of the Town. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

9. Districts and Zoning Map

A. Official Shoreland Zoning Map. The areas to which this Ordinance is applicable are [hereby](#) divided into the following districts as shown on the Official Shoreland Zoning Map(s) which is (are) made a part of this Ordinance:

- (1) Resource Protection
- (2) Limited Residential
- (3) Limited Commercial
- (4) General Development I and II
- (5) Commercial Fisheries/Maritime Activities

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

C. Certification of Official Shoreland Zoning Map. The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office. In the event the municipality does not have a municipal office, the Municipal Clerk shall be the custodian of the map.

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

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

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

12. Non-conformance

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

B. General

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

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

C. Non-conforming Structures

(1) **Expansions.** All new principal and accessory structures, excluding functionally water-dependent uses, must meet the water body, tributary stream, or wetland setback requirements contained in Section 15(B)(1). A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs (a) and (b) below.

(a) Expansion of any portion of a structure within 25 feet 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, tributary stream, or wetland setback requirement.

- (b) Notwithstanding paragraph (a), 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 Section 12(C)(1).
 - (i) 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.
- (c) All other legally existing nonconforming 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 other applicable municipal land use standards are met and the expansion is not prohibited by Section 12(C)(1) or Section 12(C)(1)(a), above.
 - (i) 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.
 - (ii) 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 Section 12(C)(1)(b)(i) and Section 12(C)(1)(c)(i), above.
 - (iii) In addition to the limitations in subparagraphs (i) and (ii), 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 Section 12(C)(1)(b)(i) and Section 12(C)(1)(c)(i), above.

- (d) 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.
- (2) **Foundations.** 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 Section 12(C)(3) Relocation, below.
- (3) **Relocation.** A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board or its designee, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board or its designee shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation in accordance with Section 15(S). In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

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

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

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

- (4) **Reconstruction or Replacement.** Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board or its designee in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the non-conforming footprint of the reconstructed or replaced structure at its new location. If the total footprint of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12(C)(3) above.

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

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board or its designee shall consider, in addition to the criteria in Section 12(C)(3) above, the physical condition and type of foundation present, if any.

- (5) **Change of Use of a Non-conforming Structure.** The use of a non-conforming structure may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on the water body, tributary stream, or wetland, or on the subject or adjacent properties and resources than the existing use.

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

D. Non-conforming Uses

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

- (2) **Resumption Prohibited.** A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.
- (3) **Change of Use.** An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, including water dependent uses in the Commercial Fisheries/ Maritime Activities (CFMA) district, than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12(C)(5) above.

E. Non-conforming Lots

- (1) **Non-conforming Lots:** A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals.
- (2) **Contiguous Built Lots:** If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the *State Minimum Lot Size Law* (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

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

- (3) **Contiguous Lots - Vacant or Partially Built:** If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

This provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on March 9, 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 Section 12(E)(3)(a) are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

13. Establishment of Districts

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

- (1) Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils. This district shall also include 100 year floodplains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.
- (2) Areas of two or more contiguous acres with sustained slopes of 20% or greater.
- (3) 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.
- (4) Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement, and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.

- B. Limited Residential District.** The Limited Residential District includes those areas suitable for residential and noncommercial recreational development in areas of moderate environmental sensitivity where possible adverse impacts of such activities can be mitigated by application of sound land use standards. It includes areas other than those in the Resource Protection District, or Stream Protection District, and areas which are used less intensively than those in the Limited Commercial District, the General Development Districts, or the Commercial Fisheries/Maritime Activities District. Certain low intensity functionally water-dependent uses compatible with the surrounding ecosystem may also be allowed in this district.
- C. Limited Commercial District.** The Limited Commercial District includes areas of mixed, light compatible commercial, residential, and semi-public uses, exclusive of the Stream Protection District, which should not be developed as intensively as the General Development Districts. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited. This district protects the sources of value and insures adequate opportunity for the disposal of sewage without the installation of public water and sewage facilities, and controls population density and preserves the desirable and attractive nature of the islands.
- D. General Development I District. (Reserved, this district not currently assigned)** The General Development I District includes the following types of existing, intensively developed areas:
- (1) Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:
 - (a) Areas devoted to manufacturing, fabricating or other industrial activities;
 - (b) Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and
 - (c) Areas devoted to intensive recreational development and activities, such as, but not limited to amusement parks, race tracks and fairgrounds.
 - (2) Areas otherwise discernible as having patterns of intensive commercial, industrial or recreational uses.
- E. General Development II District.** To provide a location where commercial and industrial activities of a nature practiced and suited to the islands may be conducted on land best suited and presently so used with a minimum of control.

In areas adjacent to great ponds classified GPA and adjacent to rivers flowing to great ponds classified GPA, the designation of an area as a General Development District shall be based upon uses existing at the time of adoption of this Ordinance. There shall be no newly established General Development Districts or expansions in area of existing General Development Districts adjacent to great ponds classified GPA, and adjacent to rivers that flow to great ponds classified GPA.

F. Commercial Fisheries/Maritime Activities District. The Commercial Fisheries/Maritime Activities District includes areas where the existing predominant pattern of development is consistent with the allowed uses for this district as indicated in the Table of Land Uses, Section 14, and other areas which are suitable for functionally water-dependent uses, taking into consideration such factors as:

- (1) Shelter from prevailing winds and waves;
- (2) Slope of the land within 250 feet, horizontal distance, of the shoreline;
- (3) Depth of the water within 150 feet, horizontal distance, of the shoreline;
- (4) Available support facilities including utilities and transportation facilities; and
- (5) Compatibility with adjacent upland uses.

G. Stream Protection District. (Reserved, this district not currently assigned) The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater or coastal wetland. Where a stream and its associated shoreland area are located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

14. Table of Land Uses. All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

Key to Table 1:

Yes - Allowed (no permit required but the use must comply with all applicable land use standards.)

No - Prohibited

PB - Allowed with permit issued by the Planning Board.

CEO - Allowed with permit issued by the Code Enforcement Officer

LPI - Allowed with permit issued by the Local Plumbing Inspector

Abbreviations:

RP -	Resource Protection	GD	General Development I and General Development II
LR -	Limited Residential	CFMA -	Commercial Fisheries/Maritime Activities
LC -	Limited Commercial	SP -	Stream Protection

Any person or group engaged in any land use or structural use activity in the shoreland zones described in this ordinance is responsible for obtaining all necessary town, state and federal permits and for abiding by the standards of this ordinance.

TABLE 1. LAND USES IN THE SHORELAND ZONE

<u>LAND USES</u>	<u>DISTRICT</u>					
	<u>SP</u>	<u>RP</u>	<u>LR</u>	<u>LC</u>	<u>GD</u>	<u>CFMA</u>
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes	yes	yes
2. Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes	yes
3. Forest management activities except for timber harvesting & land management roads REPEALED, REGULATED BY BUREAU OF FORESTRY						
4. Timber harvesting REPEALED, REGULATED BY BUREAU OF FORESTRY						
5. Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO ¹	yes	yes	yes	yes
6. Fire prevention activities	yes	yes	yes	yes	yes	yes
7. Wildlife management practices	yes	yes	yes	yes	yes	yes
8. Soil and water conservation practices	yes	yes	yes	yes	yes	yes
9. Mineral exploration	no	yes ²	yes ²	yes ²	yes ²	yes ²
10. Mineral extraction including sand and gravel extraction	no	PB ³	PB	PB	PB	PB
11. Surveying and resource analysis	yes	yes	yes	yes	yes	yes
12. Emergency operations	yes	yes	yes	yes	yes	yes
13. Agriculture	yes	PB	yes	yes	yes	yes
14. Aquaculture	PB	PB	PB	yes	yes	yes
15. Principal structures and uses						
A. One and two family residential, including driveways	PB ⁴	PB ⁹	CEO	CEO	NO	NO
B. Multi-unit residential	no	no	PB	PB	NO	NO
C. Commercial	no	no ¹⁰	no ¹⁰	PB	PB	PB ⁵
D. Industrial	no	no	no	no	PB	PB ⁵
E. Governmental and institutional	no	no	PB	PB	PB	PB ⁵
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB ⁴	PB	CEO	CEO	CEO	PB ⁵
16. Structures accessory to allowed uses	PB ⁴	PB	CEO	CEO	CEO	CEO
17. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland						
a. Temporary	CEO ¹¹	CEO ¹¹	CEO ¹¹	CEO ¹¹	CEO ¹¹	CEO ¹¹
b. Permanent	PB	PB	PB	PB	PB	PB ⁵
18. Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI	LPI	no
19. Home occupations	PB	PB	PB	CEO	yes	yes
20. Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI	LPI	LPI
21. Essential services	PB ⁶	PB ⁶	PB	PB	PB	PB
A. Roadside distribution lines (34.5kV and lower)	CEO ⁶	CEO ⁶	yes ¹²	yes ¹²	yes ¹²	yes ¹²
B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	PB ⁶	PB ⁶	CEO	CEO	CEO	CEO
C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	PB ⁶	PB ⁶	PB	PB	PB	PB
D. Other essential services	PB ⁶	PB ⁶	PB	PB	PB	PB
22. Service drops, as defined, to allowed uses	yes	yes	yes	yes	yes	yes
23. Public and private recreational areas involving minimal structural development	PB	PB	PB	CEO	CEO	CEO ⁵
24. Individual, private campsites	CEO	CEO	CEO	CEO	CEO	CEO
25. Campgrounds	no	no ⁷	PB	PB	PB	no
26. Road construction	PB	no ⁸	PB	PB	PB	PB ⁵
27. Land management roads REPEALED, REGULATED BY BUREAU OF FORESTRY						
28. Parking facilities	no	no ⁷	PB	PB	PB	PB ⁵
29. Marinas	PB	no	PB	PB	PB	PB
30. Filling and earth moving of <10 cubic yards	CEO	CEO	yes	yes	yes	yes
31. Filling and earth moving of >10 cubic yards	PB	PB	CEO	CEO	CEO	CEO
32. Signs	yes	yes	yes	yes	yes	yes
33. Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO	CEO
34. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO	CEO
35. Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB	PB

¹In RP not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.

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

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

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

⁵Functionally water-dependent uses and uses accessory to such water dependent uses only (See note on previous page).

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

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

⁸Except as provided in Section 15(H)(4).

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

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

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

¹²Permit not required but must file a written "notice of intent to construct" with CEO.

¹³Option 3 towns only.

NOTE: Item 17, in its entirety, should be deleted from Table 1 if a municipality elects not to regulate "piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland".

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

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

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

A. Minimum Lot Standards

	Minimum Lot Area (sq. ft.)	Shore Minimum Frontage (ft.)
(1)		
(a) Residential per dwelling unit		
(i) Within the Shoreland Zone Adjacent to Tidal Areas	30,000	150
(ii) Within the Shoreland Zone Adjacent to Non-Tidal Areas	40,000	200
(b) Governmental, Institutional, Commercial or Industrial per principal structure		
(i) Within the Shoreland Zone Adjacent to Tidal Areas, Exclusive of Those Areas Zoned for Commercial Fisheries and Maritime Activities	40,000	200
(ii) Within the Shoreland Zone Adjacent to Tidal Areas Zoned for Commercial Fisheries and Maritime Activities	NONE	NONE
(iii) Within the Shoreland Zone Adjacent to Non-tidal Areas	60,000	300
(c) Public and Private Recreational Facilities		
(i) Within the Shoreland Zone Adjacent to Tidal and Non-Tidal Areas	40,000	200

- (2) Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.
- (3) Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.
- (4) The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.
- (5) If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

B. Principal and Accessory Structures

- (1) All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the General Development I District the setback from the normal high-water line shall be at least twenty five (25) feet, horizontal distance, and in the Commercial Fisheries/Maritime Activities District there shall be no minimum setback. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

In addition:

- (a) The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
- (b) All principal structures along Significant River Segments as listed in 38 M.R.S.A. section 437 (see Appendix A), shall be set back a minimum of one hundred and twenty-five (125) feet, horizontal distance, from the normal high-water line and shall be screened from the river by existing vegetation. This provision does not apply to structures related to hydropower facilities.
- (c) For principal structures, water and wetland setback measurements shall be taken from the top of a coastal bluff that has been identified on Coastal Bluff maps as being “highly unstable” or “unstable” by the Maine Geological Survey pursuant to its “Classification of Coastal Bluffs” and published on the most recent Coastal Bluff map. If the applicant and the permitting official(s) are in disagreement as to the specific location of a “highly unstable” or “unstable” bluff, or where the top of the bluff is located, the applicant may at his or her expense, employ a Maine Registered Professional Engineer, a Maine Certified Soil Scientist,

a Maine State Geologist, or other qualified individual to make a determination. If agreement is still not reached, the applicant may appeal the matter to the board of appeals.

