2010

Municipal Code of Winslow, Maine

Winslow (Me.)

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Sec. 1-1. Designation and citation of Code.

The ordinances embraced in this and the following chapters and sections shall constitute and be designated as "The Municipal Code of Winslow, Maine, 1975," and may be so cited. The Code may also be cited as the Municipal Code or in the provisions which follow, as "this Code".


*State law reference(s)--Rules of construction, 1 M.R.S.A., §§ 72, 73.

(a) In the construction of this code and all ordinances the following rules of construction and definitions shall be observed unless inconsistent with the manifest intent of the council or the context clearly requires otherwise:

(1) And/or means and may read or and or may be read and if the sense requires it.

(2) Bond means an obligation in writing, binding the signatory to pay a sum certain upon the happening or failure of an event.

(3) Building means any profession, trade, occupation and any other commercial enterprise conducted for monetary reward.

(4) Business means any profession, trade, occupation and any other commercial enterprise conducted for monetary reward.

(5) Charter means the Charter of the Town of Winslow.

(6) Clerk means the town clerk.

(7) Council means the governing body of the town, the town council.

(8) Councilor means any member of the governing body of the town, the Winslow town council. Council Chairman means the chairman of the town council of Winslow.

(9) County means Kennebec County, Maine.

(10) Definition given within a chapter or article apply only to words or phrases used in such chapter or article unless otherwise provided.

(11) Designee, following an official of the town, means the authorized agent,
employee or representative of such official.

(12) *Director* means the chief executive officer of the office or department to which the particular division, bureau, board, agency or subordinate municipal administrative body has been assigned by the council.

(13) *Gender:* Words in any section importing the masculine gender shall include the feminine and neuter as well as the masculine.

(14) *Health officer* means the head of the health department or any person designated by the council to perform the town health functions and duties.

(15) *May:* The word *may* is permissive and discretionary.

(16) *Month* means a calendar month.

(17) *Number:* Words used in the singular include the plural and the plural includes the singular.

(18) *Oath* means any form of attestation by which a person signifies that he is bound in conscience to perform an act or to speak faithfully and truthfully, and includes an affirmation or declaration in cases where by law an affirmation may be substituted for an oath.

(19) *Occupant* means tenant or person in actual possession.

(20) *Operate* means carry on, keep, conduct, maintain, manage, direct or superintend.

(21) *Ordinances* means the ordinances of the Town of Winslow and all amendments and supplements thereto.

(22) *Owner* means one who has complete dominion over particular property and who is the one in whom legal or equitable title rests; when applied to a building or land, *owner* means any part owner, joint owner, owner of a community or partnership interest, life tenant, tenant in common, or joint tenant, of the whole or part of such building or land.

(23) *Person* means any individual, natural person, joint stock company, partnership, voluntary association, society, club, firm, company, corporation, business trust, organization, or any other group acting as a unit, or the manager, lessee, agent, servant, partner, member, director, officer or employee of any of them including an executor, administrator, trustee, receiver, or other representative appointed according to law.

(24) *Personal property* means any money, goods, movable chattels, things in
action, evidence of debt, all objects and rights which are capable of ownership, and every other species of property except real property.

(25) **Preceding and following** mean next before and next after, respectively.

(26) **Proprietor** means an owner of the property or premises including any person, firm, association, corporation, club partnership or other group acting as a unit whether acting by themselves or by a servant, agent or employee.

(27) **Public place** means any park, lake, stream, stadium, athletic field; playground, school yard, street, avenue, plaza, square, bus train or railroad depot, station, terminal, cemetery, open space adjacent thereto or any other place commonly open to the public.

(28) **Real property** means land, together with all things attached to the land so as to become a part thereof.

(29) **Shall:** The word *shall* is mandatory.

(30) **Sidewalk** means that portion of a street between the curb line and the adjacent property along the margin of a street or other highway, designed, constructed and intended for the use of pedestrians to the exclusion of vehicles.

(31) **Signature and subscription** means the name of a person, mark or symbol appended by him to a writing with intent to authenticate the instrument as one made or put into effect by him.

(32) **State** means the State of Maine.

(33) **Statutes or Revised Statutes** mean the latest published edition of the Statutes or Revised Statutes of Maine.

(34) **Street** means all street, highways, avenues, boulevards, parkways, roads, lanes, viaducts, bridges and the approaches thereto, docks built on the public street, alleys, courts, places, squares, curbs, sidewalks, recreation and park lands used for vehicular traffic, or other public ways or thoroughfares in this town, over which it has jurisdiction, which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

(35) **Tenant** means any person occupying the premises, building or land of another in subordination to such other person's title and with his express or implied assent, whether he occupies the whole or a part of those premises, building or land, whether alone or with others.
(36) Tense: Words used in the past or present tense include the future, past and present where applicable unless the context clearly indicates otherwise.

(37) Time means an hour of the day according to the official time of the Town.

(38) Time of performance means the time within which an act is to be done as provided in any section or any order issued pursuant to any section, when expressed in days, and is computed by excluding the first and including the last day. If the last day is Sunday or a legal holiday, that day shall not be counted in the computation. When the time is expressed in hours, the whole of Sunday or a legal holiday from midnight to midnight is excluded.

(39) Town means the Town of Winslow, in the County of Kennebec and State of Maine.

(40) Town limits means within the town and includes not only the corporate limits of the town, but also any property which it owns or which is under its jurisdiction.

(41) Town manager means the chief administrative officer of the town.

(42) Treasurer means the town treasurer.

(43) Watercourse means any drain, ditch and stream, flowing in a definite direction or course in a bed with banks.

(44) Week means seven (7) days.

(45) Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and others that have acquired a peculiar and appropriate meaning in the law, shall be construed and understood according to such meaning.

(46) Writing and written mean any representation of words, letters or figures, whether by printing or otherwise, capable of comprehension by ordinary visual means.

(47) Year means a calendar year.

Sec. 1-3. Authority of Code.

This Code is a revision and codification of the general ordinances of the Town of Winslow which have been enacted and published in accordance with the authority granted in 30 M.R.S.A., Section 2154.
Sec. 1-4. Territorial applicability.

This Code shall refer only to the commission or omission of acts within the territorial limits of the town and to that territory outside this town over which the town has jurisdiction or control by virtue of any constitutional or charter provisions, or any law.

Sec. 1-5. Certified copy of Code admissible into evidence.

Any printed copy of this Code or any printed supplement thereto, published and certified according to law, shall be received in evidence in any court for the purpose of proving any charter or ordinance provision therein contained with like effect and for the same purpose as the original ordinances, minutes or journals would be received.

State law reference(s)--Proof of ordinances, 30 M.R.S.A., § 2155.

Sec. 1-6. Acts by deputy or designee.

Whenever a power is granted to or a duty is imposed upon a public officer or employee, the power may be performed by an authorized deputy or designee or by any person authorized pursuant to law or ordinances, unless this Code expressly provides otherwise.

Sec. 1-7. Code provisions as continuance of existing ordinances.

The provisions appearing in this Code, insofar as they relate to the same subject matter and are substantially the same as those ordinance provisions previously adopted by the town and existing at the effective date of this Code, shall be considered as restatements and continuations thereof and not as new enactments.


(a) If the provisions of different chapters, articles, divisions or section of this Code conflict with or contravene each other, the provisions of each chapter, article, division or section shall prevail as to all matters and questions growing out of the subject matter of that chapter, article, division or section.

(b) If clearly conflicting provisions are found in different sections of the same chapter, the provisions of the section last enacted shall prevail unless the construction is consistent with the meaning of that chapter.

(c) Where any conflict exists between a chapter, article, division or section of this Code and any chapter or section of the town Charter or state Code, the latter shall prevail.
Sec. 1-9. References include amendments; construction.

(a) Any reference in this Code to an ordinance or provisions of this Code shall mean such ordinance or provision as may now exist or is hereafter amended.

(b) Any references in this Code to chapters, articles, divisions or sections shall be to the chapters, articles, divisions and sections of this Code unless otherwise specified.

Sec. 1-10. Catchlines and headings; construction.

All designations and headings of chapters, articles, divisions and sections are intended only for convenience in arrangement and as mere catchwords to indicate the contents of such chapters, articles, divisions or sections, whether printed in boldface type or italics. They shall not be deemed or taken to be any part or title of such chapters, articles, divisions or sections; nor unless expressly so provided, shall they be so deemed upon amendment or re-enactment or be construed to govern, limit, modify, alter or in any other manner affect the scope, meaning or intent of any of the provisions of this Code.

Sec. 1-11. Interpretation of section numbers.

In reading a section number from left to right, the digit or digits to the left of the dash designate the chapter number. The digit or digits to the right of the dash designate the section number within the chapter. Figures to the right of a decimal point indicate new chapters or sections inserted between existing chapters or sections. The decimal system shall be used to maintain the numerical order of this Code.

Sec. 1-12. Continuing offenses.

Each day any violation of this Code occurs or continues to exist shall constitute a separate offense.

Sec. 1-13. Prohibited acts including causing, permitting or concealing.

Whenever in this Code any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission.

Sec. 1-14. Notices; service and proof.

(a) Unless otherwise specifically provided, whenever a notice is required to be given pursuant to any section of this Code such notice shall be given either by personal delivery to the person to be notified or by deposit in the United States mail in a sealed envelope, postage prepaid, addressed to the person to be notified at his last known
business or residence address as the same appears in the public records or other records pertaining to the matter for which such notice is served, or by any other method of delivery approved by law. Service by mail shall be deemed to have been completed at the time of deposit in the post office or any United States mailbox.

(b) Proof of giving any notice may be made by the certificate of any officer or employee of this town or by affidavit of any person over the age of eighteen (18) years who actually accomplished personal service in conformity with this Code or other provisions of law applicable to the subject matter concerned, or by a return receipt signed by the recipient notified by United States Mail.


It is declared to be the intention of the council that the sections, subsections, paragraphs, sentences, clauses and words of this Code are severable. If any section, subsection, paragraph, sentence, clause or word is declared unconstitutional or otherwise invalid by the lawful judgment or decree of any court of competent jurisdiction, its unconstitutionality or invalidity shall not affect the validity of any of the remaining sections, subsections, paragraphs, sentences, clauses and words of this Code, since the sections or parts of sections would have been enacted by the council without and irrespective of any unconstitutional or otherwise invalid section, subsection, paragraph, sentence, clause, or word being incorporated into this Code.

Sec. 1-16. Same offense punishable by different sections of the Code.

In all cases where the same offense is made punishable or is created by different sections of this Code, the town attorney may elect under which to proceed, but not more than one (1) recovery shall be had against the same person for the same offense.

Sec. 1-17. General penalty; suspension or revocation of license or permit; use of fines.

(a) Whenever in this Code or in any ordinance of the town any act or failure to do a required act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of this Code or any ordinance shall be punishable by a fine not exceeding one hundred dollars ($100.00).

(b) If the penalty for a particular offense is limited by state statute then such limitation shall be applicable to the provision of this Code and other ordinances of the town notwithstanding the provisions of the section.

(c) The suspension or revocation of any license, certificate or other privilege conferred by the town, shall not be regarded as a penalty for the purposes of this Code but shall be in addition thereto.
(d) All fines levied and paid for any violation of any provision of this Code or any other violation of any town ordinance, shall be payable to the general fund of the town for the use of the town.

State law reference(s)—Maximum penalty, 30 M.R.S.A., § 2151.


(Ord. 57-1976, 9-13-76)
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ARTICLE 1. TOWN COMMITTEES*

State law reference(s)--Town school committee, 30 M.S.R.A., § 2055.

Sec. 2-1. Terms.

(a) Committees appointed by the council shall serve until their successors are appointed by the town council.

(b) Any member serving on a committee where an expiration date has not been determined by the council or the Charter shall serve for a term of three (3) years.

(Ord. No. 26-1972, § 1, 9-11-72)

ARTICLE 2. PARKS AND RECREATION DEPARTMENT*

Cross reference(s)--Use of municipally-owned public property, § 7A-16 et seq.

State law reference(s)--Power of town to have park system, 30 M.S.R.A., § 3801 et seq.

Sec. 2-2. Parks and recreation department; functions.

(a) A department of parks and recreation shall be established for the town.

(b) The functions of this department shall be:

(1) To formulate and implement plans relative to the development, maintenance, and improvement of playgrounds, parks, and/or other recreational areas; and

(2) To formulate and implement recreational programs.

(Ord. No. 11-12-73)

Sec. 2-3. Director; appointment; duties.

(a) A director, appointed by the town manager and confirmed by the council, shall administer the department of parks and recreation. In his administration of this department, the director shall be responsible to the town manager in all matters. The position of the director of parks and recreation shall be a part-time position.

(b) The director shall:

(1) Prepare the department budget, giving consideration to the recommendations of the board of parks and recreation;
(2) Administer the financial matters of the department;

(3) Formulate and carry out recreational programs for the benefit of the town's citizens;

(4) Cooperate with other departments and agencies;

(5) Supervise the maintenance and improvement of all recreational lands and facilities within the town;

(6) Formulate, with the advice of the board of parks and recreation, long-range plans for programs and facilities relating to recreational needs of the citizens of the town;

(7) Make periodic reports, as requested by the town manager, on the operation of the department;

(8) Keep necessary records as directed by the town manager for the management and administration of his department; and

(9) Act as secretary to the board of parks and recreation, attending meetings as a nonvoting member.

(Ord. of 11-12-73; Ord. No. 6-1978, 7-10-78)

Sec. 2-4. Conservation commission recommendations.

The director shall seek the advice and recommendations of the conservation commission relative to landscaping, trees, plants, land soils, wildlife, and other pertinent ecological considerations, in the planning, development, and maintenance of lands or waters being used for recreational purposes.

(Ord. of 11-12-73)

State law reference(s)--Establishment of conservation commission, 30 M.R.S.A., § 3851 et seq.

Sec. 2-5. Board of parks and recreation; membership; term; vacancies.

(a) The board of parks and recreation shall consist of five (5) members to be appointed by the town council. The terms of such board members shall be staggered, one (1) member being appointed for one (1) year, two (2) members for two (2) years, and two (2) members for three (3) years, and thereafter the term of each new member shall be three (3) years.

(b) Vacancies occurring prior to the expiration of a term shall be filled by the council for the period of time necessary to complete the unexpired term.

(Ord. of 11-12-73; Ord. No. 18-1978, 12-11-78)
Sec. 2-6. Board; officers; by-laws; procedures; minutes; annual report.

The board shall elect officers, adopt its own by-laws and standard operational procedures. The board shall keep minutes of all meetings. Copies of minutes will be distributed to the members of the council. The board shall make an annual report to the council.

(Ord. 11-12-73)

Sec. 2-7. Board; duties.

(a) The duties of the board of parks and recreation shall be to:

   (1) Advise the director of the parks and recreation department as to the operation of recreational programs;

   (2) Formulate long range plans for lands and physical facilities deemed desirable for the recreational benefit of the citizens of the town;

   (3) Determine new programs needed by the town, and report these to the director for consideration; and

   (4) Aid the director in the preparation of the department's budget.

(Ord. 11-12-73)

Sec. 2-8. Expenditure of funds.

All funds appropriated for the department of parks and recreation shall be expended as provided by town policies, under supervision of the town treasurer.

(Ord. 11-12-73)

Sec. 2-9. Equipment, usage.

Equipment of any kind purchased or donated to the department of parks and recreation shall remain the property of the town. Use of this equipment by other departments is allowed with reimbursement on a pro-rated basis as established by town fiscal policies.

(Ord. 11-12-73)

Sec. 2-10. Enforcement of article; personnel policies.

Enforcement of this article shall be the duty of the town manager, who shall follow the general policy of the town. Personnel employed by the department of parks and recreation shall be subject to the general employment policies as adopted by the council. (Ord. 11-12-73)
Sec. 2-11. Planning board; establishment.

A planning board shall be established for the town.

(Ord. 33-1973, Art. 1, § 1, 12-10-73)

Sec. 2-12. Advisory status; submission of regulations to council.

(a) The planning board shall be an advisory board established for the purpose of advising the council on all matters pertaining to land subdivision, zoning ordinances, zoning adjustments, comprehensive planning, and any other planning duties that the council may specifically delegate to the planning board.

(b) All regulations pertaining to subdivisions promulgated by the planning board shall be submitted to the council for approval prior to implementation.

(Ord. 33-1973, Art. 1, § 2, 12-10-73)

Sec. 2-13. Board; appointment; composition; residency; term; vacancies.

(a) Appointments to the board shall be made by the council. The board shall consist of five (5) members and two (2) associate members. An associate member shall have voting privileges only in the absence of a regular member and authorized to vote by the chairman of the planning board.

(b) All members shall be qualified voters residing in the town.

(c) The term of each member and associate shall be for five (5) years in staggered terms.

(d) The Council shall fill any vacancy by appointment to fill the unexpired term.

(Ord. 33-1973, Art. 1, §§ 3, 4, 5, 12-10-73)

State law reference(s)--Related state law, 30 M.R.S.A., § 4952.

Sec. 2-14. Notice of de facto vacancy.

A notice of de facto vacancy due to absence of a member or an associate, of forty (40) per cent of the regular board meetings in twelve (12) consecutive months may be referred to the council after a majority vote of the planning board at a regular meeting.

(Ord. 33-1973, Art. 1, § 6, 12-10-73)

Sec. 2-15. Meetings; place; special.
The planning board shall establish by board resolution a regular place and time for holding its regular meetings. The meetings shall be at least once a month. The board shall also provide a method for calling special meetings. All meetings of the board shall be open to the public.

(Ord. 33-1973, Art. 2, § 1, 12-10-73)

State law reference(s)--Related state law, 30 M.R.S.A., § 4952.

Sec. 2-16. Quorum; notice of meeting.

The majority of the planning board shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. At least eight (8) hours notice of the time and place of holding such adjourned meeting shall be served on all members who were not present at the meeting from which adjournment was taken.

(Ord. 33-1973, Art. 2, § 2, 12-10-73)

Sec. 2-17. Board officers.

The planning board shall annually select a chairman, vice-chairman, and secretary.

(Ord. 33-1973, Art. 2, § 3, 12-10-73)

Sec. 2-18. Procedures.

The board shall adopt procedures for conducting its business.

(Ord. 33-1973, Art. 2, § 4, 12-10-73)

Sec. 2-19. Minutes as record.

The planning board shall maintain, as a permanent record, the minutes of its meetings and proceedings at public hearings. A copy of the minutes of all meetings and proceedings shall be forwarded to the council.

(Ord. 33-1973, Art. 2, § 5, 12-10-73)

Sec. 2-20. Annual report.

The planning board shall advise the council annually of its planned activities for the coming year along with applicable recommendations.

(Ord. 33-1973, Art. 2, § 6, 12-10-73)

ARTICLE 4. PUBLIC CEMETERIES*
Sec. 2-21. Board of trustees; designation.

A board of trustees shall be appointed by the council to be in charge of the administration of all public cemeteries located within the town limits. The trustees to be referred to as the "trustees of Winslow's public cemeteries" or, in this Code, as the "trustees".

(Ord. 24-1972, § I, 10-11-72)

Sec. 2-22. Appointments; qualifications.

(a) The trustee shall be elected and appointed by the council and shall possess the following qualifications:

   (1) A resident of the town;

   (2) A tax-payer of the town;

   (3) A registered voter in the town; and,

   (4) A person of good moral character and reputation.

(Ord. 24-1972, § II, 10-11-72)

Sec. 2-23. Number of trustees; terms; vacancies.

(a) The council shall set the number of trustees at three (3). The trustees terms of office shall run for six (6) years, such terms to be staggered.

(b) The trustee shall remain in office unless the office is vacated due to a valid and just reason, or unless removed for just cause. The council may then appoint a successor to finish the unexpired term.

(c) All periods of office shall begin at the time of confirmation. A trustee may be reappointed to serve another term at the wish of the council.

(Ord. 24-1972, § III, 10-11-72)

Sec. 2-24. Trustees’ authority; superintendent; duties; operation.

(a) The trustees shall have the full authority to establish all rules and regulations for all public cemeteries in the town. Before the rules and regulations become effective, the rules and regulations shall be approved by the council. All rules and regulations set forth shall comply...
(b) The trustees shall act through their chairman who will be the town public cemeteries superintendent who will be responsible for all administrative details. The trustees shall delegate to the superintendent the authority to supervise all burials, interment and disinterment, as allowed under the laws of the state. A record will be maintained at all times. This record shall be given to the board of trustees upon their request.

(c) The trustees will receive all funds and other money, pay all accounts payable, and maintain the record of the funds through the superintendent of the public cemeteries.

(d) The town clerk shall be responsible for the preservation of the records, which will be submitted to the council annually.

(e) The trustees shall submit an annual report to the council. This report, after acceptance by the council, shall be included in the annual town report.

(f) The trustees are authorized to sell burial lots, issue deeds for the sale, in the name of the town. The trustees shall maintain the record of all transactions.

(g) The superintendent shall have full supervision, maintenance, and care of the public cemeteries and will be answerable to the trustees for all of his actions and deeds.

(Ord. 24-1972, § IV, 10-11-72)

Sec. 2-25. Cemetery funds; gifts, monies, and other consideration.

(a) All gifts, monies, and other consideration received or tended to the town in trust or with special stipulation for the benefit of the town public cemeteries shall be subject to the acceptance of the trustees. Such considerations shall be kept in a separate fund known as the "perpetual care fund". These funds shall be invested at the discretion of the trustees with the approval of the town treasurer.

(b) All gifts, monies and other consideration received or tended to the town without any specifications intent shall be placed in the cemetery fund. The money received from the sale of lots shall also be placed in the cemetery fund. The cemetery fund may be expended by the trustees for development and maintenance of cemeteries. The cemetery funds and records shall be audited yearly by the town auditor.

(Ord. 24-1972, § V, 10-11-72)

ARTICLE 5. MUNICIPAL LIBRARY CODE

Mission Statement:

Winslow Public Library exists to provide all members of the community with diverse materials which communicate experience and ideas from one person to another. Its function is to assemble, preserve and make freely available, materials in a variety of formats that will assist them to
educate themselves continuously as well as meet their informational, cultural, recreational and community needs. The Library will serve as a repository for historically significant materials relating to Winslow, and as a community gathering place. To fulfill this purpose, Winslow Public Library endeavors to maintain a carefully selected collection of permanent value, as well as one which meets current interests and technological advances.

Board of Trustees:

2-26: Establishment

The Town of Winslow hereby establishes the Winslow Public Library Board of Trustees.

2-27: Purpose

The purpose of the Winslow Public Library Board of Trustees is to represent the citizens of the town as the governing board of the library.

2-28: Appointments, Term Renewal, Vacancy

a. The Board shall consist of six elected members. All members shall be residents of the town.

b. The term of office shall be three years on a staggered basis. All terms shall start January 1st.

c. In the event of the resignation of any trustee, or death, inability to serve, or absence with unacceptable reasons from three regular consecutive meetings, the seat shall be declared vacant. The Town Council may appoint a member to finish any unexpired terms that might remain.

2-29: Meetings

a. Regular meetings shall be held monthly except in July and August.

b. Notice of the Trustees’ regular meeting and agenda shall be sent to each trustee well in advance of each meeting, and shall be posted in full public view on the library’s bulletin board for a reasonable time prior to the meeting, and should be posted in a local newspaper.

c. Special meetings shall be called by the President or upon written request of at least two members or the Library Director.

d. The meeting held in January of each year may be known as the annual meeting. The purpose of this meeting shall be the election of officers, namely the President, Vice President and Secretary, and to conduct other business that may need to come before the Board, after the election of officers.
e. After review, copies of the budget must be submitted by the Library Director to the Town Manager for submission to the Town Council.

f. A quorum is achieved with one half of the Library Board of Trustees’ membership plus one.

g. All meetings are open to the public. Executive sessions may be held in accordance with the Maine Revised Statutes Annotated, but all votes must be in public.

2-30: Officers

a. The trustees shall consist of the following officers: President, Vice President and Secretary, who shall be elected at the 1st regular meeting in January to serve for one year or until a successor shall be elected and qualified.

b. The House Committee and the Material Selection Committee shall be selected from amongst the trustees.

2-31: Duties of Officers

The duties of the officers shall be as follows:

a. The President shall preside at all the meetings of the trustees, appoint all committees, represent the trustees at appropriate public affairs, and shall maintain the dignity and efficiency of the trustees in all possible ways.

b. The Vice President shall act in the official capacity of the Board of Trustees in the absence of the President.

c. The Secretary shall keep a record of the proceedings of the trustees, shall read all official communications to the trustees, write correspondence as directed, keep on file all important letters and replies thereto.

2-32: Elections

a. All officers shall be elected by nominations made from the floor at the 1st regular meeting in January. Elections shall be the first order of business at said meeting.

b. The 1st meeting will be opened by the outgoing president, who will pass the gavel to the secretary for the purpose of conducting the elections. Upon completion of elections, the new presiding president will continue the meeting.

c. No elections shall be held unless a quorum is present.

2-33: Gifts and Donations
The trustees shall have the authority to accept gifts and donations which are to be deposited with the Town Treasurer contingent upon approval by the Town Council.

2-34: Library Board of Trustees

a. It shall be the duty of each trustee of the board to take an active part in the direction of the library's programs and to act in whatever capacity may be needed to represent the community's interest.

b. Any trustee is privileged to make an inspection of the library and equipment at any time and to bring a report before the Board.

c. It is the duty of the trustees to determine the library's mission and to ensure that its purpose is being fulfilled.

d. To work with professional staff as partners.

e. To participate actively in the meetings of the Board of Trustees.

f. To determine the operating policies, programs of the library and material selection policies.

g. To make it a point to discuss the work of the library with citizens and community groups. Get reaction from the public relations program and solicit volunteers to assist at the library.

h. To be acquainted with the tax resources of the community and secure adequate funds for the library program, including Capital Improvements.

i. To be familiar with the recommended standards for public libraries in the following areas: buildings, grounds, collections and programs.

j. Trustees shall familiarize themselves with Robert’s Rules of Order and Parliamentary Law. Meetings shall be conducted and policies enacted within this framework.

k. To develop long-range goals and advise the Town Council of all possible avenues of Federal and State grant and aid programs pertaining to the library.

l. To report regularly to the Town Manager, Town Council and the general public.

m. Trustees shall recommend to the Town Manager, a person or persons to be Library Director when a vacancy occurs.

(Ord. No. 2-1999, 6-14-99)
Sec. 2-35. Association board created; duties.

A board of directors shall be appointed by the town to be in charge of the administration, supervision, and activities of the senior citizens association for all senior citizens within the town.

(Ord. 35-1974, § 1, 5-13-74)

Sec. 2-36. Senior citizen defined.

In this article, "senior citizen" shall mean each and every person of any nationality, race or creed who has attained the age of fifty-five (55) years or older and is a resident of the town.

(Ord. 35-1974, § 2, 5-13-74)

Sec. 2-37. Board; appointment; qualifications.

The directors shall be appointed by the council. The directors shall be residents of the town and shall be of good moral character and reputation.

(Ord. 35-1974, § 3, 5-13-74)

Sec. 2-38. Number of directors; terms; vacancies.

(a) The number of directors of the senior citizens association shall be set at five (5).

(b) Their term of office shall be three (3) years and such terms shall be staggered.

(c) The directors shall remain in office unless the office is vacated due to a valid and just reason, unless removed for just cause. The council may then appoint a successor to finish the unexpired term.

(d) All periods of office shall begin at the time of appointment. A director may be re-appointed to serve another term at the option of the council.

(Ord. 35-1974, § 4, 5-13-74)

Sec. 2-39. Directors' authority; duties; records.

(a) The directors shall have the full authority to establish all rules and regulations for the senior citizens association. However, before the rules and regulations become effective, the rules and regulations shall be approved by the council. All rules and regulations set forth shall comply with the laws of the state.

(b) The directors shall be the general supervisors of the senior citizens association, and will be responsible for all administrative details. The directors will attend to all purchases in behalf of the senior citizens association.

(c) The town treasurer shall supervise payments and the maintenance of the necessary record
books. The records shall be retained in the town office.

(Ord. 35-1974, § 5, 5-13-74)

Sec. 2-40. Senior citizens association fund; gifts, monies, and other consideration.

(a) All gifts, monies, and other consideration received or tended the town in trust or with special stipulation for the benefit of the senior citizens association shall be subject to acceptance by the board of directors. Such considerations shall be kept in a separate fund known as the Winslow senior citizens association fund. This fund shall be used or invested at the discretion of the directors, with the approval of the town treasurer. Any interest or gains received from any investment will remain the proceeds of the senior citizens association. The "prudent man rule" shall prevail at all times on investments.

(b) All gifts, monies, and other consideration received or tended to the association without any specifications intent shall be placed in the Winslow senior citizens association fund. The senior citizens association fund may be expended by the directors with the approval of the town treasurer for any and all future developments and other authorized purposes of the senior citizens association.

(Ord. 35-1974, § 6, 5-13-74)

Sec. 2-41. Directors; compensation.

The board of directors shall receive no compensation for services rendered.

(Ord. 35-1974, § 7, 5-13-74)

Sec. 2-42. Grants; approval required.

(a) The senior citizens association is authorized, through the town treasurer, to apply for and receive federal, state, and/or private funds in grant form.

(b) Any project which exceeds one thousand dollars ($1,000.00) shall have the approval of the council.

(Ord. 35-1974, § 8, 5-13-74)

ARTICLE 7. ENGINEERING SECTION

Sec. 2-43. Established.

An engineering, technical assistance and planning section is established within the administration department of the Town of Winslow. It will be staffed by a full-time civil engineer who has graduated from a four-year college with a degree in civil engineering or has the equivalence of six (6) years of acceptable experience. The general duties and functions of the engineering section will be directed and supervised by the town manager.
ARTICLE 8. POLICE

2-44. Full Time Police Officers

The full time police officers who have met the requirements of 25 MRSA §2804-C be authorized to perform any of the acts described in 17-A MRSA §15 while the police officers are outside the limits of the Town of Winslow if, when possible, the law enforcement agency of a foreign municipality in which the arrest is to be made is notified in advance or, when not possible, the law enforcement agency of the foreign municipality in which the arrest has been made is notified immediately after the arrest. (Ord. No. 3-1999, 12-13-99; Ord. No. 3-2004, 7-12-04)

ARTICLE 9. EMERGENCY MANAGEMENT

Sec. 2-45. Title:

This ordinance shall be known and may be cited and referred to as the "EMERGENCY MANAGEMENT ORDINANCE OF THE TOWN OF WINSLOW". Authorized under Title 37-B M.R.S.A., Section 782

Sec. 2-46. Definition:

Emergency Management Director (EMD) shall mean the appointed town official responsible for performing the four phases of Emergency Management (preparedness, response, recovery, and mitigation) and for liaison with Kennebec County Emergency Management Agency. This position was formerly called the Civil Defense Director.

Sec. 2-47. Establishment:

The Town of Winslow Office of Emergency Management (OEM) and the position of Emergency Management Director of the Town of Winslow are hereby created. The Town Manager of the Town of Winslow may appoint additional OEM staff members as needed.

Sec. 2-48. Appointment:

The Town Manager of the Town of Winslow shall appoint the Fire Chief as the EMD and may appoint the Police Chief as Deputy EMD.

Sec. 2-49. Oath of the Emergency Management Director:

Once the EMD has been appointed, the EMD shall take an oath of office before assuming any duties, pursuant to Title 30-AM.R.S.A., section 2526.

Sec. 2-50. Duties of the Emergency Management Director:

The EMD shall:
a. Prepare and update a Hazard Risk and Vulnerability Assessment.

b. Prepare and maintain the Town of Winslow Emergency Operations Plan.

c. Organize, activate and operate the Town of Winslow, Emergency Operation Center (EOC).

d. Prepare and maintain a list of disaster resources.

e. Develop procedures for the operation of the Town of Winslow (EOC).

f. Coordinate and maintain written disaster Mutual Aid Agreements with the approval of the Town Manager.

g. Provide Emergency Management training to Town Officials, planners, and responders.

h. Develop and implement a Disaster Exercise program.

i. Attend County Local Emergency Planning Committee (L.E.P.C.) meetings.

j. Provide Disaster Preparedness information to town residents.

k. Complete and report Damage Assessments to Kennebec County E.M.A.

l. Complete and submit applications for FEMA disaster funds and grants.

Sec. 2-51. Membership of the Emergency Operations Center:

When directed by the EMD or Deputy EMD the EOC will be established and manned. In the absence of the EMD or Deputy EMD the Town Manager, chairperson of the Town Council or a designated Council Member may activate the EOC. The following town officials may be included on the EOC staff:

a. Town Manager
b. Town Council
c. Town Clerk and Treasurer
d. Code Enforcement Officer
e. Police Department Officials
f. Public Works Officials
g. Fire Department Officials
h. School Department Officials
i. Animal Control Officer
j. Scribe, and or a recorder

Sec. 2-52. Establishment of the National Incident Management System. (N.I.M.S.)
The Town of Winslow hereby establishes the National Incident Management System (NIMS) as the municipal standard for incident management. This system provides a consistent approach for Federal, State, and Municipal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity. NIMS will utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters. The NIMS Incident Command System (ICS) will be utilized by all Town of Winslow emergency and disaster responders for incident management.

Sec. 2-53. Training:

The EMD or Deputy EMD may take necessary training as provided by Kennebec County Emergency Management, Maine Emergency Management, and FEMA.

(Ord. No. 4-2006, 1-8-07)

Article 10. PERSONNEL

Sec. 2-54. Personnel rules and regulations adopted.

There is hereby adopted by reference the personnel rules and regulations, job descriptions, and pay scale schedule for town employee positions of the Town of Winslow as enacted by Ordinance No. 5-1978, adopted August 14, 1978, as if fully set out herein.

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A complete copy of the Personnel Policy can be found in Appendix A.

**ARTICLE 11. GENERAL ASSISTANCE**

**Sec. 2-55. Adoption of rules and regulations.**


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ARTICLE 12. Addressing

Sec. 2-56. Purpose.

The purpose of this ordinance is to enhance the easy and rapid location of properties by law enforcement, fire, rescue, and emergency medical services personnel in the Town of Winslow.

Sec. 2-57. Authority.

This ordinance is adopted pursuant to the 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. Section 3001.

Sec. 2-58. Administration.

This ordinance shall be administered by the CEO who is authorized to and shall assign road names and numbers to all properties, both on existing and proposed roads, in accordance with the criteria in Sections 4 and 5. The CEO shall also be responsible for maintaining the following official records of this ordinance:

a. A town map for official use showing road names and numbers.

b. An alphabetical list of all property owners as identified by current assessment records, by last name, showing the assigned numbers.

c. An alphabetical list of all roads with property owners listed in order of their assigned numbers.

Sec. 2-59. Naming System.

All roads that serve two or more properties 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. “Property” refers to any property on which a more or less permanent structure has been erected or could be placed. A road name assigned by the Town of Winslow 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 (e.g., no Pine Road and Pine Lane).

b. No two roads shall have similar sounding names (e.g., Beech Street and Peach Street).

c. Each road shall have the same name throughout its entire length.

**Sec. 2-60. Numbering System.**

Numbers shall be assigned along both sides of the road to fit the lot width in the zoning district in which they occur, with even numbers appearing on the left side of the road and odd numbers appearing on the right side of the road, ascending from the number origin.

The following criteria shall govern the numbering system:

a. All number origins shall begin from Clinton Avenue. For dead-end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.

b. 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.

c. Every structure with more than one principle use or occupancy shall have a separate number for each use or occupancy. For example, duplexes will have two separate numbers.

d. Condos and apartments will have the complex name and one property number followed by an apartment number, such as 235 Maple Street, Apt 2 or Fontaine Oaks, 135 Halifax Street, Unit 1A.

**Sec. 2-61. Compliance.**

All owners of structures shall, by the date stipulated in Section 8, display and maintain in a conspicuous place on said structure, the assigned numbers in the following manner:

a. Number on the Structure. Where the structure is within 50 (fifty) feet of the edge of the road right-of-way, the assigned number shall be displayed on the front of the structure in the vicinity of the front door or entry.

b. Number at Street Line. Where the structure is over 50 (fifty) feet from the edge of the road right-of-way, the assigned number shall be displayed on the post, fence, wall, the mail box, or on some structure at the street property line adjacent to the walk or access drive to the numbered structure.

c. Size and Color of Number, Numbers shall be minimum 6 inches high and be of the contracting color to background.

d. Every person whose duty is to display the 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 residence and other occupants are requested to post their assigned number and road name adjacent to their telephone for emergency reference.

**Sec. 2-62. New Development and Subdivisions.**

All new construction and subdivisions shall be named and numbered in accordance with the provisions of this ordinance 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 procure an assigned number from the CEO. This shall be done at the time of the issuance of the building permit.

b. New Subdivisions. Any prospective sub-divider 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 CEO 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 50 feet so as to aid in the assignment or numbers to structures subsequently constructed.

**Sec. 2-63. Effective Date.**

This ordinance shall become effective as of July 1, 2003. It shall be in the duty of the CEO to notify by mail each property owner and the Post Office of their new address at least 60 (sixty) days prior to the effective date of their use. It shall be the duty of each property owner to post new property numbers, in accordance with this ordinance, on the stated date of effective use. On new structures, numbering will be installed prior to final inspection or when the structure is first used or occupied, whichever comes first.

**Sec. 2-64. Enforcement.**

The Code Enforcement Officer is authorized to institute or cause to be instituted, in the name of the Town, any legal and all legal or equitable relief, that may be appropriate or necessary for the enforcement of this Chapter provided, however, that this section shall not prevent any person entitled to equitable relief enjoining any act contrary to the provisions of this Chapter. The Code Enforcement Officer shall give notice of any impending legal action to the Town Council.

a. The Code Enforcement Officer shall be given access to real estate in the Town at reasonable hours as necessary for the enforcement of this Chapter.

b. Any person being the owner or occupant of, having control of or use of, any building or premises, or part thereof, who violates any of the provisions of this Chapter shall be guilty of a civil violation and upon conviction thereof, shall be fined not less the $50.00 nor more than $1000.00. Each day such violation continues shall constitute a separate offense.

(Ord. No. 1-1996, 3-11-96; Ord. 2-2003, 5-12-03)
ARTICLE 13. WINSLOW BOARD OF ASSESSMENT REVIEW

Sec. 2-65 Authority of Board

1. The Winslow Board of Assessment Review (hereinafter "Board") receives its authority to review and grant tax abatements pursuant to State law (36 M.R.S.A., Section 843 (1-A), (2), and 844-N) and is hereby created and empowered by the Winslow Town Council for such purpose under Title 36 M.R.S.A., Section 471-A. If the majority of the Board determines that a taxpayer has been over-assessed, the Board shall grant such reasonable abatement as the Board thinks proper.

Sec. 2-66. Organization of Board

1. ESTABLISHMENT OF BOARD. The Board shall consist of five members appointed by the Town Council for staggered terms of three years, except that the initial terms shall be two (2) members for three (3) years, two (2) members for two (2) years, and one (1) member for one (1) year, with each position being appointed for three (3) years thereafter. Any vacancy shall be filled by appointment of the Town Council for the unexpired term. The staggered terms of office for each initial Board member shall be determined by rule of the Board.

2. BOARD QUALIFICATIONS. Board members shall be appointed upon the basis of their knowledge of taxation and property values. Each Board member shall be a resident of the Town at the time of his/her appointment and must continue as a resident during his/her term to continue to qualify as a Board member. If a Board member terminates his/her residence in the Town, his/her position shall become vacant.

3. CHAIRMAN/SECRETARY. The Board shall annually choose a Chair and a Secretary from its membership.

4. BOARD OFFICIAL DUTIES-. The members of the Board, in carrying out their official duties, shall act in a quasi-judicial capacity, acting fairly, independently, and impartially. The Board's findings of fact and determinations of each case shall be based only upon evidence presented to the Board in its public proceedings which shall become the record in the case. Generally, the record shall consist of the application for abatement, the Assessor's and taxpayer's evidence presented before the Board, exhibits offered, any stipulations of the parties, and, if the Board desires, an inspection of the property.

Sec. 2-67. Procedure

1. MEETING/QUORUM. The Chair shall call all meetings of the Board as required. A quorum of the Board necessary to conduct an official Board meeting shall consist of at least three members. The Chair shall preside at all meetings of the Board and be the official spokesperson of the Board. When not inconsistent with applicable State law, Town ordinance or Board rules, Robert's Rules of Order shall guide the Board's
procedures and deliberations; however, the Chair may waive any rule upon good cause shown. The Board shall give ample notice of all meetings and its meetings shall be open to the public.

2. BOARD RECORDS. The activities of the Board and its records are governed by the Maine Right to Know Law (1 M.R.S.A., Section 401, et seq.) The Secretary to the Board shall maintain a permanent file of all documents submitted and correspondence of the Board as part of the various proceedings which may be brought before the Board. All Board records and recording tapes are deemed public, shall be maintained at the Assessor’s Office for a reasonable amount of time, and may be inspected or listened to at reasonable times pursuant to Town procedures. Anyone desiring a copy of any record or transcript of the tapes of the Board’s meetings shall pay in advance the cost of duplication or transcription pursuant to Town procedures.

3. CONFLICT OF INTEREST. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the other members present and voting.

4. APPLICATION. To initiate an abatement appeal the applicant must have filed a timely written application to the Town Assessor, must have received a written denial from him/her, or otherwise the expiration of 60 days from the date the application for abatement was received by the Assessor must have expired if no written denial was given (unless the applicant and the Assessor shall have consented in writing to further delay) whereby the application to the Assessor is deemed denied, and the applicant must then file a written appeal to this Board within 60 days thereafter. Appeal forms shall be available in the Assessor’s office, which forms shall provide the name and address of the appealing party, a description of the property involved, the amount assessed by the Assessor, and the amount the applicant requests as the proper assessment to be and the reasons therefore. The application to this Board shall be filed with the Assessor who shall present the same to the Board, and the Board shall schedule a hearing on the appeal within a reasonable time.

5. EVIDENCE. The Board may receive any oral or documentary evidence but shall exclude irrelevant, immaterial, or unduly repetitious evidence. Every party shall have the right to present his/her case or defense by oral or documentary evidence and witnesses, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. The Board may continue any hearing to obtain additional information or clarification of the facts or legal issues involved; provided, however, that once scheduled, a hearing may not be continued except for good cause or as fairness requires as determined by the Board.

6. VIEW OF THE PROPERTY. If a majority of the Board deems it necessary, the Board may view or inspect the property in issue. At any inspection of the property, the Taxpayer and the Assessor (and legal counsel, if any) shall have the right to be present. No evidence or testimony shall be offered at the inspection, but both parties may nevertheless call to the attention of the Board those characteristics of the
property which they wish the Board to observe but without further comment. A summary of the inspection shall be made by the Board on the record at the next scheduled meeting of the Board, and either party may at that time offer his/her own summary of the inspection for the record.

7. INFIRMITY OR POVERTY OF TAXPAYER. The Board is without the power to grant abatements to those who, by reason of infirmity or poverty, are unable to pay property taxes assessed, and therefore evidence of the applicant's financial difficulties or inability to pay taxes on time is irrelevant.

a) OTHER RULES. The Board shall make such other reasonable rules of procedure from time-to-time as it deems advisable.

Sec. 2-68. Decision and Further Appeal

1. TIME OF DECISION. The Board may render a written decision on all applications within sixty (60) days from the date the application is filed, unless the applicant and the Board agree in writing to further delay. If the Board renders a written notice of decision, it shall mail or hand-deliver such to all parties within ten (10) days of the Board's decision. If the Board should fail to give written notice of its decision within sixty (60) days, the application shall be deemed denied as if there had been a written denial and the applicant may appeal to Superior Court under Title 36 M.R.S.A., Section 843(2); or under 36 M.R.S.A., Section 843(1-A) for non-residential property with an equalized valuation of one million dollars ($1,000,000) or greater, an intermediate tax abatement appeal may be taken to the State Board of Property Tax Review prior to an appeal to the courts.

The Board may close the hearing after all evidence has been submitted and continue its deliberations until the next meeting of the Board. All deliberations of the Board on all appeals shall be held in public at its meetings.

If the Board chooses to render a written decision, the Board shall issue it to the Taxpayer with a copy to the Assessor and the Town Manager. The written decision shall set forth the Board's findings of facts and reason or reasons for its decision which are sufficient to apprise the applicant, the Town, and any interested member of the public of the basis of the decision.

(Added 7-12-76) (Amended Ord. No. 2-1996, 7-8-1996)
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Sec. 3-1. License required; owner defined.

(a) No dogs shall be kept within the limits of the town, unless such dog has been licensed by its owner in accordance with the statutes of the state.

(b) Owner shall mean any person owning, keeping or harboring a dog.