- (d) On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.
 - (e) All tidal land which is subject to tidal action during the highest annual tide is coastal wetland. A tributary stream may be perennial or intermittent. Where a tributary stream is present within the shoreland zone, setback standards from that tributary stream are applicable.
- (2) Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, Limited Commercial, General Development, Commercial Fisheries Maritime Activities, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area. A cupola, dome, widow's walk or other similar feature is exempt from the height limits in accordance with 38 M.R.S.A. Section 439-A(9).
 - (3) The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood-plain soils. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2005 version, or later version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph.
 - (4) With the exception of General Development Districts located adjacent to coastal wetlands and rivers that do not flow to great ponds, and Commercial Fisheries/Maritime Activities Districts, non-vegetated surfaces shall not exceed a total of twenty (20) percent of the portion of the lot located within the shoreland zone. This limitation does not apply to public boat launching facilities regardless of the district in which the facility is located.

In a General Development District located adjacent to coastal wetlands, or rivers that do not flow to great ponds, or in a Commercial Fisheries/Maritime Activities District, non-vegetated surfaces shall not exceed a total of seventy (70) percent of the portion of the lot located within the shoreland zone.

For the purposes of calculating lot coverage, non-vegetated surfaces include, but are not limited to the following: structures, driveways, parking areas, and other areas from which vegetation has been removed. Naturally occurring ledge and rock outcroppings are not counted as nonvegetated surfaces when calculating lot coverage for lots of record on March 24, 1990 and in continuous existence since that date.

- (5) Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:
- (a) The site has been previously altered and an effective vegetated buffer does not exist;
 - (b) The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;
 - (c) The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
 - (d) The total height of the wall(s), in the aggregate, are no more than 24 inches;
 - (e) Retaining walls are located outside of the 100-year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.
 - (f) The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and
 - (g) A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:
 - (i) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;
 - (ii) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
 - (iii) Only native species may be used to establish the buffer area;
 - (iv) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;
 - (v) A footpath not to exceed the standards in Section 15(P)(2)(a), may traverse the buffer;
 - (vi) If the wall and associated soil disturbance occurs within 75 feet, horizontal distance, of a water body, tributary stream or coastal wetland, a permit pursuant to the *Natural Resource Protection Act* is required from the Department of Environmental Protection.
- (6) Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided: that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental

Protection pursuant to the *Natural Resources Protection Act*, 38 M.R.S.A. section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

C. Piers, Docks, 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

- (1) No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single lot; except that when a single lot contains at least twice the minimum shore frontage as specified in Section 15(A), a second structure may be allowed and may remain as long as the lot is not further divided.
- (2) Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
- (3) The location shall not interfere with existing developed or natural beach areas.
- (4) The facility shall be located so as to minimize adverse effects on fisheries.
- (5) 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.
- (6) No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity. A structure constructed on a float or 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.
- (7) 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*.
- (8) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.
- (9) Except in the General Development Districts and Commercial Fisheries/Maritime Activities District, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.
- (10) Vegetation may be removed in excess of the standards in Section 15(P) 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.
 - (a) 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 12 feet in width. When the stabilization project is complete the construction equipment accessway must be restored.

(b) Revegetation must occur in accordance with Section 15(S).

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

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

- (1) Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.
- (2) The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

E. Individual Private Campsites. Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:

- (1) One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.
- (2) When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite separately.
- (3) Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
- (4) Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.
- (5) The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.
- (6) A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

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

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

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

G. Parking Areas

- (1) Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located, except that in the Commercial Fisheries/Maritime Activities District parking areas shall be set back at least twenty-five (25) feet, horizontal distance, from the shoreline. The setback requirement for parking areas serving public boat launching facilities in Districts other than the General Development I District and Commercial Fisheries/Maritime Activities District shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.
- (2) Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.
- (3) In determining the appropriate size of proposed parking facilities, the following shall apply:

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

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

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

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

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

- (2) Existing public roads may be expanded within the legal road right of way regardless of their setback from a water body, tributary stream or wetland.
- (3) New permanent roads are not allowed within the shoreland zone along Significant River Segments except:
 - (a) To provide access to structures or facilities within the zone; or
 - (b) When the applicant demonstrates that no reasonable alternative route exists outside the shoreland zone. When roads must be located within the shoreland zone they shall be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.
- (4) New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource

Protection District the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.

- (5) Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 15(T).
- (6) Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.
- (7) 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 (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
- (8) 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 (Percent)	Spacing (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21 +	40

- (b) Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.
 - (c) On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.
 - (d) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.
- (9) Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

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

- (1) Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. In the Limited Commercial District, however, such signs shall not exceed sixteen (16) square feet in area. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.
- (2) Name signs are allowed, provided such signs shall not exceed two (2) signs per premises, and shall not exceed twelve (12) square feet in the aggregate.
- (3) Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.
- (4) Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
- (5) Signs relating to public safety shall be allowed without restriction.
- (6) No sign shall extend higher than twenty (20) feet above the ground.
- (7) Signs may be illuminated only by shielded, non-flashing lights.

J. Storm Water Runoff

- (1) All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of stormwaters.
- (2) Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.
- (3) The *Stormwater Management Law* (38 M.R.S.A. section 420-D) requires a full permit to be obtained from the DEP prior to construction of a project consisting of 20,000 square feet or more of impervious area or 5 acres or more of a developed area in an urban impaired stream watershed or most-at-risk lake watershed, or a project with 1 acre 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 or more of disturbed area but less than 1 acre impervious area (20,000 square feet for most-at-risk lakes and urban impaired streams) and less than 5 acres of developed area. Furthermore, a Maine Construction General Permit is required if the construction will result in one acre or more of disturbed area.

K. Septic Waste Disposal

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

L. Essential Services

- (1) Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.
- (2) The installation of essential services, other than road-side distribution lines, is not allowed in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.
- (3) Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

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

Mineral extraction may be permitted under the following conditions:

- (1) A reclamation plan shall be filed with, and approved, by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 15 (M)(4) below.
- (2) No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.
- (3) Developers of new gravel pits along Significant River Segments shall demonstrate that no reasonable mining site outside the shoreland zone exists. When gravel pits must be located within the zone, they shall be set back as far as practicable from the normal high-water line and no less than seventy-five (75) feet and screened from the river by existing vegetation.
- (4) Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
 - (a) All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site. The *State of Maine Solid Waste Laws*, 38 M.R.S.A., section 1301 and the solid waste management rules, Chapters 400-419 of the Department of Environmental Protection's regulations may contain other applicable provisions regarding disposal of such materials.
 - (b) The final graded slope shall be two and one-half to one (2 1/2:1) slope or flatter.

- (c) Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
- (5) In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

N. Agriculture

- (1) All spreading of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the former Maine Department of Agriculture on November 1, 2001, and the *Nutrient Management Law* (7 M.R.S.A. sections 4201-4209).
- (2) Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.
- (3) Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.
- (4) There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies and coastal wetlands; nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.
- (5) Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, of other water bodies and coastal wetlands, nor; within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan that has been filed with the planning board.

O. Timber Harvesting – Statewide Standards

- (1) Section 15 O. is repealed in its entirety in accordance with 38 MRSA 438-B (5). The Maine Bureau of Forestry administers the regulation of all forestry activities within the Town of Cranberry Isles.

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

- (1) In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove hazard trees as described in section Q..

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

- (2) Except in areas as described in Section P(1), above, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, or within a strip extending seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:
- (a) There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a single footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed for accessing the shoreline provided that a cleared line of sight to the water through the buffer strip is not created.
- (b) Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of Section 15(P)(2)(b) a "well-distributed stand of trees" adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

Diameter of Tree at 4-1/2 feet Above Ground Level (inches)	Points
2 - < 4 in.	1
4 - < 8 in.	2
8 - < 12 in.	4
12 in. or greater	8

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot rectangular area.

The following shall govern in applying this point system:

- (i) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
- (ii) Each successive plot must be adjacent to, but not overlap a previous plot;
- (iii) Any plot not containing the required points 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 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of Section 15(P)(2)(b) “other natural vegetation” is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten (10) year period.

- (c) In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 15(P) paragraphs (2) and (2)(a) above.
 - (d) Pruning of tree branches, on the bottom 1/3 of the tree is allowed.
 - (e) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, dead or hazard trees results in the creation of cleared openings, these openings shall be replanted with native tree species in accordance with Section Q, below, unless existing new tree growth is present.
 - (f) In order to maintain the vegetation in the shoreline buffer, clearing or removal of vegetation for allowed activities, including associated construction and related equipment operation, within or outside the shoreline buffer, must comply with the requirements of Section 15.P(2).
- (3) At distances greater than one hundred (100) feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

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

- (3) Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.
- (4) Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 15(P).

Q. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal

- (1) Hazard trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:
 - (a) Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four (4) feet in height, and be no less than two (2) inches in diameter. Stumps may not be removed.
 - (b) Outside of the shoreline buffer, when the removal of hazard trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above ground level in any ten (10) year period, and/or results in cleared openings exceeding twenty-five (25) percent of the lot area within the shoreland zone, or ten thousand (10,000) square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level.
 - (c) The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those trees that contain no foliage during the growing season.
 - (d) The Code Enforcement Officer may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.
 - (e) The Code Enforcement Officer may require more than a one-for-one replacement for hazard trees removed that exceed eight (8) inches in diameter measured at four and one half (4.5) feet above the ground level.
- (2) Storm-damaged trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:
 - (a) Within the shoreline buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet,

replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:

- (i) The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;
 - (ii) Stumps from the storm-damaged trees may not be removed;
 - (iii) Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree; and
 - (iv) If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every eighty (80) square feet of lost canopy.
- (b) Outside of the shoreline buffer, if the removal of storm damaged trees exceeds 40% of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above the ground level in any ten (10) year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

R. Exemptions to Clearing and Vegetation Removal Requirements

The following activities are exempt from the clearing and vegetation removal standards set forth in Section 15(P), provided that all other applicable requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary:

- (1) The removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of removal of vegetation every two (2) years, reverts back to primarily woody vegetation, the requirements of Section 15(P) apply;
- (2) The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of section 15(B) are not applicable;
- (3) The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;
- (4) The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of section 15(N) are complied with;
- (5) The removal of vegetation associated with brownfields or voluntary response action program (VRAP) projects provided that the removal of vegetation is necessary for remediation activities to clean-up contamination on a site in a general development district, commercial fisheries and maritime activities district or other equivalent zoning

district approved by the Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant 38 M.R.S.A section 343-E, and that is located along:

- (a) A coastal wetland; or
 - (b) A river that does not flow to a great pond classified as GPA pursuant to 38 M.R.S.A section 465-A.
- (6) The removal of non-native invasive vegetation species, provided the following minimum requirements are met:
- (a) If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least twenty-five (25) feet, horizontal distance, from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;
 - (b) Removal of vegetation within twenty-five (25) feet, horizontal distance, from the shoreline occurs via hand tools; and
 - (c) If applicable clearing and vegetation removal standards are exceeded due to the removal of non-native invasive species vegetation, the area shall be revegetated with native species to achieve compliance.
- (7) The removal of vegetation associated with emergency response activities conducted by the Department, the U.S. Environmental Protection Agency, the U.S. Coast Guard, and their agents.

S. Revegetation Requirements

When revegetation is required in response to violations of the vegetation standards set forth in Section 15(P), to address the removal of non- native invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements.

- (1) The property owner must submit a revegetation plan, prepared with and signed by a qualified professional, that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.
- (2) Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed:

- (3) If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.
- (4) Revegetation activities must meet the following requirements for trees and saplings:
 - (a) All trees and saplings removed must be replaced with native noninvasive species;
 - (b) Replacement vegetation must at a minimum consist of saplings;
 - (c) If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;
 - (d) No one species shall make up 50% or more of the number of trees and saplings planted;
 - (e) If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and
 - (f) A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) years period.
- (5) Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet in height:
 - (a) All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;
 - (b) Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
 - (c) If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;
 - (d) No one species shall make up 50% or more of the number of planted woody vegetation plants; and
 - (e) Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years
- (6) Revegetation activities must meet the following requirements for ground vegetation and ground cover:
 - (a) All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
 - (b) Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and

- (c) Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.

T. Erosion and Sedimentation Control

- (1) All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
 - (a) Mulching and revegetation of disturbed soil.
 - (b) Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
 - (c) Permanent stabilization structures such as retaining walls or rip-rap.
- (2) In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
- (3) Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
- (4) Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
 - (a) Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
 - (b) Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
 - (c) Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
- (5) Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.

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

conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

- V. Water Quality.** No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream or wetland.
- W. Archaeological Site.** Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

16. Administration

A. Administering Bodies and Agents

- (1) **Code Enforcement Officer.** A Code Enforcement Officer shall be, and an Alternate Code Enforcement Officer may be appointed or reappointed annually by July 1st. The Code Enforcement Officer(s) shall see that all construction and land use is properly permitted, enforced and carried out in accordance with applicable laws, ordinances, guidelines and formal best management practices. Compensation is determined by the Board of Selectmen and the Code Enforcement Officer(s) may serve more than one town and need not be a resident of the Town of Cranberry Isles.
- (2) **Board of Appeals.** A Board of Appeals shall be created in accordance with the provisions of 30-A M.R.S.A. section 2691.
- (3) **Planning Board.** A Planning Board shall be created in accordance with the provisions of State law.

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

- (1) A permit is not required for the replacement of an existing road culvert as long as:
- (a) The replacement culvert is not more than 25% longer than the culvert being replaced;
 - (b) The replacement culvert is not longer than 75 feet; and
 - (c) Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.
- (2) A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or

level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

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

C. Permit Application

- (1) Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.
- (2) All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.
- (3) All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
- (4) If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.
- (5) The Planning Board shall, at the applicant's expense, send notice of each public hearing regarding a Planning Board permit application by first class mail to all abutting property owners and to others who in the Planning Board's opinion might be directly affected by the proposed use or construction.
- (6) **Erosion Control Certified Contractors.** When an excavation contractor will perform an activity that requires or results in more than one (1) cubic yard of soil disturbance in the shoreland zone, the person responsible for management of erosion and sedimentation control practices at the site must be certified in erosion control practices by the Maine Department of Environmental Protection. This person must be present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation control measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion. The name and certification number of the person who will oversee the activity causing or resulting in soil disturbance shall be included on the permit application. This requirement does not apply to a person or firm engaged in agriculture or timber harvesting if best management practices for erosion and sedimentation control are used; and municipal, state and federal employees engaged in projects associated with that employment.

- D. Procedure for Administering Permits.** Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within 35 days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a

decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 35 days of the public hearing, if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

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

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

- (1) Will maintain safe and healthful conditions;
- (2) Will not result in water pollution, erosion, or sedimentation to surface waters;
- (3) Will adequately provide for the disposal of all wastewater;
- (4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
- (5) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
- (6) Will protect archaeological and historic resources as designated in the comprehensive plan;
- (7) Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities district;
- (8) Will avoid problems associated with floodplain development and use; and
- (9) Is in conformance with the provisions of Section 15, Land Use Standards.

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

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

- (1) There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.
- (2) The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.
- (3) All proposed buildings, sewage disposal systems and other improvements are:

- (a) Located on natural ground slopes of less than 20%; and
- (b) Located outside the floodway of the 100-year flood-plain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year flood-plain elevation; and the development is otherwise in compliance with any applicable municipal flood-plain ordinance.

If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year flood-plain.

- (4) The total footprint, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.
- (5) All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than 75 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the flood-plain, and its proximity to moderate-value and high-value wetlands.

F. Expiration of Permit. Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.

G. Installation of Public Utility Service. A public utility, water district, sanitary district or any utility company of any kind may not install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officials and the utility. Following complete installation of services, the company or district shall return the written authorization to the to the Municipal Officials stating the the installation is complete.

H. Appeals.

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

- (a) **Administrative Appeals:** To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any

order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.

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

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

- (a) Variances may be granted only from dimensional requirements including, but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
- (b) Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
- (c) The Board shall not grant a variance unless it finds that:
 - (i) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and
 - (ii) 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 Section 16(H)(2)(c)(ii) above, the Board of Appeals, or the codes 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 Sections 16(H)(2)(f) and 16(H)(4)(b)(iv) 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.

(3) Administrative Appeals

When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a “de novo” hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a “de novo” capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings are inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

(4) Appeal Procedure

(a) Making an Appeal

- (i) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-related matters as described in Section 16(H)(1)(a) above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.
- (ii) Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:
 - a. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.
 - b. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
- (iii) Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
- (iv) The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.
- (v) The Board of Appeals shall, at the applicant's expense, send notice of each public hearing by first class mail to all abutting property owners and to others who, in the Board's opinion, might be directly affected by the proposed use or construction. Notice

shall be also be given by publication in a local newspaper and by posting notices in a public place in town.

(b) Decision by Board of Appeals

- (i) A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.
 - (ii) The person filing the appeal shall have the burden of proof.
 - (iii) The Board shall decide all administrative appeals and variance appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.
 - (iv) The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board's decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.
- (5) **Appeal to Superior Court.** Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.
- (6) **Reconsideration.** In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

I. Enforcement

(1) **Nuisances.** Any violation of this Ordinance shall be deemed to be a nuisance.

(2) **Code Enforcement Officer**

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

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

(c) The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected.

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

(4) **Fines.** Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A. section 4452. As of 2015, current penalties include fines of not less than \$100 nor more than \$2500 per violation for each day that the violation continues. However, in a resource protection district the maximum penalty is increased to \$5000 (38 M.R.S.A. section 4452).

17. Liability. The Town of Cranberry Isles shall defend and indemnify the Code Enforcement Officer, the Planning Board, the Board of Appeals, or any individual member of the said boards regarding legal action and lawsuits filed against any or all of them based on their actions or inactions under this ordinance and all other applicable laws and responsibilities.

18. Definitions

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

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

Agriculture - the production, keeping or maintenance for sale or lease of plants or animals, including, but not limited to, forages and sod crops, grains and seed crops, dairy animals and dairy products, poultry and poultry products, livestock, fruits and vegetables and ornamental 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.

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

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

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

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

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

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

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. 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.

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

DBH – the diameter of a standing tree measured 4.5 feet from ground level.

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

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

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

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

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

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

Expansion of a structure - an increase in the 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 of a structure or ground area devoted to a particular use.

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

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

Floor area - the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls.

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 wetland - a freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) 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 or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of 10 acres; and
- (2) Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances 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.

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

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

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

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 fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and 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.

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

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

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

Licensed Forester - a forester licensed under 32 M.R.S.A. Chapter 76.

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

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

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

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

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

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

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

Native – indigenous to the local forests.

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

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

Non-conforming structure - a structure which does not meet any one or more of the following dimensional requirements; setback, height, 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 - 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.

Normal high-water line (non-tidal waters) - 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.”

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 Geological Survey on the website of the United States Geological 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, docks, wharves, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland.

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

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

Principal structure - a 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.

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

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

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.

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

River - a free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth. The portion of a river that is subject to tidal action is a coastal wetland.

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 a 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 threesquare occurs in fresher areas.

Sapling - a tree species that is less than two (2) inches in diameter at four and one half (4.5) feet above ground level.

Seedling - a young tree species that is less than four and one half (4.5) feet in height 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 (1,000) feet.

(2) in the case of telephone service

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

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

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

Shoreland zone - the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the

upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

Shoreline – the normal high-water line, or upland edge of a freshwater or coastal wetland.

Significant River Segments - See Appendix A or 38 M.R.S.A. section 437.

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 event.

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 (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

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

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

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 15 (P), *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting*.

Tree - a woody perennial plant with a well-defined trunk(s) at least two (2) inches in diameter at four and one half (4.5) feet above the ground, with a more or less definite crown, and reaching a height of at least ten (10) feet at maturity.

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

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

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 (6) meters (approximately twenty (20) feet) tall or taller.

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

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

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

Water body - any great pond, river or stream.

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

Wetland - a freshwater or coastal wetland.

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



I, Denise McCormick, the duly appointed Town Clerk for the Town Of Cranberry Isles, hereby certify pursuant to 30-A MRSA § 3006 that the attached is a true and accurate copy of the STREET NAMING AND NUMBERING FOR ZONE 1 (GREAT CRANBERRY ISLAND ORDINANCE of the Town of Cranberry Isles, Maine, which was adopted at Town Meeting, March 13, 2006.

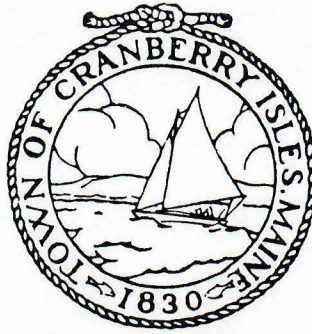
Dated: March 14, 2006

Denise McCormick
Denise McCormick, Town Clerk

THIS ORDINANCE REPEALS AND REPLACES ANY OTHER STREET NAMING AND NUMBERING ORDINANCE FOR ZONE 1.

Denise McCormick
Denise McCormick, Town Clerk

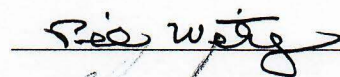
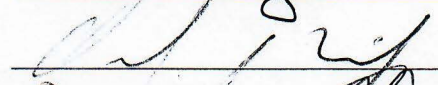
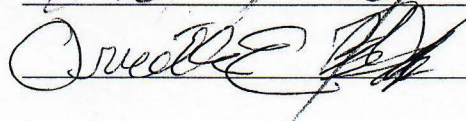




This certifies to the municipal clerk of the Town Of Cranberry Isles that the within ordinance is a true copy of an alternate ordinance entitled "Street Naming and Numbering for Zone 1 (Great Cranberry Island) Ordinance" to be acted upon by the voters at a town meeting to be held on March 13, 2006.

Dated February 7, 2006

Municipal Officers of Cranberry Isles

	Phil Whitney
	Daniel S Lief
	Orville E Blank

Attest:

A true copy, March 1, 2006.
Denise McCormick
Town Clerk



STREET NAMING AND NUMBERING ORDINANCE
FOR EMERGENCY SERVICES ZONE 1 (GREAT CRANBERRY ISLAND)
OF THE TOWN OF CRANBERRY ISLES, MAINE

1.0-PURPOSE

The objective of this ordinance is to provide street names and numbers for dispatch of emergency services in Zone 1 of the Town of Cranberry Isles. Emergency Services Zone 1 is the community of Cranberry Isles which is also the entirety of Great Cranberry Island. Such naming and numbering is to enhance the rapid and definitive location of structures by emergency response personnel.

The names and numbers established pursuant to this ordinance shall be the legal names and numbers for all purposes on Great Cranberry Island.

2.0-AUTHORITY

The Town of Cranberry Isles adopts this ordinance pursuant to and consistent with Municipal Home Rule Powers as provided in Article VIII, Part 2, Section 1 of the Constitution of the State of Maine and Title 30-A M.R.S.A. Section 3001.

3.0-TOWN WAYS

3.1-Naming of Town Ways

Each town way must have a unique name adopted by ordinance at Town meeting. Unique means that no two names have similar spellings or pronunciations. It is mandatory that all emergency services zones of the Town of Cranberry Isles refrain from using names already adopted by other zones.

The existing town ways are hereby assigned the following names:

- Cranberry Road (Previously commonly called Main Road)
- Shore Front Road
- Harding Point Road
- Heliker Road
- Jimmie's Point Road
- The Lane
- Dog Point Road

The name "Cranberry Road," is reserved and assigned, beyond the current end of the town way, to any right of way proceeding toward Thrumcap.

The name "Shore Front Road," is reserved and assigned to the private way extension beyond the end of the town way.

The way serving the town gravel pit property shall be named Elwood Spurling Road.

3.2-Signing

The Town of Cranberry Isles shall erect street signs at the intersections of all town ways. The signs shall be in compliance with the MUTCD [1] standard. The sign for each town way shall be white letters on a green background.

4.0-PRIVATE WAYS

4.1-Naming Procedure

4.1.1-Requirement for Naming

Any way serving two or more residences, or otherwise occupied structures, must be named. Any way serving three or more structures requiring numbers must be named.

In addition, the Zone Fire Chief shall have the authority to, at his discretion, require naming of any private way – even one with no structures – if in his judgment naming will improve the efficiency of emergency response.

4.1.2-Notice to Name

The Zone Fire Chief shall notify the Board of Selectmen when a private way must be named. The Selectmen shall notify by letter the property owners abutting the private way that a name is required. Each notifying letter shall contain a list of the names and addresses of all the property owners being sent the notice. The property owners may negotiate among themselves however they wish. Within one year of notification, a majority of the property owners on the list must sign a letter to the Board of Selectmen adopting a name for the private way. If the name is unique and meets other requirements of this ordinance, the Board of Selectmen shall certify it as the name of that private way. Thence the structures on that way shall be numbered as required below.

If the name submitted is not acceptable, the Board of Selectmen shall send a second notice to the property owners. The procedure shall be the same as in the above paragraph, except that they now have 6 months to adopt a new name.

If no response is received to the first notice after one year, or no or an unacceptable response is received to the second notice after 6 months, the Board of Selectmen shall within 90 days assign a name to the private way. The name selection shall be at the discretion of the Selectmen.

4.2-Signing

The Town of Cranberry Isles shall erect street signs at the intersections of all town ways with private ways and at the intersections of private ways. The signs shall be in compliance with the MUTCD [1] standard. The sign for each private way shall be white letters on a red background.

If the property owner(s) at the intersection of names private ways will not grant the town an easement to erect and maintain street sign(s), then the owner(s) are responsible for procuring, erecting and maintaining said sign(s). Said signage must meet the requirements of this ordinance and MUTDC [1]. Such signage must remain in place year round.

5.0-CONTINUITY OF NAMING

Every named way must be connected to the town pier over a sequence of named ways. Should it be necessary to name some previously unattached way, then it is required that any unnamed connecting ways also be named.

At any road fork, the street name leading to the fork shall continue through the fork on one side or the other. Which side, will be at recommendation of the Zone Fire Chief to the Board of Selectmen, and will be so notified in private ways naming letters.