(Town Warrant, 1969, Art. 20, § 1)

State law reference(s)—Licensing of dogs, 7 M.R.S.A., § 1454.

Sec. 3-2. Vaccination required; penalty.

(a) No owner of any dog older than six (6) months, less one (1) day, shall keep or maintain such dog unless it has been vaccinated by a veterinary surgeon with anti-rabies vaccine, within one (1) year preceding the date on which such dog is kept or maintained.

(b) Any person found violating this section shall be fined not less than ten dollars ($10.00), nor more than twenty-five dollars ($25.00), plus costs of prosecution.

(Town Warrant, 1969, Art. 20, § 6)

State law reference(s)—Requirement of vaccination, 7 M.R.S.A., § 1801.

Sec. 3-3. Dogs running at large prohibited; definition.

(a) No person shall permit any dog licensed or unlicensed to run at large.

(b) At large shall mean off the premises of the owner, and not under the control of any person by means of a chain, rope, or cord of sufficient strength to control the action of the dog (or such other personal presence and attentions as will reasonably control the conduct of such dog).

(Town Warrant, 1969, Art. 20, § 2)

State law reference(s)—Dogs running at large, 7 M.R.S.A., § 3455.

Sec. 3-4. Vicious and noisy dogs prohibited.

(a) No person shall keep a noisy or vicious dog in the town which disturbs the peace and quiet of any person.

(b) No person shall keep any dog which has bitten any person. The chief of police, following a complaint by any person that a vicious or noisy dog is being kept within the town, shall cause an investigation of the complaint to be made.

(c) If a vicious or noisy dog is found by the chief of police, he shall give written notice to the
person owning or keeping such dog. Such notice shall require that the dog be quieted, removed from the town or destroyed.

(d) Failure to comply with the provisions of this section shall be a violation of this Code and subject to a fine of not less than five dollars ($5.00) nor more than twenty dollars ($20.00). Such fine shall be imposed following proceedings before a court of competent jurisdiction.

(Town Warrant, 1961, Art. 79)

**State law reference(s)**—Complaints of assault by dog, 7 M.R.S.A., § 3605.

**Sec. 3-5. Dogs constituting a nuisance.**

(a) **Definitions.** For use in this section, the following terms are defined:

(1) *Dogs* shall mean both male and female animals of the canine species, whether altered or not.

(2) *Owner* shall mean any person or persons, firm, association or corporation owning, keeping, sheltering or harboring a dog.

(b) **Action constituting a nuisance.** It shall be unlawful for an owner, or keeper of a dog to allow such dog to cause annoyance or disturbance to any persons by frequent and habitual howling, yelping, barking, or by running after or chasing persons, bicycles, automobiles or other vehicles.

(c) **Impoundment of nuisance dogs.** Any dog constituting a nuisance as set out in subsection (b) may be impounded by any member of the humane shelter, or any Winslow police officer, if the owner cannot be reasonably located. The owner of the dog shall pay the full cost incurred for the board and shelter of the animal.

(d) **Penalty.** Any owner violating any of the provisions of this section shall, upon conviction, be subject to a fine of not less than twenty-five dollars ($25.00) or more than one hundred dollars ($100.00).

(Ord. No. 5-1983, §§ 1--4, 8-8-85)

**Sec. 3-6. Impounding dogs; procedure.**

(a) Any police officer within the town shall seize, impound or restrain:

(1) Any dog kept in violation of section 3-1; or

(2) Any dog running at large.

The officer shall deliver such dog to the person who is duly authorized to have control of impounding.
If the owner of such dog is known or can be located with reasonable diligence, then the person who has control of impounding shall personally notify the owner within three (3) days of receipt of such dog. If the owner is not known and cannot be located with reasonable diligence, then the person who has control of impounding shall post, within forty-eight (48) hours of the time such person has taken such dog into his possession, within notices in three (3) places in the town, giving a description of the dog, stating where it is impounded and the condition for its release. If the owner, within seven (7) days after receiving notice, or within seven (7) days after notice has been posted, does not claim such dog, then the person having control of impounding, shall dispose of the dog by sale or otherwise, in a proper and humane manner.

The person having control of impounding shall keep a record of every dog disposed of by sale or otherwise. The record shall include:

1. Description which identifies the dog with reasonable certainty;
2. The manner of disposing of the dog;
3. If the dog was transferred to another person, the name and address of the transferee. In addition, the transferee must sign a statement giving his name, address, and the date of delivery or receipt of the dog.

(Town Warrant, 1969, Art. 20, § 3)

State law reference(s)--Impounding dogs running at large, 7 M.R.S.A., § 3456.

Sec. 3-7. Conditions of release from impoundment.

(a) In accordance with section 3-5, before any dog may be transferred to another person:

1. Such dog shall be vaccinated with anti-rabies vaccine, or the transferee shall show proof of vaccination within the previous year;
2. Such dog must be licensed in accordance with the statutes of the state; and
3. The transferee shall pay to the town treasurer the sum of five dollars ($5.00) for vaccination, and the sum of two dollars ($2.00) per day for each day, or part thereof, the dog has been impounded.

(Town Warrant, 1969, Art. 20, § 4)

Sec. 3-8. Running at large; penalty.

Instead of or in addition to seizing and impounding the dog, the town may prosecute the owner of any dog running at large. Any person, upon conviction, shall be fined not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00), plus the cost of prosecution.
Sec. 3-9. Duty to Protect the Health and Safety of the Public.

a. No person shall allow any dog owned by him/her or under his/her control to defecate upon public street, road, sidewalk, park or other public property within the Town of Winslow, or upon private property (except for that property owned by the owner of the dog) unless such defecation is immediately bagged, and removed, and properly and adequately disposed of in a sanitary manner in a proper waste receptacle by said owner or controller of the dog. This paragraph shall not apply to any dog trained for the purpose of aiding a sight-impaired person and engaged in that function or to any person with a handicap who, by reason of that handicap, is physically unable to comply with the requirements of this paragraph.

b. Any owner or person who has a dog under his/her control who violates any provision of this Section shall, upon adjudication, be fined not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00), plus the costs and expenses of prosecution including but not limited to the Town’s attorney’s fees and expenses, and the salaries and wages of Town personnel involved in investigating, preparing, and prosecuting such violation. All such fines, fees, costs, and expenses shall be paid to the Town of Winslow.

(Ord. No. 3-2002, §§ 9, 11/12/02)
Chapter 4. BUILDING AND PLUMBING

Article 1. Building Code


§ 4-2. Enforcement of Article

§ 4-3. Building permit required

§ 4-4. Schedule of application filing fees

§ 4-5. Moving permits; requirements; fees; utilities permission

§ 4-6. Penalty

Article 2. Plumbing Code

§ 4-7. Plumbing Code adopted
ARTICLE 1. BUILDING CODE*

*State law reference(s)—Power to regulate building, 30 M.R.S.A., § 2151(4); power to adopt codes by reference, 30 M.R.S.A., § 2156.


The International Building Code and the National Fire Protection Association (NFPA)-101 Life Safety Code and all amendments thereto are hereby adopted by reference and made a part of this Chapter with the same force and effect as though set out in full herein.

Copies of the International Building Code and National Fire Protection Association – 101 Life Safety Codes will be available at the Winslow Town Office through the Town Clerk’s office, the Code Enforcement Officer’s office, and the Winslow Fire Station.

(Ord. No. 36-1974, § 1, 7-8-74; Ord. No. 4-1989, 9-11-89, Ord. No. 1-2005 2-14-05, Ord. No. 12-2007, 09-10-07)

Sec. 4-2. Enforcement of Article.*


The building inspector shall enforce this article and initiate all causes of action through the town manager in the name of the inhabitants of the town.

(Ord. No. 36-1974, § 6, 7-8-74)

Sec. 4-3. Building permit required.

Before any person builds or repairs any structure within the town, if the cost of such building or repairing is estimated to exceed five hundred dollars ($500.00), he/she shall obtain a building permit from the town.

(Town Warrant, Book 10, Art. 81, Page 69, 3-10-59; amended by Ord. 45-1974, 12-30-74)

Sec. 4-4. Schedule of application filing fees.

(a) The fees, which shall be paid before a building permit application will be considered as filed, shall be as follows:

(1) New construction (domestic).
Major construction . . . $.25/ft Finished Area
Unfinished Area

$.10/ft

New homes, inclusive of garages, sunrooms, decks, and any structures included with the site and construction plan submitted with initial application.

Additions, to the exterior of an existing structure which is placed on permanent foundation or creates additional floor space or an additional floor level.

Enclosed porches, sunrooms and greenhouses, enclosed, heated, and used for living spaces.

Garages, attached or detached over twenty-four (24) feet by thirty-six (36) feet. (Garages over 24’ x 36’ will be considered commercial)

(2) Commercial and Industrial Construction

All construction as classified by the IBC as groups A,B,C,D,E,F,H,I,M,S and U shall be reviewed under this section:

Office/Finished Area $ .25/ft
Open/Unfinished Area $ .10/ft

Office and finished area shall be those areas positioned to create enclosed work area. Open area shall be unfinished or finished spaces of open area for display or storage.

(3) Shoreland zoning construction . . . $ 75.00 + $.25/ft

(4) Demolitions . . . $50.00

(5) Signs . . . (Not including Real Estate Signs)

Small signs up to 2’ x 4’ . . . $ 25.00
All other signs . . . . . . . . . . $200.00+

(6) Public sewer connections . . . $ 300.00

(7) Plumbing permits . . . State fees

(8) Electrical permits . . . State fees

(9) Mineral extraction, including sand and gravel loam . . . $500.00

(10) Change of use . . . $100.00

(b) Permits not applied for until after work has been started shall be double the fee in subsection (a) above.

(Ord. No. 36-1974, 7-8-74; Ord. No. 45-1974, 12-30-74; Ord. No. 2-1990, 7-9-90; Ord. No. 5-1992,
10-5-92; Ord. No 1-2005, 2-14-05; Ord. No 12-2007, 9-10-07)

Sec. 4-5. Moving permits; requirements; fees; utilities permission.

(a) No person shall move any house without a permit.

(b) Moving permits over public ways shall require a minimum of $100.00 fee and a bond of at least ten thousand dollars ($10,000.00) filed with the treasurer, with sureties approved by the town attorney indemnifying and saving harmless the town from any and all costs or claims arising from damage occasioned by any and all parties to the moving.

(c) Written permission from public utilities along the route of movement shall be obtained and presented to the building inspector prior to issuance of a moving permit, along with a description and sketch of the route.

(Ord. No. 36-1974, § 2, 7-8-74; Ord. No 1-2005, 2-14-05; Ord. No 12-2007, 9-10-07)

Sec. 4-6. Penalty.

Please refer to Chapter 15: Town of Winslow Zoning Ordinance, Article 2, Sec. 15-13 “Notification of Violations, Abatement Powers; Inspection Powers and Penalty”

(Ord. No. 36-1974, § 5, 7-8-74; Ord. No 1-2005, 2-14-05; Ord. No 12-2007, 9-10-07)

ARTICLE 2. PLUMBING CODE*

*State law reference(s)--Plumbers and plumbing generally, 32 M.R.S.A., § 3301 et seq.; power of town to regulate plumbing, see 32 M.R.S.A., § 3351 et seq.

Sec. 4-7. Plumbing code adopted.

(a) The rules and regulations governing plumbing installations as promulgated by the State Department of Health is adopted by this reference and made a part of this article with the same force and effect as though set out in full herein, as the official plumbing code of the town.

(b) Copies of the plumbing code shall be on file in the office of the clerk for public inspection and use.

(Town Warrant, Book 8, Art. 51, 3-14-32)
Chapter 5 BUSINESSES*

*State law reference(s)--Power of the town to regulate and license businesses, 30 M.R.S.A., § 2151(5).

Article 1. Solicitors

§ 5-1. House to house sales; permit required.

Article 2. Junkyards and Automobile Graveyards

§ 5-2. Rules and regulations.
§ 5-3. Hours of operation restricted.
§ 5-4. Noise prohibited.
§ 5-5. Obstruction of traffic.
§ 5-6. Inflammable gasses or liquids.
§ 5-7. Offensive odors or smoke.
§ 5-8. Junkyard fences; specifications.
§ 5-9. Screening materials.
§ 5-10. Penalty.

Article 3. Exempted Businesses

§ 5-11. Businesses permitted to remain open.

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ARTICLE 1. SOLICITORS

Sec. 5-1. House to house sales; permit required.

(a) No person shall solicit funds from any person by selling goods or merchandise of any description by house to house canvas or on the streets of the town without a permit.

(b) The chief of police shall issue written permits upon application.

(c) Any person in violation of this section shall be fined not less than five dollars ($5.00) nor more than twenty dollars ($20.00).

(Town Warrant, Book 10, Art 96, Page 37, 3-11-58)

State law reference(s)--Home solicitation sales generally, 9-A M.R.S.A., § 3.501 et seq.

ARTICLE 2. JUNKYARDS AND AUTOMOBILE GRAVEYARDS*

*State law reference(s)--Junkyards as nuisances, 17 M.R.S.A., § 2802.

Sec. 5-2. Rules and regulations.

The rules and regulations contained in this article shall apply to the conduct on the licensed premises of a junkyard or automobile graveyard.

State law reference(s)--Regulation, 30 M.R.S.A., § 2151; auto junkyards, 30 M.R.S.A., §§ 2454, 2459.

Sec. 5-3. Hours of operation restricted.

The business of junkyard and/or automobile graveyard shall be transacted between the hours of 7:00 a.m. and 6:00 p.m. on every week day. No operation is permitted on Sunday.

(Ord. No. 1, 9-22-69)

Sec. 5-4. Noise prohibited.

No excessive noises unnecessary to the conduct of the business shall be permitted.

(Ord. No. 1, 9-22-69)
Sec. 5-5. Obstruction of traffic.

No highway or sidewalk adjoining the licensed premises shall be obstructed to the inconvenience of pedestrians and vehicular traffic.

(Ord. No. 1, 9-22-69)

Sec. 5-6. Inflammable gasses or liquids.

No inflammable gasses and liquids shall be left exposed or handled in such a manner as to create a danger of fire or explosion.

(Ord. No. 1, 9-22-69)

Sec. 5-7. Offensive odors or smoke.

No automobile tires or other substance causing offensive smells and emitting large volumes of black smoke shall be burned on the premises.

(Ord. No. 1, 9-22-69)

Sec. 5-8. Junkyard fences; specifications.

(a) Fences shall be so located and of sufficient height to completely screen the junkyard from ordinary view from any highway within the prescribed distances. Although the minimum height of any fence is stated to be six (6) feet, it must be emphasized that height shall be sufficient to accomplish the complete screening from ordinary view.

(b) All fences shall be well constructed and maintained. Only sound material, uniform in appearance and erected in a workmanlike manner, will be acceptable.

(Ord. No. 1, 9-22-69)

State law reference(s)--Rules and regulations pertaining to junkyards or graveyards, 30 M.R.S.A., §§ 2454--2458.

Sec. 5-9. Screening materials.

(a) Screenings may be accomplished by natural or manmade objects, plantings, or
properly constructed fences. Such material shall completely screen the junkyard from ordinary view from any portion of any highway within the prescribed distances throughout the entire calendar year. All screening shall be outside of the highway right-of-way limits.

(b) Natural or manmade objects may mean:

(1) Hills, gullies, or embankments. Such manmade objects shall be constructed to blend with the landscape with loaming and seeding or other treatment as may be necessary to establish a natural appearance;

(2) Buildings or other installations; or

(3) Combination of the above materials.

(Ord. No. 1, 9-22-69)

Sec. 5-10. Penalty.

Any person violating any provision of this article shall be subject to a fine of not more than one hundred dollars ($100.00) for each offense.

(Ord. of 10-4-71)

ARTICLE 3. EXEMPTED BUSINESSES

Sec. 5-11. Businesses permitted to remain open.

Any business not included within the exemptions listed under state law, Section 3.201 of Title 17, Maine Revised Statutes Annotated, shall be permitted to remain open for business on the days set forth in such section.

ARTICLE 4. SPECIAL AMUSEMENT*
Division 1 Generally

Sec. 5-12. Title.

This article shall be known and may be cited as the "Special Amusement Ordinance" of the Town of Winslow, Maine.

(Ord. No. 12-1978, Art. I, § 101, 8-14-78)

Sec. 5-13. Purpose.

The purpose of this article is to control the issuance of special permits for music, dancing or entertainment in facilities licensed by the State of Maine to sell liquor as
required by Section 702 of Title 28, Maine Revised Statutes Annotated.

(Ord. No. 12-1978, Art. I, § 102, 8-14-78)

Sec. 5-14. Definitions.

(1) Entertainment. For purposes of this article, "entertainment" shall include any amusement, performance, exhibition or diversion for patrons or customers of the licensed premises whether provided by professional entertainers or by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value.

(2) Licensee. For purposes of this article, "licensee" shall include the holder of a license issued under the Alcoholic Beverages Statutes of the State of Maine, or any person, individual, partnership, firm, association, corporation, or other legal entity, or any agent, or employee of any such licensee.

(Ord. No. 12-1978, Art. I, § 103, 8-14-78)

Division 2 Permit

Sec. 5-15. Required.

No licensee for the sale of liquor to be consumed on his licensed premises shall permit, on his licensed premises, any music, except radio or other mechanical device, any dancing or entertainment of any sort unless the licensee shall have first obtained from the municipality in which the licensed premises are situated a special amusement permit signed by at least a majority of the municipal officers.

Applications for all special amusement permits shall be made in writing to the municipal officers and shall state: the name of the applicant; his residence address; the name of the business to be conducted; his business address; the nature of his business; the location to be used; whether the applicant has ever had a license to conduct the business therein described either denied or revoked, and, if so, the applicant shall describe those circumstances specifically; whether the applicant, including all partners or corporate officers, has ever been convicted of a felony and, if so, the applicant shall describe specifically those circumstances; and any additional information as may be needed by the municipal officers in the issuing of the permit, including, but not limited to, a copy of the applicant's current liquor license.

No permit shall be issued for any thing, or act, or premises, if the premises and building to be used for the purposes do not fully comply with all ordinances, articles, bylaws, or rules and regulations of the municipality.

The fee for a special amusement permit shall be ten dollars ($10.00).

The municipal officers shall, prior to granting a permit and after reasonable notice to the
municipality and the applicant, hold a public hearing within fifteen (15) days of the date of the request was received, at which the testimony of the applicant and that of any other interested member of the public shall be taken.

The municipal officers shall grant a permit unless they find that the issuance of the permit will be detrimental to the public health, safety or welfare, or would violate municipal ordinances, or rules and regulations, articles, or bylaws.

A permit shall be valid only for the license year of the applicant's existing liquor license.

(Ord. No. 12-1978, Art. II, § 201, 8-14-78)

Sec. 5-16. Inspections.

Whenever inspections of the premises used for or in connection with the operation of a licensed business which has obtained a special amusement permit are provided for or required by ordinance or state law, or are reasonably necessary to secure compliance with any ordinance provision or state law, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit any officer, official, or employee of the municipality authorized to make the inspection at any reasonable time that admission is requested.

Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any ordinance provision or state law, it shall be the duty of the licensee, or the person in charge of the premises, to give any authorized officer, official, or employee of the municipality requesting the same sufficient samples of the material or commodity for analysis.

In addition to any other penalty which may be provided, the municipal officers may revoke the special amusement permit of any licensee in the municipality who refuses to permit any such officer, official, or employee to make an inspection or take sufficient samples for analysis, or who interferes with such officer, official, or employee while in the performance of his duty. Provided, that no license or special amusement permit shall be revoked unless written demand for the inspection or sample is made upon the licensee or person in charge of the premises, at the time it is sought to make the inspection.

(Ord. No. 12-1978, Art. II, § 202, 8-14-78)

Sec. 5-17. Suspension or revocation of permit.

The municipal officers may, after a public hearing preceded by notice to interested parties, suspend or revoke any special amusement permits which have been issued under this article on the grounds that the music, dancing, or entertainment so permitted constitutes a detriment to the public health, safety, or welfare, or violates any municipal ordinances, articles, bylaws, or rules and regulations.
Sec. 5-18. Rules and regulations.

The municipal officers are hereby authorized, after public notice and hearing, to establish written rules and regulations governing the issuance, suspension, and revocation of special amusement permits, the classes of permits, the music, dancing, or entertainment permitted under each class, and other limitations on these activities required to protect the public health, safety and welfare. These rules and regulations may specifically determine the location and size of permitted premises, the facilities that may be required for the permitted activities on those premises, and the hours during which the permitted activities are permitted.

Such rules and regulations shall be additional to and consistent with all sections of this article.

Sec. 5-19. Permit and appeal procedures.

(1) Any licensee requesting a special amusement permit from the municipal officers shall be notified in writing of their decision no later than fifteen (15) days from the date his request was received. In the event that a licensee is denied a permit, the licensee shall be provided with reasons for the denial in writing. The licensee may not reapply for a permit within thirty (30) days after an application for a permit which has been denied.

(2) Any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may, within thirty (30) days of the denial, suspension or revocation, appeal the decision to the municipal board of appeals as defined in Section 2411 of Title 30, Maine Revised Statutes Annotated. The municipal board of appeals may grant or reinstate the permit if it finds that the permitted activities would not constitute a detriment to the public health, safety, or welfare, or that the denial, revocation or suspension was arbitrary or capricious, or that the denial, revocation or suspension was not based, by a preponderance of the evidence, on a violation of any ordinance, article, bylaw, or rule or regulation of the municipality.

Sec. 5-20. Admission.

A licensed hotel, Class A restaurant, Class A tavern or restaurant malt liquor licensee who has been issued a special amusement permit may charge admission in designated areas approved by the municipal special amusement permit.
Sec. 5-21. Penalty.

Whoever violates any of the provisions of this article shall be punished by a fine of not more than fifty dollars ($50.00) for the first offense, and up to one hundred dollars ($100.00) for the subsequent offenses, to be recovered, on complaint, to the use of the Town of Winslow.

(Ord. No. 12-1978, Art. III, § 301, 8-14-78; Ord. No. 17-1978, 12-11-78)

ARTICLE 5. ITINERANT VENDORS

Sec. 5-22. Permit required.

It shall be unlawful for an itinerant vendor, as herein defined, to engage in business within the Town of Winslow, without first obtaining a permit in compliance with the provisions of this article.

(Ord. No. 2-1985, 1-13-86)

Sec. 5-23. Definitions.

*Itinerant vendor* is defined as any person who engages in a temporary business of selling or delivering goods, wares, foods, foodstuffs, or merchandise within the Town of Winslow from either a public or private place, other than at his permanent place of business or at his place of legal voting residence.

a. Temporary itinerant vendor shall apply to CEO for Use Permit. Such permit shall be valid from 8 to 60 days and may not be renewed in any one calendar year. Permit fee shall be $50.00.

   NOTE: 1 to 7 days requests shall apply to the Police Department for "Temporary Itinerant Vendor Permit" which cannot be renewed for 1 calendar year. The permit fee shall be $25.00

b. Seasonal itinerant vendor shall apply to the Planning Board for a permit and meet all applicable requirements of the Zoning Ordinance’s Conditional Use and Site Review at Section 14-28, et al. Such permit shall be valid for 3 to 6 months continuous use and cannot be renewed for one calendar year. The permit fee shall be $50.00 per month of use.

c. Temporary or Itinerant Seasonal Vendors, which prepare and/or serve food shall provide for waste and sanitation facilities for such business and be subject to inspection by the Town Code Enforcement Officer and/or Maine State Health Officials. Unsanitary or unsafe conditions may result in revocation of permit to operate as well as civil penalties and other applicable remedies and costs including but not
limited to Section 5-31.

D. Permits for all Temporary Itinerant Vendors and Seasonal Itinerant Vendors shall only be issued if the applicant is in compliance with all applicable requirements of the zoning district in which he or she shall be located along with all other applicable State and Town of Winslow applicable laws, ordinances, rules, and regulations, and the location of any such itinerant vendor shall not be a detriment to vehicle or pedestrian traffic, vehicle traffic flow, vehicle traffic egress and ingress to the itinerant vendor’s location site, and there is adequate parking and safe sight-distance of oncoming vehicle traffic approaching the itinerant vendor’s location site at the customary speed in that area.

*Permanent place of business* shall mean a place of business which is not a temporary business.

*Private place* shall mean all premises which are assessed as real property by the Town of Winslow and not owned by any public entity, other than a permanent place of business or a place of legal voting residence. If a private place is used, written authorization from owner must be provided.

*Public place* shall mean all public ways laid out under authority of statute and dedicated to public use, or other places to which the public at large or a substantial group has access.

*Temporary business* shall mean a place of business not open to the public at least five (5) days a week for not less than six (6) hours daily.

(Ord. No. 2-1985, 1-13-86; Ord. No. 5-2005, 7-11-05)

**Sec. 5-24. Nonprofit organizations and educational institutions exempt.**

Nonprofit organizations and educational institutions shall be exempt from this article.

(Ord. No. 2-1985, 1-13-86)

**Sec. 5-25. Permit application form.**

Temporary Itinerant vendors must complete the application form furnished by the chief of police clearly stating the time, place, manner and purpose for which the permit is desired.

(Ord. No. 2-1985, 1-13-86)

**Sec. 5-26. Time permit valid; non-transferability.**

Itinerant vendors permit shall be valid for a period not to exceed three (3) consecutive days, between the hours of 9:00 a.m. and 8:00 p.m. Monday through Sunday, and shall
not be transferable. An exception to this section shall be farmers who sell their own
grown products and such exception shall apply from June 1 to October 1 each year.

(Ord. No. 2-1985, 1-13-86; Ord. No. 3-1993, 7-12-93)

Sec. 5-27. Prohibited locations.

Itinerant vendors permit shall not be issued to applicant at any location where prohibited
by the Winslow Zoning Ordinance.

(Ord. No. 2-1985, 1-13-86)

Sec. 5-28. Permit fee.

Fee for each permit shall be stated in Section 5-23, nonrefundable, and payable to the
Town of Winslow. The fee for farmers who sell their own grown products from June 1 to
October 1 each year shall be twenty-five dollars ($25.00).

(Ord. No. 2-1985, 1-13-86; Ord. No. 3-1993, 7-12-93; Ord. No. 5-05, 7-11-05)

Sec. 5-29. Proof of insurance to be provided.

Itinerant vendors shall provide certificates of bodily injury liability and property damage
insurance.

(Ord. No. 2-1985, 1-13-86)

Sec. 5-30. Vendors to hold town harmless.

Itinerant vendors shall indemnify and save harmless the Town of Winslow, its
authorized agents, officials and employees from and against any and all actions, causes
of actions, liabilities, claims, demands, damages or losses including any actions for
contribution or indemnity, and including all reasonable attorneys fees, resulting from any
civil or criminal action arising directly or indirectly out of any act or omission of itinerant
vendors, their employees, or business patrons.

(Ord. No. 2-1985, 1-13-86)

Sec. 5-31. Violation; penalty.

Any itinerant vendor who violates any provision of this article shall be guilty of a civil
violation and subject to a fine of not less than fifty dollars ($50.00) nor more than two
hundred dollars ($200.00), plus the Town of Winslow's attorney's fees for the
prosecution of any such violation. Each day of any violation of this article shall be a
separate offense. Nothing in this article shall be construed to prohibit other or further
civil or criminal action, including the Town of Winslow's attorney's fees, against any
itinerant vendor.

(Ord. No. 2-1985, 1-13-86)

ARTICLE 6. INNKEEPERS AND LODGING HOUSES*

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State law reference(s)—Authorization for municipal officers to serve as licensing board for the issuance of innkeeper and tavern keeper licenses, 30-A M.R.S.A., § 3812.

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Sec. 5-32. Permit fee.

Every person licensed as an innkeeper or tavern keeper shall pay to the treasurer for the use of the municipality a fee of twenty-five dollars ($25.00).

(Ord. No. 5-1993, 9-13-93; Ord. No. 5-2001, 8-27-01)

Sec. 5-33. Penalty.

Any innkeeper or tavern keeper who is in violation of this article will be subject to a general penalty as outlined in section 1-7 of this Code.

(Ord. No. 5-1993, 9-13-93; Ord. No. 5-2001, 8-27-01)
Chapter 6  FLOODPLAIN MANAGEMENT*

Cross reference(s)--Building and plumbing, Ch. 4; mobile homes and mobile home parks, Ch. 7; sewers, Ch. 10; subdivisions, Ch. 12; zoning, Ch. 14.

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Sec. 6-1. Purpose and Establishment.
Certain areas of the Town of Winslow, 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 Winslow, 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 Winslow, Maine to require the recognition and evaluation of flood hazards in all official actions relating to land use in the flood plain areas having special flood hazards.

The Town of Winslow 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 and 4401-4407.

The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the Town of Winslow 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 Winslow, Maine.

The areas of special flood hazard, zones A and AE, are identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study--Town of Winslow, Kennebec County," dated May 7, 2001 with accompanying "Flood Insurance Rate Map (FIRM) dated May 7, 2001, which are hereby adopted by reference and declared to be a part of this Ordinance.

(Ord. No. 3-1987, Art. I, 4-13-87; Ord. No. 2-1988, 3-14-88; Ord. No. 1-2001, 3-12-01; Ord. No. 3-2001, 6-11-01)

Sec. 6-2. Permit required.

Before any construction or other development (as defined in section 6-13), including the placement of manufactured homes, begins within any areas of special flood hazard established in section 6-1 a flood hazard development permit shall be obtained from the code enforcement officer. This permit shall be in addition to any other building permits which may be required pursuant to the codes and ordinances of the Town of Winslow, Maine.

(Ord. No. 3-1987, Art. II, 4-13-87; Ord. No. 3-2001, 6-11-01)

Sec. 6-3. 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 and address and phone number of the applicant, owner, and contractor;
An address and a map indicating the location of the construction site;

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;

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

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

A statement as to the type of sewage system proposed;

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

[Items H-K.2 applies only to new construction and substantial improvements.]

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

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

   a. In Zone AE, from data contained in the “Flood Insurance Study - Town of Winslow, 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/July 1995), including information obtained pursuant to Article VI.K. and VIII.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 buildings;

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 flood-proofed;

(I) A description of a base flood 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 flood-proofing Certificate (FEMA form 81-65, 08/99, as amended), to verify that the flood-proofing methods for any non-residential structures will meet the flood-proofing criteria of Article III.H.4.; Article VI.G.; and other applicable standards in Article VI;

(2) A Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.L.2.a:

(3) A certified statement that bridges will meet the standards of Article VI.M.;

(4) A certified statement that containment walls will meet the standards of Article VI.N.;

(L) A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development; and

(M) A statement or construction plan describing in detail how each applicable development standard in Article VI will be met.

(Ord. No. 3-1987, Art. III, 4-13-87; Ord. No. 2-1988, 3-14-88; Ord. No 3-2001, 6-11-01)

Sec. 6-4. Application fee and expert's fee.

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

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

(Ord. No. 3-1987, Art. IV, 4-13-87; Ord. No 3-2001, 6-11-01)

Sec. 6-5. 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 data contained in the "Flood Insurance Study--Town of Winslow, Maine," as described in Article I;

   (2) In special flood hazard areas where base flood elevation data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state or other technical sources, including information obtained pursuant to Article III.H.1.b; Article VI.K.; and Article VIII.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 in the State Planning Office.

(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. 1334;

(E) Notify adjacent municipalities, the department of environmental protection, and the Maine Floodplain Management Program in the State Planning Office prior to any alteration or relocation of a watercourse 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 second Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer or architect based on the Part I permit construction, “as built,” for verifying compliance with the elevation requirements of Article VI, paragraphs F, G, or H. 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 Flood-proofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the flood-proofing standards of Article VI.G.1.a., b., and c. The application for this permit shall include a Flood-proofing 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.

(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 IX of this Ordinance, and copies of Elevation Certificates, Flood-proofing Certificates, Certificates of Compliance and certifications of design standards required under the provisions of Articles III, VI, and VII of this Ordinance.

(Ord. No. 3-1987, Art. V, 4-13-87; Ord. No. 2-1988, 3-14-88; Ord. No. 3-2001, 6-11-01)

Sec. 6-6. Development Standards.

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

(A) All Development – All developments 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 so as 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 systems 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 any 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 (1) foot above the base flood elevation.

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

(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 flood-proofed to at least one (1) foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to passage of water;

      (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
(c) Be certified by a registered professional engineer or architect that the flood-proofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K. and shall include a record of the elevation above mean sea level to which the structure is flood-proofed.

(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 VIII.D., or

(a) Together with attendant utility and sanitary facilities meet the flood-proofing standards of Article VI.G.1.

(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 (1) foot above the base flood elevation;

(b) Be in 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 floatation, 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 VIII.D.; and

(b) Meet the anchoring requirements of Article VI.H.1.c.

(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;

   (c) Be permitted in accordance with the elevation and anchoring requirements for “manufactured homes” in Article VI.H.1.

(J) **Accessory Structures** - Accessory Structures, as defined in Article XIII, located within Zones AE and A, 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. be 500 square feet or less and have a value less than $3000;

2. have unfinished interiors and not be used for human habitation;

3. have hydraulic openings, as specified in Article VI.L.2., in at least two different walls of the accessory structure;

4. be located outside the floodway;

5. 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,

6. 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 Zone 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:

(d) Will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,


(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 zones AE and A that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs F, G, or H and is elevated on posts, columns, piers, piles, "stilts," or crawlspaces 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 XIII;

(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 (2) openings having a total net area of not less than one (1) 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 (1) foot above the lowest grade;

3. Openings may be equipped with screens, louvers, valves, and 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 improvements of any bridge in Zones AE and A shall be designed such that:

1. When possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at lease one (1) 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.

(M) Containment Walls – New construction or substantial improvement of any containment wall located within:

1. Zones AE and A 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 or 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.

(N) **Wharves, Piers and Docks** - New construction or substantial improvement of wharves, piers and docks are permitted in Zones AE and A, in and over water and seaward of the mean high tide in 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.

(Ord. No. 3-1987, Art. VI, 4-13-87; Ord. No. 2-1988, 3-14-88; Ord. No. 3-2001, 6-11-01)

**Sec. 6-7. Certificate of Compliance.**

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

(A) For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer, and Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer, or architect, for compliance with Article VI, paragraphs F, G, or H.

(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 Elevation Certificate and the applicant's written notification; and;

(2) Upon determination that the development conforms with the provisions of this ordinance, shall issue a Certificate of Compliance.

(Ord. No. 3-1987, Art. VII, 4-13-87; Ord. No. 3-2001, 6-11-01)

**Sec. 6-8. Review of Subdivisions and Development Proposals.**

The planning board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law, or local ordinances or regulations, and all projects on five (5) or more disturbed acres or, in the case of manufactured home parks divided into two (2) or more lots, assure that:
(A) All such proposals are consistent with the need to minimize flood damage.

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

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

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

(E) Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area are to be constructed in accordance with Article VI of this ordinance. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing intent to transfer any interest in real estate or structure, including but not limited to 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.

(Ord. No. 3-1987, Art. VII I, 4-13-87; Ord. No. 3-2001, 6-11-01)

Sec. 6-9. Appeals and Variances.

The board of appeals of the Town of Winslow 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 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 it deems necessary.

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

   (1) Other criteria of Article IX and Article VI.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 IX, 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 IX, paragraphs A. through E. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:

   (1) The issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to
amounts as high as twenty-five dollars ($25.00) per one hundred dollars ($100.00) 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 (35) 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 (35) 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 (45) days from the date of any decision of the Board of Appeals.

(Ord. No. 3-1987, Art. IX, 4-13-87; Ord. No. 3-2001, 6-11-01)

Sec. 6-10. 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 M.R.S.A., Section 4452.

(B) The penalties contained in Title 30-A M.R.S.A., Section 4452 shall apply to any violation of this Ordinance.

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

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

(2) A clear and unequivocal declaration that the property is in violation of a cited state or local law, 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.

(Ord. No. 3-1987, Art. X, 4-13-87; Ord. No. 3-2001, 6-11-01)

Sec. 6-11. Validity and Severability.

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

(Ord. No. 3-1987, Art. XI, 4-13-87; Ord. No. 3-2001, 6-11-01)

Sec. 6-12. Conflict with Other Ordinances.

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

(Ord. No. 3-1987, Art. XII, 4-13-87; Ord. No. 3-2001, 6-11-01)

Sec. 6-13. Definitions.

Unless specifically defined below, words and phrases used in this Ordinance shall have the same meanings as they have at common law and to give this Ordinance it’s 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** – means a small detached structure that is incidental and subordinate to the principal structure.

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

**Area of special flood hazard** – means the land in the floodplain having a one (1) per cent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Article I of this Ordinance.

**Base flood** – means the flood having a one (1) per cent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

**Basement** – means any area of the building having its floor sub grade (below ground level) on all sides.

**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** – any person or board responsible for performing the inspection, licensing, and enforcement duties required by a particular statute or ordinance.

**Development** – means any change caused by individuals or entities to improved or unimproved real estate, including but not limited to the construction of buildings or other structures; the construction of additions or substantial improvements to buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; and the storage, deposition, or extraction of materials, public or private sewage disposal systems or water supply facilities.

**Elevated Building** – means non-basement building.

a. built, in the case of a building in Zones AE or A, to have the top of the elevated floor elevated above the ground level by means of pilings, columns, post, piers, or "stilts;" and

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

In the case of Zones AE or A, **Elevated Building** also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article VI.L..

**Elevation certificate** – An official form (FEMA Form 81-31, 08/99 as amended) that:
a. is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and,

b. is required for purchasing flood insurance.

**Flood or Flooding** – means:

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

1. The overflow of inland or tidal waters.

2. The unusual and rapid accumulation or runoff of surface waters from any source.

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

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

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

**Flood Insurance Study** – see **Flood Elevation Study**.

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

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

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

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

**Floodway** – see **Regulatory Floodway**.
Floodway encroachment lines – means the lines marking the limits of floodways on federal, state, and local floodplain maps.

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

Functionally dependent Use – means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding 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 determine by the Secretary of the Interior, or
   2. Directly by the Secretary of the Interior in states without approved programs.

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

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

Manufactured Home – means a structure, transportable in one (1) 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 one hundred eighty (180) consecutive days.

**Manufactured Home Park or Subdivision** – means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

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

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

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

**One hundred-year flood** – See **Base Flood**.

**Recreational Vehicle** – means a vehicle which is:

a. built on a single chassis;

b. 400 square feet or less when measured at the largest horizontal projection, not including slide outs;

c. designed to be self-propelled or permanently tow-able by a motor vehicle; and

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

**Regulatory floodway** –

a. means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot, and

b. when not designated on the community’s Flood Insurance Rate Map, it is considered to be
the channel of a river or other watercourse and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

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

Special Flood Hazard Area –see Area of Special Flood Hazard.

Start of construction – means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within one hundred eighty (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 of 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 where by 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 fifty (50) per cent 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 community’s 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.

(Ord. No. 3-1987, Art. XIII, 4-13-87; Ord. No. 3-2001, 6-11-01)

Sec. 6-14. Abrogation.

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

(Ord. No. 3-1987, 4-13-87; Ord. No. 1-2001, 3-12-01; Ord. No. 3-2001, 6-11-01)
Chapter 7

MOBILE HOMES; MANUFACTURED HOUSING AND MOBILE HOME PARKS*

State law reference(s)--Electrical equipment in mobile home parks, 30 M.R.S.A., § 2554-A; mobile home parks, 30 M.R.S.A., § 4061 et seq.; construction of mobile homes, 30 M.R.S.A., § 4771 et seq.

Sec. 7-1. Definitions

Sec. 7-2. Intent of regulations; administration.

Sec. 7-3. Manufactured housing dealers excepted.

Sec. 7-4. Existing mobile home parks exempted.

Sec. 7-5. Extension or alteration of existing parks.

Sec. 7-6. Unoccupied or stored mobile homes.

Sec. 7-7. Mobile home and mobile home park permit required.

Sec. 7-8. Initial mobile home park application; contents.

Sec. 7-9. Modification applications.

Sec. 7-10. Permit issuance and renewal; fees.

Sec. 7-11. Mobile home park development requirements.

Sec. 7-12. Design and performance standards for mobile home parks.

Sec. 7-13. Restrictions on locations.

Sec. 7-14. Mobile home and manufactured housing regulations.

Sec. 7-15. Tax receipt required to move trailer.

Sec. 7-16. Penalty.
Sec. 7-1. Definitions.

(a) As used in this chapter:

(1) Development shall mean any use of land for which a building permit is issued or pending.

(2) Manufactured housing unit: Structures, transportable in one (1) or two (2) sections, which were constructed in a manufacturing facility and are transported to a building site and designed to be used as dwellings when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein.

(Ord. No. 2-1991, 7-8-91)

Sec. 7-2. Intent of regulations; administration.

(a) A mobile home park is a subdivision. Except as stipulated below, mobile home parks shall meet all the requirements for a residential subdivision, and shall conform to all applicable state laws and local ordinances or regulations. Where the provisions of this section conflict with specific provisions of the Winslow Subdivision Ordinance, the provisions of this section shall prevail for review of mobile home park subdivisions.

(b) The regulations of this chapter shall be held to be the minimum requirements for the promotion of the health, safety, and general welfare. If this chapter is found to be in conflict with any ordinance or provision of law of the town, or state statute, the provision which establishes the higher standard shall prevail.

(c) The administration of these regulations shall be the responsibility of the planning board. The enforcement of such regulations shall be the responsibility of the code enforcement officer. The administration and enforcement of these regulations shall be as defined in the zoning ordinance.

(d) Permits to develop or expand a mobile home park shall expire after two (2) years for any portion of the park where the road or utilities have not been put in place.

(Ord. No. 2-1991, 7-8-91)

Sec. 7-3. Manufactured housing dealers excepted.

This chapter shall not apply to manufactured housing in the hands of dealers as stock in trade for resale, so long as the manufactured housing units remain unoccupied. Manufactured housing shall not be exhibited for sale for commercial purposes in any residential zone including the rural zone, or in a mobile home park, except as provided for in section 7-11(a)(4).

(Ord. No. 2-1991, 7-8-91)
Sec. 7-4. Existing mobile home parks exempted.

This chapter shall not apply to mobile home parks established prior to June 7, 1971. Permit fees, and sanitary and utility requirements shall apply to such existing mobile home parks.

(Ord. No. 2-1991, 7-8-91)

Sec. 7-5. Extension or alteration of existing parks.

Mobile home parks established before June 7, 1971, may not be extended or altered except in conformance with the provisions of this Chapter.

(Ord. No. 2-1991, 7-8-91)

Sec. 7-6. Unoccupied or stored mobile homes.

This article shall not apply to travel trailers and campers that are unoccupied and stored temporarily in buildings, garages or on private property.

(Ord. No. 2-1991, 7-8-91)

Sec. 7-7. Mobile home and mobile home park permit required.

No person shall construct, maintain, operate or alter any mobile home park or mobile home or any manufactured housing in the town unless such person shall first obtain a permit issued by the Code Enforcement Officer.

(Ord. No. 2-1991, 7-8-91)

Sec. 7-8. Initial mobile home park application; contents.

(a) Initial applications for mobile home parks shall be accompanied by a set of plans, drawn to scale showing all information required for a subdivision application including:

(1) The area and dimensions of the tract of land;

(2) The maximum number, location and size and dimensions of all mobile home spaces;

(3) The location and dimensions of any existing buildings and any proposed structures;

(4) The location and width of roadways and walkways; and

(5) The location of water and sewer lines and sewage disposal system.

(Ord. No. 2-1991, 7-8-91)

Sec. 7-9. Modification applications.
Modification applications shall be accompanied by plans, drawn to scale, showing any proposed extension or alterations, which extensions and alterations shall be made to conform with the provisions of this chapter before such modification application shall be granted. The making of extensions or alterations without such approval shall be cause for immediate revocation of the mobile home park permit. The planning board may require that all information required for an initial application be submitted.

(Ord. No. 2-1991, 7-8-91)

Sec. 7-10. Permit issuance and renewal; fees.

(a) The code enforcement officer, upon written application of any person, may issue a mobile home park permit to such person upon compliance with the provisions of this chapter and approval by the planning board.

(b) Fees shall be paid in accordance with the subdivision ordinance, but in no case shall the fee be less than one hundred dollars ($100.00).

(Ord. No. 2-1991, 7-8-91)

Sec. 7-11. Mobile home park development requirements.

a. Mobile home parks shall conform to the following minimum requirements:

   (1) The park shall be located on a well-drained site properly graded to insure rapid drainage and freedom from stagnant pools of water. The park shall not be located near swamps or other potential breeding places for insects and rodents, or on land which is exposed to chronic nuisances such as noise, smoke, fumes and odors.