A single way shall have only one name. Where a private way is direct continuation of a town way, the private way shall have the same name as the town way. Should a named private way, not an extension of a town way, become a town way, it will retain its private way name.

6.0-NUMBERING

6.1-Interval Numbering System

An interval street numbering system is hereby adopted. Each street is divided into fixed intervals along its centerline. An odd number is assigned to the right side of the interval and an even number to the left side. The numbers are assigned in sequence from the start of the street. The interval in which a structure falls is determined by Global Positioning System (GPS) or similar measurement of the structure location. The structure is assigned the number of the interval in which its measurement falls.

Numbering shall start at the current town pier. The numbers 1 and 2 are reserved for the pier proper. The measurements for Cranberry Road numbering shall start at the 1912 datum for "top of the sea wall" as described in the deed of the road. Starting at the pier, an odd number shall be assigned on the right and an even number assigned on the left for each 30 foot interval of Cranberry Road. The numbers shall be in sequence.

Side roads shall be similarly numbered starting at the end nearest Cranberry Road. Nearest is determined by the distance along the named access ways from Cranberry Road. The numbering interval on side roads shall be 30 feet. Numbering shall start at the intersection of the centerlines.

6.2-Structures to be Numbered

Every structure, regardless of size, that is occupied at any time for either work, residential or any other purpose shall be numbered. Every structure with over 250 sq. ft. of ground coverage shall be numbered. The Zone Fire Chief may require other structures to be numbered if, in his judgment, it would assist emergency response.

6.3-Number Assignment

The number assigned to a structure shall be that of the numbering interval that directly fronts on the main entrance of the structure. The main entrance location is the intersection of the named road centerline and the perpendicular from said centerline to the entrance. If that number is already assigned, the number of the next sequential interval shall be assigned.

If a number mounted on a structure cannot be read from the named road, then the number shall be assigned based on the intersection of the structure's driveway centerline with the road centerline.

6.4-New Structures

The location of the main entrance and/or of the driveway to the structure shall be provided on the "Town of Cranberry Isles Notification of Intention to Build" form. The location shall be determined per Section 6.3 above using GPS measurements stated in local coordinates. The accuracy shall be +/- 5 feet.

Way name and number shall be assigned to each new structure by the Code Enforcement Officer when its building permit is approved. Within 7 days, the Code Enforcement Officer shall notify the Zone Fire Chief of the assignment. The number shall immediately be displayed at the construction site so that it is visible to emergency personnel on the named way.

6.5-Multiple Occupancy Structures

If the main entrances of all units face the same named street, and if said main entrances are 30 feet or more apart, then each unit shall be numbered according to the numbering segment it faces on the named street.

If the main entrance of any unit is not on the structure face facing the named road, or if the entrances are less than 30 feet apart, then the structure shall be given the number appropriate to the lowest numbered main entrance of the structure. Each unit entrance shall be assigned a sequential letter starting with "A." The letter

sequence shall start with the letter "A" at the numbered entrance. It shall proceed along the street face of the structure, thence continue in that direction around the structure.

For structures where more than one unit is served by the same entrance, the entrance numbering shall be as above. For structures where each entrance is numbered, the interior units shall be assigned a sequence of letters, starting with "A," at each entrance. For structures with lettered exterior entrances, multiple letters, in order of exterior sequence, shall be assigned at each entrance according to the number of units served by that entrance.

6.6-Number Display

Supplying, displaying and maintaining structure numbers is the responsibility of each individual property owner. Numbers shall be at least 4 inches high. They must be at least 4 feet above ground level. They shall be placed by the main entrance to the structure so as to be visible from the named street year round. Main is defined as the entrance which is normally used to enter the structure.

If visibility from the street cannot be achieved, then the number shall be placed, at least 4 feet above ground, on a sign post at the intersection of the way to the structure and the named road. The post shall be within 10 feet of the named road. If there is more than one structure served by a driveway, each structure number shall be posted in a vertical array on a single post at the driveway entrance. Additionally, the number of each structure shall be displayed on structure as required above.

For multiple occupancy structures, the numbers/numbers & letters shall be displayed at the entrance to each unit. Where multiple units are served by the same entrance, the number & letter of each unit so served shall also be displayed in a vertical array beside that entrance. For entrances not facing the named street, the numbers & letters shall also be posted in a vertical array at the corners of the structure with a directional arrow to indicate the shortest distance to that entrance.

7.0-MAINTENANCE

7.1-Audit

It is the responsibility of the Zone Fire Chief to audit street naming and structure numbering from time to time. It is his responsibility to notify the property owner or proper town official of any variance requiring action. The Chief shall maintain a log of such notices. If a cure is not effected in a reasonable period of time, he may require the Board of Selectmen to effect a cure.

7.2-Re-naming

Re-naming is highly discouraged.

If the name of a town way is to be changed, it requires a two-thirds vote of the citizens assembled at a town meeting

If the name of a private way is to be changed, it requires a written petition to the Board of Selectmen signed by two-thirds of the property owners abutting the private way.

7.3-Sign Maintenance

It is the responsibility of the property owners to maintain the number displays to the standards of this ordinance.

It is the responsibility of the Town to maintain the street name signs at the named way intersections to the standards of this ordinance and MUTCD [1].

At private intersections where the property owner(s) have assumed responsibility for street name signage under Section 4.3 above, the property owner(s) are specifically responsible for the year round maintenance of said signs.

8.0-PRECEDENCE

This ordinance supersedes any prior ordinance naming or numbering streets on Great Cranberry Island.

9.0-SEPARABILITY

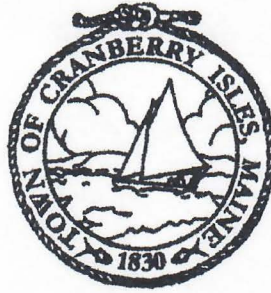
Should any part(s) of this ordinance be declared illegal by a court of competent jurisdiction, the remainder of the ordinance remains in effect.

10.0-EFFECTIVE DATE

This ordinance takes effect immediately upon passage.

[1] Manual on Uniform Traffic Control Devices, current revision at the time of use, Federal Highway Administration. The initial selection shall be 6" reflective letters on a 9" extruded aluminum sign blade.

Board of Selectmen
Phil A. Whitney
Dan Lief
Orville E. Blank



Town Clerk / Treasurer
Denise McCormick
P.O. Box 56
Cranberry Isles, ME 04646

ZONE 2: ISLESFORD ADDRESS ORDINANCE
OF THE
TOWN OF CRANBERRY ISLES, MAINE

To: Denise McCormick, Town Clerk

We certify this Zone 2: Islesford Address Ordinance for the Town of Cranberry Isles,
Hancock County, Maine as approved by vote at the 2005 Annual Town Meeting.

Phil A. Whitney
Orville E. Blank
Dan Lief

A True Copy, Attested By:

Denise McCormick

Denise McCormick
Town Clerk
April 5, 2005

Selectmen of Cranberry Isles, ME.

Date: April 5, 2005



Suggested revision of
Town of Cranberry Isles Street Name and Addressing Ordinance
which was passed by a 40 to 4 vote on August 9, 2004 at Special Town
Meeting:

Zone 2: Islesford Address Ordinance

Section 1. **TITLE**

This ordinance will henceforth be known as the "Zone 2: Islesford Address Ordinance"

Section 2. **PURPOSE**

The purpose of this ordinance is to enhance the easy and rapid location of structures by law enforcement, fire, rescue, and emergency medical service personnel in Zone 2: Islesford.

Section 3. **AUTHORITY**

This ordinance is adopted pursuant to and consistent with Municipal Home Rule powers as provided for in Article VIII, Part 2, Section 1 of the Constitution of the State of Maine, and Title 30-A M.R.S.A. § 3001.

Section 4. **ADMINISTRATION**

This ordinance shall be administered by a five member Addressing Committee for Zone 2, appointed by the Board of Selectmen, who are authorized to and shall assign road names and numbers to all properties, both on existing and proposed roads, in accordance with the criteria in Section 5 and 6. Three members of the Addressing Committee then present for a meeting shall constitute a quorum, and any action may be taken by a simple majority of those members of the Addressing Committee present and voting at that meeting. The Addressing Committee for Zone 2 shall be responsible for maintaining the following official records of this ordinance with a copy filed in the office of the Town Clerk:

- a. A Zone 2: Islesford map for official use showing road names and numbers.

- b. An alphabetical list of all property owners as identified by current tax records, by last name, showing assigned numbers.
- c. An alphabetical list of all roads with property owners listed in order of their assigned numbers.

The Selectmen shall designate an Addressing Officer, who may be the Town Clerk, who is responsible for and authorized to provide all required addressing and database information to the State and/or County agency responsible for the implementation of Enhanced 911 service.

Section 5. **NAMING SYSTEM**

All roads that serve two or more structures shall be named regardless of whether the ownership is public or private. A "road" refers to any highway, road, street, avenue, lane, private way, or similar paved, gravel, or dirt thoroughfare. A road name assigned by the municipality shall not constitute or imply acceptance of the road as a public way.

The following criteria shall govern the naming system:

- a. No two roads shall be given the same name within the zone.
- b. No two roads shall have similar-sounding names within the zone. (ie. Beech Lane and Peach Lane).
- c. Each road shall have the same name throughout its entire length.

Section 6. **NUMBERING SYSTEM**

The following criteria shall govern the numbering system:

- a. Numbers shall be assigned every fifty (50) feet along both sides of the road, with even numbers appearing on the left side of the road and odd numbers appearing on the right side of the road, as the numbers ascend.
- b. All number origins shall begin from the Town Ramp or municipal wharf, or that end of a road closest to the designated origin. For dead end roads,

numbering shall originate at the intersection of the adjacent road and terminate at the dead end.

- c. The number assigned to each structure shall be that of the numbered interval falling closest to the front door or the driveway of said structure if the front door cannot be seen from the main road.
- d. Every structure with more than one principle use or occupancy shall have a separate number for each use or occupancy, ie. duplexes will have two separate numbers; apartments will have one road number with an apartment number, such as 235 Maple Road, Apartment 2.

Section 7. **COMPLIANCE**

All owners of structures shall, by the date stipulated in Section 9, display and maintain in a conspicuous place on said structure, assigned numbers in the following manner:

- a. Number on the Structure or Residence. Where the residence or structure is within fifty (50) feet of the edge of the road right-of-way, the assigned number shall be displayed by the front door or entrance to the residence or structure; being approximately 18 inches from the top of the door or entrance.
- b. Number at the Road Line. Where the residence or structure is over fifty (50) feet from the edge of the road right-of-way, the assigned number shall be displayed on a post, fence, wall, or on some structure at the property line adjacent to the walk or access drive to the residence or structure, and visible from the left or right-hand side of the road.
- c. Size, color, and location of number. Numbers shall be of a color that contrasts with their background color and shall be a minimum of four (4) inches in height. Numbers shall be located to be visible from the road at all times of year.
- d. Proper number. Every person whose duty is to display an assigned number shall remove any different number which might be mistaken for, or

confused with, the number assigned in conformance with this ordinance.

- e. Interior location. All residents and other occupants are requested to post their assigned number and road name adjacent to their telephones for emergency reference.

Section 8. **NEW CONSTRUCTION AND SUBDIVISIONS**

All new construction and subdivisions shall be named and numbered in accordance with the provisions of this ordinance and as follows:

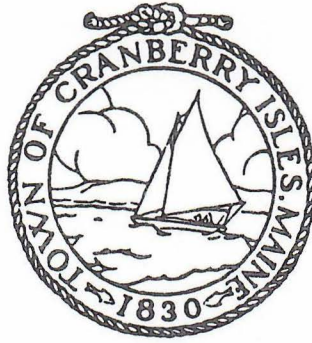
- a. New Construction. Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to obtain an assigned number from the Town Clerk. This shall be done at the time of the issuance of the building permit, with a copy of this information provided to the Town Code Enforcement Officer.
- b. New Subdivisions. Any prospective subdivider shall show a proposed road name and lot numbering system on the pre-application submission to the Planning Board. Approval by the Planning Board, after consultation with the Addressing Officer, shall constitute the assignment of road names and numbers to the lots in the subdivision. On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots, in the center of the streets every fifty (50) feet so as to aid in the assignment of numbers to structures subsequently constructed.

Section 9. **EFFECTIVE DATE**

This ordinance shall become effective sixty (60) days following voter approval at either a regular or special Town Meeting. It shall be the duty of the Addressing Officer to notify by mail each property owner and the U.S. Postal Service of their new address at least sixty (60) days prior to the effective date of its use. It shall be the duty of each property owner to comply within this ordinance, including the posting of new property numbers, within sixty (60) days following notification. On new structures, numbering will be installed prior to final inspection or when the structure is first used or occupied, whichever comes first.

Section 10. **SEVERABILITY**

Each of these sections shall be construed as separate. If any section, sentence, clause or phrase shall be held invalid for any reason, the remainder of that section and all other sections shall continue in force.



I, Denise McCormick, the elected Town Clerk for the Town Of Cranberry Isles, hereby certify pursuant to 30-A MRSA §3006 that the attached is a true and accurate copy of the "Ordinance for the Retention Or Disposition of Tax-Acquired Property in the Town Of Cranberry Isles".

This ordinance was enacted at the March 08, 2010 Annual Town Meeting.

Denise McCormick
Town Clerk

**ORDINANCE FOR THE RETENTION OR DISPOSITION
OF TAX-ACQUIRED PROPERTY IN THE TOWN OF
CRANBERRY ISLES, MAINE**

This Ordinance has been adopted pursuant to the authority granted to the Town of Cranberry Isles (the "Town") in 30-A M.R.S.A. Section 3001 et seq. and the Home Rule Power referenced in 30-A M.R.S.A. Section 2101 et seq. The purposes of this Ordinance are to establish a procedure for the retention or sale of tax-acquired property and to provide certain authority to the Selectmen for the sale of such property to its previous owners after foreclosure of a tax lien.

1] (a) Except as provided below, any property that has been acquired by the Town for nonpayment of real estate taxes by virtue of foreclosure of a statutory tax lien pursuant to 36 M.R.S.A. §941 et seq., or by other method or procedure provided pursuant to Maine law, shall be the property of the Inhabitants of the Town of Cranberry Isles held in fee simple.

(b) The Selectmen may take appropriate measures to take full possession of the property, and to rent, insure, manage, maintain and/or improve the same. If the property is rented, the Selectmen may also obtain liability insurance coverage.

(c) The Selectmen may, in their discretion, determine (1) whether to retain the property for present or future, municipal or public use, or (2) whether to sell or release the property as provided below. If the Selectmen determine that the property should be retained, they may then bring a court action for the purpose of securing clear title to the property.

2] (Within 60-days of the enactment of this Ordinance or within 60-days of the maturation of the oldest property tax lien that applies to the parcel of real estate, whichever date is later, the person(s) to whom the property was most recently assessed for municipal tax purposes, or his, her, its or their (as applicable) heirs, devisees, successors or assigns (collectively the "prior taxpayer"), may petition the Selectmen in writing to allow the prior taxpayer to purchase the property and obtain a municipal release deed. The Selectmen may, in their discretion, allow such petitioner(s) to purchase the property back upon payment of all unpaid taxes, the just value for the current tax year which is not yet assessed, interest, lien charges, attorney fees, maintenance and insurance expenses, any other expense incurred by the Town, and any additional sum that the Selectmen deem reasonably related to the tax lien, property or maintenance of the property. In the event the Selectmen allow the petitioner to repurchase, the Selectmen shall also establish the terms of the repurchase. In the event the petitioner(s) fail to satisfy the terms and conditions of repurchase as established by the Selectmen, the Selectmen may elect in their discretion to extend or amend the terms of repurchase (but not reduce the amount of the repurchase) or proceed with a public sale of the property as provided for below.

3] (a) The Selectmen may, in their discretion, sell any tax-acquired property by public bid. At least thirty (30) days prior to the bid opening date, the Selectmen shall (1) provide written notice of the impending sale to the prior taxpayer, by regular U.S. mail sent to the same address on file with the Town tax collector, (2) post a bid invitation on both Great and Little Cranberry Islands, and (3) publish a bid invitation twice in a newspaper of general circulation in Mount Desert and Ellsworth. However, failure to mail notice to the prior taxpayer shall not invalidate

any sale of the property. The Selectmen may also provide notice to persons the Selectmen feel may have an interest in purchasing the property.

(b) The Selectmen shall determine the form of the notice of and invitation for the public sealed bid sale, as well as bid submission requirements. The form shall (1) contain a description of the property, (2) require a 10% bid deposit in the form of a cashier's or certified check which will be returned to all unsuccessful bidders, (3) specify the date and time when bids must be received at the Town's town office, (4) specify when and where the bids will be opened, (5) state that the Selectmen have full discretion to reject any and all bids, (6) state that the property is being sold "AS IS", and (7) require the successful bidder to agree to indemnify and hold the Town harmless from any and all claim(s) arising out of the taking, ownership or sale of the property, as well as the eviction of any occupants of the property. In addition the Selectmen may in that notice provide for a minimum bid price.

(c) The Selectmen shall notify any successful bidder by mail, which notice shall include the form of indemnity and hold harmless agreement, require full payment from the successful bidder within thirty (30) days after the sale, and deliver to the successful bidder a municipal release deed in exchange for the successful bidder's payment of the bid price by wire or certified funds and delivery of the fully executed indemnity and hold harmless agreement referred to above. The Selectmen may, at their discretion, extend any successful bidder's right to purchase for an additional period of twenty (20) days. If that bidder defaults, the Town may retain the bid deposit and the Selectmen may elect to sell the property to the next highest bidder, or, in the event the successful bidder defaults or there is no next highest bidder the Town may (i) elect to retain the property for use by the Town or public, or (ii) re-initiate the procedures provided in this section 3 for a public sale by sealed bid without the requirement of notice to any prior taxpayer.

This document consists of two pages

SUBDIVISION ORDINANCE
of the
TOWN OF CRANBERRY ISLES
Ordinance approved June 6, 1988
(repealed ordinance of Nov. 1972)
Table of Contents

Section Subject

I BASIC PROVISIONS

- I.A Authority
- I.B Purpose
- I.C Administration
- I.D Effective Date
- I.E Validity and Separability and Conflict with Other Ordinances
- I.F Amendments

II DEFINITIONS

III PRE-APPLICATION REVIEW

- III.A Procedure
- III.B Submission
- III.C Contour Interval and On-Site Inspection
- III.D Rights Not Vested
- III.E Ownership

IV REVIEW AND APPROVAL OF MINOR SUBDIVISION

- IV.A General
- IV.B Procedure
- IV.C Submissions

V PRELIMINARY PLAN FOR A MAJOR SUBDIVISION

- V.A Procedure
- V.B Submissions

VI ASSURANCE OF COMPLIANCE

VII NOTIFICATION

VIII FINAL PLAN FOR A MAJOR SUBDIVISION

- VIII.A Procedure
- VIII.B Submissions
- VIII.C Inspection of Required Improvements
- VIII.D Final Approval and Filing
- VIII.E Expiration of Permit

IX GENERAL REQUIREMENTS

- IX.A Conformance with Other Laws and Regulations
- IX.B Retention of Open Space and Natural or Historic Features
- IX.C Land Not Suitable For Development
- IX.D Lots
- IX.E Setback of Building

IX.F Easements
IX.G Utilities
IX.H Dedication and Maintenance of Common Open Space and Services
IX.I Impact on Ground Water
IX.J Additional Requirements

X DESIGN STANDARDS

X.A Permanent Markers
X.B Off-Street Parking and Loading
X.C Roads
X.D Sidewalks
X.E Storm Water Management
X.F Water Supply
X.G Sewage Disposal
X.H Height Restrictions

XI PERFORMANCE GUARANTEES

XI.A Types of Guarantees
XI.B Contents of Guarantee
XI.C Performance Bond
XI.D Letter of Credit
XI.E Conditional Agreement
XI.F Phasing of Development
XI.G Release of Guarantee
XI.H Default
XI.I Private Roads
XI.J Improvements Guaranteed

XII ENFORCEMENT

XII.A Inspection of Required Improvements
XII.B Violations and Enforcement

XIII WAIVERS

XIV APPEALS

XV CERTIFICATION OF COMPLIANCE

SUBDIVISION REGULATIONS OF THE TOWN OF CRANBERRY ISLES, MAINE

SECTION 1. BASIC PROVISIONS

A. Authority

These regulations have been prepared in accordance with the provisions of the State of Maine laws Title 30, M.R.S.A., Section 4956.

B. Purpose

The purpose of these regulations shall be to encourage the wise and harmonious development of the land encompassed by the town: to insure the health, safety, and welfare of the people of the town; to prevent any unsound development of land by reason of improper or inadequate water supply, drainage, sewer disposal, or accessibility by road; to protect and preserve the natural beauty of the islands and to provide for the orderly development of a sound and stable community.

C. Administration

1. The Planning Board for the Town of Cranberry Isles, hereinafter called the Board, shall administer this ordinance.

2. The provisions of this ordinance shall apply to all of the land area of all subdivisions, as defined, located in the Town of Cranberry Isles.

3. The Planning Board shall have the authority to adopt such forms as may be necessary or appropriate for the proper administration of this subdivision ordinance.

D. Effective Date

The ordinance shall take effect upon enactment by a Town Meeting.

E. Validity and Separability and Conflict with Other Ordinances

1. Validity and Separability - Should any section or provision of this ordinance be declared by any court to be invalid, such decisions shall not invalidate any other section or provision of this ordinance.

2. Conflict with Other Ordinances - Whenever the requirements of this ordinance are inconsistent with the requirements of any other ordinance, code, or statute, the more restrictive requirements shall apply.

F. Amendments

This ordinance may be amended by a majority vote at a town meeting.

SECTION II. DEFINITIONS

Subdivision - The division of a tract or parcel of land into three or more lots within any five-year period, which period begins after September 22, 1971, whether accomplished by sale, lease, development, buildings, or otherwise provided that a division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage or adoption, unless the intent of such gift is to avoid the objectives of this ordinance, or by transfer of any interest in land to the owner of land abutting thereon, shall not be considered to create a lot or lots for the purpose of this ordinance.

In determining whether a tract or parcel of land is divided into three or more lots, the first dividing of such tract or parcel, unless otherwise exempted herein, shall be considered to create the first two lots and the next dividing of either of said first two lots, by whomever accomplished, unless otherwise exempted herein, shall be considered to create the third lot, unless both such dividings are accomplished by a subdivider who shall have retained one of such lots for his own use as a single family residence for a period of at least five years prior to such second dividing. Lots of forty or more acres shall not be counted as lots.

For the purpose of this ordinance, a tract or parcel of land is defined as all contiguous land in the same ownership, provided that lands 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.

The term subdivision shall include the subdivision of land for nonresidential purposes, mobile home parks, camp grounds, condominiums, and the resubdivision of land.

Subdivision, Major - Any subdivision containing more than four (4) lots, or any subdivision requiring any new public street extension, or the extension of municipal facilities.

Subdivision, Minor - A subdivision containing not more than four (4) lots.

Adequate - Refer to Sufficient.

Alteration - A structural change, rearrangement, change of location, or addition to a building or structure other than repairs and modification in building equipment whether horizontally or vertically, involving more than a three hundred (300) square foot increase in overall floor space or bulk of the building or structure at any time or in total since the effective date of the ordinance.

Appropriate - Refer to Sufficient.

Building - Any structure having a roof or partial roof supported by columns or walls used for shelter or enclosure of persons, animals, goods, or property of any kind.

Commenced - Means either the first placement of permanent construction of a structure on a 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 - Any business, housed in a permanent structure, engaging primarily in the sale of goods or services to the consumer for direct consumption and/or use and/or resale, excluding home occupations.

Complete Application - An application shall be considered complete upon submission of the required fee and all information required by this ordinance for a Final Plan, or by a vote by the Board to waive the submission of required information.

Comprehensive Plan or Policy Statement - Any part or element of the overall plan or policy for development of the municipality as defined in Title 30, M.R.S.A., Section 4961.

Contiguous Lots - Lots which adjoin at any Line, a point on a line, or are separated at any point by a body of water less than fifteen feet wide.

Developed Area - Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, etc..

Dwelling Unit - A room or group of rooms designed and equipped exclusively for use as living quarters for one family including provisions for living, cooking, and eating.

Easement - The authorization of a property owner for the use by another, and for a specified purpose, of any designated part of his property.

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.

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

Institutional - A building devoted to public, governmental, educational, charitable, medical, or similar purpose.

Lodging Unit - A dwelling or part thereof, in which sleeping accommodations are furnished and meals or other services may be furnished by the owner or operator for compensation to more than three (3) individuals other than a member of the family. Lodging units shall include bed and breakfast, inn, boarding house, or rooming house. A structure which is used as a hotel or motel and licensed by the State to accept transients shall be considered as a commercial establishment.

Multiple Family Dwelling - A building having three or more dwelling units.

100 Year Flood - The highest level of flood that, on the average, is likely to occur once every 100 years (that has a one percent chance of occurring [occurring] in any year).

Official Submittal Date - The date upon which a complete application has been submitted to the Board.

Persons - Any person, firm, association, partnership, corporation, municipal or other local governmental entity, quasi municipal entity, state agency, educational or charitable organization or institution or other legal entity.

Planning Board - the Planing Board of the Town of Cranberry Isles, created under Title 30, M.R.S.A., section 4952, by unanimous [unanimous] vote at a special town meeting August 1, 1972.

Preliminary Subdivision Plan - The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Board for its consideration.

Recording Plan - A copy of the Final Plan which is recorded at the Registry of Deeds.

Residential Dwelling Unit - A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one (1) family or person. The term shall include mobile or manufactured homes.

Resubdivision - Any change in the plan of an approved subdivision including land transactions by the subdivider not indicated on the approved plan.