   (2) Each individual mobile home space shall be provided with:

      a. A continuing and potable supply of safe and sanitary water;

      b. An adequate sewage disposal means;

      c. An adequate electrical power service. The requirements of this subsection shall comply with state regulations.

   (3) Garbage and rubbish collection and delivery to a disposal facility designated by the town shall be the responsibility of the mobile home park owner.

   (4) No unoccupied mobile home or trailer shall be stored or exhibited for sale for commercial purposes within a mobile home park. This restriction is not intended to prevent individual "one time" transactions, but rather to prevent the owner or manager of a mobile home park from using it as a mobile home sales lot. The park shall be restricted to residential purposes. It shall not serve as a business district.

   (5) Each mobile home will set on an eighteen-inch gravel base.
Sec. 7-12. Design and performance standards for mobile home parks.

(a) **Lot area and lot width requirements.** Notwithstanding the dimensional requirements table located in Article IV of Chapter 14, lots in a mobile home park shall meet the following lot area and lot width requirements.

1. Lots served by public sewer:
   - Minimum lot area . . . . 6,000 sq. ft.
   - Minimum lot width . . . . 50 feet
2. Lots served by individual subsurface waste water disposal systems:
   - Minimum lot area....20,000 sq. ft.
   - Minimum lot width . . . . 100 feet
3. Lots served by a central subsurface waste water disposal system approved by the Maine Department of Human Services:
   - Minimum lot area....12,000 sq. ft.
   - Minimum lot area . . . . 75 feet
4. The overall density of any park served by any subsurface wastewater disposal system shall not exceed one (1) dwelling unit per twenty thousand (20,000) square feet of total park area.
5. Lots located within any Shoreland zoning district shall meet the lot area, lot width and shore frontage requirements for that district.

(b) **Unit setback requirements.**

1. On lots ten thousand (10,000) square feet in area or larger, structures shall not be located less than fifteen (15) feet from any boundary lines of an individual lot. On lots less than ten thousand (10,000) square feet in area, structures shall not be located less than ten (10) feet from any boundary lines of an individual lot.
2. On lots which abut a public way either within the park or adjacent to the park, structures shall meet front yard requirements, frontage, and lot width requirements defined in Article IV of the Winslow zoning ordinance. On lots which are located within the shoreland area, structures shall meet the setback from high water mark requirements in the dimensional requirements in the Winslow shoreland zoning provisions and the Winslow flood hazard ordinance.
(c) **Buffering.** If a park is proposed with a residential density at least twice the density of adjacent development in existence, or at least twice the density permitted in the zoning district in which the park is located if the neighboring land is undeveloped, the park shall be designed with a continuous landscaped area not less than fifty (50) feet in width which shall contain no structures or streets. The first twenty-five (25) feet of the buffer strip, as measured from the exterior boundaries of the park shall contain evergreen shrubs, trees, fences, walls or any combination which forms an effective visual barrier to be located on all exterior lot lines of the park, except that driveways shall be kept open to provide visibility for vehicles entering and leaving the park.

(d) **Open space reservation.** An area no less than ten (10) per cent of the total area of those lots with a lot area of ten thousand (10,000) square feet or less shall be reserved as open space. The area reserved as open space shall be dedicated to and suitable to be used for recreational purposes. Generally, the reserved open space shall not be located on poorly or very poorly drained soils, and shall be accessible directly from roads within the park. The planning board may waive the requirement for open space when owned recreation area. A recreation fee as part of the subdivision procedure also applies.

(e) **Road design, circulation, and traffic impacts.** Streets within a park shall be designed by a professional engineer, registered in the State of Maine.

1. Streets which the applicant proposes to be dedicated as public ways shall be designed and constructed in accordance with the standards for streets in the Winslow subdivision regulations. Mobile home parks of any size are required to have paved streets. Gravel streets are not acceptable.

2. Streets which the applicant proposes to remain private ways shall meet the following minimum geometric design standards.
   a. Minimum right-of-way width: 23 feet
   b. Minimum width of paved traveled way: 20 feet

3. Any mobile home park providing spaces for more than fourteen (14) residential units shall have at least two (2) street connections with existing public streets. Any street within a park which provides access to more than fourteen (14) residential units shall have at least two (2) street connections leading to existing public streets, other streets within the park, or other streets shown on an approved subdivision plan.

4. No individual lot within a park shall have direct vehicular access onto an existing public street.

(f) **Ground water impacts.**

1. Assessment submitted. Accompanying the application for approval of any mobile home park which is not served by public sewer shall be an analysis of the impacts of the proposed mobile home park on ground water quality. The hydro geologic
assessment shall be prepared by a certified geologist or registered professional engineer, experienced in hydrogeology, and shall contain at least the following information.

a. A map showing the basic soils types.

b. The depth to the water table at representative points throughout the mobile home park.

c. Drainage conditions throughout the mobile home park.

d. Data on the existing ground water quality, either from test wells in the mobile home park or from existing wells on neighboring properties.

e. An analysis and evaluation of the effect of the mobile home park on ground water resources. The evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the mobile home park, at the mobile home park boundaries and at a distance of one thousand (1,000) feet from potential contamination sources, whichever is a shorter distance. For mobile home parks within the development's impact on ground water phosphate concentrations shall also be provided.

f. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the mobile home park and within two hundred (200) feet of the mobile home park boundaries.

(2) Standards for acceptable ground water impacts.

a. Projections of ground water quality shall be based on the assumption of drought conditions (assuming sixty (60) per cent of annual average precipitation).

b. No mobile home park shall increase any contaminant concentration in the ground water to more than one-half (1/2) of the primary drinking water standards. No mobile home park shall increase any contaminant concentration in the ground water to more than the secondary drinking water standards.

c. If ground water contains contaminants in excess of the primary standards, and the mobile home park is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.

d. If ground water contains contaminants in excess of the secondary standards, the mobile home park shall not cause the concentration of the parameters in question to exceed one hundred fifty (150) per cent.

(3) Subsurface waste water disposal system and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those
standards shall be included as a note on the plan.

(g) *Conversion to other use.* No development or subdivision which is approved under this section as a mobile home park may be converted to another use without the approval of the planning board, and meeting the appropriate lot size, lot width, setback and other requirements. The plan to be recorded at the registry of deeds and filed with the municipality shall include the following restrictions as well as any other notes or conditions of approval.

1. The land within the park shall remain in a unified ownership and the fee to lots or portions of lots shall not be transferred.

2. No dwelling unit other than a manufactured housing unit shall be located within the park.

(Ord. No. 2-1991, 7-8-91)

**Sec. 7-13. Restrictions on locations.**

Mobile home parks may be located only in those zones defined for their location in the Winslow zoning ordinance.

(Ord. No. 2-1991, 7-8-91)

**Sec. 7-14. Mobile home and manufactured housing regulations.**

(a) Mobile homes, when permitted by this chapter, shall conform to the following regulations:

1. Skirting, foundations and open porches or awnings may be installed.

2. Excess materials shall not be stored under mobile homes. (Note: The state nuisance law shall apply.)

3. No mobile home shall be without adequate hygiene and sanitation facilities. Water supply shall be an accessible, adequate, safe and potable supply of water to be provided in each mobile home park, capable of furnishing a minimum of one hundred twenty-five (125) gallons per day per mobile home space. The development of an independent water supply to serve the mobile home park shall be made only after express approval has been granted by the code enforcement officer. Water service, plumbing, sewage disposal and treatment, electric power service, bottled gas service, heating equipment and fuels, refuse and garbage storage and disposal, and insect and rodent control shall be provided in full conformity with applicable state and local health regulations.

(Ord. No. 2-1991, 7-8-91)

**Sec. 7-15. Tax receipt required to move trailer.**

All persons must have a tax receipt from the town, before a mobile home is moved by them for any
other person.

(Ord. No. 2-1991, 7-8-91)

Sec. 7-16. Penalty.

Any person found guilty of violating any provision of this chapter shall be subject to a fine of not more than five hundred ($500.00) dollars for each offense. Each day in which a violation is proved to exist shall constitute a separate offense.

(Ord. No. 2-1991, 7-8-91)
Chapter 8  MORALS AND CONDUCT

Article 1. Rules and Regulations

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ARTICLE 1. RULES AND REGULATIONS

Sec. 8-1. Discharging firearms; location; permit; penalty.

It shall be unlawful for any person to discharge a firearm as defined in Title 17A M.R.S.A. Section 2, Paragraph 12A (definition attached) in the following areas of the Town of Winslow:

Benton Avenue from the intersection of the Winslow/Waterville Bridge WEST to the Kennebec River and NORTH to the urban compact line, at the Winslow/Benton town line. SOUTH on the east side of Benton Avenue to the intersection of the Heywood Road; EAST on the Heywood Road to the Sebasticook River to include the SOUTH side of the Heywood Road, to follow the WEST side of the Sebasticook River, Fifteen (15) feet from the normal high water mark, SOUTH to the WEST side of Mile Brook, the NORTH side of the Dunbar Road WEST to the intersection of the Augusta Road, to follow the WEST side to Chaffee Brook North side, WEST to the Kennebec River, east side, NORTH to the Winslow/Waterville bridge, except that it shall not be a violation of this ordinance to discharge a firearm under the following conditions:

(1) In the protection of life.

(2) Law enforcement officers in the performance of their duties.

(3) An established firing range or educational program properly supervised.

(4) Military functions, parades, funerals.

(5) The killing of nuisance animals pursuant to Title 12 M.R.S.A., Sections 7501 and 7502, and pursuant to any Federal permits received by any landowner to kill nuisance birds or animals.

Severability

If any provision or clause of this Ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end the provisions of this Ordinance are declared severable.

Penalty

Any person or persons who violate this Ordinance shall be subject to a fine or civil penalty of not less than fifty dollars ($50.00) nor more than two-hundred fifty dollars ($250.00) and, notwithstanding any other penalty provisions provided by this section, the Town Council may institute any and all actions and proceedings, either legal or equitable, including seeking injunctions for violations and including the imposition of fines and civil penalties, damages, costs, expenses and attorney’s fees that may be appropriate and necessary to enforce the provisions of this Ordinance in the Name of the Town of Winslow and/or to collect or enforce any damages or claims related thereto.

Definition of Title 17-A Section 12-A M.R.S.A.
Firearm means any weapon, whether loaded or unloaded, which will expel a projectile by the action of an explosive and includes any such weapon commonly referred to as a pistol, revolver, rifle, gun, machine gun, or shot gun. Any weapon which can be readily made into a fire arm by insertion of a firing pin, or other similar thing in the actual possession of the actor or an accomplice is a firearm.

(Ord. No. 4-1990, 9-10-90; Ord. No. 1-1995,10-10-95)

Sec. 8-2. Loitering prohibited; penalty; dispersal.

(a) No person shall stand idling or loitering upon any sidewalks or cross walk, or in or about the entrance to any public place of business or amusement, or opposite or in front of any premises on either side of any street, alley or lane, to the annoyance of the passers-by, or the owners or occupants of such places or premises.

(b) If such person neglects or refuses to move off or disperse on the request of any police officer he shall be liable to a fine of not less than one dollar ($1.00) nor more than twenty dollars ($20.00), or to imprisonment in the county jail not exceeding thirty (30) days.

(c) Any police officer shall have the power to remove and disperse such person after a request to move off or disperse.

(Town Warrant, Book 9, Art. 37, 3-15-49)

Sec. 8-3. Dumping rubbish on street.

No person shall sweep, place or deposit any dirt, soot, ashes, shavings, papers, hair, manure, shells, cans or any rubbish, offal or filth of any kind on any highway, street, sidewalk, court, passageway or public place.

(Town Warrant, Book 7, Art. 44, 3-8-20)

Sec. 8-4. Abandoned refrigerators; penalty.*

*State law reference(s)--Abandoning refrigerators, 17 M.R.S.A., Sec. 3951.

(a) No person shall abandon or discard any icebox or refrigerator unless the refrigerator or icebox is first stripped of any and all doors.

(b) Any person violating this section shall be punished by a fine of not less than ten dollars ($10.00) nor more than fifty dollars ($50.00).

(Town Warrant, Book 10, Art. 99, 3-10-58)

Sec. 8-5. Street closings for sliding.
(a) The Council shall at its discretion close any street for the purpose of sliding.

(b) No person shall slide or coast on or upon the highway over Sand Hill and Fort Hill.

(Town Warrant, Book 7, Art. 7, 3-8-20 and Book 9, Art. 9, 3-8-54)

Sec. 8-6. Driving vehicles on sidewalk.

No person shall run, ride or drive any sled, bicycle or vehicle of any description other than a baby or invalids carriage or wheelchair on any sidewalk.

(Town Warrant, Book 7, Art. 43, 3-8-20)

Sec. 8-7. Motion pictures on Sunday.*

*State law reference(s)—Authority of town to permit Sunday showings of movies, 17 M.R.S.A., Sec. 3207.

The exhibition of moving pictures on Sundays between the hours of 3:00 p.m. and 11:30 p.m. shall be permitted in accordance with state law.

(Town Warrant, Book 9, Art. 83, 3-13-50)

Sec. 8-8. Curfew.

The Council is authorized and empowered to establish a Curfew ordinance or by-law. The Council shall determine penalties, restrictions and time of operation. It was suggested that 9 P.M., standard time, the year round be used.

(Town Warrant, Book 8, Art. 37, Page 379)

Sec. 8-9. Smoking prohibited at council sessions.

   (a) No person shall smoke in any room where the Town Council is in official session.

   (b) Any person who refuses to extinguish a cigarette, cigar or pipe, or any other smoking apparatus, upon request of the Chairman of the Town Council shall be caused to leave or be removed by request to a Winslow Police Officer.

(Ord. 37-1974, 12-30-74)

Sec. 8-10. Noise Control

a. Title
This ordinance shall be known as the "Town of Winslow Noise Control Ordinance".

b. Purpose

This Ordinance is enacted to protect, preserve and promote the health, safety, welfare and quality of life of the citizens of Winslow through the reduction, control and prevention of excessive noise.

c. Definitions

Noise: Shall mean any sound produced by any means. The term shall not be construed as having any connotations of pleasantness or unpleasantness.

Noise Source: Shall mean anything capable of producing noise; the thing from which noise emanates.

Persons: Shall mean any individual, firm, partnership, association, syndicate, company, trust, corporation, agency, or political, administrative, or legal entity of any kind.

Place: Shall mean any place within the Town of Winslow, whether with structures or without.

d. Noise Prohibited

It shall be unlawful for a person(s) to produce, initiate, or to be the cause of the production of noise that is loud and unreasonable.

e. Enforcement

This ordinance shall be enforced by the Winslow Police Department.

Upon receiving a complaint, the Winslow Police Department shall initiate an investigation and shall take the appropriate action.

Civil Penalties: Any person in violation of this ordinance shall upon adjudication be assessed a civil penalty of not less than two hundred dollars ($200.00) or more than five hundred dollars ($500.00) for each separate violation. The municipality shall be awarded attorney's fees and costs incurred in enforcing this ordinance.

f. Severability

Any provisions of the Zoning Ordinance or the Land Use Ordinance of the Town of Winslow which are more stringent than those set forth herein shall remain in force. If for any reason any word, clause, paragraph, or section of this ordinance shall be held unconstitutional, this ordinance shall not thereby be invalidated and the remainder of this ordinance shall continue in effect.
Sec. 8-11. Penalty.

Unless otherwise provided in this Chapter, any person violating this Chapter shall be fined not less than One Dollar ($1.00) nor more than Five Dollars ($5.00), exclusive of costs recoverable to the use of the Town.

(Town Warrant, Book 7, Art. 46, 3-8-20; Ord. No. 7-2001, 9-10-01)
Article 1. In General

Sec. 9-1. Closed hours and parking restrictions for all town recreation areas.

Article 2. Use of Municipally-Owned Public Property

Sec. 9-2. Permit required.

Sec. 9-3. Applicability of article provisions; exemptions.

Sec. 9-4 Issuance of permit; application; fee; restrictions; non-transferability.

Sec. 9-5. Indemnification; insurance requirements; liability for condition of municipally owned land after use thereof.

Sec. 9-6. Deposit for damages.

Sec. 9-7. Use of lands to be nonexclusive.

Sec. 9-8. When alcoholic beverages permitted.

Sec. 9-9. Appeal of denial of use of municipally-owned land.

Sec. 9-10. Improper, offensive or injurious use or occupancy; fire and police protection; provision of sanitary facilities.

Sec. 9-11. Penalty.
ARTICLE 1. IN GENERAL

Sec. 9-1. Closed hours and parking restrictions for all town recreation areas.

(1) **Closed hours.** All town recreation areas shall be closed to all persons, during the following hours: 9:30 p.m. to 7:00 a.m. during the period May first through October thirty-first of each year; and 6:00 p.m. to 7:00 a.m. during the period November first of each year through April thirtieth of the following year.

(2) **Unlawful to enter or be present during closed hours.** It shall be unlawful for any person to enter into or be present in the any town recreation areas during the closed hours as set forth above, except as provided in subparagraphs (4) and (5) below.

(3) **Unlawful to park except as permitted.** Motor vehicles may be parked within any town recreation areas only in designated parking areas. It shall be unlawful for any person to park or leave standing at any time a motor vehicle in any area not designated for parking. It shall also be unlawful to park or leave standing a motor vehicle anywhere within any town recreation areas during the closed hours as set forth above. For purposes of this section, a motor vehicle is as defined in Title 29-A, Section 101(42), Maine Revised Statutes Annotated, as amended, and also including snowmobiles and all-terrain vehicles as defined in Title 12, MRSA, Section 7821, as amended.

(4) **Persons may apply for permit.** Any person, who wishes to use any town recreation area during the closed hours as set forth above, may apply in advance to the director of parks and recreation for a written permit for such use. Any such permit must be signed by the director of parks and recreation, or his or her designees, in order to be valid. The director of parks and recreation shall establish and promulgate administrative guidelines and regulations for the issuance of such permits.

(5) **Exceptions to applicability of section.** The limitations on entry to or parking within all town recreation areas as set forth in this section shall not apply to emergency vehicles or their personnel, or to town vehicles used for maintenance, and their personnel, when acting within the scope of their employment.

(6) **Law enforcement officer's authority.** Any law enforcement officer shall have the authority to order any person violating any provision of this section, or any regulation promulgated in accordance therewith, to immediately cease said violation and leave the premises.

(7) **Penalty.** Any person violating any provision of this section shall be subject to a fine of not less than one hundred dollars ($100.00) and not more than one thousand dollars ($1,000.00).

(Ord. No. 4-1978, § 1--7, 4-24-78; Ord. No. 2-2002, 9-9-02)

ARTICLE 2. USE OF MUNICIPALLY-OWNED PUBLIC PROPERTY*
Sec. 9-2. Permit required.

It shall be unlawful for any organization, partnership, firm, persons, corporation, or other entity to use or make use of or organize any event or affair on any municipally-owned lands, whether any such event or affair is open to the general public or not, without first obtaining a permit therefore in compliance with the provisions of this article.

For the purposes of this article an "event or affair" is defined as a gathering or assembly of thirty (30) or more persons for any common purpose or purposes whatsoever and within the immediate vicinity of each other.

(Ord. No. 2-1984, 6-11-84; Ord. No. 2-2002 9-9-02)

Sec. 9-3. Applicability of article provisions; exemptions.

This article shall apply to all charitable, benevolent, religious, literary, scientific, and/or educational institutions or organizations and any other organizations, firms, corporations, persons, partnerships, or other entities, whether or not any of such are organized for profit or nonprofit purposes and whether or not any such event or affair is for profit or nonprofit or charitable purposes; except any known organized sports or events such as little league baseball, adult softball, etc., shall have first refusal on town facilities, and any event or affair sponsored by the Town of Winslow or any of its boards, agencies, or departments, shall be exempt from this article, except that the director of parks and recreation shall retain authority over the scheduling and conduct and use of all municipally-owned lands for such events or affairs sponsored by any such organization of the Town of Winslow or any of its boards, agencies, or departments.

(Ord. No. 2-1984, 6-11-84; Ord. No. 2-2002, 9-9-02)

Sec. 9-4. Issuance of permit; application; fee; restrictions; non-transferability.

(a) All firms, corporations, partnerships, persons, or other entities requesting such a permit under this article must complete the application furnished by the parks and recreation director and shall clearly state the date, time, place, manner, and purpose for which such permit is desired. Fees for each of such permits under this article for profit organizations or entities shall be a nonrefundable fee of ten dollars ($10.00) payable to the Town of Winslow.

(b) The parks and recreation director or his representative during normal business hours, Monday through Friday only, may approve such permit after determining that the granting of such a permit will not be detrimental to any person or to the public or a danger to the health, comfort, safety of any person or of the public. Any permit granted under the provisions hereof shall designate the place where such event or affair shall be transacted, a specified period of time in which such permit is valid, and any other terms or conditions which the parks and recreation director may require, including the furnishing of payment of utilities at the municipally-owned land involved.

(c) Conduct authorized under such permit shall be limited to the hours between 7:00
a.m. and 9:30 p.m. during such days as the Winslow parks and recreation director or
his representative have issued such permit; and no firm, corporation, person,
organization, partnership or other entity shall receive more than four (4) of such
permits under this article within any one calendar year.

(d) No permit under this article shall be issued to the applicant for any such purpose at
any location where such is prohibited by the Winslow zoning ordinance, and any
permit required by this article shall not be transferable.

(Ord. No. 2-1984, 6-11-84; Ord. No. 2-2002 9-9-02)

Sec. 9-5. Indemnification; insurance requirements; liability for condition of municipally-
owned land after use thereof.

(a) Besides any other terms or conditions which the municipal officers or the parks and
recreation director may place on any event or affair of any applicant/permittee, every
applicant/permittee by its duly authorized representative, shall agree to release,
indemnify, and hold harmless the Town of Winslow and any of the town’s officers,
officials, agents, or employees, in both their personal and official or corporate
capacities, from any liability or claim, whether based on a tort, contractual, or other
claim of any nature whatsoever, including, but not limited to, any loss or damage to
property or injury to or death of any person that arises out of any such event or affair
of or by such applicant/permittee. Furthermore, if required by the municipal officers,
the applicant/permittee shall procure and maintain in full force at its sole cost and
expense during the term of its event or affair adequate public liability insurance
and/or worker's compensation insurance coverage for such event or affair and such
applicant/permittee's use and occupancy of municipally-owned land therefore, and
the municipal officers may further require that any such insurance be procured by the
applicant/permittee specifically for the benefit and coverage of the Town of Winslow
and/or its officers, officials, agents, or employees.

(b) Also, any such applicant/permittee under this ordinance, by its duly authorized
representative, shall agree and be liable for and responsible to remove, at the
termination of its event or affair, all of its equipment, personal property, fixtures,
chattels, improvements, and all litter, trash, refuse, and debris, either owned by it or
resulting from such applicant/permittee's event or affair, and to deliver up such
municipally-owned land at the termination of such permit under this article in a clean,
neat, and pollution-free manner and its original and natural condition, ordinary wear
and tear by pedestrian foot traffic excepted.

(Ord. No. 2-1984, 6-11-84; Ord. No. 2-2002, 9-9-02)

Sec. 9-6. Deposit for damages.

In addition to the nonrefundable fee as required by this article, the municipal officers may
require the applicant/permittee to provide a deposit, in cash or certified check, in a sum not to
exceed five hundred dollars ($500.00), with the town treasurer to offset any costs incurred by the
Town of Winslow for damages to any municipally-owned land or any expenses incurred by the
Town of Winslow as a result of or arising from that event or affair of the applicant/permittee; if, after inspection of that municipally-owned land used by the applicant/permittee by the town manager, no damage has occurred, the deposit shall be refunded, and if damage has occurred, the town treasurer shall apply such deposit towards such damage and refund the balance, if any, to the applicant/permittee, and if damage has occurred which exceeds the deposit, the applicant/permittee shall continue to be responsible for such damages as mentioned herein by this section and shall be so liable by civil suit by the Town of Winslow and by fine as herein stated in this article.

(Ord. No. 2-1984, 6-11-84; Ord. No. 2-2002, 9-9-02)

Sec. 9-7. Use of lands to be nonexclusive.

No applicant/permittee shall preempt any event or affair over any other event or affair which has previously been granted a permit, nor shall any applicant/permittee have exclusive use of that municipally-owned land upon which such event or affair of the applicant/permittee shall occur.

(Ord. No. 2-1984, 6-11-84; Ord. No. 2-2002, 9-9-02)

Sec. 9-8. When alcoholic beverages permitted.

The applicant/permittee shall not allow any alcoholic beverages at its event or affair on such municipally-owned land unless such event or affair is catered by a holder of a current license from the Maine State Liquor Commission with prior approval of the parks and recreation director.

(Ord. No. 2-1984, 6-11-84; Ord. No. 2-2002, 9-9-02)

Sec. 9-9. Appeal of denial of use of municipally-owned land.

Any applicant/permittee denied the use of municipally-owned land for any event or affair shall have the right to appeal the denial to the town council, and the appeal shall be made in writing, stating all information concerning the denial, and shall be filed with the town clerk within seven (7) days from such denial.

(Ord. No. 2-1984, 6-11-84; Ord. No. 2-2002, 9-9-02)

Sec. 9-10. Improper, offensive or injurious use or occupancy; fire and police protection; provision of sanitary facilities.

(a) The applicant/permittee shall not make or suffer any waste, nuisance, or unlawful, improper, or offensive use or any use or occupancy of such municipally-owned land for which a permit under this article is given which is contrary to any law, regulation, rule, policy, bylaw, or order of any state or federal government, or of the Town of Winslow, or which use or occupancy of such municipally-owned land by such applicant/permittee shall be injurious to any person or property or to the municipally-owned land involved, or which shall be liable to endanger or affect any insurance which is pertinent to such municipally-owned land or the operation thereof by the applicant/permittee or which insurance is pertinent to the applicant/permittee’s event
or affair.

(b) Furthermore, any applicant/permittee, if required by the parks and recreation director and so stated on the permit given under this article, shall provide at the applicant/permittee’s sole cost and expense adequate fire protection and/or qualified fire department personnel or a qualified traffic control officer or officers, or a qualified police officer or officers for the purpose of maintaining order or adherence to state, federal, or municipal laws, ordinances or regulations, or for safety purposes.

(c) If any such event or affair shall include or shall reasonably be expected to include more than thirty (30) persons participating in or gathering in any such event or affair, the applicant/permittee may have to provide sanitary toilet facilities at its sole cost and expense for such event or affair.

(Ord. No. 2-1984, 6-11-84; Ord. No. 2-2002, 9-9-02)

Sec. 9-11. Penalty.

Any firm, organization, corporation, persons or other entity which shall in any manner violate any of the provisions of this article or which violates any conditions of any permit granted under the provisions hereof, shall be subject to, besides civil lawsuit and damages, court summons and immediate suspension of such permit by the police chief or his representative, and shall upon conviction be punished by a fine of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1000.00), plus restitution for any damages done or clean-up necessitated by such violations. Each incident of a violation of this article or a condition of a permit hereunder or each day any such violation continues shall constitute a separate offense, and no permit shall be issued for a period of up to eighteen (18) months.

(Ord. No. 2-1984, 6-11-84; Ord. No. 2-2002, 9-9-02)
Chapter 10 SEWERS*

*State law reference(s)--Disposal of wastes from septic tanks, 30 M.R.S.A., §§ 4104, 4105; operation of a municipal sewer system, 30 M.R.S.A., § 4251 et seq; private drains, 30 M.R.S.A., § 4401 et seq.

Article 1. Definitions

Sec. 10-1. Definitions.

Article 2. Public sewers

Division 1. Use Required

Sec. 10-2. Prohibited deposits on property.

Sec. 10-3. Prohibited discharges; use of sewers required.

Sec. 10-4. Privies prohibited.

Sec. 10-5. Connections required.

Division 2. Use Regulations and Standards

Sec. 10-6. Prohibited discharges into sewers.

Sec. 10-7. Unpolluted drainage discharges.

Sec. 10-8. Prohibited waters and wastes.

Sec. 10-9. Harmful or dangerous substances.

Sec. 10-10. Harmful substances; power of supervisor to restrict.

Sec. 10-11. Grease, oil and sand interceptors.

Sec. 10-12. Maintenance of treatment facilities.

Sec. 10-13. Manhole installations.

Sec. 10-14. Analysis of waters and wastes.

Sec. 10-15. Cost recovery.
ARTICLE 1. DEFINITIONS

Sec. 10-1. Definitions.

(a) As used in this chapter:

(1) *Biochemical oxygen demand* shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius, expressed in milligrams per liter.

(2) *Building drain* shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(3) *Building sewer* shall mean the extension from the building drain to the public sewer or other place of disposal.

(4) *Combined sewer* shall mean a sewer receiving both surface runoff and sewage.

(5) *Garbage* shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

(6) *Hearing board* shall mean that board appointed according to provision of Article 8 hereof.

(7) *Industrial wastes* shall mean the liquid wastes from industrial manufacturing processes, trade, chemical or biological firms or business as distinct from sanitary sewage.

(8) *Natural outlet* shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

(9) *PH* shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(10) *Properly shredded garbage* shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.
(11) *Public sewer* shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

(12) *Sanitary sewer* shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

(13) *Sewage* shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

(14) *Sewage treatment plant* shall mean any arrangement of devices and structures used for treating sewage.

(15) *Sewage works* shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

(16) *Sewer* shall mean a pipe or conduit for carrying sewage.

(17) *Storm drain or storm sewer* shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

(18) *Public works supervisor* shall mean the public works supervisor of the town or his designee, including the plumbing inspector.

(19) *Suspended solids* shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

(20) *Watercourse* shall mean a channel with which a flow of water occurs, either continuously or intermittently.

(Ord. 25-1972, Art. 1, 9-25-72)

**ARTICLE 2. PUBLIC SEWERS**

**DIVISION 1. USE REQUIRED**

**Sec. 10-2. Prohibited deposits on property.**

No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the town, or in any area under the jurisdiction of the town, any human or animal excrement, garbage or other objectionable waste.

(Ord. 25-1972, Art. II, 9-25-72)
Sec. 10-3. Prohibited discharges; use of sewers required.

No person shall discharge into any natural outlet within the town or in any area under the jurisdiction of the town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with this Chapter.
(Ord. 25-1972, Art. II, § 2, 9-25-72)

Sec. 10-4. Privies prohibited.

Except as hereinafter provided, no person shall construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
(Ord. 25-1972, Art. II, § 3, 9-25-72)

Sec. 10-5. Connections required.

(a) The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the town, shall at his expense install suitable toilet facilities therein, and connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so.

(b) The public sewer must be within two hundred (200) feet of the property line for this section to be applicable.


DIVISION 2. USE REGULATIONS AND STANDARDS

Sec. 10-6. Prohibited discharges into sewers.

No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

(Ord. 25-1972, Art. V, § 1, 9-25-72)

Sec. 10-7. Unpolluted drainage discharges.

(a) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the public works supervisor.
Industrial cooling water or unpolluted process waters may be discharged, on approval of the public works supervisor, to a storm sewer, combined sewer or natural outlet.

(Ord. 25-1972, Art. V, § 2, 9-25-72)

Sec. 10-8. Prohibited waters and wastes.

(a) No person shall discharge or cause to be discharged any of the following waters or wastes to any public sewers:

(1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;

(2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant;

(3) Any waters or wastes having a corrosive property after dilution, capable of causing damage or hazard to structures, equipment, and personnel of the sewage works; or

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works.

(Ord. 25-1972, Art. V, § 3, 9-25-72)

Sec. 10-9. Harmful or dangerous substances.

(a) No person shall discharge or cause to be discharged substances, materials, waters or wastes if it appears likely in the opinion of the public works supervisor that such wastes can harm either the sewers, the sewage treatment process, sewage treatment equipment or the quality of the effluent from the sewage treatment process, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property or constitute a nuisance.

(b) In forming his opinion as to the acceptability of these wastes, the public works supervisor will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant,
and any other pertinent factors.

(Ord. 25-1972, Art. V, § 4, 9-25-72)

Sec. 10-10. Harmful substances; power of supervisor to restrict.

(a) If any waters, wastes, materials or substances are discharged or are proposed to be discharged to the public sewers, which in the judgment of the public works supervisor may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the public works supervisor may:

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge to the public sewers;

(3) Require control over the quantities and rates of discharge;

(4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of section 8-15.

(b) If the public works supervisor permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the public works supervisor, and subject to the requirements of all applicable codes, ordinances, and laws.

(c) If a violator or noncompliance with industrial pretreatment and related requirement of the Kennebec Sanitary Treatment District (KSTD) rules and regulations or applicable federal and state regulations is identified by the Kennebec Sanitary Treatment District, the town after authorization of the town council may initiate such enforcement action that is requested by the district, or the town may request the district to proceed with an enforcement action. Failure of the town to act within the time stated by the Kennebec Sanitary Treatment District shall be deemed a request that the district proceed with an enforcement action. In an emergency, the Kennebec Sanitary Treatment District may proceed immediately with an enforcement action and give concurrent notice to the town of its acts.

Sec. 10-11. Grease, oil and sand interceptors.

(a) Grease, oil, and sand interceptors shall be provided when, in the opinion of the public works supervisor, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients. Such interceptors shall not be required for private
living quarters or dwelling units. All interceptors shall be located as to be readily and easily accessible for cleaning and inspection.

(b) This system shall be maintained at the expense of the owner.

(Ord. 25-1972, Art. V, § 6, 9-25-72)

Sec. 10-12. Maintenance of treatment facilities.

Where preliminary treatments of flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(Ord. 25-1972, Art. V, § 7, 9-25-72)

Sec. 10-13. Manhole installations.

(a) When required by the public works supervisor, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes.

(b) The manhole, when required, shall be accessibly and safely located. It shall be constructed in accordance with plans approved by the public works supervisor. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(c) The owner when requested shall keep records and report the results of such monitoring to the public works supervisor. Such records shall be made available upon request by the public works supervisor to other agencies having jurisdiction over discharges to the receiving waters.

(Ord. 25-1972, Art. V, § 8, 9-25-72; Ord. No. 48-1975, 5-12-75)

Sec. 10-14. Analysis of waters and wastes.

(a) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association. The characteristics shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole.

(b) In the event that no special manhole has been required, the control manhole
shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property.

(Ord. 25-1972, Art. V, § 9, 9-25-72)

Sec. 10-15. Cost recovery.

(a) The town council shall establish the user charge and industrial cost recovery system in accordance with appropriate federal and state rules and regulations pertaining to the costs associated to the use of the sewer by an industry.

(b) The town council shall establish the user charge system in accordance with appropriate federal and state rules and regulations pertaining to the costs associated to the use of the sewer by a non-industrial user.

(c) Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the public works supervisor at least forty-five (45) days prior to the proposed change or connection.

(Ord. 48-1975, 5-12-75)

Sec. 10-16. Special disposal agreements.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment, by the industrial concern.

(Ord. 25-1972, Art. V, § 10, 9-25-72)

ARTICLE 3. PRIVATE DISPOSAL SYSTEMS

Sec. 10-17. Private disposal permitted.

If a public sanitary or combined sewer is not available under the provisions of Article 2, Section 10-5, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.

(Ord. 25-1972, Art. III, § 1, 9-25-72)

Sec. 10-18. Permit required; fee.

(a) Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the public works supervisor.

(b) The application for such permit shall be made on a form furnished by the town.
The applicant shall supplement the application with any plans, specifications, and other information as deemed necessary by the public works supervisor.

(c) A permit and inspection fee of five dollars ($5.00) shall be paid to the town at the time the application is filed.

(d) If the lot or parcel of land on which a private sewage disposal system is proposed is subject to subdivision approval in accordance with Chapter 10 of this Code, no permit shall be issued until subdivision approval has been granted by the planning board.

(Ord. 25-1972, Art. III, § 2, 9-25-72; Ord. 62-1976, 2-14-77)

Sec. 10-19. Inspection required.

(a) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the public works supervisor. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the public works supervisor when the work is ready for final inspection, and before any underground portions are covered.

(b) The inspection shall be made within twenty-four (24) hours of the receipt of notice by the public works supervisor.

(Ord. 25-1972, Art. III, § 3, 9-25-72)

Sec. 10-20. Specifications for septic tank discharges.

(a) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State Department of Public Health.

(b) No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(Ord. 25-1972, Art. III, § 4, 9-25-72)

Sec. 10-21. Discharge of septic tank contents into sewers.

Contents of septic tanks shall not be discharged into the public sewers unless written permission is obtained prior to the discharge from the public works supervisor.

(Ord. 25-1972, Art. III, § 5, 9-25-72)

Sec. 10-22. Sanitary maintenance.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the town.

(Ord. 25-1972, Art. III, § 6, 9-25-72)
Sec. 10-23. Additional requirements to article.

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the health officer, the state plumbing code or the State Health and Welfare Department.

(Ord. 25-1972, Art. III, § 7, 9-25-72)

Sec. 10-24. State plumbing code; local option.

(a)  Conditions. The local plumbing inspector can waive the site evaluation requirement for the repair or replacement of any part or parts of existing subsurface sewage disposal systems, serving family dwellings inhabited by no more than two (2) individual families provided that the waiver will not result in violations of other regulations or ordinances or this ordinance shall not apply to disposal systems located within one hundred (100) feet of any pond or river subject to shoreland zoning controls.

(b)  Public hearing. Any person aggrieved by the granting of a waiver under the local option may appeal to the municipality and request a public hearing on the issue of whether or not the waiver shall be permitted.

(c)  Notification and records. A sketch of any subsurface disposal system, its system and location shall be completed on installation by the plumbing inspector. The sketch shall be filed in the municipal town records.

(Ord. 60-1976, 11-15-76)

Sec. 10-25. Connection with public sewer; time limit.

When a public sewer becomes available, the building sewer shall be connected to the sewer within sixty (60) days. The private sewage disposal system shall be cleaned of sludge and filled with gravel or dirt. The time limit for a connection may be extended for valid and extenuating circumstances at the discretion of the public works supervisor.

(Ord. 25-1972, Art. III, § 8, 9-25-72)

ARTICLE 4. BUILDING SEWERS AND CONNECTIONS

Sec. 10-26. Building sewer or connection permit.

No person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance without first obtaining a written permit from the public works supervisor.

(Ord. 25-1972, Art. IV, § 1, 9-25-72)

Sec. 10-27. Building sewer permits; application; fee.
(a) There shall be two (2) classes of building sewer permits:

(1) For residential and commercial service; and

(2) For service to establishments producing industrial wastes.

(b) In either case, the owner or his agent shall make application on a special form furnished by the town. Their permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the public works supervisor.

(c) A permit and inspection fee of three dollars ($3.00) for a residential or commercial building sewer permit and five dollars ($5.00) for an industrial building sewer permit shall be paid to the town at the time the application is filed.

(Ord. 25-1972, Art. IV, § 2, 9-25-72)

Sec. 10-28 Sewer Impact Fee Imposed; Definitions.

(a) Definitions.

*Capital improvements* shall have the same meaning as set forth in Title 30-A M.R.S.A., Section 4354.

*Commercial and industrial unit* shall mean any building or use as defined as a commercial or industrial activity has to require a permit under the Winslow zoning ordinance.

*Covered development or residential* shall mean any residential development or residential unit which requires a building permit under the terms as described in section 14-23 of Article III of the Winslow zoning ordinance.

*Infrastructure facilities* shall have the same meaning as set forth in Title 30-A M.R.S.A., Section 4354.

*Residential unit* shall mean, in the case of a subdivision, each lot approved; in the case of a condominium, each residential unit; in the case of a mobile home park, each lot or pad; in the case of a motel or hotel, each room.

(b) Sewer impact fees. There is hereby imposed upon each covered development an impact fee to be computed as set forth below in subparagraph (1) and shall be held and expended by the town treasurer in the sewer impact fund as established below in subparagraph (2).

(1) *Residential dwelling units.*
1-3 bedrooms . . . . $300.00

Each additional bedroom . . . . 100.00

*Commercial and industrial*

.01 cent/gallons per day minimum . . . . 500.00

(2) There is hereby created the sewer impact fund, to be held and expended by the treasurer in accordance with the directions of the municipal officers consistent with the terms of this article.

a. The funds and any earnings thereon shall be segregated from all other municipal funds.

b. The treasurer shall at all times maintain a separate book of accounts setting forth the name and address of the contributing person or entity as one of the time funds are received, the date of such receipt, the purpose of each expenditure of funds, and the date of each expenditure.

c. The funds in the sewer impact fund may be expended only for capital improvements as defined in Title 30-A M.R.S.A., Section 4354 relating to sewerage disposal, consistent with the provisions of the Winslow comprehensive plan, provided nevertheless, that should the scope of permissible expenditures as set forth in said statute be expanded, whether by amendment of or repeal or replacement of said statute or supplemental enactment of other statutes, the permissible expenditures under this section shall be deemed to be automatically expanded consistent with such legislation.

d. Funds placed in the sewer impact fund shall be expended for their intended purposes within fifteen (15) years of the date received. If not fully expended within such time period, the unexpended portion of such funds and any earnings thereon shall be refunded to the person or entity who paid the same, and if such person or entity is not found such funds and any earnings thereon shall be subject to such laws of the State of Maine regarding escheat or abandoned property as may be applicable to them.

(Ord. No. 3-1990, 6-9-90, 7-14-03; Ord. No. 3-2003, 7-14-03)

**Sec. 10-29. Installation costs; indemnification.**
(a) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner.

(b) The owner shall indemnify the town for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer, if the damage or loss is a result of negligence on the part of the owner.

(c) Construction and Extensions of the Town drains and sanitary sewer system; assessments and deferred payments.

1. The Town Council may at any time direct the construction of or extensions to the Town’s drains and sanitary sewer system wherever it is determined necessary for public convenience, or health, safety, or welfare such as to abate pollution or to serve presently undeveloped areas of the Town, or for the Town’s general betterment.

2. The Town of Winslow tax assessor and the Town of Winslow tax collector are authorized to assess and collect against the owner of the land or person in possession, or against whom the taxes on the land are assessed, on an installment basis over a period not exceeding 10 years – if so-authorized by the Town Council, that portion of the sum not exceeding the benefit the Town Council considers just and equitable towards defraying the costs of constructing and completing public drains or sewer abutting such lots and parcels of land, together with any sewage disposal units and appurtenances necessary thereto, pursuant to the terms, conditions, limitations, guidelines and requirements of Title 30-A MRSA, Sections 3441-3445, as amended. The authority to assess and collect any installments due in a given year owed by any person so-assessed shall be based on a certified list filed by the Town Council with the tax collector. Assessments for such costs shall include but not be limited to all costs of construction, land acquisition, engineering, administration and interest paid on project financing, and may be assessed pro-rata to reflect the ratio of frontage along the sewer line of each property owner to the total frontage of all abutters along the sewer construction project.

3. Payments of assessments against such abutting properties as determined by the Town Council shall not be deferred except in the event that the owner or person assessed for any such abutting property benefited by the establishment of a new public drain or sewer is unwilling or unable to pay his or her share of the allocated portion of the construction costs at the time of assessment, whereby payment of the assessment may be deferred by written agreement approved by the Town Council, between the Town and the affected property owner or person assessed for a period of not more than 10 years on such conditions as may be authorized under 30-A MRSA, Section 3444, as amended.
Sec. 10-30. Multiple sewer connections.

A separate and independent sewer shall be provided for every building. The owner shall be required to obtain written permission before constructing or causing to be constructed a system that connects building sewers from two (2) or more separate buildings on one (1) or more lots, from the public works supervisor.

Sec. 10-31. Old building sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the public works supervisor, to meet all requirements of this chapter.

Sec. 10-32. Building sewer specifications.

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the state plumbing code and the applicable regulations of the town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

Sec. 10-33. Sewer elevation.

The building sewer shall be brought to the building at an elevation below the basement floor. In any building in which the sanitary outlet is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Sec. 10-34. Runoff and groundwater prohibited.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or
building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(Ord. 25-1972, Art. IV, § 8, 9-25-72)

Sec. 10-35. Sewer connection requirements.

(a) The connection of the building sewer into the public sewer shall conform to the applicable regulations of the town and the state plumbing code.

(b) All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials shall be approved by the public works supervisor before installation.

(Ord. 25-1972, Art. IV, § 9, 9-25-72)

Sec. 10-36. Inspection and connection; notification of supervisor.

The applicant for the building sewer permit shall notify the public works supervisor when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the public works supervisor or his representative.

(Ord. 25-1972, Art. IV, § 10, 9-25-72)

Sec. 10-37. Excavations; restoration.

(a) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.

(b) Streets, side-walks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.

(Ord. 25-1972, Art. IV, § 11, 9-25-72)

Sec. 10-38. Institutional, industrial or commercial buildings; manholes.

(a) When any building sewer is to serve a school, hospital or similar institution or public building, or is to serve a complex of industrial or commercial buildings, or which, in the opinion of the public works supervisor will receive sewage or industrial wastes of such volume or character that frequent maintenance of the building sewer is anticipated, then such building sewer shall be connected to the public sewer through a manhole. The public works supervisor shall determine if and where this type of connection to the public sewer is required. Connections to existing manholes shall be made as directed by the public works supervisor.

(b) If required a new manhole shall be installed in the public sewer and the building
sewer connection made thereto as directed by the public works supervisor.

(Ord. 25-1972, Art. IV, § 12, 9-25-72)

ARTICLE 5. SEWER PERMITS

Sec. 10-39. Permit issuance.

(a) Permits shall be issued for the following classifications:

(1) For residential, commercial building sewers, and private systems.

(2) For industrial sewer connections.

(Ord. 25-1972, Art. XI, § 1, 9-25-72)

Sec. 10-40. Food processing wastes; permits.

Permits for biological, chemical, and milk and food processing wastes may be issued, subject to conditions as set by sanitary practices of pretreatment and upon further conditions that the manufacturer of the wastes consent to pay all extra charges levied for final treatment.

(Ord. 25-1972, Art. XI, § 2, 9-25-72)

Sec. 10-41. Building drainage system prior to 1972.

(a) For a building located on a street officially accepted by the town prior to November 1, 1972, the building foundation drainage system may be connected to a public sanitary sewer provided that a surface or subsurface storm water drainage system is not available for the removal of the foundation drainage.

(b) Whenever such a connection is made, the foundation drainage system shall be kept separate and distinct from the building’s sanitary drainage system and shall be joined to the public sanitary sewer with a separate connection at the property line. Such foundation drainage connections shall not be permanent, but shall be terminated within sixty (60) days after storm water drainage facilities become available.

(Ord. 27-1972, 12-11-72)

ARTICLE 6. PROHIBITED ACTIVITIES

Sec. 10-42. Destruction prohibited.
(a) No person shall maliciously, willfully, or negligently break, damage, destroy, 
uncover, deface, or tamper with any structure, appurtenance, or equipment which 
is a part of the sewage works.

(b) Any person violating this section shall be subject to immediate arrest.

(Ord. 25-1972, Art. VI, § 1, 9-25-72)

ARTICLE 7. PUBLIC WORKS AUTHORITIES

Sec. 10-43. Access required; identification cards.

The public works supervisor and other duly authorized employees of the town bearing 
proper credentials and identification shall be permitted to enter all properties for the 
purpose of inspection, observation, measurement, sampling, and testing in accordance 
with the provisions of this chapter.

(Ord. 25-1972, Art. VII, § 1, 9-25-72)

Sec. 10-44. Access to private property.

The public works supervisor and other duly authorized employees of the town bearing 
proper credentials and identification shall be permitted to enter all private properties 
through which the town holds a duly negotiated easement for the purpose of, but not 
limited to, inspection, observation, measurement, sampling, repair, and maintenance of 
any portion of the sewage works lying within the easement. All entry and subsequent 
work, if any, on the easement, shall be done in full accordance with the terms of the 
duly negotiated easement pertaining to the private property involved.

(Ord. 25-1972, Art. VII, § 2, 9-25-72)

Sec. 10-45. State plumbing code.

Sewer uses and/or construction not covered under this chapter shall be governed by the 
state plumbing code.

(Ord. 25-1972, Art. VII, § 3, 9-25-72)

ARTICLE 8. HEARING BOARD

Sec. 10-46. Hearing board designated.

The zoning board of appeals shall serve as a hearing board for this chapter for 
arbitration of differences between the public works supervisor and sewer users on 
matters concerning interpretation and execution of the provisions of this chapter by the 
public works supervisor. The cost of the arbitration will be divided equally between the
town and the sewer user.

(Ord. 25-1972, Art. X, § 1, 9-25-72)

Sec. 10-47. Board's jurisdiction and powers.

(a) The zoning board of appeals shall have the following powers and duties to be exercised only upon written appeal by a party aggrieved by a decision of the public works supervisor, the town health officer and/or the plumbing inspector insofar as such decision arises from requirements of this chapter:

(1) To determine whether the decisions of the officers are in conformity with the provisions of this chapter and to interpret the meaning of this chapter in cases of uncertainty;

(2) To grant variances from the terms of the chapter where there is no substantial departure from the intent of the chapter and/or where necessary to avoid undue hardship. A projected expenditure of an amount exceeding fifteen (15) per cent of the assessed value of the buildings on the land to be served by the public sewer shall be considered as prima facie evidence of undue hardship; and

(3) To permit an exception to this chapter only when the terms of the exception have been specifically set forth by this chapter.

(Ord. 25-1972, Art. X, § 2, 9-25-72)

Sec. 10-48. Public hearing; notice.

A public hearing shall be held within thirty (30) days of date that an appeal is filed. Public notice shall be given at the town office and in the paper of general circulation serving the Winslow area at least seven (7) days in advance of the hearing. Appellant shall be charged twenty dollars ($20.00) for the cost of notification of the public hearing. The amount shall be paid to the treasurer prior to publishing the notification of the public hearing.

(Ord. 25-1972, Art. X, § 3, 9-25-72)

Sec. 10-49. Written decision.

A decision in writing, shall be given to the appellant within nine (9) days of the hearing.

(Ord. 25-1972, Art. X, § 4, 9-25-72)
Sec. 10-50. Notice of violation.

Any person violating any section of this chapter except Article 6 shall be served by the town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction of the violation. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(Ord. 25-1972, Art. VIII, 9-25-72)

Sec. 10-51. Penalty.

(a) Any person continuing any violation beyond the time limit provided for in section 10-49 shall be guilty of a misdemeanor. Upon conviction, such person shall be fined in the amount not exceeding one hundred dollars ($100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(b) Any person violating any section of this chapter shall become liable to the town for any expense, loss, or damage occasioned the town by reason of such violation.

(Ord. 25-1972, Art. VIII, § 2, 9-25-72)

ARTICLE 10. Construction Standards for Main Lines Proposed to be Accepted by the Town

Sec. 10-52. Engineering, As-Built and Materials and Performance Testing Required

a. Any sewer main line (gravity or force main and associated manholes and pump stations) to be proposed for acceptance by the Town as a municipal utility shall be engineered by a Maine registered professional engineer. Plans for such infrastructure must be stamped by the developer’s Maine registered engineer prior to presenting to the Planning Board as part of new street or subdivision proposals. Prior to acceptance by the Town, As-Built Plans must be submitted to the Public Works Director, and Public Works Director shall notify the Town Manager and Town Council, in writing, that the As-Built and associated testing documentation meet the satisfaction of the Public Works Department.

b. No municipal gravity sewer line will be accepted by the Town which is sized less than 8" in diameter. All lines, manholes, stations and related construction materials must be specified on the plans (and subsequent As-Built) submitted by a developer’s Maine registered professional engineer.

(Ord. No. 3-2003, 7-14-03; Ord. No.1-2004, 3-8-04; Ord. 2-2005, 2-14-05)
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ARTICLE 1. STREET CONSTRUCTION REQUIREMENTS*

*State law reference(s)--Construction requirements, 23 M.R.S.A., § 3051 et seq.

Sec. 11-1. Purpose.
The purpose of this section is to:

A. Promote public health, safety and welfare of the residents of Winslow by establishing construction standards for public and private roads.

B. Establish minimum specifications for the design and construction of driveways and roads.

C. Ensure that safe and sufficient access is provided to all development within the town.

D. Promote road durability and reasonable service life.

E. Establish minimum standards for traffic safety and the carrying capacity of roads.

(Ord. No. 3-2006, 9-11-06)

Sec. 11-2. Applicability.
These standards shall apply to all new and expanded public and private roads and driveways within the Town of Winslow that are designed, installed or constructed as of the effective date of these standards on 9-11-06.

(Ord. No. 3-2006, 9-11-06)

Sec. 11-3. Standard Requirements.

A. **Provisions of Safe and Adequate Access:** All development, structures, and buildings located in the Town of Winslow shall have access to a public road. The type of access will vary, depending on the location and number of residential dwelling units. Commercial and other non-residential access shall be designed based upon the estimated daily vehicular trips. Classifications are as follows.

**Driveway:** A driveway may not serve more than two (2) residential dwellings. It is intended for private access and it not eligible for public acceptance.

**Common Driveway:** A common driveway may serve no more than four (4) residential dwellings. Common driveways are intended to serve rear lot development and small
housing clusters with limited potential for additional housing. They are not eligible for public acceptance.

**Minor Rural Road**: A minor Rural Road is designed to serve up to ten (10) residential dwellings or 100 vehicle trips per day. Minor rural roads are intended for low-density subdivisions and developments where future expansion is limited.

**Rural Road**: A Rural Road is designed to serve up to twenty (20) residential dwelling units or two hundred (200) vehicle trips per day. The Rural Road design is intended for small to moderate-sized subdivisions and developments.

**Major Rural Roads**: A Major Rural Road is designed to serve developments of more than twenty (20) residential dwellings or 200 vehicle trips per day. Major Rural Roads are intended for use in major developments and as collectors for other rural roads.

**Urban Roads**: An Urban road is designed for subdivisions and developments within the MDOT Urban Compact Areas. The Urban Road Design is intended to reflect the more densely – developed portions of the town. Sidewalks, curbs, and gutters will be required when the abutting public road is already serviced. Open ditch drainage may be used in those areas not served by the municipal system.

**B. Commercial and Non-Residential Development**: Driveways and roads proposed to serve commercial and non-residential developments shall be designed by a professional engineer and designed to serve the estimated daily vehicular trips for the proposed use.

**C. Exceeding Design Category**: Nothing shall prevent a person from designing and building a road or driveway to a higher category than required by these standards.

**D. Future Upgrades**: All roads and driveways constructed after the effective date of these standards may not serve new development that would exceed the dwelling unit design threshold of the road or driveway in which they were constructed, unless the road or driveway is expanded according to these standards.

**E. Upgrades to Existing Roads**: A road built prior to the effective date of these standards shall be upgraded in conformance with these standards whenever the existing road provides the only access for proposed development and would exceed the design threshold. The Planning Board may determine that an upgrade is not required, but only if the new development will also be served by another town road or if the expansion makes a new connection to another town road.

(Ord. No. 3-2006, 9-11-06)

**Sec. 11-4. Procedural Requirements.**

A. The Planning Board shall review applications for establishment of new roads under this section or in conjunction with subdivision applications.

B. The Planning Board shall evaluate the type of road selected by the applicant to ensure that
the road will be capable of accommodating future development expansion. The Planning Board may vote to require a higher road classification and shall consider the following in making its determination:

1. Whether the particular conditions of the site allow for future expansion.
2. A phase built-out of the subdivision is proposed.
3. The applicant owns or has retained land adjacent to the subdivision with future development potential.
4. Land adjacent to the proposed subdivision is suitable for future development.
5. The density of development accessing the road.

C. The applicant shall provide, to the Planning Board, detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed road, and existing roads within 300 feet of any proposed intersection. The road plans shall be designed by a professional engineer. The plan view shall be at a scale of one inch equals no more than fifty (50) feet. The vertical scale of the profile shall be one inch equals no more than five feet. The plans shall include the following information:

1. Date, scale and north point indicating magnetic or true north.
2. Intersections of the proposed road with existing roads.
3. Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks and curbs.
4. Kind, size, location, material, profile and cross-section of all existing and proposed drainage structures and their location with respect to existing and natural waterways and proposed drainage ways.
5. Complete curve data shall be indicated for all horizontal and vertical curves.
6. Turning Radii at all intersections.
7. Centerline gradients.
8. Size, type and locations of all existing and proposed overhead and underground utilities.
9. Erosion control plan showing all temporary and permanent measures.
10. Storm water control plan for the roadway.
11. Where a private road is proposed, a management plan detailing who is responsible for maintenance and how it will be funded.
12. Stamp and signature of the engineer.

D. Engineering Waivers: Engineering alternatives for new or different materials and practices may be considered by the Planning Board, provided that the intent of these standards is not reduced. The applicant shall hire a professional engineer to provide the Planning Board with all necessary information, in order to determine the adequacy of the proposed alternative.

(Ord. No. 3-2006, 9-11-06)

Sec. 11-5. Driveway and Common Driveway Design Standards.

All driveways and common driveways shall be constructed to the following minimum standards:

General Standards for Driveways and Common Driveways:

A. A driveway shall be considered a private way and shall be maintained by its owner or owners.

B. A turnaround area shall be provided for every portion of the driveway in excess of 800 feet.

C. Each driveway shall be designed with sufficient vehicle turnaround area to enable a driver to exit onto the road without backing onto the road.

Driveway Standards:

A. The minimum right-of-way is 20 feet for shared use.

B. The minimum travel way is 10 feet.

C. The minimum intersection with the road is 75 degrees.

D. The maximum grade within 75 feet of the road intersection is 3%.

Common Driveway:

A. The minimum right-of-way is 35 feet.

B. The minimum travel way is 14 feet.

C. The minimum gravel surface shall be 16 inches.

D. The minimum intersection with the road is 75 degrees.

E. The minimum grade within 75 feet of the road intersection is 3%.

F. The maximum length is 2,400 feet.
Sec. 11-6. Road and Material Specifications.

A. General Design and Construction Standards:

<table>
<thead>
<tr>
<th></th>
<th>Minor Rural Road</th>
<th>Rural Road</th>
<th>Urban Road</th>
<th>Major Rural Road</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Right-of-Way (in Feet)</strong></td>
<td>60</td>
<td>60</td>
<td>60</td>
<td>50</td>
</tr>
<tr>
<td><strong>Travel Way (in feet)</strong></td>
<td>18</td>
<td>20</td>
<td>24</td>
<td>24</td>
</tr>
<tr>
<td>“See Diagram A”</td>
<td>6 *See note #1</td>
<td>6 *See note #1</td>
<td>6 *See note #1</td>
<td>6 *See note #1</td>
</tr>
<tr>
<td><strong>Shoulder Width (in feet) and Type</strong></td>
<td>3 gravel *See note #1</td>
<td>4 gravel *See note #1</td>
<td>6 *See note #1</td>
<td>6 gravel *See note #1</td>
</tr>
<tr>
<td>(<em>Note #1</em>)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>“See Diagram A”</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Sub Base Gravel</strong></td>
<td>12 inches</td>
<td>12 inches</td>
<td>12 inches</td>
<td>12 inches</td>
</tr>
<tr>
<td><strong>Base Gravel</strong></td>
<td>6 inches</td>
<td>6 inches</td>
<td>9 inches</td>
<td>9 inches</td>
</tr>
<tr>
<td><strong>Surface Gravel (gravel Roads)</strong></td>
<td>3 inches</td>
<td>3 inches</td>
<td>3 inches</td>
<td>3 inches</td>
</tr>
<tr>
<td><strong>Bituminous Surface</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Base <strong>Surface</strong></td>
<td>3 inches</td>
<td>2 inches</td>
<td>2 inches</td>
<td>2 inches</td>
</tr>
<tr>
<td><strong>Surface</strong></td>
<td>1 inch</td>
<td>1 inch</td>
<td>1 inch</td>
<td>1 inch</td>
</tr>
<tr>
<td><strong>Maximum Grade (<strong>Note #2</strong>)</strong></td>
<td>*8%</td>
<td>*8%</td>
<td>*8%</td>
<td>*8%</td>
</tr>
<tr>
<td><strong>Minimum Grade</strong></td>
<td>0.5%</td>
<td>0.5%</td>
<td>0.5%</td>
<td>0.5%</td>
</tr>
<tr>
<td><strong>Minimum Intersection</strong></td>
<td>75 degrees</td>
<td>90 degrees</td>
<td>90 degrees</td>
<td>90 degrees</td>
</tr>
<tr>
<td><strong>Minimum Radius</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Minimum Tangent Length</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Shoulder Grade</strong></td>
<td>¼</td>
<td>¼</td>
<td>¼</td>
<td>¼</td>
</tr>
<tr>
<td><strong>Max Grade Within 75 feet of Intersection</strong></td>
<td>3%</td>
<td>3%</td>
<td>3%</td>
<td>3%</td>
</tr>
<tr>
<td><strong>Min Ditch Back Slope</strong></td>
<td>3 to 1</td>
<td>3 to 1</td>
<td>3 to 1</td>
<td>n/a</td>
</tr>
<tr>
<td><strong>Min Ditch Fill Slope</strong></td>
<td>3 to 1</td>
<td>3 to 1</td>
<td>3 to 1</td>
<td>n/a</td>
</tr>
<tr>
<td><strong>Minimum Ditch Elevation Below Centerline</strong></td>
<td>30 inches</td>
<td>30 inches</td>
<td>24 inches</td>
<td>n/a</td>
</tr>
<tr>
<td><strong>Minimum Culvert Diameter</strong></td>
<td>18 inches</td>
<td>18 inches</td>
<td>18 inches</td>
<td>18 inches</td>
</tr>
<tr>
<td><strong>Min Radius w/o Super Elevation</strong></td>
<td>175 feet</td>
<td>280 feet</td>
<td>280 feet</td>
<td>280 feet</td>
</tr>
<tr>
<td><strong>Min Radius with</strong></td>
<td>110 feet</td>
<td>175 feet</td>
<td>175 feet</td>
<td></td>
</tr>
</tbody>
</table>
**Super Elevation**

<table>
<thead>
<tr>
<th>Number of Sidewalks (<em>Note #3</em>)</th>
<th>*See Note #3</th>
<th>*See Note #3</th>
<th>*See Note #3</th>
<th>1 *See Note #3</th>
<th>*See Note #3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Max. Distance between Cross Streets</td>
<td>1,320 feet</td>
<td>1,320 feet</td>
<td>1,320 feet</td>
<td>1,320 feet</td>
<td>1,320 feet</td>
</tr>
<tr>
<td>Drainage Type</td>
<td>Open Ditch</td>
<td>Open Ditch</td>
<td>Open Ditch</td>
<td>Curbs and Gutter</td>
<td>Open Ditch</td>
</tr>
</tbody>
</table>

*Note #1*  A paved shoulder may be required if the road is identified in the Town’s Master Trail Plan as a corridor for pedestrians and bicycle travel. (This requirement is subject to the adoption of the Master Trail Plan by the Town.)

*Note #2*  The Planning Board may increase the maximum grade to 10% in areas of existing steep slope.

*Note #3*  See specific sidewalk requirements (Article 1, Section 11-10) contained in these standards.

**Diagram A.**

**Gravel Sub Base Material Specifications:** The gravel sub base course shall be gravel, composed of durable particles free from vegetative matter, lumps or balls of clay and other deleterious matter. The gradation of the part that passes a 3-inch square sieve shall meet the grading requirements below. The maximum stone size shall be 6 inches.
C. **Gravel Base Material Specification:** The base course shall be crushed gravel or screened gravel of hard durable particles free from vegetative matter, lumps, or balls of clay. The gradation that passes a 3 inch square sieve shall meet the grading requirements below.

<table>
<thead>
<tr>
<th>Sieve Designation</th>
<th>Percentage by weight passing square sieve</th>
</tr>
</thead>
<tbody>
<tr>
<td>½ inch</td>
<td>45 – 70% (*See Note #1)</td>
</tr>
<tr>
<td>¼ inch</td>
<td>30 – 55% (*See Note #1)</td>
</tr>
<tr>
<td>No. 40</td>
<td>0 – 20% (*See Note #1)</td>
</tr>
<tr>
<td>No. 200</td>
<td>0 – 5% (*See Note #1)</td>
</tr>
</tbody>
</table>

D. **Surface Gravel Material Specifications:** Surface gravel for use on gravel roads shall have no stone larger than 2 inches in size and shall meet the grading requirements below.

<table>
<thead>
<tr>
<th>Sieve Designation</th>
<th>Percentage by weight passing square sieve</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 inch</td>
<td>95 – 100% (*See Note #1)</td>
</tr>
<tr>
<td>¼ inch</td>
<td>30 – 65% (*See Note #1)</td>
</tr>
<tr>
<td>No. 200</td>
<td>7 – 12% (*See Note #1)</td>
</tr>
</tbody>
</table>

*Note #1* Or as Approved by Public Works Director

E. **Bituminous Pavement Specifications:** All bituminous pavements shall meet the MDOT Standard for Hot Mix Asphalt Pavement (Section 401) with a binder course of 12.5mm mix and a finish course of 9.5mm mix. Recycled asphalt shall comprise no more than 15 percent of delivered pavement material.

F. **Paving Required:** Bituminous (paved) surface is mandatory for Urban Roads, optional for all other. However, only roads with a bituminous surface are eligible for town acceptance. Whenever a gravel road intersects with a paved public road, it shall be paved with bituminous concrete for a distance extending from the edge of the road pavement to the right-of-way road limit of the town road.

(Ord. No. 3-2006, 9-11-06)

**Sec. 11-7. Preconstruction.**

A. The centerline of the roadway shall be the centerline of the right-of-way.

B. Before any clearing has started on the right-of-way the centerline and sidelines of the new road shall be staked or flagged at fifty foot intervals.

C. Before grading is started, the entire area within the right-of-way necessary for traveled way, shoulders, sidewalks, drainage and utilities shall be cleared of all stumps, roots, brush and
other objectionable material. All shallow ledge, large boulders and tree stumps shall be removed from the cleared area.

D. All organic materials shall be removed to a depth of two feet below the sub-grade of the roadway. Rocks and boulders shall also be removed to a depth of two feet below the sub-grade of the roadway. On soils which have been identified as not suitable for roadways, either the subsoil shall be removed from the road site to a depth of two feet below the sub-grade and replaced with material meeting the specifications for gravel sub-base or a suitable geotextile may be used.

E. After the sewer has been constructed, the entire area of the street shall be graded to finished grade as shown on the plan, profile and cross sections. The roadway shall be graded with the good building gravel or crushed stone. The sidewalks shall be graded with gravel or crushed stone and the planting spaces or esplanades between the sidewalks and the roadways shall be graded with loam. At all corners at the ends of the curves approved, granite bounds shall be set under the direction of the engineer. (Town Warrant, Book 9, Art. 54, § 11, 3-11-47; Ord. No. 3-2006, 9-11-06)

F. Except in a ledge cut, side slopes shall be no steeper than a slope of three feet horizontal to one foot vertical, and shall be graded, loamed, limed, fertilized, and seeded according to the erosion control plan. Where a cut results in exposed ledge, a side slope, no steeper then one for horizontal to four feet vertical, is permitted.

G. All water lines and sanitary lines shall be located and separated as prescribed by local and state requirements. The placement of water lines and sewer lines shall be reviewed by the Kennebec Water District and the Winslow Public Works Director (or his designee), respectively.

(Ord. No. 3-2006, 9-11-06)

Sec. 11-8. Storm Water.

All roads shall be designed with adequate drainage facilities to provide for the removal of storm water and to prevent flooding of the pavement and erosion to adjacent property.

The erosion control plan shall show all temporary and permanent measures, designed in accordance with the "Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, March 1991," or as most recently amended.

The storms water control plan shall be designed in accordance with "Storm Water Management for Maine: Best Management Practices," published by the Department of Environmental Protection, 2006, or as most recently amended.

If storm water is proposed to be directed into the Town of Winslow storm sewer system, the Public Works Director (or his designee) shall approve the proposed design and flow into the town’s system.

Prior to acceptance by the Town, a drainage easement shall be provided to the Town for the
deposit of storm water into private retention ponds serving the storm water system.

(Ord. No. 3-2006, 9-11-06)

Sec. 11-9. Design of Dead-End Roads.

A dead end road is one which has only one access to an existing public road. A dead end road is limited to twenty (20) dwelling units or no more than two-hundred (200) vehicle trips. Roads that serve more than 20 dwelling units shall have at least two access points to an existing public road.

Dead end roads shall be designed with a terminus suitable for emergency and public vehicles. If designed as a cul-de-sac (rounded) terminus, the paved portion of the road shall be at least 60 feet in radius, with a right-of-way extending at least ten feet beyond the pavement. If designed as a Hammerhead (flat) terminus, pavement must extend a minimum of 60 feet by 120 feet.

Driveways are not permitted to access the hammerhead, except in locations specified by the Public Works Director.

The Planning Board may require the reservation of a 60 foot easement at the terminus of the road, if future continuation of the road is possible.

(Ord. No. 3-2006, 9-11-06)

Sec. 11-10. Curbs and Sidewalks.

All roads entering a curbed street should be curbed with materials matching the street curbing.

Sidewalks are required on at least one side on an Urban Road and whenever a new road connects to an existing road with a sidewalk. Sidewalks shall meet the following minimum standards:

A. Sidewalks may be located adjacent to the curb, but it is recommended to locate sidewalks a minimum of 2½ feet from the curb facing or edge of shoulder if the street is not curbed.

B. A bituminous sidewalk shall have a gravel base course of at least 12 inches and a one-inch bituminous pavement surface conforming to the MDOT specification for finish pavement. A Portland cement concrete sidewalk shall have a gravel base course of at least 12 inches and a surface shall be 4 inches of concrete reinforced with a six inch square, number 10 wire mesh.

C. All sidewalks shall measure at least four (4) feet in width.

(Ord. No. 3-2006, 9-11-06)

Sec. 11-11. Status of Roads.

A. Acceptance as Town Roads: The approval by the Planning Board of a proposed driveway or road shall not be deemed to constitute, nor be evidence of, acceptance by the Town.

Only roads with a bituminous surface conforming to the design and construction standards contained in these standards and as outlined in Chapter 10: Section 10-7, 10-9 and 10-10, in the most recent edition of the Charter and Code of Winslow, Maine are eligible for town
acceptance.

B. Private Minor Rural Roads or Private Rural Roads proposed for public road acceptance shall be reclaimed (pulverized and ground) prior to widening and paving to meet public road standards.

C. Road Maintenance Responsibility: the maintenance of a road shall be the responsibility of the subdivision owners, developers, or road owners until such time that the road is accepted by the Town. A maintenance plan shall be submitted to the Planning Board for approval.

D. Private Roads: All roads not dedicated to the Town shall be maintained by the subdivision owners, developer or road owners. The Planning Board shall review the maintenance plan to ensure that sufficient provisions have been made to maintain all improvements.

All private roads shall contain a statement on the subdivision plan and subsequent deeds which states as follows:

1. Roads, indicated as privately-owned roads, shall remain private and will be maintained by the developer or the lot owners and shall not be accepted nor maintained by the town unless said street has been brought up to, or otherwise meets the standards for public road acceptance.

(Ord. No. 3-2006, 9-11-06)

Sec. 11-12. Utility Installation and Grading of Roadway.

After the sewer, storm drains, and water lines have been constructed, the entire area of the street shall be graded to rough grade as shown on the plan, profile and cross-sections. The roadway shall be graded with the good building gravel or crushed stone. The sidewalks shall be graded with gravel or crushed stone and the planting spaces or esplanades between the sidewalks and roadways shall be graded with loam. At all corners at the ends of the curves approved, granite bounds shall be set under the direction of the engineer.

(Town Warrant, Book 9, Art. 54, § 11, 3-11-47; Ord. No. 3-2006, 9-11-06)

ARTICLE 2. STREET EXCAVATIONS*

State Law Reference(s) – Excavating in streets, 23 M.R.S.A, § 3381.

Sec. 11-13. Permit Required.

Any person, firm, contractor or utility must obtain a street opening permit prior to excavation of any town street and/or way by filling out a street opening application.

(Ord. No. 1-1987, 3-9-87; Ord. No. 3-2006, 9-11-06)

Sec. 11-14. Application.
After the application for the permit is completed, the contractor will review the area to be excavated with the director of public works or his designee.
(Ord. No. 1-1987, 3-9-87 Ord. No. 3-2006, 9-11-06)

Sec. 11-15. Fee and Deposit.

Before the permit is issued, a permit fee of ten dollars ($10.00), plus a deposit in the amount of ten dollars ($10.00) per square foot of excavation within or along any town street, way, or property, shall be paid to the Town of Winslow.
(Ord. No. 1-1987, 3-9-87; Ord. No. 3-2006, 9-11-06)

Sec. 11-16. Issuance of Permit.

No owner of his contractor may commence street excavation without a copy of the permit. The owner of the connecting facility, as well as his contractor, jointly and/or severally shall be the responsible party.
(Ord. No. 1-1987, 3-9-87; Ord. No. 3-2006, 9-11-06)

Sec. 11-17. Excavation and backfilling requirements.

The following requirements will be adhered to unless exceptions or additions are noted on the permit:

1. Contractor will provide proper traffic and safety control at all times.
2. One-way traffic will be maintained.
3. Pavement will be excavated along neat lines.
4. No sewer pipe will be placed on a bed of not less than six (6) inches of sand-type granular material having no stones greater than one (1) inch in diameter.
5. No backfilling will be conducted without authorization of the director of Public Works.
6. Backfill material shall be same granular material as the bed for a distance of one (1) foot over sewer pipe.
7. The remainder of backfill shall be of granular material having stones no larger than four (4) inches in diameter.
8. Backfilling will be by layer method, compacted in eight (8) – inch layers by vibrator method, or as approved by the director of public works, up to the finish grade.
9. No pavement will be placed without authorization of the director of public works, and shall not be less than thickness of existing pavement.
10. Any pavement damage by contractor will be replaced as so directed by the director of public works.

(Ord. No. 1-1987, 3-9-87; Ord. No. 3-2006, 9-11-06)

Sec. 11-18. Acceptance.

Upon acceptance by the director of public works, the deposit shall be refunded, minus any funds as directed by the director of public works for additional or future repair to that excavated portion of the town street, way, or property in order to return such portion to its original condition prior to such excavation.

(Ord. No. 1-1987, 3-9-87; Ord. No. 3-2006, 9-11-06)

Sec. 11-19. Exceptions.

Any emergency deemed such by the director of public works or his designee in his absence, shall not need an opening permit prior to work, and the director of public works or such designee shall be notified as soon as possible, and contractor/owner will secure an after-the-fact permit pursuant to the requirements of this article.

(Ord. No. 1-1987, 3-9-87; Ord. No. 3-2006, 9-11-06)

Sec. 11-20. Penalty.

Any contractor or owner found in violation of this article shall be subject to a fine of not more than two thousand dollars ($2,000.00), exclusive of the town’s costs and attorney’s fees which shall be recoverable to the town. The Town of Winslow may in addition to any civil penalties, costs and attorney’s fees, be paid all its resulting and compensatory damages, costs and expenses related to any violation of this article.

(Ord. No. 1-1987, 3-9-87: Ord. No. 3-2006, 9-11-06)

ARTICLE 3. STREET ENTRANCES

Sec. 11-21. Permit required; fee.

No person, firm or contractor shall construct an entrance on any town way without obtaining a street entrance permit. A site review shall be conducted by the director of public works or his designee before the permit is issued. Permit fee shall be fifty dollars ($50.00).

(Ord. No. 1-1987, 3-9-87: Ord. No. 3-2006, 9-11-06)

Sec. 11-22. Construction Requirements.
1. When a culvert or other drainage facility is required, it shall be furnished by the owner to the director of public works’ satisfaction and installed and maintained by the Town of Winslow.

2. No town street, way, or property shall be altered without written permission.

3. Any town street, way, or property disturbed shall be repaired as directed by the director of public works.

4. A residential lot shall have an entrance no wider than twenty (20) feet along edge of pavement.

5. A commercial or industrial entrance shall be no wider than thirty (30) feet in width for a single entrance.

(Ord. No. 1-1987, 3-9-87; Ord. No. 3-2006, 9-11-06)

Sec. 11-23. Acceptance.

After construction is completed, the director of public works shall inspect for acceptance. Any changes deemed necessary shall be borne by the owner.

(Ord. No. 1-1987, 3-9-87; Ord. No. 3-2006, 9-11-06)

Sec. 11-24. Penalty.

Any person failing to meet the conditions in section 11-21 to 11-22 shall be subject to cost of any construction by the town to repair or return the town’s street, way, or property to its original condition prior to any damage by such violator and a civil penalty of not more than five hundred dollars ($500.00) exclusive of the town’s costs and expenses and attorney’s fees which shall be recoverable to the town.

(Ord. No. 1-1987, 3-9-87; Ord. No. 3-2006, 9-11-06)

ARTICLE 4. STANDARDS FOR STREETS TO BE ACCEPTED AND DEEDED TOWN WAY.

Sec. 11-25. Minimum standards for streets.

<table>
<thead>
<tr>
<th>Item</th>
<th>Minor Street</th>
<th>Collector Street</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Urban</td>
<td>Rural</td>
</tr>
<tr>
<td>Total Width of Pavement</td>
<td>34‖</td>
<td>22‖</td>
</tr>
<tr>
<td>Width of travel lanes</td>
<td>11’</td>
<td>11’</td>
</tr>
<tr>
<td>Width of Curb Offset</td>
<td>6’</td>
<td>*1</td>
</tr>
</tbody>
</table>

*1 Depending on the specific site conditions and requirements.
<table>
<thead>
<tr>
<th></th>
<th>6' paved</th>
<th>6' gravel</th>
<th>6' paved</th>
<th>6' gravel</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Width of Shoulders</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Number of Sidewalks</strong></td>
<td>1</td>
<td>*1</td>
<td>2</td>
<td>*1</td>
</tr>
<tr>
<td><strong>R.O.W.</strong></td>
<td>60'</td>
<td>60'</td>
<td>66'</td>
<td>66'</td>
</tr>
<tr>
<td><strong>Maximum grade</strong></td>
<td>8%</td>
<td>8%</td>
<td>8%</td>
<td>8%</td>
</tr>
<tr>
<td><strong>Center line radius</strong></td>
<td>200'</td>
<td>200'</td>
<td>300'</td>
<td>300'</td>
</tr>
<tr>
<td><strong>Tangent between reverse curves</strong></td>
<td>100'</td>
<td>200'</td>
<td>300'</td>
<td>300'</td>
</tr>
<tr>
<td><strong>Storm Drains</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Cul-de-sacs and T Turn-around</strong></td>
<td>See Note #1</td>
<td>See Note #1</td>
<td>See Note #1</td>
<td>See Note #1</td>
</tr>
<tr>
<td><strong>Maximum distance between cross streets</strong></td>
<td>700’</td>
<td>1320’</td>
<td>1320’</td>
<td>1320’</td>
</tr>
<tr>
<td><strong>Gravel Road Base</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>24” type ‘D’ gravel and 6” surface gravel upper base (Made up of 4” type’B’ compacted gravel and 2” leveling course of compacted gravel, 95-100% of which passes a 1” sieve.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Bituminous Surfacing</strong></td>
<td></td>
<td></td>
<td></td>
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<td>2” of compacted Bituminous base binder mix and 1.5” of bituminous surface ‘C’ mix.</td>
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<td><strong>Drainage</strong></td>
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<td>Curbs, Gutters, Storm Sewer Systems</td>
<td>Ditches Culverts</td>
<td>Curbs, Gutters, Storm Sewer Systems</td>
<td>Ditches Culverts</td>
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* Note #1: As required by the Planning Board and the Town Engineer.

**Specifications**

**Hot Bituminous Pavement:**

(Compacted)  
Aggregated Gravel: (Compacted)

2” Grade B mix  
Base Course: 2—8” layers, Type B—4”

1 ½” Grade C mix  
Level Course: 2” 95—100% passing 1”

**Side Slopes:**

3” Grade B Mix  
Fills: 3:1 Residential  
2:1 Non-Residential

**Hot Bituminous Sidewalks:**

(Compacted)  
Cuts: 1:4 in rock  
2:1 in earth (backslopes)

* Maximum grade can be modified to 10% in cases of unusual circumstances. In no case shall
grade exceed 3% within 50’ of any intersection.

1. All construction methods and materials shall conform to the “Standard Specifications for Highway & Bridges, State of Maine—Department of Transportation,” latest revision, or approval by the director of public works.

2. Repair of roads damaged by a contractor. When construction material is to be transported over town ways, prior to any work the contractor shall:
   
   a. Secure a contractor’s bond of not more than five thousand dollars ($5,000.00) per mile of traveled length, or
   
   b. Deposit a like amount per mile of traveled length, which will be refunded, minus necessary funds for repairs as directed by town, upon completion of project.

   The sum of money will be agreed upon in writing by the director of public works and contractor.

   The term “contractor” shall mean any person, firm, corporation or company engaged in construction within the Town of Winslow.

3. Dust Control. Dust control measure will be required both on public and private ways. All foreign matter will be removed promptly from all public ways located within the Town of Winslow.

4. Penalty. Any contractor found in violation of this section 11-25 shall be subject to a fine of not more than two thousand dollars ($2,000.00), exclusive of the town’s costs and attorney’s fees which shall be recoverable to the Town. The Town of Winslow may, in addition to any civil penalties, costs and attorney's fees, be paid all its resulting and compensatory damages, costs, and expenses related to any violation of this section 11-25.

   (Ord. No. 1-1987, 3-9-87; Ord. No. 3-2006, 9-11-06)

Sec. 11-26. Markers required.

Granite monuments at least four (4) inches in width and four (4) feet in length must be set at all street corners or breaks in street lines including P.C. and P.T. points or curves, and at boundary corners or subdivisions.

   (Town Warrant, Book 9, Art. 54, § 6, 3-11-47; Ord. 62-1976, 2-14-77; Ord. No. 3-2006, 9-11-06)
Chapter 12: SUBDIVISIONS*

*State law reference(s)—State definition of the term “subdivision” and requirement that municipalities review subdivisions, 30 M.R.S.A., § 4956 (1964); requirement that subdivision and other land control ordinances be filed in the county registry of deed, 33 M.R.S.A., § 662A (1064)

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ARTICLE 1 - PURPOSES AND STATUTORY REVIEW CRITERIA

Sec. 12-1. Purposes

The purposes of this ordinance are:

A. To provide for an expeditious and efficient process for the review of proposed subdivisions;

B. To assure new development in the Town of Winslow meets the goals and conforms to the policies of the Comprehensive Plan;

C. To assure the comfort, convenience, safety, health and welfare of the people of the Town of Winslow;

D. To protect the environment and conserve the natural and cultural resources identified in the Winslow Comprehensive Plan as important to the community;

E. To assure that a minimal level of services and facilities are available to the residents of new subdivisions and that lots in subdivisions are capable of supporting the proposed uses and structures;

F. To minimize the potential impacts from new subdivisions on neighboring properties and on the municipality; and

G. To promote the development of an economically sound and stable community.

Sec. 12-2. Statutory Review Criteria

When reviewing any application for a subdivision, as defined by Article 3, the Review Authority shall find that the following criteria as found in Title 30-A M.R.S.A. §4404 have been met, as well as all applicable provisions of the Zoning Ordinance and other sections of this Ordinance have been met, before granting approval. The proposed project:

A. Will not result in undue water or air pollution. In making this determination, it shall at least consider:

1. The elevation of the land above sea level and its relation to the flood plains;
2. The nature of soils and subsoils and their ability to adequately support waste disposal;
3. The slope of the land and its effect on effluents;
4. The availability of streams for disposal of effluents;
5. The applicable State and local health and water resources rules and regulations;
6. Erosion and dust control during construction.

B. Has sufficient water available for the reasonably foreseeable needs of the subdivision;

C. Will not cause an unreasonable burden on an existing water supply, if one is to be used;
D. Will not cause unreasonable soil erosion or reduction in the land’s capacity to hold water so that a dangerous or unhealthy condition results;

E. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway, located outside the urban compact area, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section;

F. Will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized;

G. Will not cause an unreasonable burden on the municipality’s ability to dispose of solid waste if municipal services are to be utilized;

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

I. Is in conformance with a duly adopted subdivision ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans;

J. Demonstrates that the developer has adequate financial and technical capacity to meet the standards of this ordinance.

K. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, sections 435 through 490, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water.

1. When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet.

   (a) To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore.

   (b) The frontage and set-back provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shoreland zoning, Title 38, chapter 3, subchapter I, article 2-B, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of section 4401, subsection 1, on September 23,
1983;

L. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;

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

N. Will identify all freshwater wetlands within the proposed subdivision on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district;

O. Will identify any river, stream or brook within or abutting the proposed subdivision on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, section 480-B, subsection 9;

P. Will provide for adequate storm water management;

Q. Will prevent spaghetti lots;

R. If any lots in the proposed subdivision have shore frontage on a river, stream, brook or great pond as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1;

S. Will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision;

T. If crossing municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.
ARTICLE 2 - AUTHORITY AND ADMINISTRATION

Sec. 12-3. Authority

A. These standards have been prepared in accordance with the provisions of Title 30-A M.R.S.A., §4403.

B. These standards shall be known and may be cited as "Subdivision Ordinance of the Town of Winslow, Maine."

Sec. 12-4. Administration

A. The Planning Board of the Town of Winslow shall administer this ordinance.

B. The provisions of this ordinance shall pertain to all land and buildings proposed for subdivision within the boundaries of the Town of Winslow.

ARTICLE 3 – DEFINITIONS

Sec. 12-5. Definitions

In general, words and terms used in this ordinance shall have their customary dictionary meanings. More specifically, certain words and terms used herein are defined as follows:

Applicant: The person applying for subdivision approval under this ordinance.

Average Daily Traffic (ADT): The average number of vehicles per day that enter and exit the premises or travel over a specific section of road.

Board: Refers to the Winslow Planning Board.

Capital Improvements Program (CIP): The municipality's proposed schedule of future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

CEO: Refers to the Code Enforcement Officer.

Complete Application: An application shall be considered complete upon submission of the required fee and all information required by this ordinance unless waived, after the applicant's written request, by a vote by the Planning Board. The Planning Board shall issue a written statement to the applicant upon its determination that an application is complete.

Complete Substantial Construction: The completion of a portion of the improvements which represents no less than thirty percent of the costs of the proposed improvements within a subdivision. If the subdivision is to consist of individual lots to be sold or leased by the subdivider, the cost of construction of buildings on those lots shall not be included. If the subdivision is a multifamily development, or if the applicant proposes to construct the buildings
within the subdivision, the cost of building construction shall be included in the total costs of proposed improvements.

**Comprehensive Plan:** A document or interrelated documents adopted by the Legislative Body, containing the elements established under Title 30-A M.R.S.A. §§4326 sub-§§ 1 to 4, including the strategies for an implementation program which are consistent with the State goals and guidelines established under Title 30-A M.R.S.A. §§4311 through 4350.

**Conservation Easement:** A nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining air or water quality.

**Density:** The number of dwelling units per acre of land.

**Direct Watershed of a Great Pond:** That portion of the watershed which drains directly to the great pond without first passing through an upstream great pond. For the purposes of this ordinance, the watershed boundaries shall be as delineated in the comprehensive plan, or as depicted in the drainage divide data layer provided by the Maine Office of GIS. Due to the scale of the map there may be small inaccuracies in the delineation of the watershed boundary. Where there is a dispute as to exact location of a watershed boundary, the Planning Board or its designee and the applicant shall conduct an on-site investigation to determine where the drainage divide lies. If the Planning Board and the applicant can not agree on the location of the drainage divide based on the on-site investigation, the burden of proof shall lie with the applicant to provide the Planning Board with information from a professional land surveyor showing where the drainage divide lies.

**Driveway:** A vehicular accessway serving two lots or less.

**Dwelling Unit:** A room or suite of rooms used as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, and sleeping facilities; includes single family houses, and the units in a duplex, apartment house, multifamily dwellings, and residential condominiums.

**Engineered Subsurface Waste Water Disposal System:** A subsurface waste water disposal system designed, installed, and operated as a single unit to treat and dispose of 2,000 gallons of waste water per day or more; or any system designed to be capable of treating waste water with higher BOD5 and total suspended solids concentrations than domestic waste water.

**Final Plan:** The final drawings on which the applicant's plan of subdivision is presented to the Planning Board for approval and which, if approved, may be recorded at the Registry of Deeds.

**Freshwater Wetland:** Areas which are inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and are not part of a great pond, coastal wetland, river, stream or brook. Freshwater wetlands
may contain small stream channels or inclusions of land that do not conform to the above criteria.

**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 surface area in excess of thirty 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.

**Greenbelt:** A series of connected open spaces that may be human-designed, such as trails, or follow natural features, such as streams.

**High Intensity Soil Survey:** A map prepared by a Certified Soil Scientist, identifying the soil types down to 1/8 acre or less at a scale equivalent to the subdivision plan submitted. The soils shall be identified in accordance with the National Cooperative Soil Survey. The map shall show the location of all test pits used to identify the soils, and shall be accompanied by a log of each sample point identifying the textural classification and the depth to a limiting factor such as seasonal high water table or bedrock at that location. Single soil test pits and their evaluation for suitability for subsurface waste water disposal systems shall not be considered to constitute high intensity soil surveys.