Retail - The sale of goods to the ultimate consumer for direct use and consumption and not for resale.

Road - A vehicular way over 500 feet in length or a vehicular way serving more than one principal structure or more than one lot upon which dwellings could be built [be built].

Shoreline Boundary - That line where terrestrial vegetation and soil ends and aquatic vegetation or shore material (such as ledge, rocks, stones, pebbles, or sand) begins.

Structure - Anything constructed, erected, or placed except a boundary wall or fence, the use of which requires location on the ground or attachment to something on the ground including, but not limited to buildings, mobile homes, recreational vehicles, piers and floats.

Subdivision - As previously defined in Section 11 [II].

Sufficient - The term shall mean to do as much as needed to address any and all existing and/or potential negative impacts resulting from the proposed subdivision. The term "Sufficient" shall include the terms "adequate", "suitable", and "appropriate". In instances where there exists questions as to how much is needed, the subdivider and/or

the Board may request a written determination from a consultant licensed in the State of Maine in the appropriate field to identify the sufficient actions needed at the subdivider's expense.

Suitable - Refer to Sufficient.

SECTION III. PRE-APPLICATION REVIEW

A. Procedure

Before submitting a formal application for approval, the applicant or his agent shall appear before the Planning Board to discuss the proposed development. A sketch plan should be presented for information review, and arrangements made for an inspection of the site with the Planning Board. Also at this time the Board will classify the sketch plan into one of two categories as defined herein: Minor Subdivision / Major Subdivision. If classified as a Minor Subdivision the subdivider shall then comply with the procedure outlined in SECTION IV of this ordinance. If classified as a Major Subdivision the subdivider shall comply with procedures outlined in SECTION V and SECTION VI of this ordinance.

B. Submission

The Pre-application Sketch Plan shall show, in simple sketch form, the proposed layout of streets, lots, and other features in relation to existing conditions. The Sketch Plan, which may be a freehand penciled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. The Sketch Plan shall be accompanied by a copy of the municipal tax map of the area showing the outline of the proposed subdivision.

C. Contour Interval and On-Site Inspection

Within thirty days, the Board shall determine and inform the applicant in writing of the required contour interval, specific requirements for the Preliminary Plot Plan submission, and hold an on-site inspection of the property.

D. Rights Not Vested

The submittal or review of the Pre-Application Sketch Plan shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1, M.R.S.A., subsection 302.

E. Ownership

A copy of the deed or binding Purchase and Sales Agreement or option to purchase showing ownership of the proposed subdivision shall be submitted.

SECTION IV. REVIEW AND APPROVAL OF MINOR SUBDIVISION

A. General

The Planning Board may require, where it deems it necessary for the protection of public health, safety and welfare, that a Minor Subdivision comply with any or all of the requirements specified for Major Subdivisions.

B. Procedure

1. Within six months after the on-site inspection by the Board, the subdivider shall submit an application for approval of a Final Plan at least fourteen (14) days prior to a scheduled meeting of the Board. Failure to do so shall require resubmission of the Sketch Plan to the Board. The Final Plan shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Board.
2. All applications for Plan approval for Minor Subdivisions shall be accompanied by a \$50.00 application fee and an additional \$50.00 per lot or dwelling unit, payable by check to the municipality. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the costs of advertising and postal notification. The Planning Board reserves the right to obtain an independent evaluation of a proposed development, to assist them in making the 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. The subdivider, or his agent, shall attend the meeting of the Planning Board to discuss the Final Plan.
4. The time of submission of the Final Plan shall be as defined in SECTION II, DEFINITIONS, Official Submittal Date.
5. The Planning Board shall, within sixty (60) days from the date of submission, approve, modify and approve, or disapprove the Final Plan. The Board shall specify in writing its reasons for any such modification or disapproval. If the Board fails to take action within sixty (60) days as specified above, the Final Plan shall be deemed disapproved.

C. Submissions

The subdivision plan for a Minor Subdivision shall consist of two stable based transparent originals and four copies of one or more maps or drawings drawn to a scale of not more than one hundred (100) feet to the inch, and the size of the sheets shall be at least 8½ x 11 inches, but no larger than 24 x 36 inches in size. Such sheets shall have a margin of two (2) inches outside of the border lines on the left side for binding and a one (1) inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by all appropriate agencies. The application for approval of a Minor Subdivision shall include all the information presented on the Sketch Plan plus the following:

1. A copy of covenants or deed restrictions as are intended to cover all or part of the tract.
2. An actual field survey of the boundary lines of the tract, giving complete descriptive 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 permanent markers as herein required, and shall be referenced as shown on the Plan.
3. A copy of that portion of the County Soil Survey covering the subdivision. When the medium intensity soil survey shows soils that 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.

4. All on-site sewerage and water supply facilities shall be shown designed to meet the minimum specifications of this ordinance and all pertinent State and local ordinances. Compliance shall be stated on the Plan and signed by a licenced [licensed] engineer.

5. Proposed name of the subdivision or identifying title, and the name of the Municipality in which it is located.

6. The date, north point, graphic map scale, name and address of the owner of record and subdivider, and the names of adjoining property owners.

7. A soil erosion and sediment control plan containing the endorsement of the Hancock County Soil Conservation District or the Maine Soil and Water Conservation Commission.

SECTION V. PRELIMINARY PLAN FOR A MAJOR SUBDIVISION

A. Procedure

1. Within six months after the on-site inspection by the Board, the subdivider shall submit an application for approval of a Preliminary Plan at least fourteen (14) days prior to a scheduled meeting of the Board. Failure to do so shall require resubmission of the Sketch Plan to the Board. The Preliminary Plan shall approximate the layout shown on the Sketch Plan, plus the specific requirements checked by the Planning Board on the application.

2. All applications for Preliminary Plan approval for a subdivision shall be accompanied by a \$50.00 application fee and an additional \$50.00 per lot or dwelling unit, payable by check to the municipality. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the costs of advertising and postal notification. The Planning Board reserves the right to obtain an independent evaluation of a proposed development, to assist them in making the 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. The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the Preliminary Plan.

4. The subdivider shall certify to the Board that all owners of abutting property have been notified that an application for subdivision approval has been submitted to the Board.

5. Within thirty days of receipt of Preliminary Plan application form and fee, the Board shall notify the applicant in writing,

if the application is complete, or what additional submissions are required for a complete application.

6. The Board shall, within thirty (30) days of a public hearing, or within sixty (60) days of receipt of a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the subdivider, make findings of fact on the application, and approve, approve with conditions, or deny the Preliminary Plan. The Board shall specify in writing on the four copies of the Preliminary Plan its findings of fact and reasons for any conditions or denial. One copy shall be returned to the subdivider, one retained by the Planning Board, one forwarded to the Municipal Officers, and one forwarded to the Code Enforcement Officer.

7. When granting approval to a Preliminary Plan, the Board shall 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 improvement or performance bonds or guarantees which it will require as prerequisite [prerequisite] to the approval of the Final Plan.

8. Approval of a Preliminary Plan shall not constitute approval of the Final Plan or intent to approve the Final Plan, but rather it shall be deemed an expression of approval of the design of the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Board upon fulfillment of the requirements of this ordinance and the conditions of the 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. Submissions

1. Location Map. The Preliminary Plan shall be accompanied by a Location Map drawn to a scale adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Board to locate the subdivision within the municipality. The Location Map shall show:

- a. Existing subdivisions in the proximity of the proposed subdivision.
- b. Locations and names of existing and proposed streets.
- c. Boundaries and designations of zoning districts.

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 holding.

e. The number of acres within the proposed subdivision and existing easements and rights of ways.

2. Preliminary Plan. The Preliminary Plan shall be submitted in four 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 one hundred feet to the inch. The Board may allow plans for subdivisions containing more than seventy-five acres to be drawn at a scale of not more than two hundred (200) feet to the inch provided all necessary detail can easily be read. In addition, one copy of the Plan(s) reduced to a size of 8½ x 11 inches shall be mailed to each Board member no less than seven (7) days prior to the meeting. The following information shall either be shown on the Preliminary Plan or accompany [accompany] the application for preliminary approval in conjunction with any specific requirements checked by the Planning Board on the application:

a. Proposed name of the subdivision and the name of the municipality in which it is located, plus lot numbers.

b. An actual 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 permanent markers. The plan shall indicate the type of marker set or found at each lot corner.

c. A copy of the deed from which the survey was based. A copy of all covenants or deed restrictions, easements, rights-of-way, or other encumbrances [encumbrances] currently affecting the property.

d. A copy of any covenants or deed restrictions intended to cover all or part of the lots in the subdivision, including road maintenance and snow removal agreements.

e. Contour lines at the interval specified by the Planning Board showing elevations in relation to Mean Sea Level.

f. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, vegetative cover type, shoreline boundaries, and other essential existing features.

g. Indication of the type of sewage disposal to be used in the subdivision.

1. Overboard discharge sewage disposal systems shall not be permitted for new systems. Overboard discharge sewer dis-

positional systems shall not be permitted for an existing subsurface sewage disposal system unless site conditions do not permit any acceptable alternative.

2. If a private sewage disposal system is proposed, location and results of tests to ascertain subsurface soil and groundwater conditions, depth of maximum groundwater level, location and results of percolation tests must be included. If the soil conditions are suitable for subsurface disposal the application shall be accompanied by a certification from a qualified soil scientist or a registered engineer that the soils are suited to the type of sewage disposal system proposed. A map showing the location of all test pits dug on the site shall be submitted.

h. Indication of the type of water supply system(s) to be used in the subdivision.

i. The date the Plan was prepared, magnetic north point, graphic map scale, names and addresses of the owner of record, sub-divider, and individual or company who prepared the plan.

j. The names and addresses of owners of record of adjacent property, including any property directly across an existing road from the subdivision.

k. The location of any zoning boundaries affecting the subdivision.

l. Location of existing and proposed public and private utilities, electric lines, water and wells to include those on abutting property [property].

m. Existing sanitation to include that on abutting property, description of method and location of proposed sanitation, and description, place, and location of other means of sewage disposal with evidence of soil suitability (seepage tests).

n. The location, names, and present widths of existing and proposed streets, easements, building lines, parks and other open spaces on or adjacent to the subdivision.

o. The proposed lot lines with dimensions and lot areas.

p. The location of any open space to be preserved and an indication of its improvement and management.

q. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.

r. A soil erosion and sedimentation control plan endorsed by the County Soil and Water Conservation District may be required by the Planning Board.

s. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.

t. A copy of that portion of the County Soil Survey covering the subdivision. When the medium intensity soil 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.

SECTION VI. ASSURANCE OF COMPLIANCE

To assure that the subdivision complies with the Subdivision Ordinance, in addition to the Preliminary Plan, the Planning Board may contract outside services at the subdivider's expense. Such services may include, but not be limited to, clerical costs, consulting engineering fees, architectural fees, attorney fees, recording fees, and appraisal fees.

SECTION VII. NOTIFICATION

The Planning Board shall notify the subdivider in writing within thirty (30) days after a plan is submitted of the vote of the Board on each preliminary map, and of conditions voted, and shall transmit to the subdivider with the aforesaid notice, one copy of each drawing or data sheet approved, with the conditions if any were voted, endorsed on each drawing or data sheet. The Planning Board shall not approve any subdivision until satisfied that all applicable State and Federal laws have been or will be complied with. The Planning Board shall, before final approval or disapproval of a Plan, hold a public hearing on such plan.

SECTION VIII. FINAL PLAN FOR A MAJOR SUBDIVISION

A. Procedure

1. The subdivider shall, within six (6) months after approval of the Preliminary Plan, file with the Planning Board an application for approval of the Final Subdivision Plan in the form described herein. If the Final Plan is not submitted to the Planning Board within six (6) months after approval of the Preliminary Plan, the Planning Board shall refuse without prejudice to act on the Final Plan and require resubmission of the Preliminary Plan.
2. The time of submission of the Final Plan shall be the official submittal date.
3. The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the Final Plan.
4. Prior to submittal of the Final Plan application, the following

approvals shall be obtained in writing, where appropriate:

- a. Maine Department of Human Services, if the subdivider proposes to provide a central water supply system.
- b. Maine Department of Human Services, if a centralized or shared subsurface sewage disposal system(s) is to be utilized.
- c. Maine Department of Environmental Protection, under the Site Location of Development Act, Alteration of Coastal Wetlands Act, Fresh Water Wetlands Act, Alteration of Streams and Rivers Act, or if a Wastewater Discharge License is needed.

5. A public hearing shall be held by the Planning Board within thirty (30) days after the issuance of a receipt for the submittal of a complete application. Notice of the hearing shall be provided to the applicant in writing and posted at least two times in the local newspaper, to include the date, time, and place, the date of the first publication to be at least seven days prior to the hearing.