**100-Year Flood:** The highest level of flood that, on the average, has a one percent chance of occurring in any given year.

**Level of Service:** A description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the *Highway Capacity Manual*, most recent edition, published by the National Academy of Sciences, Transportation Research Board. There are six levels of service ranging from Level of Service A, with free traffic flow and no delays to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.

**Multifamily Development:** A subdivision which contains three or more dwelling units on land in common ownership, such as apartment buildings, condominiums or mobile home parks.

**Municipal Engineer:** Any registered professional engineer hired or retained by the municipality, either as staff or on a consulting basis.

**Person:** Includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

**Planning Board:** The Planning Board of the Town of Winslow.

**Preliminary Plan:** The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.

**Professional Engineer:** A professional engineer, registered in the State of Maine.

**Public Water System:** A water supply system that provides water to at least 15 service connections or services water to at least 25 individuals daily for at least 30 days a year.
Recording Plan: An original of the Final Plan, suitable for recording at the Registry of Deeds and which need show only information relevant to the transfer of an interest in the property, and which does not show other information presented on the plan such as sewer and water line locations and sizes, culverts, and building lines.

Sketch Plan: Conceptual maps, renderings, and supportive data describing the project proposed by the applicant for initial review prior to submitting an application for subdivision approval.

Street: Public and private ways such as alleys, avenues, highways, roads, and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way for vehicular access other than driveways.

Street Classification:
  Arterial Street: A major thoroughfare which serves as a major traffic way for travel between and through the municipality. The following roadways shall be considered arterial streets: Augusta Rd. and Bay St. (Rt. 201 and Rt. 100), Benton Ave., China Rd. (Rt. 137), Garland Rd., Cushman Rd. (Rt. 32), Halifax St. (Rt. 100A), Clinton Ave., Albion Rd.
  Collector Street: A street with average daily traffic of 200 vehicles per day or greater, or streets which serve as feeders to arterial streets, and collectors of traffic from minor streets.
  Cul-de-sac: A street with only one outlet and having the other end for the reversal of traffic movement.
  Industrial or Commercial Street: Streets servicing industrial or commercial uses.
  Minor Residential Street: A street servicing only residential properties and which has an average daily traffic of less than 200 vehicles per day.
  Private Right-of-Way: A minor residential street servicing no more than eight dwelling units, which is not intended to be dedicated as a public way.

Subdivision: The term shall be defined as in Title 30-A M.R.S.A. §4401, sub-§4, as amended.

Tract or Parcel of Land: All contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road 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.

ARTICLE 4 - ADMINISTRATIVE PROCEDURE

In order to establish an orderly, equitable and expeditious procedure for reviewing subdivisions and to avoid unnecessary delays in processing applications for subdivision review, the Planning Board shall prepare a written agenda for each regularly scheduled meeting. The agenda shall be prepared no less than one week in advance of the meeting, distributed to Planning Board members and any applicants appearing on the agenda, and posted at the municipal offices. Applicants shall request to be placed on the Planning Board’s agenda at least ten days in advance of a regularly scheduled meeting by contacting the Code Enforcement Officer. Applicants who attend a meeting but who are not on the Planning Board’s agenda may be heard only after all agenda items have been completed, and then only if a majority of the Planning Board so votes. However, the Planning Board shall take no action on any application not appearing on the Planning Board’s written agenda.
ARTICLE 5 - SKETCH PLAN MEETING AND SITE INSPECTION

Sec. 12-6. Purpose

The purpose of the sketch plan meeting and on-site inspection is for the applicant to present general information regarding the proposed subdivision to the Planning Board and receive the Planning Board's comments prior to the expenditure of substantial sums of money on surveying, soils identification, and engineering by the applicant.

Sec. 12-7. Sketch Plan Meeting Procedure

A. The applicant shall present the Preapplication Sketch Plan and make a verbal presentation regarding the site and the proposed subdivision.
B. Following the applicant's presentation, the Planning Board may ask questions, point out potential problems or issues for future discussions, and make suggestions to be incorporated by the applicant into the subsequent application. Substantive, lengthy discussions about compliance with review standards or the consideration of waiver requests shall be postponed until the subsequent review of the full application.
C. The date of the on-site inspection may be discussed.

Sec. 12-8. Sketch Plan Submissions

Nine (9) copies of the sketch plan and all supporting materials must be submitted 15 days prior to a regularly scheduled Planning Board meeting, in order to be placed on the Planning Board's agenda. The sketch plan shall show, in simple sketch form, the proposed layout of streets, lots, buildings and other features in relation to existing conditions. The sketch plan, which does not have to be engineered and may be a freehand penciled sketch, shall show site conditions such as steep slopes, wet areas and vegetative cover in a general manner. The sketch plan shall be supplemented with a written project narrative, with general information to describe or outline the existing conditions of the site and a full description of the proposed development. The narrative should include general proposals for how any common areas and infrastructure will be managed and maintained. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the Assessor's Map(s) on which the land is located. The sketch plan shall be accompanied by:

A. A sketch plan application form and a sketch plan application fee of $25.00;
B. A copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision; unless the proposed subdivision is less than 10 acres in size.
C. A copy of that portion of the Kennebec County Soil Survey covering the proposed subdivision, showing the outline of the proposed subdivision development, and
D. A written project narrative as described above.

Sec. 12-9. Contour Interval and On-Site Inspection

Within thirty days of the sketch plan meeting, or other mutually agreed upon time, the Planning Board shall hold an on-site inspection of the property and inform the applicant in
writing of the required contour interval on the Preliminary Plan. The applicant shall place "flagging" at the centerline of any proposed streets, and at the approximate intersections of the street centerlines and lot corners, prior to the on-site inspection. If the proposed project includes buildings, the approximate corners of building footprints shall be "flagged." The Planning Board may choose not to conduct on-site inspections when there is inclement weather or snow on the ground. On-site inspections shall be noticed as required by 1 M.R.S.A. §§401-410, and the public shall be allowed to accompany the Planning Board. Minutes shall be taken in the same manner as for regular meetings.

Sec. 12-10. Initiation of the Review Process

The sketch plan meeting, the submittal or review of the sketch plan or the on-site inspection 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., §302.

Sec. 12-11. Establishing a File

Following the sketch plan meeting the Code Enforcement Officer (CEO) shall establish a file for the proposed subdivision. All correspondence and submissions regarding the sketch plan meeting and application shall be maintained in the file.

ARTICLE 6 - PRELIMINARY PLAN APPLICATION

Sec. 12-12. Procedure

A. Within six (6) months after the on-site inspection by the Planning Board, the applicant shall submit an application for approval of a preliminary plan at least 15 days prior to a scheduled meeting of the Planning Board. Applications shall be submitted by mail or by hand to the municipal offices. Failure to submit an application within six (6) months may require resubmission of the Sketch Plan to the Planning Board. The preliminary plan should approximate the layout shown on the Sketch Plan, plus any recommendations made by the Planning Board.

B. All applications for preliminary plan shall be accompanied by a nonrefundable application fee of $300, plus $10 per lot or dwelling unit, payable by check to the municipality. In addition, the Planning Board may require the applicant to pay an escrow fee of $250 per lot or dwelling unit, to be deposited in a special escrow account designated for that subdivision application, to be used by the Planning Board for hiring independent consulting services to review engineering and other technical submissions associated with the application, and to ensure compliance with the Subdivision Ordinance. If the balance in this special account is drawn down by 75%, the Planning Board shall notify the applicant, and require that the balance be brought back up to the original deposit amount. The Planning Board shall continue to notify the applicant and require a deposit as necessary whenever the balance of the escrow account is drawn down by 75% of the original deposit. Any balance in the escrow account remaining after a decision on the final plan application by the Planning Board shall be returned to the applicant.
C. The Board shall not review any preliminary plan application unless the applicant or applicant’s representative attends the meeting. Should the applicant or applicant’s representative fail to attend; the Board shall reschedule review of the application at its next available meeting.

D. Within seven (7) days of the receipt of the Preliminary Plan application, the Code Enforcement Officer shall:
   1. Issue a dated receipt to the applicant.
   2. Notify in writing by First Class Mail all owners of abutting property that an application for subdivision approval has been submitted, specifying the location of the proposed subdivision and including a general description of the project.
   3. Notify the clerk and the review authority of the neighboring municipalities if any portion of the subdivision abuts or crosses the municipal boundary.

E. Within thirty (30) days of the receipt of the preliminary plan application, the Planning Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Planning Board shall notify the applicant of the specific additional material needed to complete the application.

F. Upon determination that a complete application has been submitted for review, the Code Enforcement Officer shall notify the applicant in writing. The Code Enforcement Officer shall also notify the Road Commissioner, Fire Chief, Police Chief, Superintendent of Schools, Town Council, Land Protection Committee, and any other relevant official of the proposed subdivision, the number of dwelling units proposed, the length of roadways, and the size and construction characteristics of any multifamily, commercial or industrial buildings. The Code Enforcement Officer shall request that these officials comment upon the adequacy of their department's existing capital facilities to service the proposed subdivision. The Planning Board shall hold a public hearing on the preliminary plan application.

G. The Planning Board shall hold the public hearing within thirty days of determining that it has received a complete application, and shall publish a notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing. In addition, the notice of the hearing shall be posted in at least three prominent places within the municipality at least seven days prior to the hearing. A copy of the notice shall be sent by First Class mail to abutting landowners and to the applicant, at least ten days prior to the hearing.

H. Within sixty (60) days from the public hearing, the Planning Board shall make findings of fact on the application, and approve, approve with conditions, or deny the preliminary plan application. The Planning Board shall specify in writing its findings of facts and reasons for any conditions or denial.

I. When granting approval to a preliminary plan, the Planning Board shall state in writing the conditions of such approval, if any, with respect to:
   1. The specific changes which it will require in the final plan;
2. The character and extent of the required improvements for which waivers may have been requested and which the Planning Board finds may be waived without jeopardy to the public health, safety, and general welfare; and
3. The construction items for which cost estimates and performance guarantees will be required as prerequisite to the approval of the final plan.

J. 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 by the Planning Board upon fulfillment of the requirements of this ordinance and the conditions of preliminary approval, if any. Prior to the approval of the final plan, the Planning Board may require that additional information be submitted and changes in the plan be made as a result of further study of the proposed subdivision or as a result of new information received.

Sec. 12-13. Mandatory Submissions for Preliminary Plan

The following items shall be submitted as part of the Preliminary Plan Application, unless the applicant submits a written waiver request, and is granted a waiver from the submission requirement by the Planning Board, pursuant to Article 12, Waivers. Nine (9) copies of all materials shall be delivered to the Town Office, at least 15 days prior to a regularly scheduled Planning Board meeting, in order for the application to be placed on the Planning Board’s agenda. The Planning Board may require additional information to be submitted, as necessary, in order to determine whether the criteria of Title 30-A M.R.S.A., §4404 are met.

All required engineering plans shall be submitted to the Winslow Code Enforcement Officer in CAD Format 15 or higher, registered and rectified to UTM Zone 19 NAD 83 Meters or Shape Format UTM Zone 19 NAD 83 Meters, and all other documents shall be submitted in both paper and commonly used electronic file formats such as pdf, word processing, database or spreadsheet files.

A. Application Form.
Nine (9) copies of the application form and any accompanying information.

B. Location Map.
The location map shall be drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Planning Board to locate the subdivision within the municipality. The location map shall show:
1. Existing subdivisions in the proximity of the proposed subdivision.
2. Locations and names of existing and proposed streets.
4. An outline of the proposed subdivision and any remaining portion of the owner’s property if the preliminary plan submitted covers only a portion of the owner's entire contiguous holding.

C. Preliminary plan. The preliminary plan may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The preliminary plan shall be drawn to a scale of not more than 100 feet to the inch. Plans for subdivisions containing more than
100 acres may be drawn at a scale of not more than 200 feet to the inch, provided all necessary
detail can easily be read. The application materials for preliminary plan approval shall
include the following information:

1. Proposed name of the subdivision and the name of the municipality in which it is
located, plus the Assessor's Map and Lot numbers.

2. Verification of right, title or interest in the property by deed, purchase and sales
agreement, option to purchase, or some other proof of interest.

3. A standard boundary survey of the parcel, giving complete descriptive data by
bearings and distances, made and certified by a professional land surveyor. The
corners of the parcel shall be located on the ground and marked by monuments. The
entire parcel or tract shall be shown, including all contiguous land in common
ownership within the last five years, as required by Title 30-A M.R.S.A. section 4401.

4. A copy of the most recently recorded deed for the parcel. A copy of all deed
restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.

5. A copy of any deed restrictions intended to cover all or part of the lots or dwellings in
the subdivision.

6. An indication of the type of sewage disposal to be used in the subdivision.
   a. When sewage disposal is to be accomplished by connection to the public sewer, a
      letter from the Winslow Public Works Director stating that the Town system has
      the capacity to collect and treat the waste water shall be provided.
   b. When sewage disposal is to be accomplished by subsurface waste water disposal
      systems, test pit analyses, prepared by a Licensed Site Evaluator or Certified Soil
      Scientist shall be provided. A map showing the location of all test pits dug on the
      site shall be submitted.

7. An indication of the type of water supply system(s) to be used in the subdivision.
   a. When water is to be supplied by a local well, a written statement from a local well
      driller shall be submitted indicating there is sufficient water available for the
      reasonably foreseeable needs of the subdivision.
   b. When water is to be supplied by public water supply, a written statement from the
      Kennebec Water District shall be submitted indicating there is adequate supply and
      pressure for the subdivision, and that the new connections will not create an
      unreasonable burden upon the water district.

8. The date the plan was prepared, north point, and graphic map scale.
9. The names and addresses of the record owner, applicant, and individual or company who prepared the plan and adjoining property owners.

10. Wetland areas shall be delineated on the survey, regardless of size.

11. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type and other essential existing physical features.

12. The location of all rivers, streams and brooks within or adjacent to the proposed subdivision. If any portion of the proposed subdivision is located in the direct watershed of a great pond, the application shall indicate which great pond.

13. The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision.

14. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.

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

16. The width and location of any streets, public improvements or open space shown upon the official map and the comprehensive plan, if any, within the subdivision.

17. The proposed lot lines with approximate dimensions and lot areas.

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

19. The location of any open space to be preserved or common areas to be created, and a general description of proposed ownership, improvement and management.

20. The area on each lot where existing forest cover will be permitted to be removed and converted to lawn, structures or other cover and any proposed restrictions to be placed on clearing existing vegetation.

21. 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, as depicted on the municipality’s Flood Insurance Rate Map, shall be delineated on the plan.

22. Areas within or adjacent to the proposed subdivision which have been identified by the Maine Department of Inland Fisheries and Wildlife Beginning with Habitat Project or within the comprehensive plan. If any portion of the subdivision is located within an area designated as a unique natural area by the comprehensive plan or the Maine Natural Areas Program or Maine Department of Inland Fisheries & Wildlife Beginning With Habitat Project the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.
23. All areas within or adjacent to the proposed subdivision which are either listed on or eligible to be listed on the National Register of Historic Places, or have been identified in the comprehensive plan or by the Maine Historic Preservation Commission as sensitive or likely to contain such sites.

D. Required submissions for which a waiver may be granted

The following items should be submitted as part of the Preliminary Plan Application, unless the applicant submits a written waiver request, and is granted a waiver from the submission requirement by the Planning Board, pursuant to Article 12, Waivers. Nine (9) copies of all materials shall be delivered to the Winslow Town Office, at least 15 days prior to a regularly scheduled Planning Board meeting, in order for the application to be placed on the Planning Board’s agenda. The Planning Board may require additional information to be submitted, as necessary, in order to determine whether the criteria of Title 30-A M.R.S.A., §4404 are met.

1. A high intensity soil survey by a registered soil scientist.

2. Contour lines at the interval specified by the Planning Board, showing elevations in relation to mean sea level.

3. Hydrogeologic assessment.

   Note: A hydrogeologic assessment should be prepared by a certified geologist or registered professional engineer, experienced in hydrogeology, when the subdivision is not served by public sewer and:

   a. Any part of the subdivision is located over a sand and gravel aquifer, as shown on a map entitled "Hydrogeologic Data for Significant Sand and Gravel Aquifers," by the Maine Geological Survey, 1998, File No. 98-138, 144 and 147; or

   b. The subdivision has an average density of more than one dwelling unit per 100,000 square feet.

The Board may require a hydrogeologic assessment in other cases where site considerations or development design indicate greater potential of adverse impacts on groundwater quality. These cases include extensive areas of shallow to bedrock soils; or cluster developments in which the average density is less than one dwelling unit per 100,000 square feet but the density of the developed portion is in excess of one dwelling unit per 80,000 square feet; and the development proposes use of a shared or common subsurface wastewater disposal systems. The hydrogeologic assessment shall be conducted in accordance with the provisions of Section 12-31 of this ordinance.

4. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from the most recent available edition of the Trip Generation Manual, published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.


   Note: A Registered Professional Engineer with experience in traffic engineering must conduct the traffic impact analysis. A traffic impact analysis may be required upon
the recommendation of those officials notified during initial preliminary plan application (see Section 12-12 F).

The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets. The purpose of the Traffic Impact Analysis is to assist Planning Board members in determining whether the proposed subdivision shall require improvements to the street(s) providing access to the subdivision.

E. The Planning Board may require any additional information not listed above, when it is determined necessary by the Planning Board to determine whether the statutory review criteria of Title 30-A M.R.S.A. §4404 have been met.

ARTICLE 7 - FINAL PLAN APPLICATION

Sec. 12-14. Procedure

A. Within six months after the approval of the preliminary plan, the applicant shall submit nine (9) copies of an application for approval of the final plan with all supporting materials, at least 15 days prior to a scheduled meeting of the Planning Board. Applications shall be submitted by mail to the Planning Board in care of the municipal offices or delivered by hand to the municipal offices. If the application for the final plan is not submitted within six months after preliminary plan approval, the Planning Board shall require resubmission of the preliminary plan, except as stipulated below. The final plan shall approximate the layout shown on the preliminary plan, plus any changes required by the Planning Board.

If an applicant cannot submit the final plan within six months, due to delays caused by other regulatory bodies, or other reasons, the applicant may request an extension. Such a request for an extension to the filing deadline shall be filed, in writing, with the Planning Board prior to the expiration of the filing period. In considering the request for an extension the Planning Board shall make findings that the applicant has made due progress in preparation of the final plan and in pursuing approval of the plans before other agencies, and that municipal ordinances or regulations which may impact on the proposed development have not been amended.

B. A non-refundable application fee of $300, payable by check to the municipality, shall accompany all applications for final plan approval for subdivision. The Planning Board may continue to require the replenishment of the escrow account for hiring independent consulting services to review the application for final plan approval, along with any supporting materials, pursuant to the procedures of Article 6, Section 12-12. B.

C. Prior to submittal of the final plan application, the following approvals shall be obtained in writing, where applicable:
1. Maine Department of Environmental Protection, under the Site Location of Development Act.

2. Maine Department of Environmental Protection, under the Natural Resources Protection Act or Stormwater Law, or if an MEPDES wastewater discharge license is needed.

3. Maine Department of Human Services, if the applicant proposes to provide a public water system.

4. Maine Department of Human Services, if an engineered subsurface wastewater disposal system(s) is to be utilized.

5. U.S. Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.

6. Maine Department of Transportation Traffic Movement Permit, and/or Highway Entrance/Driveway Permit.

Note: If the Planning Board is unsure whether a permit or license from a state or federal agency is necessary, the applicant may be required to obtain a written opinion from the appropriate agency as to the applicability of their regulations.

D. If the preliminary plan identified any areas listed on or eligible to be listed on the National Register of Historic Places, in accordance with Section 12.13.C.23, the applicant shall submit a copy of the plan and a copy of any proposed mitigation measures to the Maine Historic Preservation commission prior to submitting the final plan application.

E. Written approval of any proposed street names from the Town of Winslow E911 Addressing Officer.

F. The Planning Board shall not review any final plan application unless the applicant or applicant’s representative attends the meeting. Should the applicant or applicant’s representative fail to attend, the Planning Board shall reschedule review of the application at its next regular meeting.

G. Within three days of the receipt of the Final Plan application, the Planning Board, or its designee, shall issue a dated receipt to the applicant.

H. Within thirty days of the receipt of the final plan application, the Planning Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Planning Board shall notify the applicant of the specific additional material needed to complete the application.

I. Upon determination that a complete application has been submitted for review, the Planning Board shall notify the applicant in writing. The Planning Board shall determine whether to hold a public hearing on the final plan application.
J. If the Planning Board decides to hold a public hearing, it shall hold the hearing within thirty days of determining it has received a complete application, and shall publish a notice of the date, time and place of the hearing in a newspaper of local circulation at least two times, the date of the first publication to be at least seven days prior to the hearing. In addition, the notice of the hearing shall be posted in at least three prominent places within the municipality at least seven days prior to the hearing. A copy of the notice shall be sent by at least First Class mail to abutting landowners and to the applicant, at least ten days prior to the hearing.

K. Before the Planning Board grants approval of the final plan, the applicant shall meet the performance guarantee requirements contained in Article 11.

L. Within thirty days from the public hearing or within sixty days of receiving a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Planning Board and the applicant, the Planning Board shall make findings of fact, and conclusions relative to the criteria for approval contained in Title 30-A M.R.S.A., §4404 and the standards of this ordinance. If the Planning Board finds that all the criteria of the statute and the standards of this ordinance have been met, they shall approve the final plan. If the Planning Board finds that any of the criteria of the statute or the standards of this ordinance have not been met, the Planning Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The reasons for any conditions shall be stated in the records of the Planning Board.

Sec. 12-15 Mandatory Submissions

The final plan shall consist of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 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 on the plan for endorsement by the Planning Board. One reproducible, stable-based transparency of the recording plan to be recorded at the Registry of Deeds, and nine (9) full-sized paper copies of all the final plan sheets and any supporting documents shall be submitted.

All required engineering plans shall be submitted to the Winslow Code Enforcement Officer in CAD Format 15 or higher, registered and rectified to UTM Zone 19 NAD 83 Meters or Shape Format UTM Zone 19 NAD 83 Meters, and all other documents shall be submitted in both paper and commonly used electronic file formats such as .pdf, word processing, database or spreadsheet files.

The final plan shall include or be accompanied by the following mandatory submissions of information:

A. Completed Final Plan Application Form and Final Plan Application Submissions Checklist.
B. Proposed name of the subdivision and the name of the municipality in which it is located, plus the assessor's map and lot numbers.

C. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, and other essential existing physical features.

D. An indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the sewer district indicating the district has reviewed and approved the sewerage design shall be submitted.

E. An indication of the type of water supply system(s) to be used in the subdivision.
   1. When water is to be supplied by an existing public water supply, a written statement from the servicing water district shall be submitted indicating the district has reviewed and approved the water system design.
   2. A written statement shall be submitted from the fire chief approving all hydrant locations or other fire protection measures deemed necessary.
   3. When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.

F. The date the plan was prepared, north point, graphic map scale.

G. The names and addresses of the record owner, applicant, and individual or company who prepared the plan.

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

I. If different than those submitted with the preliminary plan, a copy of any proposed deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.

J. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.

K. The location, names, and present widths of existing and proposed streets, highways, easements, buildings, 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 be reproduced upon the ground. These lines shall be tied to reference points previously established. The location, bearing and length of street lines, lot lines and parcel boundary lines shall be certified by a professional land surveyor. The original reproducible plan shall be embossed with the seal of the professional land surveyor and be signed by that individual.
L. Street plans, meeting the requirements of Chapter 11 (Streets) of the Municipal Code.

M. The width and location of any proposed new streets or public improvements or open space within the subject property that are shown upon the official map or the comprehensive plan, if any.

N. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the municipality of all public ways and 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 managed and maintained shall be submitted. These may include homeowners’ association by laws and condominium declarations. If proposed streets and/or open spaces 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 to convey title shall be included.

O. The boundaries of any flood hazard areas and the 100-year flood elevation as depicted on the municipality’s Flood Insurance Rate Map, shall be delineated on the plan.

P. The location and method of disposal for land clearing and construction debris.

Sec. 12-16. Required Submissions for which a Waiver May be Granted

The final plan shall also include or be accompanied by the following information, unless a waiver is requested and granted pursuant to Article 12, Waivers:

A. An erosion and sedimentation control plan prepared in accordance with the Maine Erosion and Sediment Control Handbook for Construction, Best Management Practices, published by the Maine Department of Environmental Protection and the Cumberland County Soil and Water Conservation District, 1991. The Planning Board may waive submission of the erosion and sedimentation control plan only if the subdivision is not in the watershed of a great pond, and upon a finding that the proposed subdivision will not involve road construction or grading which changes drainage patterns and if the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.

B. A stormwater management plan, prepared by a registered professional engineer in accordance with the most recent edition of Stormwater Management for Maine: BMPS Technical Design Manual, published by the Maine Department of Environmental Protection, 2006. Another methodology may be used if the applicant can demonstrate it is equally applicable to the site. The Planning Board may waive submission of the stormwater management plan only if the subdivision is not in the watershed of a great pond, and upon a finding that the proposed subdivision will not involve road construction or grading which changes drainage patterns and if the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.

C. If any portion of the proposed subdivision is in the direct watershed of a great pond, and meets the criteria of section 12-34.C, the following shall be submitted or indicated on the
plan:


(2) A long-term maintenance plan for all phosphorus control measures.

(3) The contour lines shown on the plan shall be at an interval of no less than five feet.

(4) Areas with sustained slopes greater than 25% covering more than one acre shall be delineated.

Sec. 12-17. Final Approval and Filing

A. No plan shall be approved by the Planning Board as long as the applicant(s) is/are in violation of the provisions of a previously approved Plan within the municipality.

B. Upon findings of fact and determination that all standards in Title 30-A M.R.S.A., §4404, and this ordinance have been met, and upon voting to approve the subdivision, the Planning Board shall sign the final plan. The Planning Board shall specify in writing its findings of facts and reasons for any conditions or denial. One copy of the signed plan shall be retained by the Planning Board as part of its permanent records. One copy of the signed plan shall be forwarded to the tax assessor. One copy of the signed plan shall be forwarded to the code enforcement officer. Any subdivision not recorded in the Kennebec County Registry of Deeds within ninety days of the date upon which the plan is approved and signed by the Planning Board shall become null and void.

C. At the time the Planning Board grants final plan approval, it may permit the Plan to be divided into two or more sections subject to any conditions the Planning Board deems necessary in order to ensure the orderly development of the Plan. If any municipal or quasi-municipal department head notified of the proposed subdivision informs the Planning Board that their department or district does not have adequate capital facilities to service the subdivision, the Planning Board shall require the plan to be divided into two or more sections subject to any conditions the Planning Board deems necessary in order to allow the orderly planning, financing and provision of public services to the subdivision. If the expansion, addition or purchase of the needed facilities is included in the municipality's capital improvements program, the time period of the phasing shall be no longer than the time period contained in the capital improvements program for the expansion, addition or purchase.

D. 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 a revised final plan is first submitted and the Planning Board approves any modifications, in accordance with Article 8. The Planning Board shall make findings that the revised plan meets the criteria of Title 30-A M.R.S.A., §4404, and the standards of this ordinance. In the event that a Plan is recorded without complying with this requirement, it shall be considered null and void, and the Planning Board shall institute proceedings to have the plan stricken from the records of the Registry of Deeds.
E. The approval by the Planning 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 Planning Board shall require the plan to contain appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the municipal officers covering future deed and title dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.

F. Except in the case of a phased development plan, failure to complete substantial construction of the subdivision within five years of the date of approval and signing of the plan shall render the plan null and void. Upon determining that a subdivision's approval has expired under this paragraph, the Planning Board shall have a notice placed in the Registry of Deeds to that effect.

ARTICLE 8 - REVISIONS TO APPROVED PLANS

Sec. 12-18. Procedure

A request to be placed on the Planning Board's agenda for a revision to a previously approved plan should be submitted at least 15 days prior to a scheduled meeting of the Planning Board. If the revision involves the creation of additional lots or dwelling units, the procedures for preliminary plan approval should be followed. If the revision involves only modifications of the approved plan, without the creation of additional lots or dwelling units, the procedures for final plan approval should be followed.

Sec. 12-19. Submissions

The applicant shall submit a copy of the approved plan as well as nine (9) copies of the proposed revisions. The application shall also include enough supporting information to allow the Planning Board to make a determination that the proposed revisions meet the standards of this ordinance and the criteria of the statute. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the title of the subdivision and the book and page or cabinet and sheet on which the original plan is recorded at the Registry of Deeds.

Sec. 12-20. Scope of Review

The Planning Board's scope of review shall be limited to those portions of the plan which are proposed to be changed.

ARTICLE 9 – INSPECTIONS AND ENFORCEMENT

Sec. 12-21. Inspection of Required Improvements
A. At least five days prior to commencing construction of required improvements, the subdivider or builder shall:

1. Notify the code enforcement officer in writing of the time when (s)he proposes to commence construction of such improvements, so that the municipal officers can arrange for inspections to assure that all municipal specifications, requirements, and conditions of approval are met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.

2. Deposit with the municipal officers a check for the amount of 2% of the estimated costs of the required improvements to pay for the costs of inspection. If upon satisfactory completion of construction and cleanup there are funds remaining, the surplus shall be refunded to the subdivider or builder as appropriate. If the inspection account shall be drawn down by 90%, the subdivider or builder shall deposit an additional 1% of the estimated costs of the required improvements.

B. 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, the inspecting official shall so report in writing to the municipal officers, Planning Board, and the subdivider and builder. The municipal officers shall take any steps necessary to assure compliance with the approved plans.

C. If at any time it appears necessary or desirable to modify the required improvements before or during the construction of the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the Planning Board. Revised plans shall be filed with the Planning Board. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 1%, etc., the subdivider shall obtain permission from the Planning Board to modify the plans in accordance with Article 8.

D. At the close of each summer construction season the Town shall, at the expense of the subdivider, have the site inspected by a qualified individual. By October 1 of each year during which construction was done on the site, the inspector shall submit a report to the Planning Board based on that inspection, addressing whether storm water and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate. The report shall also include a discussion and recommendations on any problems which were encountered.

E. Prior to the sale of any lot, the subdivider shall provide the Planning Board with a letter from a professional land surveyor, stating that all monumentation shown on the plan has been installed.

F. Upon completion of street construction and prior to a vote by the municipal officers to submit a proposed public way to a town council, a written certification signed by a professional engineer shall be submitted to the municipal officers at the expense of the applicant, certifying that the
proposed public way meets or exceeds the design and construction requirements of the Town of Winslow. 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. "As built" plans shall be submitted to the municipal officers.

G. The subdivider shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the municipality or control is placed with a lot owners’ association.

Sec. 12-22. Violations and Enforcement

A. 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 Planning Board in accordance with this ordinance.

B. A person shall not convey, offer or agree to convey any land in a subdivision which has not been approved by the Planning Board and recorded in the Registry of Deeds.

C. A person shall not sell, lease or otherwise convey any land in an approved subdivision which is not shown on the plan as a separate lot.

D. No public utility, water district, sanitary district or any utility company of any kind shall serve any lot in a subdivision for which a final plan has not been approved by the Planning Board.

E. Development of a subdivision without Planning Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land or lots, or construction of buildings which require a plan approved as provided in this ordinance and recorded in the Registry of Deeds.

F. No lot in a subdivision may be sold, leased, or otherwise conveyed before the street upon which the lot 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.

G. Violations of the above provisions of this section are a nuisance and shall be punished in accordance with the provisions of Title 30-A M.R.S.A., §4452.

ARTICLE 10 - PERFORMANCE & DESIGN STANDARDS

The performance and design standards in this article are intended to clarify and expand upon the statutory review criteria found in Article 1, section 12-2. In reviewing a proposed subdivision, the Planning Board shall review the application for conformance with the following performance and design standards and make findings that each has been met prior to the approval of a final plan. In all instances, the burden of proof shall be upon the applicant to present adequate information to indicate all performance and design standards and statutory criteria for approval have been or will be met.
Sec. 12-23. Basic Subdivision Layout

A Blocks.

Where street lengths exceed 1,000 feet between intersections with other streets, the Planning Board may require a utility/pedestrian easement, at least 20 feet in width, to provide for underground utility crossings and/or a pedestrian pathway of at least five feet in width constructed in accordance with the design standards for sidewalks found in Chapter 11 (Streets) of the Municipal Code of Winslow. Maintenance obligations of the easement shall be included in the written description of the easement.

B. Lots.

1. All lots must meet the requirements of Chapter 14 (Zoning) of the Municipal Code of Winslow.
2. Wherever possible, side lot lines shall be perpendicular to the street.
3. The subdivision of tracts into parcels with more than twice the required minimum lot size shall be laid out in such a manner as either to provide for or preclude future division. Deed restrictions and notes on the plan shall either prohibit future divisions of the lots or specify that any future division shall constitute a revision to the plan and shall require approval from the Planning Board, subject to the criteria of the subdivision statute, the standards of this ordinance and conditions placed on the original approval.
4. If a lot on one side of a stream (as defined in the DEP Minimum Shoreland Zoning Guidelines), tidal water, or road fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the stream, tidal water, or road to meet the minimum lot size.
5. The ratio of lot length to width, outside of the shoreland zone, shall not be more than three to one. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480-B, none of these lots shall have a lot depth to shore frontage ratio greater than 5 to 1.
6. In areas served by a postal carrier, lots shall be numbered in such a manner as to facilitate mail delivery. Even numbers shall be assigned to lots on one side of the street, and odd numbers on the opposite side. Where the proposed subdivision contains the extension of an existing street or street approved by the Board, but not yet constructed, the lot numbers shall correspond with the existing lot numbers. The lot numbering shall be reviewed by the E-911 Addressing Officer and the comments shall be considered by the Planning Board.

C. Monuments.

1. Stone or precast concrete monuments shall be set at all street intersections and points of curvature, but no further than 750 feet apart along street lines without curves or intersections.
2. Stone or precast concrete monuments shall be set at all corners and angle points of the subdivision boundaries where the interior angle of the subdivision boundaries is 135° or less.

3. Stone or concrete monuments shall be a minimum of four inches square at the top and three feet in length, and set in the ground at final grade level. After they are set, drill holes 1/2 inch deep shall locate the point or points described above.

4. All other subdivision boundary corners and angle points, as well as all lot boundary corners and angle points shall be marked by suitable monumentation, as required by the Maine Board of Registration of Land Surveyors.

Sec. 12-24. Sufficient Water

A. Water Supply.

1. Any subdivision within the area designated in the comprehensive plan for future public water supply service should, where practical, make provisions for connection to the public system. The Planning Board shall individually review each subdivision in this category, to determine whether it is practical to connect to the public water system. A proposed subdivision shall not generate a demand on the source, treatment facilities or distribution system of the Kennebec Water District beyond the capacity of those system components, considering improvements that are planned to be in place prior to occupancy of the subdivision. The applicant shall be responsible for paying the costs of system improvements to the Water District's system as necessary in order to facilitate connection.

2. When a subdivision is to be served by a public water system, the complete supply system within the subdivision including fire hydrants shall be installed at the expense of the applicant. The size and location of mains, gate valves, hydrants, and service connections shall be reviewed and approved in writing by the Kennebec Water District, Winslow Fire Chief and Winslow Town Council. Fire hydrants connected to a public water supply system shall be located no further than 500 feet from any building.

3. When a proposed subdivision is not within the area designated for public water supply service in the comprehensive plan, water supply shall be from individual wells or a private community water system.
   a. Individual wells shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface waste water disposal systems and other sources of potential contamination.
      (1) Due to the increased chance of contamination from surface water, dug wells shall be prohibited on lots of smaller than one acre. On lots of one acre or smaller, the applicant shall prohibit dug wells by deed restrictions and a note on the plan. This restriction does not include drilled wells.
      (2) Neither dug nor drilled wells shall be constructed within 100 feet of the traveled way of any arterial street, or within 50 feet of the traveled way of any other street. This restriction shall be included as a note on the plan and deed restriction to the effected lots.
   b. Lot design shall permit placement of wells, subsurface waste water disposal areas, and reserve sites for subsurface waste water disposal areas in compliance with the Maine Subsurface Wastewater Disposal Rules and the
Well Drillers and Pump Installers Rules.

c. If a central water supply system is provided by the applicant, the location and protection of the source, the design, construction and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144A C.M.R. 231).

B. Water Quality.
Water supplies shall meet the primary drinking water standards contained in the Maine Rules Relating to Drinking Water. If existing water quality contains contaminants in excess of the secondary drinking water standards in the Maine Rules Relating to Drinking Water, that fact shall be disclosed in a note on the plan to be recorded in the Registry of Deeds.

Sec. 12-25. Erosion and Sedimentation and Impact on Water Bodies

A. The proposed subdivision shall prevent soil erosion and sedimentation from entering waterbodies, wetlands, and adjacent properties.
B. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.
C. Cutting or removal of vegetation along waterbodies shall not increase water temperature or result in shoreline erosion or sedimentation.
D. Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.

Sec. 12-26. Sewage Disposal

A. Public System.
1. Any subdivision within the area designated in the comprehensive plan for future public sewage disposal service should, where practical, make provisions for connection to the public system. The Planning Board shall individually review each subdivision in this category, to determine whether it is practical to connect to the public sewage system. A proposed subdivision shall not generate a demand on the treatment facilities or distribution system of Winslow's sewage system beyond the capacity of those system components, considering improvements that are planned to be in place prior to occupancy of the subdivision. The applicant shall be responsible for paying the costs of system improvements to the system as necessary in order to facilitate connection.
2. When a subdivision is proposed to be served by the public sewage system, the complete collection system within the subdivision, including manholes and pump stations, shall be installed at the expense of the applicant.
3. The Winslow Public Works Director shall certify that providing service to the proposed subdivision is within the capacity of the system's existing collection and treatment system or improvements planned to be complete prior to the construction of the subdivision.
4. The Winslow Public Works Director shall review and approve the construction drawings for the sewerage system. The size and location of laterals, collectors,
manholes, and pump stations shall be reviewed and approved in writing by the Winslow Public Works Director.

B. Private Systems.
1. Sewage disposal shall be private subsurface waste water disposal systems or a private treatment facility with surface discharge, licensed by the Department of Environmental Protection.
2. The applicant shall submit evidence of site suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.
   a. The site evaluator shall certify in writing that all test pits which meet the requirements for a new system represent an area large enough to a disposal area on soils which meet the Disposal Rules.
   b. On lots in which the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted in the deed so as not to be built upon.
   c. In no instance shall a disposal area be on a site which requires a New System Variance from the Subsurface Wastewater Disposal Rules.

Sec. 12-27. Solid Waste

If the additional solid waste from the proposed subdivision exceeds the capacity of the municipal solid waste facility, causes the municipal facility to no longer be in compliance with its license from the Department of Environmental Protection, or causes the municipality to exceed its contract with a non-municipal facility, the applicant shall make alternate arrangements for the disposal of solid waste. The alternate arrangements shall be at a disposal facility which is in compliance with its license. The Planning Board may not require the alternate arrangement to exceed a period of five years.

Sec. 12-28. Impact on Natural and Historic Resources

A. Preservation of Natural Beauty and Aesthetics.
   1. The plan shall, by notes on the final plan and deed restrictions, limit the clearing of trees to those areas designated on the plan.
   2. The Planning Board may require the application to include a landscape plan that will show the replacement of trees and vegetation, and graded contours.
   3. When a proposed subdivision contains a ridge line identified in the comprehensive plan as a visual resource to be protected, the plan shall restrict tree removal and prohibit building placement within 50 feet vertical distance of the ridge top. These restrictions shall appear as notes on the plan and as covenants in the deed.

B. Retention of Open Spaces and Natural or Historic Features.
   1. If any portion of the subdivision is located within an area designated by the comprehensive plan as open space or greenbelt, that portion shall be reserved for open space preservation.
2. If any portion of the subdivision is located within an area designated as a unique natural area by the comprehensive plan or the Maine Natural Areas Program the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.

3. If any portion of the subdivision is designated a site of historic or prehistoric importance by the comprehensive plan, National Register of Historic Places, or the Maine Historic Preservation Commission, appropriate measures for the protection of the historic or prehistoric resources shall be included in the plan. The Planning Board shall seek the advice of the Maine Historic Preservation Commission in reviewing such plans.

C. Protection of Important Shoreland Areas.
Refer to the Shoreland Zoning Ordinance. Whenever there is a conflict between the requirements of this section and the Shoreland Zoning Ordinance, the more strict version shall apply.

1. Any existing public rights of access to the shoreline of a water body shall be maintained by means of easements or rights-of-way, or should be included in the open space with provisions made for continued public access.

D. Reservation or Dedication and Maintenance of Open Space and Common Land, Facilities and Services.

1. All open space common land, facilities and property shall be owned by one or more of the following:
   a. The owners of the lots or dwelling units by means of a lot owners' association;
   b. An association which has as its principal purpose the conservation or preservation of land in essentially its natural condition; or
   c. The municipality.

2. Further subdivision of the common land or open space and its use for other than non-commercial recreation, agriculture, 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. When open space is to be owned by an entity other than the municipality, there shall be a conservation easement deeded to the municipality prohibiting future development.

3. The common land or open space shall be shown on the final plan with appropriate notations on the plan to indicate:
   a. It shall not be used for future building lots; and
   b. Which portions of the open space, if any, may be dedicated for acceptance by the municipality.

4. The final plan application shall include the following:
   a. Covenants for mandatory membership in the lot owners' association setting forth the owners' rights, interests, and privileges in the association and the common property and facilities, to be included in the deed for each lot or dwelling.
   b. Draft articles of incorporation of the proposed lot owners' association as a not-for-profit corporation; and
c. Draft by-laws of the proposed lot owners’ association specifying the responsibilities and authority of the association, the operating procedures of the association and providing for proper capitalization of the association to cover the costs of major repairs, maintenance and replacement of common facilities.

These documents shall provide for the following:

1. The homeowners' association shall have the responsibility of maintaining the common property or facilities.
2. The association shall levy annual charges against all owners of lots or dwelling units to defray the expenses connected with the maintenance, repair and replacement of common property and facilities and tax assessments.
3. The association shall have the power to place a lien on the property of members who fail to pay dues or assessments.
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. Such determination shall be made by the Planning Board upon request of the lot owners' association or the developer.

Sec. 12-29. Conformance with Zoning and Other Land Use Ordinances

All lots shall meet the minimum dimensional requirements of Chapter 14 (Zoning) of the Municipal Code of Winslow. The proposed subdivision shall meet all applicable performance standards or design criteria from the zoning ordinance and other land use ordinances.

Sec. 12-30. Financial and Technical Capacity

A. Financial Capacity.
The applicant shall have adequate financial resources to construct the proposed improvements and meet the criteria of the statute and the standards of this ordinance. When the applicant proposes to construct the buildings as well as the subdivision improvements, the applicant shall have adequate financial resources to construct the total development. In making the above determinations the Planning Board shall consider the proposed time frame for construction and the effects of inflation.

B. Technical Ability.
1. The applicant shall retain qualified contractors and consultants to supervise, construct and inspect the required improvements in the proposed subdivision.
2. In determining the applicant's technical ability the Planning Board shall consider the applicant's previous experience, the experience and training of the applicant's consultants and contractors, and the existence of violations of previous approvals granted to the applicant.

Sec. 12-31. Impact on Ground Water Quality or Quantity

A. Ground Water Quality.
1. When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:
a. A map showing the basic soils types.
b. The depth to the water table at representative points throughout the subdivision.
c. Drainage conditions throughout the subdivision.
d. Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.
e. An analysis and evaluation of the effect of the subdivision on ground water 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, or at the subdivision boundaries; or at a distance of 1,000 feet from potential contamination sources, whichever is a shortest distance.
f. A map showing the location of any subsurface waste water disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.

2. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).

3. No subdivision shall increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards. No subdivision shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.

4. If ground water contains contaminants in excess of the primary standards, and the subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.

5. If ground water contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.

6. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells or other measures to reduce ground water contamination and protect drinking water supplies are recommended in the assessment, those standards shall be included as a note on the final plan, and as restrictions in the deeds to the affected lots.

B. Ground Water Quantity.

1. Ground water withdrawals by a proposed subdivision shall not lower the water table beyond the boundaries of the subdivision.

2. A proposed subdivision shall not result in a lowering of the water table at the subdivision boundary by increasing runoff with a corresponding decrease in infiltration of precipitation.

Sec. 12-32. Floodplain Management

When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency, it shall comply with the requirements of Chapter 6 (Floodplain Management) of the Municipal Code of Winslow.
Sec. 12-33. Identification of Freshwater Wetlands, Rivers, Streams or Brooks

Freshwater wetlands within the proposed subdivision shall be identified in accordance with the *1987 Corps of Engineers Wetland Delineation Manual*, published by the United States Army Corps of Engineers. Any rivers, streams, or brooks within or abutting the proposed subdivision shall be identified.

Sec. 12-34. Stormwater Management

A. For subdivisions that require a DEP review under the Site Location of Development Act (SLDA), a stormwater management plan shall be submitted which complies with the SLDA permit and the requirements of DEP Chapter 500 Stormwater Regulations.

B. For subdivisions that do not require a SLDA permit, but require a DEP permit under the Stormwater Law, a stormwater management plan shall be submitted which complies with the requirements of DEP Chapter 500 Stormwater Regulations.

C. For subdivisions within the watershed of a Great Pond, containing:
   1. five or more lots or dwelling units created within any five-year period; or
   2. any combination of 800 linear feet of new or upgraded driveways and/or streets;

D. The Planning Board may require a hydrologic analysis for any site in areas with a history of flooding or in areas with a potential for future flooding, associated with cumulative impacts of development. This hydrologic analysis would be in the form of a “Downstream Analysis” under conditions of the 10-year, 24-hour storm and the 25-year, 24-hour storm, and the 100-year, 24-hour storm, as described below:

Downstream Analysis Methodology

The criteria used for the downstream analysis is referred to as the “10% rule.” Under the 10% rule, a hydrologic and hydraulic analysis for the 10-year, 24 hour storm and the 25-year, 24-hour storm, and the 100-year, 24-hour storm is extended downstream to the point where the site represents 10% of the total drainage area. For example, a 10-acre site would be analyzed to the point downstream with a drainage area of 100 acres. This analysis should compute flow rates and velocities downstream to the location of the 10% rule for present conditions and proposed conditions. If the flow rates and velocities increase by more than 5% and/or if any existing downstream structures are impacted, the designer should redesign and incorporate detention facilities.
Sec. 12-35. Traffic Conditions and Streets

A. General Standards
The proposed subdivision shall comply with the requirements of Chapter 11 (Streets) of the Municipal Code of Winslow.

1. The subdivision transportation system shall provide safeguards against hazards to vehicles, bicyclists and pedestrians in interior subdivision streets and access connections to external streets;
2. The subdivision transportation system shall have design standards that avoid traffic congestion on any street;
3. The subdivision transportation system shall provide safe and convenient circulation for vehicles, bicyclists and pedestrians on interior subdivision streets and access connections to external streets;
4. The subdivision transportation system shall have design standards that are compatible with the estimated Average Annual Daily Traffic of the street, the land uses accommodated by the street, and the lot density of the street; and
5. The subdivision transportation system shall have a positive relationship to the natural setting of the proposed subdivision site.

ARTICLE 11 – PERFORMANCE GUARANTEES

Sec. 12-36. Types of Guarantees

With submittal of the application for final plan approval, the applicant 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-span of the construction schedule and the inflation rate for construction costs:

A. Either a certified check payable to the municipality or a savings account or certificate of deposit naming the municipality as owner, for the establishment of an escrow account;
B. A performance bond payable to the municipality issued by a surety company, approved by the municipal officers, or town manager; or
C. An irrevocable letter of credit (see Appendix A for a sample) from a financial institution establishing funding for the construction of the subdivision, from which the Municipality may draw if construction is inadequate, approved by the municipal officers, or town manager.

The conditions and amount of the performance guarantee shall be determined by the Planning Board with the advice of the municipal engineer, road commissioner, municipal officers, and/or municipal attorney.

Sec. 12-37. 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 applicant will be in default and the municipality shall have access to the funds to finish construction.

Sec. 12-38. Escrow Account

A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the applicant, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the applicant unless the municipality has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required improvements.

Sec. 12-39. 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 applicant, and the procedures for collection by the municipality. The bond documents shall specifically reference the subdivision for which approval is sought.

Sec. 12-40. Letter of Credit

An irrevocable letter of credit from a bank or other lending institution with offices in the region shall indicate that funds have been set aside for the construction of the subdivision for the duration of the project and may not be used for any other project or loan.

Sec. 12-41. Phasing of Development

The Planning Board may approve plans to develop a major subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

Sec. 12-42. Release of Guarantee

Prior to the release of any part of the performance guarantee, the Planning Board shall determine to its satisfaction, in part upon the report of the municipal engineer or other qualified individual retained by the municipality and any other agencies and departments who may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion or phase of the subdivision for which the release is requested.

Sec. 12-43. Default
If upon inspection, the municipal engineer or other qualified individual retained by the
municipality finds that any of the required improvements have not been constructed in
accordance with the plans and specifications filed as part of the application, he or she shall
so report in writing to the code enforcement officer, the municipal officers, the Planning
Board, and the applicant or builder. The municipal officers shall take any steps necessary
to preserve the municipality's rights.

Sec. 12-44. Improvements Guaranteed

Performance guarantees shall be tendered for all improvements required to meet the
standards of this ordinance and for the construction of the streets, storm water
management facilities, public sewage collection or disposal facilities, public water systems,
and erosion and sedimentation control measures.

ARTICLE 12 - WAIVERS

Sec. 12-45. Waivers of Certain Submission Requirements Authorized

Where the Planning Board makes written findings of fact that there are special
circumstances of a particular parcel proposed to be subdivided, or that the application is
simple and minor in nature, it may waive portions of the submission requirements, unless
prohibited by this ordinance or Maine statutes, provided the applicant has demonstrated
that the performance standards of this ordinance and the criteria of the subdivision statute
have been or will be met, 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 comprehensive
plan, the zoning ordinance, or this ordinance.

Sec. 12-46. Waivers of Certain Improvements Authorized

Where the Planning 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 or 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, provided the waivers do not have the effect of nullifying the intent
and purpose of the comprehensive plan, the zoning ordinance, or this ordinance, and
further provided the performance standards of this ordinance and the criteria of the
subdivision statute have been or will be met by the proposed subdivision.

Sec. 12-47. Waiver of Procedural Steps

The Planning Board may allow an applicant to combine the final plan and preliminary plan
application steps into one procedure, upon making all of the following written findings of fact:

1. No new streets are proposed;
2. No approvals are required from the Maine Department of Environmental Protection
   under the Site Location of Development Act, Stormwater Law, or Natural Resources
   Protection Act, other than a "Permit by Rule;"
3. The Planning Board agrees to approve a waiver from the requirement to submit a stormwater management plan and sedimentation and erosion control plan, as ordinarily required by Articles 6 or 7; and

4. The application contains all other applicable submissions required for both the preliminary and final plan steps, except for those items for which a waiver of a required submission has been requested and granted.

Sec. 12-48. Conditions for Waivers

Waivers may only be granted in accordance with Sections 12-45, 12-46 and 12-47. When granting waivers, the Planning Board shall set conditions so that the purposes of this ordinance are met.

Sec. 12-49. Waivers to be shown on final plan

When the Planning Board grants a waiver to any of the improvements required by this ordinance, the final plan, to be recorded at the Registry of Deeds, shall indicate the waivers granted and the date on which they were granted.

ARTICLE 13 - APPEALS

Sec. 12-50. Appeals to Superior Court

An aggrieved party may appeal any decision of the Planning Board under this ordinance to Kennebec County Superior Court, within thirty days of the date the Planning Board issues a written order.

(Ord. No. 02-2004, 5-10-04; Ord. No. 4-2005, 6-13-05; Ord. No. 8-2007, 7-9-07)
Chapter 13: VEHICLES AND TRAFFIC*

Article 1. Parking Restrictions

Sec. 13-1. Title, purpose, and definitions

Sec. 13-2. Authority to restrict parking

Sec. 13-3. Stopping, standing or parking prohibited in specified areas

Sec. 13-4. Restricted parking on narrow streets

Sec. 13-5. Restricted parking, certain vehicles

Sec. 13-6. Motor vehicles prohibited in parks and recreational areas

Sec. 13-7. Parking of vehicles during winter months

Sec. 13-8. Obstructing public snow removal; towing of vehicles

Sec. 13-9. Handicapped parking

Sec. 13-10. Penalties, authority to remove vehicles; authority to impound vehicles for failure to pay fines

Article 2. Snow Removal

Sec. 13-11. Snow removal from private places

Sec. 13-12. Penalty

Article 3. Miscellaneous Vehicle and Traffic Restrictions

Sec. 13-13. Vehicles transporting waste and refuse

Sec. 13-14. Prohibition concerning advertising matter placed on motor vehicles

Sec. 13-15. Parking and traffic restrictions on North Garand Street and Boston Avenue

Sec. 13-16. Parking Ban on Clinton Avenue
ARTICLE 1. PARKING RESTRICTIONS

Sec. 13-1. Title, purpose, and definitions.

(a) Title. Chapter 13 of the Municipal Code of Winslow, Maine shall be known and may be cited as the "Traffic and Parking Ordinance of the Town of Winslow."

(b) Purpose. The purpose of this chapter is to regulate traffic, parking, and the use of the streets, ways, and roads of the Town of Winslow, and to provide for the enforcement of such for the public health, safety, convenience and welfare.

(c) Definitions.

(1) Vehicle: Shall mean every device in, upon, or by which any person or property is or may be transported upon a street, way, or road except devices moved by human power, or used exclusively on tracks or skis.

(2) Park: Shall mean the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

(3) Standing: Shall mean any stopping of a vehicle, whether occupied or not.

(4) Streets, ways, or roads: Shall mean the entire width between property lines or every way or place of whatever nature when any part thereof is owned by the Town of Winslow and open to the use of the public for vehicular traffic.

(5) Roadway: Shall mean that portion of a street, way or road designated or ordinarily used for vehicular traffic.

(6) Person: Shall mean every natural person, firm, agency, co-partnership, association, company, entity, or corporation.

(7) All-night parking: Shall mean parking for a period of time between the hours of 12:00 a.m. and 6:00 a.m. of the day, during such period of the year as specified herein. Physicians or emergency personnel on bona fide emergency calls are exempt from this provision.

(8) Official traffic-control devices, signs: Shall mean all signals, signs, markings, and devices placed or erected by authority of the town council or public official having jurisdiction for the purpose of regulating, warning, or guiding parking or traffic.
Sec. 13-2. Authority to restrict parking.

(a) The chief of police for the purpose of and based on the public health, safety, welfare, and convenience, is authorized to designate crosswalks and safety zones for pedestrians and inform the director of public works who shall be responsible for installing and maintaining appropriate signs and/or devices indicating the type of such areas or zones.

(b) The town council shall designate intersections along streets, ways, and roads as areas to "Yield" and to cause appropriate signs to be installed designating such.

(c) The town council shall, for the purpose of and based on the public health, safety, welfare, and convenience, restrict parking in certain areas along streets, ways, and roads and, except regarding parking of vehicles during winter months, shall direct the director of public works to install and maintain appropriate signs and/or devices indicating such.

Sec. 13-3. Stopping, standing or parking prohibited in specified areas.

No person shall leave any motor vehicle stopped, standing or parked, except when necessary to avoid conflict with other traffic or in compliance with law or at the direction of a police officer, in any of the following places:

(1) On a sidewalk;

(2) Across the front of a private or public driveway;

(3) Within a minimum of fifteen (15) feet of an intersection;

(4) In a properly marked loading zone, unless authorized for loading and unloading;

(5) Alongside or opposite a street or highway excavation;

(6) Within fifteen (15) feet on either side of a fire hydrant;

(7) Blocking entrance to fire station; and

(8) At any place where official signs prohibit parking or standing.
Sec. 13-4. Restricted parking on narrow streets.

(a) There shall be no parking upon any street when the width of the roadway does not exceed twenty (20) feet, or upon one side of a street indicated by such signs when the width of the roadway does not exceed thirty (30) feet.

(b) When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign.

Sec. 13-5. Restricted parking, certain vehicles.

It shall be unlawful to leave parked or standing any vehicle or combination of vehicles in excess of twenty-five (25) feet in length on any street, way or road designated by the town council. Vehicles engaged in the delivery of or picking up merchandise are exempted from this section provided that they are so parked as to not interfere with traffic flow.

Sec. 13-6. Motor vehicles prohibited in parks and recreational areas.

Motor vehicles, including all types of motor-driven cycles, shall be prohibited from operation on any town-owned and town-operated parks and other town-operated recreational areas, including school recreational areas, except public maintenance and construction vehicles. Parking in town-owned or town-operated recreational areas shall be permitted only in such areas reserved for use as parking areas.

Sec. 13-7. Parking of vehicles during winter months.

No vehicle except ambulances, fire trucks, police vehicles, public works, or public utilities vehicles, or any other vehicle in an emergency, shall be parked on any public streets, ways, or roads in the town from the hours of 12:00 a.m. to 7:00 a.m. each year from November 15 to April 15 of the following year. Notice of this section shall be published each year in a newspaper of general circulation within the Town of Winslow.

(a) Any police officer of the town may cause any vehicle on any public street, way, or road, which interferes with or hinders the removal of snow from any public place, or the safe or convenient movement of traffic during public snow removal, to be removed from the street, way, or road and placed in a suitable parking area at the expense of the owner of such vehicle. Neither the State of Maine or the Town of Winslow nor any officer, official, or employee of the Town of Winslow shall be liable for any damages that may be caused by such removal of any such vehicle.

(b) The Winslow police department shall remove any such motor vehicle illegally parked pursuant to this section by a duly licensed wrecker, and the costs, and expenses of the removal of such motor vehicle shall be at the expense of the owner.

(c) The owner of such illegally parked motor vehicle pursuant to this section may obtain possession of such vehicle after removal, only upon payment of all costs and expenses of such removal, plus the payment of all parking fines and other civil penalties pursuant to the applicable penalty provisions.

(Ord. No. 7-1986, 12-8-86)


(a) No person shall park a vehicle in a parking space designated for use by handicapped persons unless such vehicle displays a special registration plate or placard issued pursuant to Section 252 of Title 29, M.R.S.A., or a similar plate or placard issued by another state.

(b) A public parking space is "designated" for use by handicapped persons if it is marked by a posted sign consisting of a profile view of a wheelchair with occupant in white on blue background and the warning "Handicapped Parking." Such sign must be adjacent to and visible from the parking space it marks.

(c) A parking space on private property is "designated" for use by handicapped persons if it is:

(1) Marked by a sign conforming to the standards set forth in subsection (b) above; and

(2) Identified in a handicapped parking schedule maintained in police department files.

The chief of police, or his designated agent, may enter into agreements with owners of private off-street parking which is opened to the public, to provide for the policing of parking spaces reserved by such owners for use by handicapped persons.

(Ord. No. 7-1986, 12-8-86)
Sec. 13-10. Penalties, authority to remove vehicles; authority to impound vehicles for failure to pay fines.

(a) Any person in violation of any of the provisions of this article shall be subject to a fine of twenty-five dollars ($25.00) payable to the Town of Winslow. If such payment is not made within thirty (30) days after the date of such violation, the fine shall be fifty dollars ($50.00). If the owner of any vehicle in violation of any of the provisions of this article cannot be located, the Winslow police department may cause such vehicle to be removed at the owner’s expense and pursuant to this section.

(b) Any person in violation of the provisions of this article may waive all court action by making payment of such fine as stated by paragraph (a) above to the treasurer of the Town of Winslow within twenty-one (21) days from the date of such violation.

(c) In addition, any vehicle in violation of the provisions of this article, and which has accumulated two (2) or more overdue parking violations after the effective date of this chapter may be removed by the Winslow police department and stored until all fines and penalties for all outstanding violations have been paid, along with all towing and storage charges, pursuant to the following:

(1) Any vehicle in violation of this subsection may be removed from any street, way, or road by the chief of police or his designee or any police officer to a predetermined impoundment location by a towing company and duly licensed wrecker;

(2) The chief of police or his designee or the police officer requesting such removal of such vehicle shall make a reasonable effort to notify the owner that such vehicle has been removed for failure to pay such overdue parking fines. In cases where the registered owner cannot be directly contacted by such member of the police department, the chief of police or his designee shall give notice to such registered owner at his or her last known address as indicated by the motor vehicle records of the Maine Secretary of State, by regular mail, within five (5) days of such removal of such vehicle, which notice shall state the place of storage, the parking violations alleged, the cost of the outstanding parking fines, and a statement that such vehicle cannot be retrieved without a receipt from the treasurer of the Town of Winslow stating that all such outstanding fines have been paid in full. Such person in violation of this article and subject to this subsection must present such receipt for payment in full from the treasurer of the Town of Winslow to the towing company, and shall also furnish to such towing company reasonable proof of ownership or right to possession of such vehicle, and sign a receipt therefor to such towing company before release of such vehicle shall be allowed.
(d) Notwithstanding any other penalty provisions provided by this section, the town council may institute any and all actions and proceedings, either legal or equitable, including seeking injunctions for violations and including the imposition of fines, that may be appropriate or necessary to enforce the provisions of this article in the name of the Town of Winslow and/or to collect or enforce any damages or claims related thereto.

(Ord. No. 7-1986, 12-8-86; Ord. No. 1-2003, 5-12-03)

ARTICLE 2. SNOW REMOVAL

Sec. 13-11. Snow removal from private places.

(a) Snow removal by any person from any private place or private right-of-way shall always be carried out in such a manner so that it shall not interfere with either vehicular or pedestrian traffic in either direction.

(b) Snow removed from any private place or private right-of-way shall not be deposited along the side, in or on, or adjacent to any public place or public street, way, or road so that it impedes public traffic, either vehicular or pedestrian, or causes any public place or public street, way, or road to be obstructed in any manner as to width or length.

(Ord. No. 7-1986, 12-8-86)

Sec. 13-12. Penalty.

Any person or persons who violate this article shall be subject to a fine of not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00) and, notwithstanding any other penalty provisions provided by this section, the town council may institute any and all actions and proceedings, either legal or equitable, including seeking injunctions for violations and including the imposition of fines, that may be appropriate or necessary to enforce the provisions of this article in the name of the Town of Winslow and/or to collect or enforce any damages or claims related thereto.

(Ord. No. 7-1986, 12-8-86)

ARTICLE 3. MISCELLANEOUS VEHICLE AND TRAFFIC RESTRICTIONS


(a) All vehicles of every nature, while transporting any waste, garbage, refuse, rubbish, or waste of whatever kind or nature shall have the same so parked, contained, and covered by a tarpaulin, canvas or other such protection so that
there is no reasonable probability or likelihood that such waste or refuse or any part thereof has, can, or will be scattered or dropped from said vehicle while in transit or upon arrival at any dump or solid waste disposal site used by or authorized for use by the Town of Winslow; and none of any such waste or refuse shall be scattered, dropped, or in any manner deposited on any public or private way or on any public or private property, except with the consent of the owner in accordance with the law and the ordinances and orders of the town. Any dropping or scattering of any of said materials or that such waste or refuse is uncovered as required herein [sic] while in transit or upon arrival at the dump or solid waste disposal site used by or authorized for use by the Town of Winslow shall be prima facie evidence that such materials were improperly packed or contained in said vehicle. Any such vehicle arriving at any dump site or solid waste disposal facility used by or authorized for use by the Town of Winslow which vehicle is carrying any such waste or refuse which is uncovered, as required by this section shall not be allowed to dump its refuse contents.

(b) It shall be the duty of the chief of police and every police officer and the health officer to cause the summons and prosecution of any person failing to comply with the provisions of this section; and every such violation of this section shall further be considered a civil violation subject to a fine of not more than one hundred dollars ($100.00), and may further result in the revocation or suspension of the dumping permit privileges of the vehicle owner or person in violation of this section. Notwithstanding any other penalty provisions provided by this section, the town council may institute any and all actions and proceedings, either legal or equitable, including seeking injunctions for violations and including the imposition of fines, that may be appropriate or necessary to enforce the provisions of this section in the name of the Town of Winslow and/or to collect or enforce any damages or claims related thereto.

(Ord. No. 7-1986, 12-8-86)


(a) No person shall place, leave or attach any pamphlets or advertising matter in, about or upon any motor vehicle not owned by that person while such vehicle is parked on any highway, street, municipality owned parking area, way, road, or any other public place, except that this action shall not apply to traffic tickets, summons or legal notices placed on any such motor vehicle by an officer of the law. "Public place" shall mean a place to which the public at large or a substantial group has access, including but not limited to public ways including any public highway, private way laid out under authority of statute, way dedicated to public use, way upon which the public has a right of access or has access as invitees or licensees, or way under the control of park commissioners or a body having like powers, and public place shall also include but not be limited to schools, government-owned custodial facilities, and parking lots of apartment houses, churches, hotels, public buildings, and transportation terminals.
(b) Any person or persons who violate this section shall be subject to a fine of not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00). Notwithstanding any other penalty provisions provided by this section, the town council may institute any and all actions and proceedings, either legal or equitable, including seeking injunctions for violations and including the imposition of fines, that may be appropriate or necessary to enforce the provisions of this section in the name of the Town of Winslow and/or to collect or enforce any damages or claims related thereto.  

(Ord. No. 7-1986, 12-8-86)

Sec. 13-15. Parking and traffic restrictions on North Garand Street and Boston Avenue.

(a) Effective thirty (30) days from the passage of this section, there will be absolutely no parking on North Garand Street and Boston Avenue commencing at the intersection of Clinton Avenue and those streets, thence north to the intersection of Danielson Street and the above-stated street, with the exception of public service and emergency vehicles.

(b) These parking regulations shall be in effect from 7:00 a.m. to 4:00 p.m., Monday through Friday; and these streets shall be designated as tow-away zones.

(c) Commencing fifteen (15) feet north and on the east side of the intersection of Clinton Avenue and North Garand Street for a distance of fifty (50) feet shall be designated a loading zone only, with no other vehicle traffic allowed other than delivery trucks or vehicles.

(d) Any person or persons parking a vehicle in violation of this section shall be ticketed by any member of the police department, and the violating vehicle shall be removed from the street by a wrecker and placed in a storage area at the owner's expense.

(e) Any person or persons found to be in violation of this section shall be subject to the fines set forth in section 13-10 of the Winslow Town Code.

(Ord. No. 4-1988, 8-8-88)

Sec. 13-16. Parking Ban on Clinton Avenue.

A. There will be absolutely no parking on the south side of Clinton Avenue commencing at the intersection of Monument Street and proceeding west for a distance of two hundred thirty (230) feet.
B. Any person or persons parking a vehicle in violation of this ordinance shall be ticketed by a member of the Winslow Police Department and the violating vehicle shall be removed from the street by a wrecker and placed in a storage area at the owner’s expense.

C. Any person or persons found to be in violation of this ordinance shall be subject to the fines set forth in Sec. 13-10 of the Winslow Town Code.

(Ord. No. 1-2003, 5-12-03)
Chapter 14 ZONING*

Cross reference(s)—Building, Ch. 4; mobile homes, Ch. 7; sewers, Ch. 10; streets, Ch. 11; subdivisions, Ch. 12.

State law reference(s)—Authority of town to zone land, 12 M.R.S.A., § 4812, 30 M.R.S.A., § 4961 et seq.

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Sec. 14-1. Short Title

This Chapter, and accompanying Official Zoning Maps, shall be known as and may be cited as the "Zoning Ordinance for the Town of Winslow, Maine" or as this "Chapter".

Sec. 14-2. Purpose of Chapter

(a) This Chapter is designed to:
   (1) Encourage the most appropriate use of land throughout the town.
   (2) Promote traffic safety.
   (3) Provide safety from fire and other elements.
   (4) Prevent overcrowding of real estate.
   (5) Promote a wholesome environment.
   (6) Prevent housing development in unsuitable areas.
   (7) Provide an adequate street system.
   (8) Promote the coordinated development of unbuilt areas.
   (9) Promote an allotment of land area in new developments sufficient for all the requirements of community life.
   (10) Conserve natural resources.
   (11) Provide for adequate public services.
   (12) Provide for adequate light and air.

Sec. 14-3. Jurisdiction

(a) This Chapter shall apply to all real estate within the boundaries of the town.

(b) Real estate used or to be used by a public service corporation shall be wholly or partially exempted from this Chapter only where on petition, notice, and public hearing, the public utilities commission has determined that such exemption is reasonably necessary for public welfare and convenience.

(c) County, municipal governments and districts shall be governed by the provisions of this Chapter.

(d) This Chapter is advisory with respect to the State.

Sec. 14-4. Compliance

No structure, land or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a building permit except minor structures and normal repairs, and without full compliance with the provisions of this Chapter and all other applicable local and State regulations.

Sec. 14-5. Conformance with Chapter Required.
(a) With certain exceptions given in section 14-10, it is required that the following actions shall take place in conformance with this Chapter:

   (1) Reduction of lot size.
   (2) Change of exterior dimensions of any building and structure.
   (3) Structural change of building and structure.
   (4) Conversion of building and structure.
   (5) Reconstruction of disaster damaged building and structure.
   (6) Establishment of new use of land, building and structure.
   (7) Resumption of use of land, building, and structure.
   (8) Change of use of land, building and structure.
   (9) Extension of current use to parts of land, building, and structure currently not in such use.
   (10) Intensification of current use of land, building, and structure.
   (11) Demolition/Removal of buildings or structures

(b) Excepted from this Chapter are: agricultural uses not involving animals and forestry uses.

Sec. 14-6. Relationship to Other Laws.

If any portion of this Chapter shall be held invalid, such decision shall not affect the validity of the remaining portion thereof.

Sec. 14-7. Amendments.

The Town Council shall amend or repeal any section of this Chapter by due procedure of a public hearing held after proper notice. The Town Clerk shall notify the State Planning Office by certified mail of amendments to this Chapter prior to the effective date of such amendments. A file of return receipts from such mailings shall be maintained as a permanent record.


(a) On their own motion, or recommendation of the Planning Board or on petition, the Town Council shall hold a public hearing on a proposed amendment. Notice of such hearing shall be given at least 14 days but no more than 30 days immediately prior to the hearing on the town office bulletin board and published in a newspaper of general circulation in the area.

(b) The Town Council shall also notify the Planning Board at least 14 days before the hearing. Anyone who petitions for a change in this Chapter shall not be charged a fee if the number of petitioners equals at least 10% of the voters who voted in the last gubernatorial election. If the number of petitioners is less than 10%, then the fee shall be $50.00.

(c) The Planning Board shall attend the hearing and shall no later than 45 days after the hearing make its written recommendations to the Town Council.
Sec. 14-9. Interpretation of This Chapter.

In cases where this Chapter may not be entirely clear, it shall be interpreted according to the legislative purpose and intent of the Chapter. In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Maine Statutes.

Any use not so designated as a principal or conditional use for a zoning district shall be prohibited.


(a) Any lot, structure, or use of lot or structure in conflict with this Chapter is termed nonconforming and considered a nuisance except as provided in subsection (b).

(b) Nonconformance may be permitted as explained in the following:

(1) Lot and structure.

a. Any structure legally in existence on March 8, 1999, may continue even if it does not conform to this Chapter, but its nonconformance may not be increased. Note: Any lot or structure constructed, altered or reconstructed before August 12, 1991, which does not meet current front and yard setback requirements shall be treated as nonconforming structure and shall not be subject to any action for violation of the provisions of this Chapter.

b. A nonconforming structure destroyed by disaster may be reconstructed to its original size with respect to total square footage, volume of the structure, height, and the original footprint of the structure within a 2 year period from the date of the disaster.

c. A nonconforming structure may be relocated only to improve conformance to this Chapter.

d. A nonconforming structure and structure receiving nonconforming use may be repaired, moderately altered and improved provided that the existing nonconforming dimensional requirements are not increased.

e. A nonconforming lot legally in existence and which was duly recorded on or before March 8, 1999, and which does not abut one or more lots in the same ownership, may be used and/or built upon provided that all requirements of this Chapter other than those pertaining to lot size and street frontage are met.

If such nonconforming lot abuts one or more lots in the same ownership and these lots are vacant or contain an accessory structure, they shall be combined to the extent necessary to conform to the dimensional requirements of the
district in which they are located.

(2) Use of land and structure

a. Nonconforming use of land or structure legally in existence on March 8, 1999, may continue.

b. A nonconforming use of a lot or structure may be changed to another nonconforming use if it can be manifestly established that such use would constitute lesser nuisance.

c. The same nonconforming use may be resumed after abandonment for less than one year.

Ord. No. 3-1998, 3-8-99

Article 2. Administration
Division 1. Code Enforcement Officer

Sec. 14-11. Enforcement of this Chapter.

The Code Enforcement Officer shall administer and enforce this Chapter.

Sec. 14-12. Duties.

(a) It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Chapter, examine all applications for permits, inspect affected properties, and within 30 days grant written permits to applicants whose application is complete and acceptable according to this Chapter, and written refusals to applicants whose application is not acceptable according to this Chapter. The Code Enforcement Officer shall refer all applications for conditional use to the Planning Board within 30 days.

(b) The Code Enforcement Officer shall maintain a current file of all pertinent local ordinances, regulations, codes, and plans relating to land use regulation including local subdivision plans.

(c) The Code Enforcement Officer or Deputy Code Enforcement Officer shall be present at all meetings of the Planning Board and Board of Appeals and present all pertinent material.

(d) The Code Enforcement Officer shall conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to approval. The Code Enforcement Officer may enter any property at reasonable hours and enter any structure with the consent of the property owner, occupant or agent, to inspect the property or structure for compliance with the provisions set forth in this Chapter. If consent is denied, the Code Enforcement Officer shall obtain an administrative warrant before entering the property.

(a) If the Code Enforcement Officer finds that any provision of this Chapter is being violated, he/she shall immediately notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it.

(b) The Code Enforcement Officer shall order removal of illegal buildings, structures, additions, and alterations as well as discontinuance of illegal use of real estate. The Code Enforcement Officer is authorized to institute or cause to be instituted, in the name of the Town, any and all legal or equitable relief, that may be appropriate or necessary for the enforcement of this Chapter provided, however, that this section shall not prevent any person entitled to equitable relief enjoining any act contrary to the provisions of this Chapter. The Code Enforcement Officer shall give notice of any impending legal action to the Town Council.

(c) The Code Enforcement Officer shall be given access to real estate in the town at reasonable hours as necessary for the enforcement of this Chapter.

(d) Any Person being the owner or occupant of, having control of or use of, any building or premises, or part thereof, who violates any of the provisions of this Chapter shall be guilty of a civil violation and upon conviction thereof, shall be fined not less than $50.00 nor more than $1,000.00. Each day such violation continues shall constitute a separate offense.

Sec. 14-14. Right of Appeal.

(a) Anyone with standing, not satisfied that the Code Enforcement Officer has made a proper decision in regard to permits may bring an appeal for administrative review to the Board of appeals within 45 days from the date of any such final decision by the Code Enforcement Officer.

(b) The Code Enforcement Officer shall refer to the Board Of appeals all requests for a variance and other cases over which the Board of Appeals is given explicit authority by this Chapter.

(c) There shall be a fee of $50.00 to partially cover the cost involved with this appeal. If the final decision for an appeal, not a variance, is in favor of the applicant, the fee will not be refunded.

Division 2. Board of Appeals

See. 14-15. Creation; Composition; Organization; Quorum.

(a) A Board of Appeals is established. The Board of Appeals shall consist of 7 members and 2
associate members to be appointed by the Town Council for a period of up to 5 years.

(b) The Board of Appeals shall annually at the first meeting of January elect one of its members as chairmen and one as secretary.

(c) Four members of the Board of Appeals shall constitute a quorum; two-thirds majority is required for a decision.

Sec. 14-16. Membership; Qualifications; Vacancy; Removal; Compensation.
(a) All members and associate members shall be residents of the Town.

(b) A Municipal Officer may not be a member or an associate member of the Board of Appeals. The associate member shall act, in order of seniority, instead of a member of the Board of Appeals who is unable to act because of a conflict of interest, physical incapacity, or absence.

(c) When there is a permanent vacancy, the Town Council shall appoint a new member for the remainder of the unexpired term.

(d) The Town Council shall, upon public hearing, remove from office members or associate members who have failed to do their duty on the Board of Appeals.

Sec. 14-17. Meetings.
(a) All meetings of the Board of Appeals shall be open to the public. The Board of Appeals shall make electronic recordings or keep minutes of its proceedings, recording vote, failure to vote, and absence of each member. The final disposition of appeals shall be recorded by resolution supported by finding of fact and conclusions of law.

(b) The Board of Appeals shall keep records of its proceedings and official actions. All records of the Board of Appeals shall be public records and shall be immediately filed in the town office.

Sec. 14-18. Authority to Adopt Rules.
The Board of Appeals shall adopt reasonable rules necessary to the conduct of its affairs in accordance with this Chapter.

(a) The Board of Appeals shall hear and decide on appeals concerning alleged errors in any final decision made by the Code Enforcement Officer or Planning Board on applications for conditional uses.

(b) The Board of Appeals shall hear appeals made in accordance with this Chapter within 45 days from filing. The Board of Appeals shall issue its written decision within 7 days from the conclusions of the hearing on the appeal.
The Board of Appeals has only the powers explicitly vested in it by this Chapter.

The Board of Appeals may request a recommendation from the Planning Board in considering variances.

The Board of Appeals may conduct a site visit.

### Sec. 14-20. Appeals Procedure.

(a) Applications to the Board of Appeals consist of the same documents required for building and use permits plus any additional material the Code Enforcement Officer or the Board of Appeals consider relevant to the case.

(b) An appeal to the Board of Appeals may not be repeated within one year of a decision of the Board of Appeals unless there is newly discovered evidence which by due diligence could not have been discovered by the applicant in preparation for the original appeal hearing, and which newly discovered evidence is relevant to the case appealed.

(c) An appeal to the Board of Appeals stays, until the Board of Appeals makes its final decision, all legal proceedings in furtherance of the action appealed from unless the Code Enforcement Officer certifies to the Board of Appeals that by reason of fact stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life and property.

### Sec. 14-21. Appeals to Superior Court.

Appeal from a decision of the Board of Appeals may be taken to the superior court within 30 days after decision.

### Sec. 14-22. Variances

(a) Variance means a relaxation of the terms of this Chapter where such variances are not the result of the actions of the applicant and a literal enforcement of this Chapter would result in unnecessary and undue hardship. A variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of unconformities in the zoning district or adjoining zoning districts.

(1) Upon duly made appeal, the Board of Appeals may grant a variance in cases for which literal enforcement of this Chapter would cause undue hardship. The words "undue hardship" as used in this subsection mean:

(a) The land in question cannot yield a reasonable return unless a variance is granted; and

(b) The need for the variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood; and
(c) The granting of a variance will not alter the essential character of the locality; and

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

(2) No variance shall be given to permit a use otherwise prohibited in the district.

(3) A variance shall be given the same kind of validity as a building permit.

(4) Notice of an appeals hearing before the Board of Appeals for a variance shall be the responsibility of the applicant. The notice shall be sent by certified, return receipt mail to all property owners immediately abutting the affected premises at least 10 days prior to any such appeal hearing. Property owners immediately abutting the site shall mean all parties listed by the Town Tax Assessor as those against whom taxes are assessed and shall further include any property owner immediately opposite on the opposite side of a public or private road from the site or within 500 feet of the property line of the premises being considered for variance, but not including the owner or owners of such public or private road. Failure of any property owner to receive such a notice of an appeal hearing concerning a variance shall not necessitate another hearing or invalidate any action by the Board of Appeals.

Article 3. PERMITS
Division 1. Building and Use Permits

Sec. 14-23. Building Permit Required.

(a) A building permit is the responsibility of the owner or tenant in possession and must be obtained from the Code Enforcement Officer before any of the following may be undertaken:

(1) Reduction of lot size;
(2) Construction of a new building and structure or accessory structure, except minor structure;
(3) Significant intensification of current use of land or structure;
(4) Establishment of new use of land, structure, and building;
(5) Change of exterior dimensions of more than 2 feet of building and structure, or accessory structure;
(6) Structural alterations of building and structure or accessory structure;
(7) Resumption of use of land, building and structure after abandonment;
(8) Resumption of use of land, building, and structure after reconstruction;
(9) Conversion of building and structure or accessory structure;
(10) Reconstruction of disaster-damaged building and structure or accessory structure;
(11) Change of use of land or structure;
(12) Extension of current use to parts of land, building and structure not in such use;
(13) Mineral extraction;
(14) Intensification of the current use of land, building, or structure by any new construction whatsoever;
(15) Relocation of mobile home in mobile home parks;
(16) Placement of a sign;
(17) Construction of piers, docks, wharves, breakwaters, causeways, marinas, bridges, and uses projecting into water bodies;
(18) Construction of public utilities, including sewage and collection and treatment facilities;
(19) Demolition/Removal of buildings or structures;
(20) The following activities when located in the Conservation District: timber harvesting, road construction, agriculture, filling or other earth moving activities of less than 10 cubic yards, public parks and recreation areas, clearing for approved construction, small nonresidential facilities for educational, scientific, or nature interpretation purposes.

(b) This section shall not be construed to require permits for normal maintenance and repair of minor structures.

(c) The following activities do not require a permit:

(1) Agricultural uses not involving animals.

(2) Forestry uses.

(d) Use permits become invalid if the use is not instituted within 150 days of the date of the permit.

Sec. 14-24. Building Permit; Requirements for Issuance; Time Limit.

(a) No building or use permit shall be issued unless the proposed action is in compliance with the other applicable laws and ordinances; but no building permit or use permit shall be deemed or construed to be a permit for or an approval of any violation of any of the provisions of this Chapter; nor shall any permit presume to give authority to violate or cancel any provisions of this Chapter, except in so far as the building or work, or use which is authorized is lawful, nor shall any permit presume to give authority to any other applicable laws and ordinances or a waiver of any enforcement thereof.

(b) No building permit shall be issued to property owners and/or their agents on driveways or roads that have not been officially accepted by the town, except as follows.

(1) Frontage
   There must be Frontage on the driveway or private road equal to the "Lot Frontage" requirement of the zone in which the property is located.

(2) Driveways (Single home driveways are exempt from this section)
   Two Lots may be permitted on a driveway, in compliance with Chapter 11 Sec. 11-5 but only after the appropriate 20 ft. Right-of-Way is recorded at the Kennebec County Registry of Deeds.
(3) Common Driveways
Four lots may be permitted on a common driveway, in compliance with Chapter 11 Sec. 11-5, but only after the appropriate 35’ Right-of-Way is recorded at the Kennebec County Registry of Deeds.

(4) Private Roads
Lots on private roads shall be in compliance with Chapter 11 Article 1 and a Planning board permit must be obtained.

Ord. No. 4-2005, 6-13-05; Ord. No. 2-2007, 3-12-07

Sec. 14-25. Use Permit; Requirements for Issuance; Temporary Permit.

(a) The Code Enforcement Officer shall not issue a use permit until he/she has established that the affected premises and the proposed use are in compliance not only with this Chapter but also with other applicable laws and ordinances.

(b) The Code Enforcement Officer may issue a temporary use permit for a period of 6 months during construction or alteration for partial occupancy of a building, pending its completion, provided that such temporary permit may require such conditions and safeguards as will protect the safety of the occupants and the public.


(a) Applications for a building or use permit shall be made to the Code Enforcement Officer on forms furnished by the Town and shall include the following where applicable:

(1) Names and addresses of the applicant, owner of the site, architect, professional engineer, or contractor.

(2) Description of the subject site by lot, block and recorded subdivision by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.

(3) Site map prepared by a registered Maine land surveyor, drawn to scale, showing the location, boundaries, dimensions, elevations, uses, and size of the following: subject site, principal and accessory structures, existing and proposed subsurface sewage disposal systems, easements, streets, and other public ways, off-street parking, loading areas, driveways, existing highway access restrictions, side and rear yard setbacks. In addition, the site map shall show the location, elevation, and use of any abutting lands and their structures within 40 feet of the subject site.

(4) Proposed subsurface wastewater disposal plan, if municipal sewage service is not available. The plan shall be approved by the Local Plumbing Inspector who shall certify in writing that satisfactory, adequate, and safe sewage disposal is possible on the site as proposed by the plan in accordance with local and state regulations.
(5) Proposed water supply plan, if municipal water service is not available. The plan shall be approved by the Local Plumbing Inspector who shall certify in writing that an adequate and safe supply of water will be provided.

(6) Additional information as may be required by the Board of Appeals, Tax Assessor, Code Enforcement Officer, or Local Plumbing Inspector.

(7) Fee receipt from the Town Treasurer in the amount defined in Section 4.4 of the Charter and Code of the Town of Winslow.

(8) A detailed set of construction drawings for all new principal structures with adequate details to allow the CEO to determine its compliance with the town's building and zoning codes.

Ord. No. 6-2005, 10-11-05

Division 2. Conditional Use and Site Review

Sec. 14-27. Permit

The Planning Board may authorize the Code Enforcement Officer to issue a conditional use permit for conditional uses after the Planning Board has approved a site plan for the proposed conditional use in accordance with this Chapter. Conditional uses are listed in the conditional use section of each zoning district.

Sec. 14-28. Site Plan Review Purpose

The purposes of site plan review are to assess the impact of development on surrounding properties, municipal facilities and services, and the natural environment. New development or expansions of existing uses or structures that are a conditional use are subject to a site plan review in order to ensure that they are designed and constructed so as to fit harmoniously with their surroundings.

The site plan process will include a review of environmental, architectural, and landscaping features of the proposal such as: existing natural features of the site, location of water bodies and wetlands, wildlife habitat, unique and scenic features, archeological and historic sites, erosion and storm-water control, traffic, roads, parking, buffers, water supply, wastewater disposal, noise, lighting, signs, and landscaping. Site plan review is not designed to establish the right of a use to be located in a zoning district, but rather, to assure that the use is designed and placed on the lot in a manner appropriate to its surrounding, according to established review criteria.

Sec. 14-29. Applicability

(a) All land uses identified in Article 4, Zoning Districts, as Conditional Uses shall obtain site plan review approval by the Planning Board before a permit may be issued by the Code Enforcement Officer.

(b) The following Conditional Uses are not required to obtain site plan review approval, but rather, shall obtain subdivision plan approval according to Chapter 12 of the Code of the Town of Winslow.
Sec. 14-30. Administration

(a) The Planning Board shall administer this Division and shall review all site plan applications according to the review criteria and standards.

(b) The Planning Board shall develop application forms to be used by applicants seeking site plan review approval.

(c) All site review applications shall be accompanied by a fee of $150.00, payable to the Town of Winslow. Application fees shall be paid to the Town Clerk.

(d) The Planning Board may require that additional studies be performed or that a consultant be hired to review the entire and/or portions of the site review application. Whenever the Planning Board votes to use a consultant or require additional studies be performed the cost shall be borne by the applicant. The applicant shall deposit with the Town the estimated cost of any consultant or additional study which shall be placed in an escrow account. The Town shall pay for services rendered and reimburse the applicant. If funds remain after payments are completed. The applicant shall place additional funds into the escrow account as required in order to meet expenses.

(e) The applicant shall obtain an appropriate permit from the Code Enforcement Officer within one year of the site plan approval granted by the Planning Board as determined from the date the Board approved the application. Failure to obtain a permit from the Code Enforcement Officer within one year shall make the site plan approval null and void.

Sec. 14-31. Review Criteria

(a) The applicant shall demonstrate that the proposed use meets the review criteria listed below. The Planning Board shall approve the application unless it makes written findings that one or more of these criteria have not been met.

(1) Sufficient public or private water sources are available to serve the foreseeable needs of the proposal.

(2) The proposal will provide for adequate wastewater disposal and will not cause an unreasonable burden on municipal services if they are to be used.

(3) Adequate temporary and permanent erosion control measures are developed for the proposal.

(4) The proposal will not cause an unreasonable burden on the Town’s ability to dispose of solid waste.

(5) All hazardous waste material will be disposed of according to applicable local, state and federal laws and regulations.
The proposal will not cause unreasonable public road congestion or unsafe conditions with respect to the use of public roads existing or proposed.

The proposal will not have an undue adverse impact on the scenic or natural beauty of the area, aesthetics, historic sites, archeological sites, significant wildlife habitat, or rare and irreplaceable natural areas.

The proposal conforms to all the applicable provisions of this Chapter, Performance Standards contained in the Site Review Section and other Ordinances and Regulations of the Town of Winslow.

The proposal will not adversely affect the quality or quantity of ground water.

The proposal conforms to the Town's Floodplain Management Regulations, if it is located within a special flood hazard area.

The applicant has the financial and technical capacity to meet the standards of this section.

The proposal will provide for adequate storm-water management.

All rivers, streams, brooks, and wetlands within or abutting the project shall be identified on the site plan. The proposal shall not adversely impact any one of these water-bodies.

The proposal conforms to the Town's Shoreland Zoning Provisions, if it is located within a shoreland zone.

The long term cumulative effects of the project will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the project, if it is located within the direct watershed of a great pond.