[the following section paragraph is marked "delete"]

6. Before the Planning Board grants approval of the Final Plan, the subdivider shall file with the Municipal Treasurer a performance bond to cover the full cost of the required improvements. Any such bond shall be satisfactory to the Municipal Officers and municipal attorney as to form, sufficiency, manner of execution and surety. A period of one year from the date of final approval shall be set forth in the bond time within which required improvements must be completed. The bond may include an amount required for recreation land improvements as specified. The Planning Board shall determine the amount of the bond and so notify the applicant.

6. From the date of receipt of the Final Plan the Board shall have sixty (60) days plus the number of days until the next regular Board meeting to approve, modify and approve, or disapprove the Final Plan. The reasons for any modifications required or the grounds for disapproval shall be stated upon the records of the Planning Board and provided to the subdivider in writing.

B. Submissions

The Final Plan shall consist of one or more maps or drawings to a scale of not more than one hundred (100) feet to the inch. Plans for subdivisions containing more than seventy-five (75) acres may be drawn to a scale of not more than two hundred (200) feet to the inch. Plans shall be no larger than 24 x 36 inches in size, and shall have a margin of two inches outside of the border line on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by the Board. The subdivider shall submit two reproducible stable based transparent originals and four copies of the Final Plan. In addition, one copy of the Final Plan which may be reduced to a size of 8½ x 11 inches, and all accompanying information shall be mailed to each Board member no less than seven (7) days prior to the meeting.

The application for approval of the Final Plan shall include the following information:

1. Proposed name of the subdivision and the name of the municipality in which it is located, and lot numbers.
2. An actual 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 permanent markers. The Plan shall indicate the type of marker set or found at each lot corner.
3. The number of acres within the proposed subdivision, location of property lines, existing shoreline boundary lines, existing buildings, watercourses, and other essential existing physical features.
4. Indication of the type of sewage disposal and water supply systems to be used in the subdivision.
5. The date the plan was prepared, magnetic and true north point, graphic map scale, names and addresses of the owner of record, subdivider, and individual or company who prepared the plan.
6. The location of any zoning boundaries affecting the subdivision.
7. The location and size of existing and proposed sewers, culverts, and drainage ways on or adjacent to the property to be subdivided.
8. The location, names, and present widths of existing and proposed streets, easements, building lines, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and reproduced upon the ground. These lines shall be tied to the reference points previously established.
9. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers of cession to the municipality of all public open spaces shown on the Plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If open space or other land is to be offered to the municipality, written evidence that the Municipal Officers are satisfied with the legal sufficiency of the written offer of cession shall be included.
10. A list of construction items that will be completed by the developer prior to the sale of lots shall be submitted.
11. Approval Space. Suitable space to record on the approved plat plan the date and conditions of approval, if any. This space shall conform to the following example:

Approved Town of Cranberry Isles

_____ Planning Board Chairman

_____ (space for all

_____ members to sign)

Date _____

Conditions _____

C. Inspection of Required Improvements

1. If the appointed engineer or Code Enforcement Officer shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Municipal Officers and the Planning Board. The Municipal Officers shall then notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the municipality's rights under the bond. No plan shall be approved by the Planning Board as long as the subdivider is in default on the previously approved Plan.

2. If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the appointed engineer or Code Enforcement Officer that unforeseen [unforeseen] conditions make it necessary or preferable to modify the location or design of such requirement improvements, the Planning Board may authorize modifications provided these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Planning Board.

3. The applicant may be required to maintain all improvements and provide for snow removal.

D. Final Approval and Filing

1. Upon findings of fact and determination that all standards in Title 30, M.R.S.A. 4956, subsection 3, and this ordinance have been met, and upon voting to approve the subdivision, the Board shall sign the Final Plan. One copy of the signed plan shall be retained by the Board as part of its permanent records. One copy of the signed plan shall be forwarded to the Tax Assessor. One copy shall be forwarded to the Code Enforcement Office. The approved Final Plan will not be considered in effect until said

Plan is filed with the Registry of Deeds and a certified copy received by the Planning Board.

2. If any aspect of the Board approval is conditional, the specific conditions shall be stated on the Final Plan prior to signing by the Board,

3. No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Planning Board and endorsed in writing on the Plan, unless the revised Final Plan is first submitted and the Board approves any modifications. The Board shall make findings that the revised plan meets the standards of Title 30, M.R.S.A. 4956, subsection 3, and this ordinance. In the event that a Plan is recorded without complying with this requirement, it shall be considered null and void, and the Board may institute proceedings to correct the recording of the Plan.

4. The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the municipality 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 municipality, approval of the Plan shall not constitute an acceptance by the municipality 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 Municipal Officers covering future deeds and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.

E. Expiration of Permit

A permit granted under this ordinance shall expire if the structural work or change involved is not commenced within one (1) year of the date of issue. Any subdivision not recorded in the Registry of Deeds within ninety (90) days of the date upon which the plan is approved and signed by the Board shall become null and void.

SECTION IX. GENERAL REQUIREMENTS

In reviewing applications for the subdivision of land, the Board shall consider the following general requirements. In all instances the burden of proof shall be upon the person proposing the subdivision.

A. Conformance with Other Laws and Regulations

1. The proposed subdivision shall be in conformance with the Town's Comprehensive Plan and all pertinent local, State, and Federal ordinances, statutes, laws, and regulations. If the proposed subdivision meets the definition of subdivision as defined in the Site Location of Development Act, Title 38, M.R.S.A., Section 482, the subdivider must secure the approval of the Board of Environmental Protection and the Planning Board. When a proposed subdivision requires approval of the Planning Board and the Board of Environmental Protection, each review

may be conducted simultaneously. However, each review will be conducted independently, and the Planning Board may deny approval of the subdivision even though the Board of Environmental Protection has granted an approval under the provisions of the Site Location of Development Act.

B. Retention of Open Space and Natural or Historic Features

1. In any subdivision the Board may request the developer to provide between five and ten percent of his total area to 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 dedicated open space or recreation facilities; the needs identified in the municipal comprehensive plan or recreation plan for open space or recreation facilities in the neighborhood 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. Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended. A site intended to be used for active recreation purposes, such as a playground or a play field, should be relatively level and dry, have a total frontage on one or more streets of at least 200 feet, and have no major dimensions of less than 200 feet. Sites selected primarily for scenic or passive recreation purposes shall have such access as the Board may deem suitable and no less than twenty-five (25) feet of road frontage. The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes to be preserved, together with sufficient areas for trails, lookouts, etc. where necessary and appropriate.
3. Reserved land acceptable to the Board and subdivider may be requested to be dedicated to the municipality.
4. 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 included in the open space, and suitably protected by appropriate covenants and management plans.
5. Where the proposed subdivision is located on a pond, stream, or shoreline, a portion of the waterfront area, when feasible, shall be included in the reserved land.
6. Any public rights of access to the shoreline of a body of water 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.
7. The Board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees

(10" or more in diameter at a 4' height), the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally significant areas. The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as possible.

C. Land Not Suitable for Development

The Planning Board shall not allow to be included in the calculations of lot area for the purpose of meeting the requirements of the Minimum Lot Size Law such portions of any proposed subdivision that:

1. Are situated below sea level (Maximum High Tide)
 2. Are located on land which must be filled or drained or on land created by diverting a watercourse. In no instance shall the Board approve any part of a subdivision located on filled or drained wetlands.
 3. Employs septic sewerage disposal which is located on soils rated poor or very poor by the Soil Guide for Land Use Planning in Maine.
- Wherever situated, in whole or in part, within 250 feet of the high water line of any pond or tidal waters, a proposed subdivision shall conform to the Shoreland Zoning Ordinance for the Town of Cranberry Isles, Maine.

D. Lots

1. Every lot in a subdivision shall have an area of at least one acre per single family dwelling, and have a frontage of at least 100 feet on any street and a frontage of at least 250 feet on any shore line measured along mean high water, if the lot is contiguous thereto. This provision shall not be deemed to prevent the development of lands which are not contiguous to road or to the shore but which have access thereto through a right-of-way. Multi-family dwellings shall have land area for each family unit, equivalent to that required of single family dwellings.

2. Lodging units and motels/hotels may be constructed and/or installed on parcels of land consisting of the aggregate of one acre per each individual lodging unit and/or dwelling unit.

Commercial activities serving or open to persons other than persons occupying the lodging unit, which are constructed or included as part of apartments, boarding houses, hotels, and motels shall require a minimum of one acre additional land for each separate commercial activity.

3. The lot width, depth, shape, and orientation, and the minimum building setback lines from streets, sidelines, or boundaries shall be appropriate for the location of the subdivision based on existing other land uses within the subdivision area and surrounding properties and consistent with other Town ordinances.

4. Depth and width of properties reserved or laid out for any purpose shall meet SECTION X. DESIGN STANDARDS to provide for off-street parking and service facilities for vehicles required by the type of use and development contemplated.

5. Side-lot lines shall be substantially at right angles or radial to street lines.

6. Where a tract is subdivided into lots substantially larger than the minimum size required herein, the Board may require that roads and lots be laid out so as to permit future resubdivision in accordance with the requirements contained in these standards.

7. All corners of individual lots shall be marked with concrete, stone, or iron pipe located in the ground.

E. Setback of Building

No part of any building constructed on any lot in the subdivision shall be:

1. Closer than 30 feet to any lot line.
2. Closer than 100 feet from any existing building on adjacent lot.
3. Closer than 60 feet from the center line of any street.

F. Easements

1. Where a subdivision is traversed by a natural watercourse, drainage way, channel, or stream, there shall be provided a storm-water easement or drainage right-of-way conforming substantially with the lines of such water course and such further width or construction, or both, as will assure that no flooding occurs and all storm water can be disposed of properly. Such easement or right-of-way shall be not less than 30 feet in width.

2. The Board may require easements for sewage, drainage, or other utilities from the appropriate utility authority as required.

G. Utilities

The size, type, and location of public utilities, such as street lights, electricity, telephones, etc., shall be installed in a manner acceptable to the appropriate utility and/or municipal official.

H. Dedication and Maintenance of Common Open Space and Services [Services]

1. All common land, facilities and property shall be owned jointly or in common by the owners of the dwelling units by means of a home-owners association or by an association which has as its principal purpose the conservation or preservation of land in essentially its natural condition and such association shall have the responsibility for the maintenance of the common property or facilities.

2. Further subdivision of the common land or its use for other than non-commercial recreation or conservation purposes, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land.

3. The common open space shall be shown on the Final Plan with appropriate [appropriate] notation on the plan to indicate that:

a. It shall not be used for future building lots; and

b. A part or all of the common open space may be dedicated for acceptance by the municipality.

4. The developer or subdivider shall maintain control of the common property, and be responsible for its maintenance until development sufficient to support the association has taken place.

I. Impact on Ground Water

When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:

1. A map showing the basic soil types.

2. The depth to the water table at representative points throughout the subdivision.

3. Drainage conditions throughout the subdivision.

4. Data on the existing groundwater quality, either from test wells in the subdivision or from existing wells on neighboring properties.

5. An analysis and evaluation of the effect of the subdivision on groundwater resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision, at the subdivision boundaries and at a distance of 1,000 feet from potential contamination sources, which ever is a shorter distance.

6. 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.

J. Additional Requirements

1. The Planning Board may require a buffer strip when the proposed subdivision will be located adjacent to a use where separation is desirable. In determining the need for landscaping (street trees,

ground cover, etc.), the Planning Board shall consider the needs identified in the municipal comprehensive plan; the type of development and the demographic characteristics of potential residents in the subdivision; and the density or lot sizes of the development. Where such improvements are required, they shall be incorporated into the Final Plan and executed by the subdivider as construction of the subdivision progresses.

2. The Board shall consider the criteria set forth in the guidelines contained in the State of Maine's Subdivision Law, Title 30, M.R.S.A., Section 4956, as amended and shall, prior to granting approval, determine that the proposed subdivision will meet the criteria.

SECTION X. DESIGN STANDARDS

A. Permanent Markers

1. Permanent markers shall be set at all corners and angle points of the subdivision boundaries, and at all street intersections.

2. Markers shall be concrete, stone, or iron pipe, located in the ground and indicated on the Final Plan.

B. Off-Street Parking and Loading

1. Off-street parking, either by means of unenclosed suitable

spaces each having a minimum area of 220 square feet plus necessary maneuvering space, or by enclosed garage space, shall be provided according to the following minimum requirements:

a. Dwelling units: Two (2) spaces for each dwelling unit.

b. Commercial establishments:

- * Restaurants, eating and drinking establishments: one parking space for every four (4) seats, plus one (1) space for every two (2) employees;

- * Retail store: One space for each two hundred (200) square feet of retail floor area, plus one space for every two (2) employees;

- * All other commercial establishments: One (1) space for each three hundred (300) square feet of floor area.

c. Theatres, Churches, and other public places of assembly: One space for each four seats.

d. Schools: One space for each four (4) employees.

e. Health Institutions: One parking space for every three (3) beds, plus one space for every two (2) employees.

f. Professional Offices and Public Buildings: One parking space for every two hundred (200) square feet of gross leasable area, exclusive of cellar and bulk storage.

g. Commercial Recreation Establishments: Minimum of thirty (30) parking spaces, or the number of spaces deemed appropriate by the Planning Board.

h. Industrial: One parking space for each 1.5 employees, based on the highest expected average employee occupancy, plus visitor and customer parking to meet the needs of the specific operations.

i. Marinas: Minimum of twenty (20) parking spaces, plus one space for each docking and mooring space.