Buffer strips and on-site landscaping or other measures provide an adequate protection to neighboring properties from detrimental features of the development, such as noise, dust, odor and light.

Sec. 14-32. Burden of Proof

The applicant shall have the burden of proof for showing that the proposal meets the review criteria.

Sec. 14-33. Decisions

(a) After review of a complete application for site review the Planning Board shall determine whether or not the proposed use meets the review criteria contained in Section 14-31. The Planning Board shall make a written finding of fact to support its decision and vote to approve the application, deny the application, or approve the application with conditions. The Planning
Board shall submit its written decision to the applicant.

(b) If in its findings, the Planning Board determines that the application may not meet the review criteria and/or performance standards, and that additional actions by the applicant will be sufficient to meet them, it may require such actions, as conditions of approval. The conditions may set forth requirements in addition to those set forth in this article only when the Planning Board finds it necessary to further the purposes of this article. All conditions approved by the Planning Board shall be listed along with the reasons for these conditions in the Board's decision.

(c) The Planning Board shall list any waivers approved by the Board in its decision and the reasons for such approval.

(d) The Planning Board may require additional submission materials, additional studies be performed or that a consultant be hired to review the entire or portions of the application. Whenever the Planning Board votes to require additional materials, studies or the services of a consultant it shall make a written finding of fact that these additional materials and/or services are necessary to meet the review criteria contained in Section 14-31.

Sec. 14-34. Waivers

(a) The Planning Board may vote to waive any of the review criteria and/or performance standards when it finds one of the following:

(1) One or more of the review criteria and/or performance standards are not applicable to the proposal due to the size of the project, circumstances of the site, design of the project, or unique features of the proposed use.

(2) The applicant has proposed an alternative design that meets or exceeds the requirements set forth in the performance standards.

(b) The applicant shall submit information and materials that support the waiver request with the application.

(c) The Planning Board may only consider a waiver when the applicant has submitted a written waiver request in the site review application. The first item of the site application review shall be a consideration of any waiver request. The Planning Board shall review the waiver request and if it meets the criteria stated above shall approve the request and submit its decision to the applicant in writing. If the Planning Board finds that the waiver request does not meet the criteria stated above, it shall deny the waiver and submit its decision in writing to the applicant. The Planning Board shall require that the application be amended to include the items necessary to meet the site review criteria and/or performance standards. The Planning Board may vote to suspend review of the application until such time that the applicant supplies all the necessary additional information. The applicant shall submit all the required information to the Planning Board within 30 days of the denial of the waiver request. Failure to submit the additional information within this time frame will require that a new application be submitted for review. In no case shall the Board make a final decision on the proposal until the applicant supplies
the additional information to the satisfaction of the Board.

Sec. 14.35. Application Procedure

All applications for site review shall follow the procedure outlined below:

(a) Site Review application forms shall be obtained from the Code Enforcement Officer.

(b) All site review applications shall be submitted to the Code Enforcement Officer. A dated receipt shall be issued to the applicant. An application file shall be established for the site review proposal. All submissions and correspondence regarding the application shall be maintained in the file. One complete copy of the site review application and applicable submissions shall be submitted to the Code Enforcement Officer for review.

(c) Within 30 days of the receipt of the site review application, the Code Enforcement Officer shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete; the Code Enforcement Officer shall notify the applicant in writing of the specific additional material needed to complete the application.

The application shall be considered complete when all the site review submission requirements are included or when the applicant files a written waiver request as per section 14-34.

(d) The Code Enforcement Officer shall place the site review application on the Planning Board Agenda for a public hearing within 30 days of determining that it has received a complete application. A complete copy of the site review application shall be kept on file at the Town Office and shall be available for public review.

The applicant shall submit 8 copies of the complete application and applicable submissions to the Code Enforcement Officer at least 14 days prior to the scheduled public hearing. The Code Enforcement Officer shall mail or deliver one copy of the complete application to each Planning Board member at least 10 days prior to the public hearing.

(e) The Code Enforcement Officer shall publish a notice of the date, time, place, and purpose of the public hearing, in a newspaper of general circulation in the Town, at least 7 days prior to the hearing.

(f) The Code Enforcement Officer shall notify by registered, return receipt mail, the applicant, and all property owners immediately abutting the proposed site at least 14 days prior to the public hearing. A record of all persons mailed a public hearing notice shall be maintained in the site review application file.

Property owners immediately abutting the site shall mean all parties listed by the Town Tax Assessor as those against whom taxes are assessed, and shall further include any property owner immediately opposite on the opposite side of a public or private road from the site or within 500 feet of the property line of the proposed site.

(g) Within 60 days of public hearing the Planning Board shall make a final decision as per
Section 14-33.

(h) The deadline for making a final decision may be extended by the Planning Board for a period not to exceed 60 days, under the following conditions:

(1) The Planning Board voted to deny a waiver request as per Section 14-34.

(2) The Planning Board voted to require additional studies be performed or required additional information be submitted in order to meet the review criteria.

If the additional application materials or studies are not submitted to the Planning Board within the additional prescribed time period, the Planning Board shall vote to deny the application or accept a request by the applicant to withdraw the application. The application may be resubmitted to the Planning Board at later date according to the requirements for a new application proposal.

(i) The Code Enforcement Officer shall maintain one complete copy of the application, decision forms and all applicable submissions in the site review application file.

Sec. 14-36. Rights Not Vested

The submittal of the site review application to the Code Enforcement Officer to review for a complete application shall not be considered the initiation of the review process for the purposes of bringing the application under the protection of Title 1, M.R.S.A., Section 302. The formal review process shall begin upon written notification to the applicant that a complete application has been received.

Sec. 14-37. Site Inspection

(a) The Planning Board may vote to schedule an on-site inspection of the proposed project. The Planning Board shall schedule the date and time of the site inspection at the public hearing and shall post the date, time and place of the site inspection at the Town Office.

(b) The purpose of the site visit is for the Planning Board to obtain knowledge about the site and surrounding area. The Planning Board shall not discuss the merits of the application or render any decision concerning the application during the site visit.

Sec. 14-38. Revisions to Approved Site Review Plans

(a) An application for a revision to a previously approved plan shall be submitted to the Code Enforcement Officer at least 14 days prior to a scheduled meeting of the Planning Board. The Code Enforcement Officer shall place the revision application on the Planning Board's agenda. If the revision involves an expansion of a building or structure greater than 5% from the original plan, modifications to any condition imposed by the Planning Board, the addition of additional dwelling units, change or expansion of use or an expansion of the proposed development, the procedure for a new application shall be followed. If the revision only involves minor modifications of the plan, the Planning Board may consider the request at the meeting.
(b) The Planning Board's scope of review shall be limited to those portions of the plan which are proposed to be changed.

(c) The applicant shall submit a copy of the approved plan as well as 8 copies of the proposed revisions. The application shall also include enough supporting data to allow the Planning Board to make a determination that the proposed revision meets the review criteria and standards of this Article.

(d) The Planning Board shall vote to approve the revision, deny the revision, or approve the revision with conditions. The Planning Board may further require additional information be submitted in order to ensure that the review criteria and the performance standards of this Article are met.

Sec. 14-39. Application Submission Requirements

(a) It shall be the responsibility of the applicant to comply with the requirements of the Town of Winslow Zoning Ordinance and to submit a complete site review application.

(b) The Site Review Application shall consist of the following:

(1) A dated receipt from the Town Clerk indicating that the application fee has been paid.

(2) A signed and dated site review application form and all necessary attachments.

(3) Waiver request form if necessary.

(4) General location information:
   a. Copy of the Tax Assessor's map of the site and surrounding area within 500 feet.
   b. A copy of the U.S.G.S. Topographic map of the area showing the proposed site.
   c. A copy of the Kennebec County Soil Survey showing the area of the proposed development.

(5) General information:

   (a) Name and address of the applicant, applicant's agent, engineer, contractor.

   (b) Proof of Standing: property deed, purchase and sale agreement, contract, or other legal document.

   (c) Description of the site, including; address, map and lot number, book and page reference, copy of the most recent property deed,
(d) Description of the proposed use including type of operation, number of employees, hours of operation, number of parking spaces, type and expected quantity of solid and hazardous waste produced on site, a description of the anticipated noise levels at the site lot lines, and size of any structures.

(e) Complete application for a Floodplain Management Permit if located within a special flood hazard area.

(f) Complete application for a Local Shoreland Zoning Permit if located within a shoreland zoning district.

(g) A list of all other local, state and federal permits required for the project.

(6) Erosion control plan.

(7) Storm-water control plan.

(8) Phosphorus control plan.

(9) Traffic plan including:
   a. Description and engineering drawings of all parking areas, roads, traffic access, and associated drainage.
   b. Estimated number of vehicle trips at peak hour.
   c. Letter from the Public Works Director and Police Chief with their review and comments concerning all traffic access points onto existing or proposed public roads.

(10) Hazardous waste material control plan.

(11) Solid waste disposal plan.

(12) Wildlife, scenic area, historic and archeological protection plan.

(13) Wastewater disposal plan.

(14) Water supply plan.

(15) Water-body protection plan.

(16) Description of the applicant's financial and technical capacity.

(17) Site plan, drawn to a scale of not more than one hundred feet to the inch. The site plan shall show the following:
Sec. 14-40. Performance Standards

The performance standards contained in this section shall apply to all site review proposals.

(a) Erosion Control

(1) The site shall be developed so as to prevent soil erosion from entering water-bodies, wetlands and adjacent properties. All temporary and permanent erosion measures shall be designed in accordance with the Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, March 1991.

(b) Storm Water Control

(1) A storm water control plan shall be developed to limit peak discharges from the site to predevelopment levels through a system of swales, culverts, under-drains, storm drains, and best management practices equivalent to those described in the Storm-water Management for Maine: Best Management Practices, published by the Maine Department of Environmental Protection, 1995, as amended.

(2) Peak discharge rates shall be limited to the predevelopment levels for the 2-year, 10-year, and 25-year frequency, 24-hour duration storm.

(3) All storm water control structures shall be maintained by the property owner.
(4) The applicant shall submit with the application all storm water drainage studies and other data used by the applicant to prepare the storm water control plan.

(5) The storm water control plan shall be submitted to the Town of Winslow Public Works Director for review and comment. The Public Works Director shall review the plan and submit written comments to the applicant which shall be included with the plan.

(6) A project may propose to discharge storm-water into the Town's storm-water collection system in order to meet the above listed requirements according to the following criteria:

a. The Public Works Director issues a written statement indicating that the Town's storm water system has the existing capacity to accommodate peak discharge from the site for the 2-year, 10-year and 25-year frequency, 24-hour duration storm.

(c) Private Water Supply

(1) Individual wells shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface waste water disposal systems and other sources of potential contamination.

(2) Lot design shall permit placement of wells, subsurface waste water disposal systems and reserve areas for subsurface sites in compliance with the Maine Subsurface Waste Water Disposal Rules and the Well Drillers and Pump Installers Rules.

(3) If a central water supply system is provided by the applicant, the location and protection of the source, the design, construction and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144A, C.M.R. 231).

(4) The water supply for the site shall be adequate to supply all the potable, industrial, fire protection, and all other water requirements for the development.

(d) Public Water Supply

(1) When a site is to be served by a public water supply system, the size and location of mains, gate valves, hydrants, and service connections shall be reviewed by the Kennebec Water District and the Town of Winslow Fire Chief.

The applicant shall submit the water supply plan to the Kennebec Water District and the Fire Chief for their review and their written comments shall be submitted with the application.

(2) Site proposals that only require a 3/4 inch water supply line and will not have a sprinkler system shall be exempt from the requirements listed above.
(3) The water supply for the site shall be adequate to supply all the potable, industrial, fire protection, and all other water requirements for the development. The applicant shall provide an estimate of the expected water demands of the project and show that the existing water supply has sufficient water volume and pressure to meet expected demands.

(e) Subsurface Waste Water Disposal Systems

(1) The applicant shall submit evidence of site suitability for subsurface wastewater disposal system prepared by a Licensed Site Evaluator in full compliance with the Requirements of the State of Maine Subsurface Waste Water Disposal Rules. The site evaluator shall certify that all test pits meet the requirements for a new system in accordance with the disposal rules. The subsurface waste water disposal data shall be provided on a completed HHE-200 Form, and the area needed for the disposal field shall be shown on the site plan along with any required reserve areas.

(2) In no instance shall a disposal area for a new structure require a New System variance from the Subsurface Waste Water Disposal Rules. Holding tanks systems shall not be allowed to serve new structures.

(3) Subsurface wastewater disposal systems with a design flow greater than 500 gallons per day as per the State of Maine Subsurface Wastewater Disposal Rules shall contain a reserve area equal in size to the original system to accommodate future replacement. The area reserved for the replacement system shall be shown on the site plan and shall further be protected by a deed restriction which prohibits any development from being placed in this area. The deed restriction must remain in place until such time that the development is served by a public sewer system.

(f) Public Sewer System.

(1) The applicant shall prepare sewer construction drawings which show the size and location of all laterals, collectors, manholes, and pump stations. The system shall be sized to accommodate the expected demands of the development.

(2) The applicant shall submit the sewer plan to the Town of Winslow Public Works Director for review and comment. Written comments from the Public Works director shall be submitted with the application.

(3) The applicant shall comply with all applicable requirements of the Town of Winslow Code, Chapter 10 Sewers. Any improvements to the existing public system required by the development shall be borne completely by the applicant.

(g) Floodplain Management

(1) The applicant shall submit a complete Floodplain Management Permit Application with the site review application if any development is proposed within the special flood hazard area. All development within the floodplain shall be in compliance with
the Town of Winslow Code, Chapter 6, Floodplain Management.

(h) Shoreland Zoning

(1) The applicant shall submit a complete Shoreland Zoning Permit Application with the site review application if any development is proposed within a shoreland zoning district. All development within a shoreland zoning district shall be in compliance with the requirements of the Shoreland Zoning Ordinance.

(i) Water-body Protection

(1) The locations of all rivers, streams, brooks and wetlands shall be identified on the site plan. Wetlands shall be identified in accordance with the 1987 Corps of Engineers Wetland Delineation Manual, published by the United States Army Corps of Engineers.

(2) Water-bodies shall not be developed or disturbed unless no other alternative exist. Any development planned within 50 feet of the high water line of any water-body shall require a plan which includes the following:

a. A complete description of the proposed development including a discussion of why this is the only alternative.

b. Construction drawings of the disturbance area showing all structures fill areas, vegetative disturbance, and erosion control measures.

c. List of state and federal permits required.

(j) Ground Water

(1) Any development proposed within a Sand and Gravel Aquifer as identified in the Town’s Comprehensive Plan shall be designed and constructed so as not to cause any pollution or contamination of the aquifer. A ground water protection plan developed by a certified hydrologist shall be required for the following development proposals: industrial use, manufacturing facility, auto junkyard, auto repair garage, chemical storage or processing facility, oil or fuel storage facility, truck repair, and any structure with oil, fuel or chemical storage that exceeds a total of 1000 gallons for the entire site.

(k) Historic and Archeological, Wildlife Habitat, Scenic Areas and Rare and Natural Areas

(1) The site plan shall indicate the locations of any historic and archeological sites, wildlife habitat, scenic areas, and rare and natural areas. If any of the above listed areas are located on the site, a protection plan shall be developed in accordance with the following:

(2) If any portion of the site is designated as a significant archeological or historic site by the Maine Historic Commission, Comprehensive Plan or listed on the National Register
of Historic Places, the applicant shall develop appropriate measures for the protection of these resources according to local, state and federal regulations.

(3) If any portion of the site is located within an area designated as a scenic area or a unique natural area by the Maine Natural Areas Program, or the Comprehensive Plan, the applicant shall develop appropriate measures for the preservation of the values which qualify the site for such designations.

(4) If any portion of the site is within a wildlife habitat area, the applicant shall consult with the Maine Department of Inland Fisheries and Wildlife or a qualified wildlife biologist and develop measures to protect these areas from environmental damage and habitat loss.

Wildlife habitat areas shall include the following:

a. Habitat or endangered species appearing on the official state or federal list of endangered or threatened species.

b. High or moderate value waterfowl and wading bird habitats as defined by the Maine Department of Inland Fisheries and Wildlife.

c. Deer wintering areas as identified by the Maine Department of Inland Fisheries and Wildlife.

(l) Solid and Hazardous Waste

(1) The applicant shall dispose of all solid and hazardous waste in accordance with local, state and federal regulations.

(2) The applicant shall provide a description of the type and quantities of solid and hazardous waste that will be produced on-site and the methods that will be used for storage, and disposal.

(3) The applicant shall provide documentation from state and/or federal authorities that the proposed methods for the storage and disposal of hazardous waste are in compliance with all state and federal regulations.

(m) Phosphorus Control

(1) Any site within the direct watershed of a great pond shall develop a phosphorus control plan in accordance with the design criteria contained in the Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development, published by the Maine Department of Environmental Protection, revised September, 1992.

(2) The phosphorus control plan shall be designed by a registered engineer or hydrologist. The Maine Department of Environmental Protection shall be consulted for the appropriate phosphorus loading data for the watershed.

(n) Parking
(1) All parking facilities shall be designed in accordance to the standards contained in Article 5 of this Chapter.

(2) All parking areas shall be shown on the site plan, and adequate parking spaces shall be provided to accommodate all the parking on-site.

(o) Road Construction

(1) All roads shall be designed and constructed in accordance with the Town of Winslow Code, Chapter 11, and Street Construction.

(p) Traffic Access

(1) All traffic access for the site shall be designed in accordance with the provisions of Article 5 of this Chapter.

(2) A traffic plan which shall include the following shall be developed:
   a. Description and engineered drawings of all parking areas, roads, traffic access and associated drainage.
   b. Estimated number of vehicle trips at peak hour.

(3) The traffic plan shall be submitted to the Town of Winslow Public Works Director and Police Chief for review and comment. Written comments from these municipal officials shall be included in the application.

(q) Signs

(1) All sign locations shall be shown on the site plan and shall be designed and constructed in accordance with the provisions of Section 14-62 of this Chapter.

(r) Lighting

(1) Development shall not produce a stray, dazzling light or reflection of that light beyond its lot lines onto neighboring properties or onto any public way so as to impair the vision of any vehicle upon that way.

(2) Lighting fixtures shall be shielded or hooded so that lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings.

(3) Direct or indirect illumination shall not exceed 1/2 footcandles upon abutting properties.

(4) No lighting fixture, except for street lights shall extend beyond a height of 25 feet, as measured from ground level.
(5) The location, type, height, and footcandle power of all exterior lighting shall be shown on the site plan.

(s) Financial and Technical Capacity

(1) The applicant shall submit evidence that he/she has adequate technical capacity to design and construct the development in accordance with all applicable local, state and federal laws and regulations. Evidence of adequate technical capacity shall consist of the following:

   a. A list of all technical and professional staff involved with the site design and preparation of the application including their qualifications and past experience with projects of similar size and scale.

   b. A list of all persons with inspection and oversight responsibilities of the project construction and, if available, the persons selected to construct the project, including their qualifications and past experience with projects of similar size and scale.

(3) The applicant shall submit evidence that he/she has adequate financial capacity to construct the development in the time period specified. Evidence of adequate financial capacity shall consist of the following:

   a. A letter from a financial institution such as a bank or other lending institution that states that the applicant has the necessary funds available or a loan commitment from this institution to complete the proposed development within the time period specified by the applicant.

(t) Buffer Standards

(1) The purpose of the buffer standards are to: reduce noise and odor; reduce the negative impact of light and glare in conjunction with the Lighting Standards contained in Sub-section r; block light from vehicle headlights from parking areas, and provide a visual barrier between properties.

Proposals with large lots could satisfy buffer requirements by using existing vegetation and by placing the development outside of view. Developments on small lots or within densely developed areas will require more extensive landscaping in order to meet the buffer requirements.

Applicants should be aware that the buffer areas in many circumstances will be required to exceed some of the minimum requirements in order to satisfy the purposes outlined above.

(2) Buffers shall be provided by using one or more of the following methods:

   a. Existing or proposed vegetation
   b. Structures such as fences, walls, or earthen berms
   c. Land distance between property lines and the development
(3) The buffer shall be placed along the side and rear property lines of the proposed site. The following types of land uses shall also provide a buffer along the front property line: junkyards, auto graveyards, outside storage of goods and materials, and outside processing of materials.

(4) Existing or proposed vegetation
   a. Vegetation shall consist of native species that provide a year-round visual barrier sufficient to screen the proposed use from the property line to a minimum height of 6 feet. The vegetative buffer shall be installed to the minimum barrier height prior to the occupancy of the proposed use.
   b. The width of the buffer area and species selection shall be determined by the applicant who shall maintain the vegetation as necessary to satisfy this standard. Applicants are encouraged to design wide buffers that require less intensive planting and future maintenance.

(5) Structures
   a. Structures in combination with vegetation may be used to provide a year-round visual barrier sufficient to screen the proposed use from the property line to a minimum height of 8 feet. All structures or combination of structures and vegetation shall be installed to the minimum barrier height prior to occupancy of the proposed use.
   b. Structures may consist of fences, walls, or earthen berms and shall be maintained by the property owner in order to satisfy this standard.

(6) Land Distance
   a. A strip of land that exceeds 150 feet in width between the side and rear property line and the edge of the developed area of the site may be considered a buffer. The land area shall at a minimum consist of a grass lawn or other pervious landscape and shall not contain any structures, parking lots or impervious surfaces. The following land uses shall not use this buffer method: junkyards, auto graveyards, outside storage of goods and materials and outside processing of materials.
   b. The land area shall be maintained as a buffer strip and any future placement of structures or impervious surfaces within this area shall require the installation of a buffer consisting of vegetation and/or structures.
c. Proposals using this method shall account for the effects of light, glare, noise and vehicle headlight intrusions onto neighboring properties.

(u) Mineral Extraction

(1) The site review permit shall include the following additional information: a description of the operation; a list of the equipment, machinery and structures to be used; the source, quantity, and disposition of water to be used; existing and proposed access roads; the depth of all existing and proposed excavations; restoration plan; estimated productive life span of the operation; and list of all other local, state and federal permits required for the project.

(2) A restoration plan shall include the following: proposed contours after filling; depth of the restored topsoil; type of fill; reforestation and/or planting description, restoration commencement; and completion date.

(3) The conditional use permit issued for a mineral extraction operation shall be valid for a 2 year period and may be renewed according to the following:

   (1) The applicant shall submit an application for a revision to site plan no later than 30 days before the permit expires. The Planning Board shall renew the permit for another 2 year period if the operation continues to meet the applicable standards contained in this Chapter.

   (2) If the applicant fails to renew the permit the operation shall be discontinued.

Ord. No. 1-1997, 2-10-97; Ord. No. 3-1998, 3-8-99; Ord. No. 2-2007, 3-12-07

Article 4. ZONING DISTRICTS

Sec. 14-41. Establishment.

For the purpose of this Chapter, the Town is hereby divided into the following 8 Zoning Districts:

HR  High Density Residential District
MR  Medium Density Residential District
LR  Low Density Residential District
MU  Mixed Use District
RD  Rural District
ID  Industrial District
SD  Seasonal Residential District
CVD Conservation District

Boundaries of these districts are hereby established as shown on a map entitled "Zoning Map, of Winslow Maine " dated December 13, 2010" , which accompanies and is part of this Chapter. Such boundaries shall be construed to follow corporate limits; lot or property lines; center lines of streets, highways, alleys, easements, and railroad rights-of-way, or such lines extended; unless otherwise
noted on the zoning map. Any zoning district boundary disputes will be decided by the Board of Appeals.

Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts. A certified copy of the zoning map shall be adopted and approved with the text as part of this Chapter and shall bear upon its face the attestation of the Chair of the Town Council and the Town Clerk, and shall be available to the public in the office of the Town Clerk.

When any amendment is made to any district boundary or other matter portrayed on the certified copy of the zoning map, the map shall be revised promptly after the amendment has been approved by the Town Council with an entry on the map indicating the number of the ordinance and the date it was adopted. The revised zoning map shall be signed by the Chair of the Town Council and attested by the Town Clerk. The current zoning map shall be kept in the office of the Town Clerk. Dimensional requirements pertain to all buildings, principal and accessory, unless specific statements indicate otherwise.

(Ord. No. 1-2010; 12-13-10)

Sec. 14-42. High Density Residential District

(a) Purpose:

The High Density Residential District includes predominantly built-up areas of Town that consist of existing residential structures on small lots and some municipal and educational uses such as schools, parks, playgrounds, churches and other public buildings. The district is designed to protect and enhance the existing character, scale and uses already established in these areas. New construction, alterations and proposed changes of use shall be required to be consistent with the established residential character of the district.

(b) Minimum Dimensional Requirements:

All Dimensions are Minimum Requirements unless otherwise indicated

<table>
<thead>
<tr>
<th>Dimensional Requirements</th>
<th>Principal and Conditional Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area</td>
<td>9,000 square feet</td>
</tr>
<tr>
<td>Lot width</td>
<td>90 feet</td>
</tr>
<tr>
<td>Frontage</td>
<td>90 feet</td>
</tr>
<tr>
<td>Building area</td>
<td>960 square feet</td>
</tr>
<tr>
<td>Maximum building height</td>
<td>35 feet</td>
</tr>
<tr>
<td>Building width</td>
<td>20 feet</td>
</tr>
<tr>
<td>Street yard</td>
<td>25 feet</td>
</tr>
<tr>
<td>Rear yard</td>
<td>10 feet</td>
</tr>
</tbody>
</table>
Winslow Municipal Code

(c) **Allowed Uses:**

**Principal Uses**

- Single Family Dwellings
- Minor Home Occupations
- Essential Services
- Home Child Care
- Child Care Center
- Churches Yard Sale
- Schools Public and Private
- Community Centers

**Accessory Uses and Structures for Principal Uses**

- Conditional Uses:
  - Parks and Playgrounds

**Accessory Uses and Structures for Conditional Uses**

Ord. No. 3-1996, 7-8-96; Ord. No. 2-2007, 3-12-07.

**Sec. 14-43. Medium Density Residential**

(a) **Purpose:**

The Medium Density Residential District includes existing residential subdivisions, predominantly single family residential dwellings and undeveloped land areas that are adjacent to the service centers of the Town. This district is intended for the Town's single family residential growth demand, and is located in areas that have access or future potential for municipal water and sewer services. Municipal water and sewer are required to serve these areas as outlined in the general provisions of this chapter.

(b) **Minimum Dimensional Requirements**

All Dimensions are Minimum Requirements unless otherwise indicated

<table>
<thead>
<tr>
<th>Dimension Requirements</th>
<th>Lots with Municipal Sewer</th>
<th>Lots without Municipal Sewage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area</td>
<td>15,000 square feet</td>
<td>(2) acres</td>
</tr>
<tr>
<td>Lot width</td>
<td>120 feet</td>
<td>200 Feet</td>
</tr>
<tr>
<td>Lot frontage</td>
<td>120 feet</td>
<td>200 Feet</td>
</tr>
<tr>
<td>Building area</td>
<td>1,200 square feet</td>
<td>1,200 square feet</td>
</tr>
<tr>
<td>Maximum building height</td>
<td>35 feet</td>
<td>35 feet</td>
</tr>
<tr>
<td>Building width</td>
<td>24 feet</td>
<td>24 feet</td>
</tr>
<tr>
<td>Road yard</td>
<td>25 feet</td>
<td>50 feet</td>
</tr>
<tr>
<td>Rear yard</td>
<td>25 feet</td>
<td>25 feet</td>
</tr>
<tr>
<td>Side yard Principal Structure</td>
<td>15 feet</td>
<td>25 feet</td>
</tr>
<tr>
<td>Side yard Accessory Structure</td>
<td>15 feet</td>
<td>25 feet</td>
</tr>
</tbody>
</table>
(c) **Allowed Uses:**

**Principle Uses:**

- Single Family Dwellings
- Minor Home Occupations
- Parks & Playgrounds
- Essential Services
- Home Child Care
- Yard Sale

**Accessory Uses and Structures for Principle Use**

**Conditional Uses:**

**Accessory Uses and Structures for Conditional Uses**


**Sec. 14-44. Mixed Use District**

(a) **Purpose:**

The Mixed Use District consists of many of the older sections of Town and contains a variety of residential, commercial, recreational, municipal and educational uses. Municipal water and sewer are available throughout most of the district. The character of the district is dominated by a dense development pattern with commercial uses dispersed among single and multi-family residential homes. The existing mixed use development pattern shall be maintained by allowing a wide number of residential uses; allowing the expansion of existing non-residential uses; and by allowing some commercial uses that are able to Blend and exist in harmony with the character of the district.

(b) **Requirements to Blend:** To blend into the existing character of the neighborhood all existing residential properties within 500’ of any property line of a proposed non residential use shall be considered as neighborhood. The Planning Board and Code Enforcement Officer shall address the following items when reviewing a use or building permit application:

1. How different the uses are to each other. The developer shall send notice to the neighborhood (all properties within 1000 ft.) by first-class mail describing the proposed project and a written request for comment. A copy of each letter and the comments shall be made part of the permit application.

2. Buffering with natural vegetation and or structural requirements to help blend or disguise the proposed use.

3. Traffic and traffic control and Parking.

4. Hours of operation, lighting and signage. (Hours may be limited depending on the proposed use)
(5). Sewage Disposal, if private the plan must include an additional area shown on the site plan for a replacement system dedicated to “future Subsurface Waste Disposal”.

(6). Storm water management and snow removal.

(7). Noise and odor control.

(8). Outside storage of goods and materials on site must be buffered and not visible from any public way or abutting property.

(9). Architectural compatibility, for those uses which require high visibility the Planning Board may require additional Public hearings and input from the neighborhood.

c) Minimum Dimensional Requirements

<table>
<thead>
<tr>
<th>Dimensional Requirements</th>
<th>Single Family Residential</th>
<th>Multi-Family Residential</th>
<th>Open Space Development *Note 3</th>
<th>Non-Residential w/sewer</th>
<th>Non-Residential w/private sewer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>7,000 square feet</td>
<td>10,000 square feet</td>
<td>3X Building Area</td>
<td>15,000 sq. feet</td>
<td>2 Acres</td>
</tr>
<tr>
<td>Lot Width</td>
<td>70 feet</td>
<td>100 feet</td>
<td>As approved by Planning Board</td>
<td>100 feet</td>
<td>200 feet</td>
</tr>
<tr>
<td>Lot Frontage</td>
<td>70 feet</td>
<td>100 feet</td>
<td>As approved by Planning Board</td>
<td>100 feet</td>
<td>200 Feet</td>
</tr>
<tr>
<td>Building Area</td>
<td>960 square feet</td>
<td>960 square feet</td>
<td>Micro-Homes, less than 960 sf.</td>
<td>960 square feet</td>
<td>N/A</td>
</tr>
<tr>
<td>Max. Building Htg.</td>
<td>35 feet</td>
<td>35 feet</td>
<td>35 feet</td>
<td>35 feet</td>
<td>35 feet</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>10 feet</td>
<td>20 feet</td>
<td>10 ft. (note 1.)</td>
<td>20 feet</td>
<td>25 feet</td>
</tr>
<tr>
<td>Road Yard</td>
<td>25 feet</td>
<td>25 feet</td>
<td>0 feet (note 4.)</td>
<td>25 feet</td>
<td>25 feet</td>
</tr>
<tr>
<td>Side Yard all structures (see note 1.)</td>
<td>10 feet</td>
<td>20 feet</td>
<td>10 ft. note 1.</td>
<td>20 feet</td>
<td>25 feet</td>
</tr>
<tr>
<td>Building width</td>
<td>20 feet</td>
<td>20 feet</td>
<td>NA</td>
<td>20 feet</td>
<td>N/A</td>
</tr>
<tr>
<td>Multi-family density per lot area (see note 2)</td>
<td>2,000 sq. ft. per one Bedroom unit</td>
<td>3,000 sq.</td>
<td>Note: lawn and landscaping not less than 1X building Area</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Note 1. Open Space Developments may have reduced lot lines between residential units within the project, however the side and rear setbacks for the project to non-project properties cannot be reduced.

Note 2: A multi-family building is required to meet the minimum lot area. The density or number of units allowed on a particular lot is established as 2,000 sq. ft per a one bedroom unit and 3,000 sq. ft. per two bedroom unit. An example: If the lot size is 10,000 sq. ft. then the building could contain a maximum of 3, two bedroom units or the building could contain 2, one bedroom units and 2 two bedroom units.

Note 3. Proposed Exemptions as approved by the Planning Board:
- Exemptions for Municipal Buildings.
- May include alleys in calculation of rear setback.
- Lots under 9,000 sf. may not exceed 25% of the project.
- Lots under 50 ft. of frontage may not exceed 50% of any development.

Note 4. Lot front yard setback may be modified by the Planning Board where it can be demonstrated that safety and snow removal is not an issue. And must be part of a planned development.

d) **Allowed Uses:**

**Principal Uses:**

- Agriculture
- Bed and Breakfast (note 1 2 below)
- Boarding Home
- Child Care Center
- Churches
- Congregate Housing
- Essential Services
- Farmer Market
- Fast food Restaurants
- Funeral Homes
- Greenhouses
- Home Child Care
- Home Occupations
- Minor Home Occupation
- Open Space Developments
- Mobile Home Parks
- Motels
- Multi-Family Dwellings
- Municipal Facility
- Parks & Playgrounds
- Printing
- Professional Offices
- Restaurants
- Retail (max 20,000sf.)
- Schools Commercial
- Small Stores
- Single Family Dwellings
- Two Family Dwellings
- Warehouse
- Veterinary Clinics
- Yard Sales
- Retail Businesses as part of a mixed use development Multiplexes as part of a mixed use development Restaurants max 25,000 sf.

Note 1: A bed and Breakfast with not more than 5 bedrooms available for lodging shall be considered a principal use. A Bed and Breakfast with more than 5 bedrooms available for lodging shall be considered a conditional use, Accessory Uses and Structures for Principal Uses.
Note 2: Manufacturing, Warehousing and Retail over 20,000sf may be approved by the Planning Board with a minimum lot size of 25 acres providing all the conditions of 14-44 (b) are met.

Accessory Uses and Structures for Conditional Uses

**Conditional Uses:**
- Auto service
- Community Centers
- Government Buildings
- Manufacturing
- Night Club
- Nursing Homes
- Parking Lots
- Manufacturing, Warehousing and Retail over 20,000sf (Note 2) above
- Redemption Centers
- Research facilities
- Retail Fuel Sales
- Schools Public & Private
- Truck and heavy equipment repair
- Vehicle Sales
- Laboratories
- Kennels

**Mix Use District Performance Standards:**

1. **Gas Pumps**

   Associated structures such as roofs, canopies and enclosures shall be not less than 30 feet from any side or rear lot line and 20 feet from any existing or proposed street line.

Ord. No. 3-1998, 3-8-99; Ord. No. 2-2007, 3-12-07; Ord. No. 1-2010, 12-13-10;

**Sec. 14-45. Low Density Residential District**

(a) **Purpose:**

The purpose of the Low Density Residential District is to provide locations for new single family residential housing in a rural setting adjacent to existing built-up areas of town. This district is envisioned to have public water and sewer. These areas are established to attract new home construction that would otherwise be located in the more rural sections of the community. The goal is to provide ample areas that will supply future home buyers a setting in a rural environment, yet still close to the Town center. Agriculture and forestry and similar resource based activities are encouraged; however, some Commercial, Service and Municipal uses are allowed in this district and any mixed use will have to blend into these residential areas.

(b) **Requirements to Blend:** To blend into the existing character of the neighborhood all existing residential properties within 500’ of any property line of a proposed non residential use shall be considered as neighborhood, The Planning Board and Code Enforcement Officer shall address the following items when reviewing a use or building permit application:

   (1). How different the uses are to each other. The developer shall send notice to the neighborhood (all properties within 1000 ft.) by first-class mail describing the proposed project and a written request for comment. A copy of each letter and the comments shall be made part of the permit application.

   (2). Buffering with natural vegetation and or structural requirements to help blend or
disguise the proposed use.

(3). Traffic and traffic control and parking.

(4). Hours of operation, lighting and signage. (Hours may be limited depending on the proposed use)

(5). Sewage Disposal, if private the plan must include an additional area shown on the site plan for a replacement system dedicated to “future Subsurface Waste Disposal”.

(6). Storm water management and snow removal.

(7). Noise and odor control.

(8). Outside storage of goods and materials on site must be buffered and not visible from any public way or abutting property.

(9). Architectural compatibility, for those uses which require high visibility the Planning Board may require additional Public hearings and input from the neighborhood.

(c) Minimum Dimensional Requirements

All Dimensions are Minimum Requirements unless otherwise indicated

<table>
<thead>
<tr>
<th>Dimensional Requirements</th>
<th>Planned Unit/Open Space Development as approved by the Planning Board</th>
<th>Residential single family</th>
<th>Non Residential uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area</td>
<td>3X Building Area (Note 2)</td>
<td>1 acre without water and sewer</td>
<td>1 acres</td>
</tr>
<tr>
<td></td>
<td>2X Building Area</td>
<td>½ acre with water and sewer</td>
<td></td>
</tr>
<tr>
<td>Lot width</td>
<td>As approved by Planning Board (Note 2)</td>
<td>100 ft</td>
<td>200 feet</td>
</tr>
<tr>
<td>Lot Frontage</td>
<td>As approved by Planning Board (Note 2)</td>
<td>100 ft</td>
<td>200 feet</td>
</tr>
<tr>
<td>Street Yard</td>
<td>As approved by the Planning Board (Note 3)</td>
<td>25 ft</td>
<td>50 feet</td>
</tr>
</tbody>
</table>
### Winslow Municipal Code

<table>
<thead>
<tr>
<th>Building Width</th>
<th>NA</th>
<th>25 ft</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side Yard and Rear</td>
<td>15 ft. (Note 1)</td>
<td>25 ft</td>
<td>50 feet</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>35 ft.</td>
<td>35 ft</td>
<td>35 feet</td>
</tr>
<tr>
<td>Open space.</td>
<td>Note: lawn and landscaping 1X building Area</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note 1. Open Space Developments may have reduced lot lines between residential units within the project, however the side and rear setbacks for the project to non-project properties cannot be reduced.

Note 2. Proposed Exemptions as approved by the Planning Board:
- May include alleys in calculation of rear setback.
- Lots under 9,000 sf. may not exceed 25% of the project.
- Lots under 50 ft. of frontage may not exceed 50% of any development.

Note 3. Lot front yard setback may be modified by the Planning Board where it can be demonstrated that safety and snow removal is not an issue. And must be part of a Open Space Development.

### (d) Allowed Uses:

#### Principal Uses:

- Agriculture
- Bed and Breakfast (note 1 below)
- Boarding Home
- Child Care Center
- Churches
- Congregate Housing
- Essential Services
- Farmer Markets
- Forestry
- Home Child Care
- Greenhouses
- Home Occupations
- Open Space Development
- Nursing Homes
- Parks & Playgrounds
- Passive Recreation
- Retail Businesses as part of an Open Space development
- Single Family Dwellings
- Veterinary Clinics
- Yard Sale
- Mobile Home Parks
- Minor Home Occupation

Accessory Uses and Structures for Principal Uses.

#### Conditional Uses:

- Radio and Communication Towers
- Outdoor Recreation
Sec. 14-46. Rural District

(a) Purpose:

The vast majority of the Town's land area is within the Rural District which consists of open space, forest, farmland, residential homes, resource based activities and some commercial operations. The goal of the Rural District is to preserve and encourage existing open space, agriculture, forestry and resource based activities while at the same time allowing very low density residential and some limited commercial development. All non-agricultural development in this district is designed to grow at a slow pace and in such a manner that the traditional rural character is maintained for future generations. Proposed development that might create negative traffic impacts, environmental damage, loss of farmland, increased traffic, suburban land use and loss of rural character shall not be permitted in this district.

(b) Minimum Dimensional Requirements

All Dimensions are Minimum Requirements unless otherwise indicated

<table>
<thead>
<tr>
<th>Dimensional Requirements</th>
<th>Principal and Conditional Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area</td>
<td>2 acres</td>
</tr>
<tr>
<td>Lot width</td>
<td>200 feet</td>
</tr>
<tr>
<td>Lot frontage</td>
<td>200 feet</td>
</tr>
<tr>
<td>Maximum building height</td>
<td>35 feet</td>
</tr>
<tr>
<td>Road yard</td>
<td>50 feet</td>
</tr>
<tr>
<td>Rear yard</td>
<td>25 feet</td>
</tr>
<tr>
<td>Side yard principal structure</td>
<td>25 feet</td>
</tr>
<tr>
<td>Side yard accessory structure</td>
<td>25 feet</td>
</tr>
</tbody>
</table>

(c) Allowed Uses

<table>
<thead>
<tr>
<th>Principal Uses</th>
<th>Passive Recreation</th>
<th>Essential Services</th>
<th>Home Child Care</th>
<th>Single Family Dwellings</th>
<th>Yard Sale</th>
<th>Commercial Greenhouses</th>
<th>Small Stores -3000sf</th>
<th>Two Family Dwellings</th>
<th>Churches</th>
<th>Bed and Breakfast</th>
</tr>
</thead>
</table>
Indoor Recreation  Temporary and Seasonal Itinerant Vendors

Accessory Uses and Structures for Principal Uses

Special Uses:
Re-use of Agricultural Structures after public hearing and review by the Zoning Board of Appeals.

Conditional Uses:
Mineral Extraction  Campgrounds  Golf Courses
Outdoor Recreation  Community Centers  Child Care Center
Auto Service and Repair  Automobile Junk Yard
Radio/Communication Towers  Small Stores +3000sf

Accessory Uses and Structures for Conditional Uses

(Ord. No. 3-1998, 3-8-99; Ord. No. 5-2005, 7-11-05; Ord. No. 2-2007, 3-12-07; Ord. No 3-2008, 12-8-08.)

Sec. 14-47. Industrial District

(a) Purpose:

The Industrial District includes existing industrial uses and areas for future growth adjacent to principal traffic routes and municipal water and sewer. The primary uses intended for the district include, manufacturing, assembly, fabricating, warehousing, and some related commercial enterprises. Most residential, recreational, municipal, service and consumer related activities are not allowed in the district. The district is designed to provide space for industrial related activities that create an incompatible environment for most other types of land use.

(b) Minimum Dimensional Requirements

All Dimensions are Minimum Requirements unless otherwise indicated

<table>
<thead>
<tr>
<th>Dimensional Requirements</th>
<th>Industrial with sewer</th>
<th>Industrial without sewer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area</td>
<td>1 acre</td>
<td>2 acre</td>
</tr>
<tr>
<td>Lot frontage (See note #1)</td>
<td>150 feet *1</td>
<td>200 feet*1</td>
</tr>
<tr>
<td>Maximum building height</td>
<td>45 feet</td>
<td>45 feet</td>
</tr>
<tr>
<td>Road yard</td>
<td>25 feet</td>
<td>25 feet</td>
</tr>
<tr>
<td>Rear yard</td>
<td>30 feet</td>
<td>30 feet</td>
</tr>
<tr>
<td>Side yard (all structures)</td>
<td>20 feet</td>
<td>20 feet</td>
</tr>
</tbody>
</table>

Note #1: as approved by the Planning Board.

(c) Allowed Uses:
Principal Uses:
Timber Harvesting  Funeral Home  Forestry  Essential Services
Parking Lots  Municipal Facility  Agriculture  Recycling Center
Temporary Vendors  Yard Sale  Light Manufacturing
Warehouse  Utilities  Laboratories
Printing  Radio and Communication Tower  Pharmaceutical
Temporary and Seasonal Itinerant Vendors

Accessory uses and Structures for Principal Uses

Conditional Uses:
Heavy Industrial  Automobile  Junk Yard  Truck and Heavy Equipment Repair
Storage and Sales  Chemical Manufacturing and Storage
Vehicle Sales  Professional Office Complex  Bulk Oil/Fuel Storage
Mineral Extraction  Retail Sales

Accessory Uses and Structures for Conditional Uses (see note # 1)

Note # 1  Commercial activity such as but not limited to, restaurants, fuel sales, offices and sales that are incidental or accessory to a principal industrial uses are allowed.

(d) Industrial District Performance Standards

(1) Outside Storage and Manufacturing Areas

All areas used for the storage of goods, materials, equipment, junk, salvage, or other related manufacturing activities shall be enclosed by a fence or vegetative barrier that completely screens the area from adjacent property lines and public or private streets. All such outside areas shall also be located at least 500 feet from any residential district.

(2) Chemical Manufacturing and Storage Performance Standards

Chemical manufacturing and storage facilities shall obtain all applicable State and Federal permits prior to the issuance of a Conditional Use permit. These facilities shall be located a suitable distance from populated areas of the Town and at a minimum shall be setback at least 1,000 feet from all residential structures and 2,000 feet from all schools and other public buildings used as a place of assembly.