2. Parking Lot Design Criteria:

a. Vehicular Entrance and Exit: Entrances and exits should be clearly identified by the use of signs, curb cuts, and landscaping.

b. Parking:

- * Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.

- * All parking spaces and access drives shall be at least five (5) feet from any side or rear lot line, except for the additional requirements in buffer yards.

Parking stalls and aisle layout shall conform to the following standards:

PARKING
ANGLE STALL
WIDTH SKEW
WIDTH STALL
DEPTH AISLE
WIDTH

90° 9'-0" - 18'-5" 24'-0"

60° 8'-6" 10'-5" 10'-0" 16'-0"

one way only

45° 8'-6" 12'-9" 17'-5" 12'-0"

one way only

30° 8'-6" 17'-0" 17'-0" 12'-0"

one way only

Excluding residential dwelling units -

* In paved parking areas painted stripes shall be used to delineate stalls. Stripes should be a minimum of four (4) inches in width.* Bumpers and/or wheel stops shall be provided where [where] overhang or parked cars might restrict traffic flow on adjacent through roads, restrict pedestrian movement on adjacent walkways, or damage landscape materials.

C. Roads

1. Roads shall be located, constructed, and maintained so that erosion is kept to a minimum. Adequate provisions shall be made to prevent soil erosion and sedimentation of surface waters to the maximum extent possible as defined by Maine Department of Transportation's Standards of Practices.

2. Additionally, all roads constructed shall conform to the following standards:

a. Road crossings of water courses shall be kept to the minimum number necessary.

b. Bottoms of culverts shall be a minimum of 12 inches and installed at streambed elevation.

c. All cut or filled banks and areas of exposed mineral soil shall be revegetated or otherwise stabilized as soon as possible.

d. When road crossings of water courses are to be used on unfrozen surface waters, bridges or culverts of adequate size and design shall be provided so as to support a Gross Vehicle Weight of 63,000 pounds.

e. The arrangement, character, extent, width, grade, and location of all roads shall provide for safe access and egress based on their relation to existing or planned roads to

topographical conditions, to public convenience and to safety, and their relation to the proposed use of the land to be served by such roads. Grades of roads shall conform as closely as possible to the original topography.

f. All roads within the subdivision shall be constructed according to design specification herein as overseen by the municipal road commissioner, appointed engineer, or agent:

Minimum width of right-of-way 66'
Minimum width of pavement 20'
Minimum grade 0.5%
Maximum grade 6%
Maximum grade at intersection 3% within 50' at intersection
Minimum angle of intersection 60°
Minimum width of shoulder 3'
Minimum centerline radii on curves 200'
Minimum tangent length between reverse curves 200'
Minimum setback from shoreline boundary 75'
Road Base (minimum) 24"
Base (bank gravel) 18"
Gravel surface course (screened gravel) 6"
Bituminous paving 1½"
Road crown (minimum) ¼" / 1'
Sidewalks/walkways (minimum where required) 4'
Base course (gravel) 12"
Dead-end or cul-de-sac right-of-way
Minimum width
66'
Length, not more than 1,000'
Radii of turn-around at enclosed end of
property line (minimum)
80'
pavement (minimum) 65'
Property line radii at intersections (minimum) 10'
Curb radii at intersections
90° intersections
25'
Less than 90° intersections 30'

g. Road intersections and curves shall be so designed as to permit safe access and egress for both pedestrian [pedestrian] and vehicular traffic. That portion of any corner lot which is necessary to allow 25 foot sight lines between intersecting roads shall be cleared of all growth (except isolated trees) and obstructions above the level of three feet higher than the center line of the road. When necessary to achieve visibility, ground shall be excavated.

h. All dead-end streets shall be constructed to provide a cul-de-sac turn-around. If the subdivision covers only a portion of the subdivider's entire lot and the remaining portion is of sufficient size to be subdivided in the future and there has been no written statement by the developer not to further subdivide the remaining portion, the Board may require the reservation of a fifty (50) foot easement in line with the street to provide continuation of the road for future access.

D. Sidewalks

When deemed necessary by the Board, sidewalks shall be installed at the expense of the subdivider where the subdivision abuts or fronts onto a major road, and at such locations to provide adequate safety for pedestrian use.

E. Storm Water Management

1. Adequate provisions 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, under-drains and/or storm drains. Storm water shall be detained on-site if possible or practicable.

a. The minimum pipe size for any storm drainage pipe shall be twelve inches. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two feet. Pipe shall be bedded in a fine granular material, containing no stones larger than 3 inches, lumps of clay, or organic matter, reaching a minimum of six inches below the bottom of the pipe extending to six inches above the top of the pipe.

b. Catch basins shall be installed when necessary and located at the curb line.

c. Outlets shall be stabilized against soil erosion by stone riprap or other suitable materials to reduce storm water velocity.

2. The storm water management system shall be designed to accommodate on-site drainage, taking into account existing conditions and approved or planned developments not yet built and shall include a surplus design capacity factor of 25% to address unplanned increases in runoff.

3. Downstream drainage requirements shall be studied to determine the effect of the proposed subdivision. The storm drainage shall not overload existing or future planned 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.

4. Adequate provision shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream water quality, streets or roads within and outside of the subdivision, soil erosion, water course, or drainage way. The natural state of water courses, swales, flood-ways or rights-of-way shall be maintained as nearly as possible. If it is not possible to detain water on-site downstream improvements to the channel may be required of the subdivider to prevent flooding caused by the subdivider. Design period is 50-year storm.

5. Wherever the storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided to the Town allowing maintenance and improvement of the system.
6. Where soils require a subsurface drainage system, the drains shall be installed and maintained separately from the storm water drainage system.

F. Water Supply

1. A public water supply system shall be installed at the expense of the subdivider, or if it is proven not feasible by the sub-divider, the Board may allow individual wells to be used, which shall be installed at the expense of the subdivider on lots containing dwellings erected by the subdivider or his agent.
2. The Planning Board may require that storage be provided to meet fire protection needs of such a nature as the municipal fire chief deems necessary to provide for appropriate fire protection.
3. Because they are difficult to maintain in a sanitary condition, dug wells shall be permitted only if it is not economically or technically feasible to develop other groundwater sources.
4. If a central water supply system is provided by the subdivider, location and protection of the source, and design, construction, and operation of the distribution system and appurtenances and treatment facilities shall conform to the recommendations included in the "Manual for Evaluating Public Drinking Water Supplies" , Public Health Service No. 1180 (1969).

G. Sewage Disposal

A sanitary sewer system shall be installed at the expense of the subdivider, or if service to each lot by a sanitary sewer system is proven not feasible by the subdivider, the Board may allow individual septic tanks to be used, which shall be installed at the expense of the subdivider on lots containing dwellings erected by the subdivider or his agent. In no instance shall a septic disposal system be allowed in soils rated poor or very poor for such purpose by the Soil Suitability Guide for Land Use Planning in Maine or on lots below the minimum size shown for particular soil types in Appendix 1 of "State of Maine Plumbing Code, Part II, Private Sewerage Disposal Regulations", as amended.

H. Height Restrictions

No principal or accessory structure shall exceed forty (40) feet in height above average ground level, except for steeples, silos [silos], detached barns, water towers, transmission towers.

SECTION XI. 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 adequate to cover the total construction costs of all required improvements, taking into account the time-space of the construction schedule and the inflation rate for construction costs:

1. A performance bond payable to the Town issued by a surety company, approved by the Municipal Officers)
 2. 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, approved by the Municipal Officers; or
 3. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed.
- The conditions and amount of the performance guarantee shall be determined by the Board with the advice of the Municipal Officers after consulting an attorney at law.

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. 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 municipality. The bond documents shall specifically reference the subdivision for which approval is sought.

D. 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.

E. Conditional Agreement

The board, at its discretion may provide for the subdivider to enter into a binding agreement with the municipality in lieu of the other financial performance guarantees. Such an agreement shall provide for approval of the Final Plan on the condition that no more than two lots may be sold or built upon until either:

1. It is certified by the Board, or its agent, that all of the required improvements have been installed in accordance with this ordinance and the regulations of the appropriate utilities; or
2. A performance guarantee, acceptable to the municipality, is submitted in an amount necessary to cover the completion of the required improvements at an amount for inflation and prorated for the portions of the required improvements already installed.

Notice of the agreement and any conditions shall be on the Final Plan which is recorded at the Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guarantees contained in SECTION XI, 6.

F. Phasing of Development

The Board may approve the plans to develop a major subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

G. Release of Guarantee

Prior to release of any part of the performance guarantee, the Board shall determine to its satisfaction, in part upon the report of a licensed engineer chosen by the Town 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.

H. Default

If, upon inspection, the engineer 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 Code Enforcement Officer, the Municipal Officers, the Board, and the subdivider or builder. The Municipal Officers shall take any steps necessary to preserve the Town's rights.

I. Private Roads

Where the subdivision streets are to remain private roads, the following words shall appear on the recorded plan:

"All roads in this subdivision are private roads to be maintained by the developer or the lot owners and shall not be maintained by the Town".

J. Improvements Guaranteed

Performance guarantees shall be tendered for all improvements required by SECTION XIII of this ordinance, as well as any other improvements required by the Board.

SECTION XII. ENFORCEMENT

A. Inspection of Required Improvements

1. At least five (5) days prior to commencing each major phase of construction of required improvements, the subdivider or agent shall notify the Code Enforcement Officer in writing the time when he proposes to commence construction of such improvements, so that the Municipal Officers can cause inspection to be made to assure that all municipal 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.

2. If the inspecting official 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 Municipal Officers, Planning Board, and the subdivider or agent. The Municipal Officers shall take any steps necessary to preserve the municipality's rights.

3. 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, the subdivider shall obtain permission in writing to modify the plans from the Planning Board.

4. Prior to the sale of any lot, the subdivider shall provide the Board with a letter from a Registered Land Surveyor, stating that all monumentation shown on the plan has been installed.

5. 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.

6. The subdivider, agent, or property owner shall be required to maintain all improvements and provide for snow removal.

B. Violations and Enforcement

1. No plan of a division of land within the municipality 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, offer or agree to convey any land in a subdivision which has not been approved by the Board and recorded in the Registry of Deeds.

3. No person, firm, corporation, or other legal entity may convey, offer or agree to convey any land in an approved subdivision which is not shown on the Final Plaa as a separate lot.

4. Any violation of this Ordinance shall "be dealt with pursuant to the provisions of Title 30, Section 4966, M.R.S.A..

5. No public utility, or any utility of any kind shall serve any lot in a subdivision for which a Final Plan has not been approved by the Board.

6. Development of a subdivision without Board approval shall be a violation of the 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 this ordinance and recorded in the Registry of Deeds.

7. No lot in a subdivision may be sold, leased, or otherwise conveyed before the road upon which the lot front [fronts] is completed in accordance with this ordinance up to and including the entire frontage of the lot. No unit in a multi-family development shall be occupied before the street upon which the unit is accessed is completed in accordance with this ordinance.

SECTION XIII. WAIVERS

A. Where the Board makes written findings of fact that there are special circumstances of a particular lot proposed to be subdivided, it may waive portions of the submission requirements or the standards such as contour intervals and parking standards unless otherwise indicated in this ordinance, 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 Map, the Comprehensive Plan, the Shorelands Ordinance, or this ordinance.

B. Where the Board makes written findings of fact that due to special circumstances of a particular lot proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety, and welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed subdivision, it may waive the requirement for such improvements, subject to appropriate conditions.

C. In granting waivers to any of these standards in accordance with SECTION XIII, A., and SECTION XIII, B., the Board shall require such conditions as will assure the objectives of the ordinance are met.

SECTION XIV. APPEALS

An appeal from a decision of the Planning Board regarding the interpretation of the Ordinance may be taken to the Board of Appeals in accordance with Title 30, M.R.S.A., Chapter 213, Section 2441. Appeals on other issues including issue of fact shall be taken directly to the Maine Superior Court pursuant to Rule 80B of the Maine Rules of Court Procedure.

SECTION XV. CERTIFICATION OF COMPLIANCE

No parcel, lot, or structure shall be conveyed, leased, or occupied, or offered for sale, conveyance, lease, or occupancy without certification from the Planning Board that all the terms of the subdivision's approval have been complied with by the subdivider.

REGULATION OF TOWN LANDING ENACTED MARCH 3, 1969

No person, firm or corporation shall place, leave or store lobster traps, gas tanks or other lobster or fishing equipment and so forth on the Town Landings for a period longer than 72 (seventy two) hours. Whoever violates or fails to comply with the provisions of this Ordinance shall be punished by a fine of not more than one hundred (100) dollars. The Constables have the power to enforce this Ordinance.