In addition to the review criteria listed in Section 14-31 of this Chapter, the following additional criteria shall be applicable to all Chemical Manufacturing and Storage Facilities:

The Town of Winslow Fire Department and Police Department have the necessary technical capacity and equipment to provide emergency services to the facility including but not limited to; excavation of the facility and surrounding area, fire and
Sec. 14-48. Seasonal Residential District

(a) Purpose

The Seasonal Residential District includes areas adjacent to Pattee Pond that are already divided into small lots and contain structures or are undeveloped. Most of the lots contain seasonal homes; however, there are some year-round dwellings and undeveloped parcels. The primary goal of the district is to maintain and improve the water quality of Pattee Pond by strictly regulating any increases in land use intensity and the expansion of structures and uses within the built-up areas around the Pond. The existing low intensity land use of seasonal homes and camps is allowed. Expansion of structures and uses, including conversion from seasonal to year-round dwellings, are subject to performance standards.

(b) Minimum Dimensional Requirements

All. Dimensions are Minimum Requirements unless otherwise indicated

<table>
<thead>
<tr>
<th>Dimensional Requirements</th>
<th>Principal and Conditional Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area</td>
<td>2 acres</td>
</tr>
<tr>
<td>Lot width</td>
<td>200 feet</td>
</tr>
<tr>
<td>Lot depth</td>
<td>250 feet</td>
</tr>
<tr>
<td>Lot frontage (See note #1)</td>
<td>200 feet</td>
</tr>
<tr>
<td>Building area</td>
<td>400 square feet</td>
</tr>
<tr>
<td>Maximum building height</td>
<td>35 feet</td>
</tr>
<tr>
<td>Building width</td>
<td>20 feet</td>
</tr>
<tr>
<td>Road yard</td>
<td>50 feet *</td>
</tr>
<tr>
<td>Rear yard</td>
<td>25 feet</td>
</tr>
<tr>
<td>Side yard, principal structure</td>
<td>25 feet</td>
</tr>
<tr>
<td>Side yard, accessory structure</td>
<td>25 feet</td>
</tr>
</tbody>
</table>

* Amended August 9, 2004
Note #1: As approved by the Planning Board.

(c) Allowed Uses:

Principal Uses:
- Single Family Dwellings
- Individual Camps
- Passive Recreation
- Parks and Playgrounds
- Essential Services
Accessory Uses and Structures for Principal Uses

Conditional Uses:
Campgrounds  Outdoor Recreation  Agriculture

Conversion of Seasonal Dwellings to Year-round Dwellings

Accessory Uses and Structures for Conditional Uses

(d) Seasonal Residential District Performance Standards

(1) Street Frontage
Street frontage may be on either a public or private road or driveway as approved by the Planning Board, Chapter 11, Article 1, Section 11-6 except that an existing private right-of-way shall not be less than 20 feet and shall not serve more than 5 year-round dwellings.

(2) Conversion of Seasonal Dwellings
Conversion permits for seasonal residences to be used as year-round residences can only be issued by a conditional use permit from the Planning Board and only if the minimum standard dimensional requirements for the lot in the Seasonal Residential District are met. Those requirements include a lot of 2 acres, a width of 200 feet, a depth of 200 feet, and frontage as approved by Planning Board in compliance with Chapter 11, section 11-6 on a private right-of-way. Seasonal dwellings on lots of less than two acres and which also do not meet the width and depth requirements will not be able to convert to year-round residency.

(3) Occasional Use
It is not the intent of this section to prevent the occasional overnight use of a seasonal dwelling and/or property to support winter recreational activities such as ice-fishing and snowmobiling. "Occasional overnight use" shall be defined as overnight use of a seasonal structure not more than two (2) overnights per week between December 1 and April 1.

(4) Seasonal Use Limitation
The seasonal use of a lot or dwelling is limited to the occupancy of the lot or dwelling between April 1 and December 1, unless it is an existing legal year-round residence or a conditional use permit for a conversion of a seasonal dwelling is obtained according to this Chapter.


Sec. 14-49. Conservation District

(a) Purpose
The Conservation District is the area within the boundaries of the Pattee Pond watershed as determined by Maine Department of Environmental Protection. It is intended to be a rural area with limited commercial or industrial activity or other uses which would tend to adversely affect water quality. The district is generally restricted to low impact development with special attention to the following areas:
(1) Floodplains that make building or development difficult, costly or unacceptable.

(2) Poor soil types not suitable for building or development.

(3) Steep slopes or embankments that render building or development generally difficult, costly or unacceptable.

(4) Significant wetlands that provide breeding and feeding habitat for waterfowl.

(5) Natural sites of significant scenic or aesthetic value, historic sites, and archeological sites.

Conservation zones are interpreted to be continuous strips of shore lands generally uninterrupted by other zones which would tend to divide the conservation zones into several smaller parcels, thus detracting from the natural, scenic, or aesthetic values of the zones as a whole.

(b) Minimum Dimensional Requirements

All Dimensions are Minimum Requirements unless otherwise indicated.

<table>
<thead>
<tr>
<th>Dimensional Requirements</th>
<th>Principal and Conditional Uses</th>
<th>Open Space Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area</td>
<td>2 acres</td>
<td>1 acre (See Note 1)</td>
</tr>
<tr>
<td>Lot width</td>
<td>200 feet</td>
<td>125 feet</td>
</tr>
<tr>
<td>Lot depth</td>
<td>200 feet</td>
<td>200 feet</td>
</tr>
<tr>
<td>Lot frontage</td>
<td>200 feet</td>
<td>125 feet</td>
</tr>
<tr>
<td>Maximum building height</td>
<td>35 feet</td>
<td>35 feet</td>
</tr>
<tr>
<td>Road yard</td>
<td>50 feet</td>
<td>By Planning Board</td>
</tr>
<tr>
<td>Rear yard</td>
<td>25 feet</td>
<td>By Planning Board</td>
</tr>
<tr>
<td>Side yard, principal structure</td>
<td>25 feet</td>
<td>By Planning Board</td>
</tr>
<tr>
<td>Side yard, accessory structure</td>
<td>25 feet</td>
<td>By Planning Board</td>
</tr>
<tr>
<td>Conservation Easement</td>
<td>As required by site plan</td>
<td>40% of the development</td>
</tr>
<tr>
<td>Road yard (Base Lot) (Note 2)</td>
<td>N/A</td>
<td>50 feet</td>
</tr>
<tr>
<td>Side and Rear yard (Base Lot) (Note 2)</td>
<td>N/A</td>
<td>25 feet</td>
</tr>
</tbody>
</table>

Note 1. The planning Board may approve 30,000 sf. Lots if the Open Space Development has a community Subsurface Waste Disposal System including a reserved area for a replacement system. (No Variances to the Subsurface Waste Disposal Rules will be allowed).

Note 2. “Base Lot” is the total parcel to be utilized in an Open Space Development.
(c) **Allowed Uses:**

Principal Uses:

- Yard Sale
- Passive Recreation
- Timber Harvesting
- Single Family Homes
- Farm Stands
- Bed & Breakfast

- Home Child Care
- Forestry
- Agriculture
- Essential Services
- Home Occupation (Minor)
- Temporary Vendors

Accessory Uses and Structures for Principal Uses

**Conditional Uses:**

- Campgrounds
- Government Facilities
- Mineral Extraction
- Greenhouses
- Kennels

- Summer Camp facilities
- Parks and playgrounds
- Small Store less than 3000 sf
- Farmers Market
- Veterinary Clinic

Note (1): Anyone desiring to have a use not listed above may petition the Town for an appropriate zoning change.

Note (2): Principal and Conditional Uses in the Conservation District shall conform to the applicable performance standards contained in this section and the Shoreland Zoning Section when development is within 250 ft. of any regulated water body (Lake, Stream, Bog or wetlands).

(d) **Site Plan Application Requirements:**


Requirement determined by the CEO/Planning Board: (9) (10) (12) (13) (14) & (15).

(1) A signed and dated site review application form and all necessary attachments.
(2) Copy of the Tax Assessor’s map of the site and surrounding area within 500 feet.
(3) A copy of the U.S.G.S. Topographic map of the area showing the proposed site.
(4) A copy of the Kennebec County Soil Survey showing the area of the proposed development.
(5) Name and address of the applicant, applicant’s agent, engineer, contractor.
(6) Proof of Standing; property deed, purchase and sale agreement, contract, or other legal document.
(7) Description of the site, including: address, map and lot number, book and page Reference, copy of the most recent property deed.
(8) Description of the proposed use, site lot lines, and size and location of any structures.
(9) Complete application for a Floodplain Management Permit if located within a special flood hazard area.
(10) Complete application for a Local Shoreland Zoning Permit if located within a Shoreland
Zoning Permit if located within a Shoreland Zoning District.

(11) A list of all other local, state and federal permits required for the project.

(12) Erosion control plan prepared by a Maine licensed Engineer.

(13) Storm-water control, Water-body protection plan prepared by a Maine licensed Engineer.

(14) Phosphorus control plan prepared by a Maine licensed Engineer.

(15) Wildlife corridors, scenic, historic and archeological protection plan with supporting documentation prepared by a Maine licensed Engineer.

(16) Wastewater disposal plan (HHE-200Form).

(17) Sufficient public or private water sources are available to serve the foreseeable needs of The proposal.

(18) Site plan, drawn to scale by a Maine Registered Land Surveyor of not more the one Hundred feet to the inch. The site plan shall show the following:

(a) Standard boundary survey of the parcel giving complete descriptive data by bearings And distances made and certified by a registered land surveyor.

(b) The date the plan was prepared, north arrow, and graphic map scale.

(c) Location of all existing and proposed structures, roads, traffic access points, rights-of-Way, public or private easements, buffers, landscaping, rivers, streams, brooks, wetlands, steep slopes over 20%, 10 foot contour lines, drainage structures, subsurface wastewater disposal areas, special flood hazard areas, zoning district boundaries, existing and proposed vegetative cover, well locations, number of acres of the site, significant wildlife habitat, archaeological and historic sites, scenic areas, and outdoor areas used for storage.

(d) The site plan may also show the following features; erosion control measures, storm-water control features, phosphorus control measures, water-body protection features.

Article 5  Traffic Access Standards and Parking

Sec.  14-53.  Arterial Highway Designation

(a) The following streets and roads are designated to be arterial highways for the purpose of administering this Chapter and the Subdivision Ordinance.

| Albion Road | Augusta Road | Bay Street |
| Benton Avenue | China Road | Clinton Avenue |
| Cushman Road | Garland Road | Halifax Street |

Sec.  14-54.  Traffic Visibility

No obstructions, such as structures, parking, or vegetation shall be permitted in any district between the heights of 2 1/2 feet and 10 feet above the plane through the mean curb grades within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of 15 feet from their intersection.

The shaded area on the plan view and the side view indicates the area where vision clearance must be obtained. The lines are the right-of-way lines for a typical street intersection. Within this area,
no obstruction are allowed 2 1/2 feet above a plane surface passing through the average height of the abutting curb or edge of the paved part of the street. In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to 50 feet.

Sec. 14-55. Driveways

(a) All driveways installed, altered, changed, replaced, or extended after the effective date of this Chapter shall meet the following requirements:

Islands between driveway openings shall be provided with a minimum of 12 feet between all driveways and 6 feet at all lot lines.

Openings for vehicular ingress and egress shall not exceed 24 feet at the street line and 30 feet on the roadway.

Sec. 14-56. Highway Access

(a) No direct public or private access shall be permitted to the existing or proposed right-of-way of the following:

(1) Arterial streets intersecting another arterial street within 100 feet of the intersection of the right-of-way lines.

(2) Streets intersecting an arterial street within 50 feet of the intersection of the right-of-way lines.

(3) Access barriers such as curbing, fencing, ditching, landscaping, or other topographic barriers shall be created to prevent unauthorized vehicular ingress and egress to the above specified streets or highways.

(4) Temporary access to the above rights-of-way may be granted by the Police Department after review and recommendation by highway agencies having jurisdiction. Such access permit shall be temporary, revocable, and subject to any conditions required and shall be issued for a period not to exceed 12 months.

Sec. 14-57. Loading Docks

(a) All buildings, structures and uses which have a total gross floor area and effectively utilized outdoor ground space of more than 5,000 square feet shall provide loading areas so that vehicles loading and maneuvering, or unloading and maneuvering are completely off the public ways and so that no vehicles need back onto any public way.

Sec. 14-58. Parking Requirements

(s) In all districts and in connection with every use, there shall be provided at the time any use of building is erected, enlarged, extended, or increased, off-street parking space for all vehicles in accordance with the following:
(1) Adequate access to a public street shall be provided for each parking space, and driveways shall be at least 10 feet wide for one to six family dwellings and a minimum of 20 feet for all other uses.

(2) All parking spaces except those serving one to six family houses shall be accompanied by off-street maneuvering space designed so as to permit all cars to enter and leave the parking facility driving forward without backing into a public right-of-way.

(3) The size of each parking space shall not be less than 180 square feet exclusive of the space required for ingress and egress.

(4) The location of each parking space shall be on the same lot as the principal use or not over 400 feet from the principal use. No parking stall or driveway, except in residential districts shall be closer than 25 feet to a residential district lot line.

(5) All commercial or residential off-street parking for more than 3 cars on a lot in other than a rural district shall be graded so as to be dust free and properly drained; the minimum standard could be gravel with calcium chloride. Any parking area for more than 10 vehicles shall have asphalt or similar surface, and the aisles and spaces shall be clearly marked.

(6) Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines.

Sec. 14-59. Exception to Parking Requirements

(a) When the town or municipal parking authority provides public parking space lots as a special exception initiated by the town or authority, all uses within the designated municipal parking area may be proportionally exempted from the parking requirements of this article provided a fair financial settlement is made between the owner of the affected lot and the municipality or authority.

Sec. 14-60. Parking Spaces Required

The following table indicates the minimum number of parking spaces required for each use. In the case of uses not listed, the provision for a use which is similar shall apply. Combinations of any of the above uses shall provide the total of the number of spaces required for each individual use.

<table>
<thead>
<tr>
<th>Type of Use</th>
<th>Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family dwellings</td>
<td>2 spaces per dwelling unit</td>
</tr>
<tr>
<td>Multi-family dwellings</td>
<td>1.5 spaces per dwelling unit</td>
</tr>
<tr>
<td>Category</td>
<td>Requirement</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>Hotels, Motels</td>
<td>1 space per guest room &amp; 1 space per each 3 employees</td>
</tr>
<tr>
<td>Hospitals, Dormitories</td>
<td>1 space per each 2 beds, &amp; 1 space per each 3 employees</td>
</tr>
<tr>
<td>Nursing Homes, Rest Homes</td>
<td>1 space per each 5 beds &amp; 1 space per each 3 employees</td>
</tr>
<tr>
<td>Medical and Dental Clinics</td>
<td>6 space per each doctor</td>
</tr>
<tr>
<td>Churches, theaters, auditoriums, community centers, schools, and places of public assembly</td>
<td>1 space per each 5 seats</td>
</tr>
<tr>
<td>High Schools</td>
<td>1 space per each employee &amp; 1 space per each 15 students</td>
</tr>
<tr>
<td>Elementary &amp; Junior High Schools</td>
<td>1 space per each 2 employees</td>
</tr>
<tr>
<td>Colleges</td>
<td>1 space per each 2 employees &amp; 1 space per each 5 students</td>
</tr>
<tr>
<td>Restaurants, Funeral Homes, Bars</td>
<td>1 space per 10 square feet of gross floor area or 1 space per 3 persons of legal or practical capacity</td>
</tr>
<tr>
<td>Retail and Service</td>
<td>4 spaces per 1,000 square feet of floor area</td>
</tr>
<tr>
<td>Manufacturing, Warehouse</td>
<td>1 space per each 3 employees</td>
</tr>
<tr>
<td>Professional Office, Government Building</td>
<td>1 space per employee and 1 space per 300 square feet of floor area</td>
</tr>
<tr>
<td>Bowling Alley</td>
<td>3 spaces per alley</td>
</tr>
</tbody>
</table>

**Article 6. General Performance Standards**

**See. 14-61 General Site and Use Standards**

(a) Only those uses specified for a district shall be permitted. Principal uses shall require a permit from the Code Enforcement Officer. Conditional uses shall require site review by the Planning Board. A conditional use is eligible for a permit from the Code Enforcement Officer only after the Planning Board approves the Site Review Application.

(b) Unclassified or unspecified uses may be permitted by the Planning Board provided that such uses are similar in character to the uses permitted in the district.

(c) Temporary uses such as real estate, field offices, or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Planning
Board.

(d) Accessory uses and structures are permitted in any district but not until their principal structure is present or under construction. Accessory uses include: incidental repairs; storage; parking facilities; private emergency shelters; and gardening, servants, itinerant agriculture labor’s and watchman’s quarters not for rent. Accessory uses and structures are required to meet all yard requirements except that swimming pools shall conform to the standards contained in Sec.14-64.

(e) No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Code Enforcement Officer by reason of: flooding; concentrated runoff; adverse soil or rock formation; unfavorable topography; low bearing strength; erosion susceptibility; or any other feature likely to be harmful to the health, safety, and general welfare of the community. The Code Enforcement Officer shall in writing list the particular facts for making a determination that a particular site is unsuitable for development based upon the reasons listed above. The applicant shall have an opportunity to contest such unsuitability through the Board of Appeals.

(f) All principal structures shall be located on a lot; and only one principal structure shall be located; erected; or moved onto a lot, unless the structures have been approved as an open space development.

(g) In any district where public sewer is not available: the width and area of all lots shall be sufficient to permit the use of a subsurface wastewater disposal system designed in accordance with the State of Maine Subsurface Wastewater Disposal Rules.

(h) All subsurface wastewater disposal systems shall be located in areas of suitable soil of at least 1,000 square feet in size in all shoreland areas. No structure or land use requiring a subsurface wastewater disposal system shall be issued a permit without first having been issued a subsurface wastewater disposal permit from the Local Plumbing Inspector.

(i) Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yards on the less restrictive, if more than 60 feet from the district boundary line, may be adjusted so as to equal the average street yards required in both districts.

(j) In any district, the street yard requirements may be reduced to equal the average of the existing street yards for buildings existing on the adjacent lot on either side of a proposed building with the approval of the Code Enforcement Officer. However, in no event shall such reduction be allowed to interfere with traffic visibility.

(k) Any non-residential use abutting a residential use or dwelling, or a residential zoning district shall incorporate along the affected property lines a year-round visual barrier sufficient to screen the proposed use from the property line to a minimum height of 6 feet. The screen shall consist of one or more of the following; existing or proposed vegetation, fence, or other similar structure. The visual barrier shall be installed within a buffer area with a minimum width of 25 feet, extending along the affected property lines.
Sec. 14-62 Signs

(a) No sign shall be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a building permit. The sign shall meet all the structural requirements of the Building Code.

(b) All signs are prohibited in all residential, rural and conservation districts except for the following:

1. Signs over show windows or doors of a business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed 20 square feet.

2. Real Estate signs not to exceed 8 square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporally located.

3. Name, occupation and warning signs not to exceed 4 square feet located on the premises.

4. Official signs such as traffic control, parking restrictions, information, and notices.

5. Non-lighted temporary signs or banners when authorized by the Code Enforcement Officer for a period of no more than 30 days and not to exceed 8 square feet in area.

6. Bulletin boards for public, charitable or religious institutions not to exceed 8 square feet in area located on the premises.

7. Business Directional Signs, as defined and restricted pursuant to Title 23 MRSA, Sections 1906-1912, as amended, provided that any such sign is located at least two hundred (200) feet from any public park or entrance to any public park.

(c) Signs are permitted in the Commercial and Industrial Districts subject to the following restrictions:

A wall sign placed against the exterior walls of building shall not extend more than 6 inches outside of a building’s wall surface; shall not exceed 10% of the wall area on which it is mounted; and the total square footage of all wall signs for a premise shall not exceed 500 square feet.

A projecting sign fastened to, suspended from, or supported by structures shall not:

a. Exceed 100 square feet in area for any one premises,
b. Extend more than 6 feet into any required yard,
c. Extend more than 3 feet into any public right-of-way,
d. Be less than 10 feet from all side lot lines,
e. Exceed a height of 20 feet above the mean centerline street grade,
f. Be less than 10 feet above the sidewalk nor 15 feet above a driveway or an
alley.

(3) A ground sign shall not exceed 20 feet in height, above the mean centerline street grade, shall meet all yard requirements for the district in which it is located, shall not exceed 100 square feet on one side nor 200 square feet on all sides for any one premises.

(4) A roof sign shall not exceed 10 feet in height above the roof, shall meet all the yard and height requirements for the district in which it is located, and shall not exceed 300 square feet on all sides for any one premises.

(5) A window sign shall be placed only on the inside of commercial buildings and shall not exceed 25% of the glass area of the pane upon which the sign is displayed.

(6) A combination of any of the above signs shall meet all the requirements for the individual sign.

(7) A portable sign shall not be more than 50 square feet on one side and shall be set back from the right-of-way a distance of at least 10 feet. Only one sign shall be allowed per property and no permit shall be issued for a period of more than 30 days during any one six-month period.

(8) Changeable message boards: Freestanding signs may include message boards where letters, words, and messages such as "no vacancy" may be removed and replaced, providing that they are permanently mounted within a fixed base. Changeable signs may also be affixed to a building.

Electronic changeable message signs, including time & temperature signs, are signs "which may be changed at reasonable intervals by electronic process or remote control," and do not "include any flashing, intermittent or moving light or lights." (23 U.S.C. § 131), and in accordance with subsection 11-A. of Title 23 Chapter 21 of the Maine Revised Statutes Annotated, are permitted provided that each message remains fixed on the display surface for a minimum of 1.5 seconds. For the purposes of this section, signs whose messages change by mechanical or electronic means are not prohibited as long as the intermittent lighting is used to change messages and not solely to attract attention. A "flashing" sign will continue to be prohibited except as described below. The regulatory factors in the display of an electronic changeable message signs are: Duration of the message display, Message Transition, and Frame Effects. The changes of messages must be accomplished immediately. Messages may be changed only by a complete substitution of the display with transitions such as fade, scroll, sweep or dissolve to name a few not allowed. Static messages only (text & images) are permitted with a 2 second minimum hold rate between changes with no movement or any illusion of movement. Electronic changeable signs are not permitted in residential zones. No electronic display is permitted to view primarily onto a controlled access highway.
(d) No sign, except those permitted in sub-section (b) shall be permitted to face a residential district within 100 feet of such district boundary.

(e) A sign shall not resemble, imitate, or approximate, the shape, size, form, or color of railroad or traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices. No sign shall be erected, relocated, or maintained so as to prevent free ingress or egress from any door, window, or fire escape. No sign shall be placed so as to obstruct or interfere with traffic visibility.

(f) A sign lawfully existing at the time of the adoption or amendment of this Chapter may be continued although the use, size, or location does not conform with the provisions of this section. However it shall be deemed a non-conforming structure.

Ord. No. 4-2004, 7-12-04; Ord. 4-2007; 5-14-07.

Sec. 14-63 Home Occupations and Minor Home Occupations

(a) Home occupations are business or commercial activities that are conducted in a dwelling unit or accessory structure by one or more family members residing in the home. The specific occupation must be compatible with the residential character of both the dwelling and neighborhood. The home occupation use is designed for low impact home business activities that can co-exist with residential neighborhoods without creating noise, odors, excessive traffic or detract from the comfort and expectations of homeowners. A home occupation may be any occupation or profession which can be carried on within the home and meet the requirements of this section.

(b) The use of a dwelling unit or property for a home occupation shall be clearly incidental to and compatible with the residential use of the property and surrounding residential uses.

(c) The home occupation shall be carried on wholly within the principal building or within a building or other structure accessory to it. The outside storage and processing of materials or products shall be prohibited.

(d) A home occupation shall employ no more than one person other than family members residing in the home.

(e) A home occupation shall not alter the residential character of the structure, neighborhood, or change the character of the lot from its principal use as a residence.

(f) One non-illuminated sign, no larger than 4 square feet may be erected on the premises.

(g) The sale of products shall be limited to normal business hours and to those items which are crafted, assembled, or substantially altered on the premises, to catalog items ordered off the premises by customers, and to items which are accessory and incidental to a service which is provided on the premises.

(h) All necessary parking shall be provided off the street and no parking shall be allowed in the front yard.
(l) A home occupation shall not create greater traffic than normal for the area in which it is located or generate more than 20 vehicle trips per day.

(j) The following uses are prohibited as home occupations: veterinary services; kennels; auto service and repair; and truck and heavy equipment repair, sales, and service.

(k) Minor Home Occupations are certain uses that due to their nature and scope have a low impact on the residential nature of a dwelling and neighborhood. Such home occupations include, but not limited to: artist, authors, home crafts for off-site sales, word processing, and tutoring. The following standards shall be met in order to be classified as a minor home occupation:

1. Only family members residing in the dwelling are employed in the home occupation.
2. All the standards for a home occupation listed above are met.
3. No sign is used at the premises.
4. The home occupation does not include the on-site, retail sale of goods.
5. No traffic is generated which is not otherwise normal for a residence and the occupation does not require that customers or clients travel to the dwelling.
6. No deliveries are made to the premises other than package carrier services.

Sec. 14-64 Private Swimming Pools, Pool Decks and Pool Fences

(a) Private Swimming Pools

1. Swimming pool means an outdoor-receptacle or other container, whether in or above ground, used or intended to be used to contain water for swimming or bathing and designed for a water depth of 24 inches or more.

2. In ground and aboveground pools shall meet the yard setback requirements for the zoning district in which it is located.

3. Enclosed pools and their structures shall meet all required yard and setback requirements for all accessory and principal structures and uses for the zoning district in which they are located.

(b) Pool Decks

1. Any deck surface 2 feet or more above the ground shall be setback at least 10 feet from all property lines.
(c) Pool Fences

(1) A fence shall be erected and maintained around every swimming pool, except that aboveground pools with sidewalls of at least 24 inches in height are exempted. A dwelling or accessory building may be used as part of the enclosure. All gates and doors opening through this enclosure shall be capable of being securely fastened at all times when not in actual use.

(2) Pools shall be enclosed by a fence of at least 6 feet in height, capable of preventing children from gaining access and minimizing noise and otherwise meeting all other requirements of a fence as defined in Title 22, M.R.S.A. Section 1631 (1) as amended.

Sec. 14-65 Re-Use of Agricultural Structures

(a) Purpose

Some of the existing agricultural structures such as barns, dairy barns, chicken barns and similar structures, located throughout the rural portions of the Town are vacant or not used for their original design due to changes in the agricultural market. A non-agricultural use for many of these structures is difficult due to their size and location outside of the Town's designated commercial and industrial districts. These structures may be converted to low intensity light manufacturing and warehousing according to performance standards designed to protect rural character and allow some creative re-use of the structures for certain commercial activities.

(b) Applicability

This section shall apply to the re-use of agricultural structures for light manufacturing and warehousing. Agricultural structures removed or destroyed by natural causes such as fire, wind, snow etc. are not eligible. An agricultural structure is eligible if it has been used for agricultural purposes for a period of at least 5 years prior to its initial application for re-use according to this section.

(c) Standards

(1) The proposed use shall not create more than 100 vehicle trips per day.

(2) The permanent outside storage of goods, equipment and materials is prohibited.

(3) The existing agricultural structure shall not be expanded in area or volume. The construction of new buildings or the conversion of non-agricultural structures is not allowed. Any expansion is limited to the construction of parking areas, driveway access and landscaping.

(4) The outside processing, assembly, fabrication or other manufacturing activities are prohibited.
Sec. 14-65A: Personal Wireless Services Facilities (PWSF)

1. **Purpose**

These standards are designed and intended to balance the interests of the residents of the Town of Winslow, wireless communications providers and wireless communication customers in the siting of wireless communications facilities within the town. Beyond the objectives described in other provisions of this Ordinance, these Personal Wireless Services Facilities (PWSF) standards are also intended to:

a. Implement a municipal policy concerning the provisions of wireless telecommunications services, and the siting of their facilities;

b. Establish clear guidelines, standards and time frames for the town to regulate wireless communications facilities;

c. Ensure that all entities providing PWSF within the Town comply with the ordinances of Winslow;

d. Permit the Town of Winslow to fairly and responsibly protect public health, safety and welfare;

e. Encourage the siting of PWSF to co-locate, thus minimizing adverse visual impacts on the community;

f. Support the goals and policies of the Comprehensive Plan, especially the orderly development of the Town with minimal impacts on existing residential uses;

g. Protect Winslow’s environmental resources and rural character as consistent with the goals and objectives outlined by the Winslow Comprehensive Plan;

h. Provide for the removal of towers and associated structures that are no longer being used for wireless communications purposes;

i. Minimize any potential adverse effect of PWSF on property values; and

j. Protect the scenic and visual character of Winslow.

2. **Dimensional Standards**

a. **Height Outside A PWSF Overlay Zone** - The vertical distance between the highest point of a PWSF (ground-mounted or building mounted) and the mean natural grade at the base of the structure or building shall not exceed one hundred (100) feet, provided, however,

   1. If antennas are located on an existing utility structure, including water tower, electrical transmission tower, or utility pole, the vertical height of the existing structure may not be increased by more than ten (10) feet;

   2. The highest point of a building mounted PWSF on an existing building may not be ten
feet higher than the existing building unless the PWSF is completely camouflaged as provided in subsection 3 (a) and (b); and

3. The highest point of ground mounted PWSF shall not exceed ten (10) feet above the average tree canopy height of the trees located within an area defined by a one hundred fifty (150) foot radius or perimeter of the mount, security barrier, or designated clear area for access to equipment, whichever is greatest. Refer to subsection 6 (c) - Average Tree Canopy Height. In high density residential zone and commercial zone when there are buildings within 300 feet of the mount the highest point of ground-mounted PWSF shall not exceed ten (10) feet above the average building height within 300 feet of the mount.

b. **Height, PWSF Overlay Zone:** Where the Town establishes a PWSF Overlay District (when designated on the Town zoning map), PWSFs of up to 150 feet in height may be permitted by Conditional Use Permit. Such structures must be monopoles and shall comply with all setback requirements set forth in this Ordinance.

c. **Reconstruction of Nonconforming PWSF** - A non-conforming ground-mounted PWSF, removed or destroyed for any reason, may be reconstructed subject to site plan review on the same site, provided that it complies with the height restrictions of this subsection.

d. **Setbacks:** All PWSFs and their equipment shelters shall comply with the building setback provisions of the zoning district in which the facility is located. Fences shall comply with the setback provisions of the zoning district in which the facility is located.

e. **Fall Zone for Ground Mounts:** In order to ensure public safety, the minimum distance from the base of any ground-mounted PWSF to any property line, public road, habitable dwelling, business or institutional use, or public recreational area shall be, at a minimum, the distance equal to the fall zone, as defined in paragraph 6 (k). The fall zone may cross property lines, so long as the applicant secures a fall zone easement from the affected property owner(s). The area of the easement shall be shown on all applicable plans submitted to the Town, and the terms of the easement shall be provided as part of the site plan review. Fall zones for PWSFs may overlap.

f. **Fall Zone for Mounts:** In the event that an existing structure is proposed as a mount for a PWSF, a fall zone shall not be required, but the setback provisions of the zoning district shall apply. In the case of pre-existing nonconforming structures, PWSFs and their equipment shelters shall not increase any non-conformities.

**Performance and Design Standards**

a. **Visibility** - The applicant is encouraged to utilize enhancements to the property and must demonstrate that every reasonable effort has been made to cause the facility to have the least possible visual impact on the Town.

i. **Visual impacts are measured on the basis of:**

   1. Change in community scale, as exhibited in relative height, mass or proportion of the
PWSF within their proposed surroundings.
2. New visible elements proposed on a contrasting background.
3. Different colors and textures proposed against a contrasting background.
4. Use of materials that are foreign to the existing environment.

ii. Enhancements are measured on the basis of:

1. Conservation of opportunities to maintain community scale. e.g. buffering areas and low-lying building should not be compromised so as to start a trend away from the existing community scale.
2. Amount and type of landscaping and/or natural vegetation.
3. Preservation of view corridors, vistas, and viewsheds.
4. Continuation of existing colors, textures, and materials.

iii. Visibility focuses on:

1. Eliminating or mitigating visual impact.
2. Protecting, continuing, and enhancing the existing environment.

iv. Camouflage for Facilities on Roof of Existing Buildings:

When a PWSF extends above the roof height of a building on which it is mounted, every effort shall be made to conceal or camouflage the facility within or behind existing or new architectural features to limit its visibility. Facilities mounted on a roof of a building shall be stepped back from the front façade in order to limit their impact on the building’s silhouette.

v. Camouflage for Facilities on Side of Existing Buildings:

PWSF mounted on a side of a building, shall blend with the existing building’s architecture and the panels shall be painted or shielded with material consistent with the design features and materials of the building. All surfaces shall be non-reflective.

vi. Camouflage for Ground-Mounted Facilities:

Ground-mounted PWSF outside a PWSF Overlay Zone shall be surrounded by a buffer of dense tree growth that begins at and extends continuously from ten (10) feet beyond the security barrier and portion of equipment shelter outside security barrier for a minimum distance of one hundred and fifty (150) feet and screens views of the facility in all directions with an exception in High Density Residential and Commercial zones noted in this subsection. These trees must be existing (existing trees are preferred) on the subject property, planted on site, or be within a landscape easement on an adjoining site.

The one hundred fifty (150) foot vegetative buffer area shall be protected by a landscape easement or be within the area of the PWSF owner’s lease. The easement or lease shall specify that the trees within the buffer shall not be removed or topped, unless the trees are dead or dying and present a hazard to persons or property.
A tree buffer may not be required for a PWSF in High Density Residential or Commercial zones when there are buildings within 300 feet of the mount and when the PWSF is camouflaged.

b. **Color** - To the extent that a PWSF extends above the height of the vegetation immediately surrounding it, it shall be of a color which blends with the background or surroundings. All surfaces shall be non-reflective.

c. **Equipment Shelters** – PWSF equipment shelters shall be designed consistent with one of the following design standards:

   i. Equipment shelters shall be located in underground vaults; or

   ii. Equipment shelters shall be designed so that the shelters are architecturally consistent, with respect to materials and appearance, to the buildings in the area of the PWSF; or

   iii. Equipment shelters shall be camouflaged behind an effective year-round landscape screen, equal to the height of the proposed building and/or fence. The Planning Board shall determine the style of fencing and/or landscape buffer that is compatible with the neighborhood; or

   iv. If mounted on the roof of a building, the equipment shelter shall be concealed or camouflaged so that the shelter either is not visible at grade or appears to be a part of the original structure.

d. **Lighting, Signage, and Security**

   i. **Lighting**: The mounts of PWSFs shall be lighted only if required by the Federal Aviation Administration (FAA). Lighting of equipment structures and any other facilities on site shall be shielded from abutting properties. Foot-candle measurements at the property line shall be 0.0 initial foot-candles above ambient light conditions.

   ii. **Signage**: PWSF shall not contain any permanent or temporary signs, writing, symbols or any graphic representation of any kind except those needed to identify the property and the owner and warn of any danger. All signs shall comply with the requirements of this Ordinance.

   iii. **Security Barrier**: Ground-mounted PWSFs shall be enclosed by security fencing equipped with an anti-climbing mechanism.

e. **Historic Buildings**

   i. A PWSF located on or within an historic structure shall not alter the character-defining features, distinctive construction methods, or original historic materials of the building.

   ii. Any alteration made to an historic structure to accommodate a PWSF shall be fully reversible.
iii. PWSFs authorized by this subsection shall be concealed within or behind existing architectural features, or shall be located so that they are not visible from public roads and viewing areas.

f. Scenic Landscapes and Vistas - Ground-mounted facilities outside a PWSF Overlay Zone shall not be located within open areas that are clearly visible from public roads, recreational areas, nearby or abutting properties unless these PWSF are hidden or disguised in such a way so as to blend in with their surroundings. Ground-mounted PWSFs outside a PWSF Overlay Zone shall be surrounded by a buffer of dense tree growth as provided under subsection 3.a.vi., except that a treed buffer may not be required for a PWSF in High Density Residential or Commercial zones when there are buildings within 300 feet of the mount and when the PWSF is camouflaged.

g. Driveways - If available, existing entrances and driveways to serve a PWSF shall be utilized, unless the applicant can demonstrate that a new entrance and driveway will result in less visual traffic, and environmental impact. New driveways to serve a PWSF shall not exceed twelve (12) feet in width. A gravel or crushed stone surface is required.

h. Antenna Types - Any antenna array placed upon an existing or proposed ground mount, utility pole, or transmission line mount shall have a diameter of no more than four (4) feet, exclusive of the diameter of the mount. A close mount may be required to minimize visual impacts.

i. Mounts - All ground mounts shall be of a mast or monopole type mount. Mounts affixed to the roof or side of a building shall be masts only. Lattice towers, guyed towers, and roof mounted monopoles are expressly prohibited, unless constructed as part of a reconstruction of a nonconforming structure permitted under subsection 2.b.

j. Hazardous Waste - No hazardous waste shall be discharged on the site of any PWSF. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor designed to contain at least one hundred and ten percent (110%) of the volume of the hazardous materials stored or used on the site.

k. Noise - PWSF shall not generate noise in excess of limits permitted under the Town noise ordinance.


m. Federal and State Requirements - All PWSFs must meet or exceed current standards and regulations of the FAA, FCC and any other agency of the federal or state government with the authority to regulate PWSFs. If such standards and regulations are changed, then the owners of the facilities governed by this ordinance shall bring such facilities into compliance with such revised standards and regulations within six (6) months of the effective date of
such standards and regulations, unless a more stringent compliance schedule if mandated by the controlling agency. Failure to bring a PWSF into compliance with such revised standards and regulations shall constitute grounds for removal of the PWSF as abandoned, in accordance with subsection 5, at the owner(s) expense through the execution of the posted security.

n. **Building Code - Safety Standards** - To ensure the structural integrity of PWSFs, the owner of the facility shall ensure that it is maintained in compliance with the standards contained in applicable local building codes and the applicable standards for PWSFs that are published by the Electronics Industries Association, as amended from time to time. If, upon inspection, the Town concludes that a PWSF fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the PWSF, the owner shall have thirty (30) days to bring such PWSF into compliance with such standards. If the owner fails to bring such PWSF into compliance within thirty (30) days, such action shall constitute abandonment and grounds for the removal of the facility as abandoned at the owner(s) expense through execution of the posted security.

o. **Balloon Test** - The Planning Board may require a certified balloon test accurately simulating the height and location of the proposed PWSF. Public notice shall be given of the date and time of such test not less than 10 days prior thereto. The applicant shall provide photographs of such test from locations around the Town and within 20 miles from which the balloon(s) is visible.

p. **Migrating Bird Protection** - The applicant shall submit a plan indicating methods that it shall use to mitigate adverse impacts on migrating bird populations.

q. The owner of the PWSF, as a condition of approval, shall execute an agreement that it will indemnify and hold the Town, its officials and employees harmless from all claims against the Town for personal injury, property damages, and loss, including costs of defense and reasonable attorney's fees, arising from or related to the construction, operation repair and removal of the PWSF or any part thereof.

r. **Alternative Tower Sites** – If the proposed ground-mounted PWSF does not meet the standards of this Ordinance because of insufficient camouflage or a lack of screening by existing trees or buildings then potential suitable alternative sites, where PWSFs can meet the standards and provide adequate signal coverage need to be inventoried and evaluated. More than one site each with a PWSF (that may be shorter than originally proposed) could be required. If the applicant determines that there are no suitable alternative sites the municipality may hire at the applicant’s expense a radio frequency engineer to independently assess if there are suitable alternative sites.

s. **Professional Services** – The Planning Board may require that an independent radio frequency engineer be hired at the applicant’s expense to substantiate the applicant’s claim of technical necessity, the applicant’s evaluation of proposed site(s) and alternative sites and to propose suitable alternative sites. An independent landscape architect may be hired at the applicant’s expense to evaluate the applicant’s visual impact analysis and proposed mitigation and to propose visual impact mitigation alternatives.
t. **Average Tree Canopy Height (ATCH)** – ATCH shall be determined by a forestry or environmental consultant qualified to inventory tree height and determine the ATCH as defined in this Ordinance.

4. **Conditions of Approval**

   a. **Maintenance** - The owner of the facility shall maintain the PWSF in good condition. Such maintenance shall include, but shall not be limited to, painting, structural integrity of the mount and security barrier, maintenance of the buffer areas, landscaping, and camouflage materials. The Planning Board may direct the owner to perform maintenance that it determines to be required.

   b. **Monitoring** - The property owner and the owner of the PWSF shall agree that the Town and its appointed representative(s) may enter the subject property to obtain RFR measurements, noise measurements, and to perform maintenance and safety inspections at the expense of the carrier. In the case of taking RFR and or noise measurements, the Town may enter without any advance notice to either the PWSF owner or the property owner. In all other cases, the Town shall provide reasonable written notice to the carrier and landowner and provide them the opportunity to accompany the Town representatives when the inspections are conducted.

   c. **Security for Removal** - Recognizing the hazardous situation presented by abandoned and unmonitored telecommunications facilities, the Planning Board shall set the form and amount of security that represents the cost for removal and disposal of abandoned telecommunications facilities in the event that a facility is abandoned and the facility owner is unwilling or unable to remove the facility in accordance with Section 14-66.5. The amount of the security shall be based upon the removal cost plus, fifteen percent (15%) provided by the applicant and certified by a professional civil engineer licensed in Maine. No building permit may be issued until the applicant has deposited the just described amount of the security with the Town. The owner of the facility shall provide the Planning Board with revised removal cost estimate and structural evaluation prepared by a professional civil engineer licensed in Maine every five (5) years from the date of the Planning Board's approval of the site plan. If the cost has increased more than fifteen percent (15%) then the owner of the facility shall provide additional security in the amount of the increase.

   d. **Antenna Installation** - An antenna or antenna array may be located, without further approval, on any structure mounted PWSF legally existing prior to effective date of Section 14-66.5, and on any PWSF subsequently approved under the provisions of this Ordinance, provided that:

      i. All carriers using the PWSF comply with provisions of this Ordinance including the requirements of co-location;

      ii. All carriers using the PWSF comply with the terms and conditions of approval of the PWSF by the Planning Board; and

      iii. There is no increase in the PWSF height, carrier capacity, or area of the security barrier.
Otherwise, site plan review and a conditional use permit is required.

5. **Commencement, Abandonment, or Discontinuation of Use**

   a. **Commencement of Operation** - Operation of a PWSF shall commence no later than nine (9) months from the date the application was approved. If the PWSF is not operating and providing the citizens of the Town with Personal Wireless Services, as defined, within this time period, the Planning Board, at its discretion, may revoke its approval, regardless of whether construction has begun.

   b. **Notification of Continued Use** - Beginning 12 months after Planning Board approval and continuing on an annual basis thereafter, the owner of a PWSF shall provide the Planning Board with written, signed certification that the PWSF is being used to provide Personal Wireless Services as defined. Failure to comply with this requirement shall constitute an admission that the PWSF is not in use and has been abandoned.

   c. **Discontinuance** - At such time that the owner plans to discontinue operation of a PWSF, the owner will notify the Town by certified U. S. Mail of the proposed date of discontinuation of operations. Such notice shall be given no less than thirty (30) days prior to discontinuation of operations. In the event that the owner fails to give such notice, the PWSF shall be considered abandoned upon such discontinuation of operations.

   d. **Removal** - Upon abandonment or discontinuation of use, the owner of the facility shall physically remove the PWSF within ninety (90) days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:

      i. Removal of antennas, mount, equipment shelters and security barriers from the subject property.

      ii. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.

      iii. Restoring the site of the PWSF to its natural condition, except that any landscaping and grading shall remain in the after-condition.

   e. **Failure to Remove** - If the owner of the facility does not remove the facility upon the Planning Board's order, then the Town Council shall, after holding a public hearing with notice to the owner and abutters, issue a declaration of abandonment. The owner of the facility shall dismantle and remove the facility within ninety (90) days of receipt of the declaration of abandonment by the Town Council. If the abandoned facility is not removed within ninety (90) days, the Town may execute the security to pay for this action.

   f. **Failure to Maintain** - If the owner of the facility fails to maintain the facility in accordance with the directions of the Planning Board pursuant to paragraph 4 (a), then the Town Council, shall after holding a public hearing with notice to the owner and abutters, issue a declaration of abandonment. The owner of the facility shall dismantle and remove the facility within ninety (90) days of receipt of the declaration of abandonment by the Town Council. If the
abandoned facility is not removed within ninety (90) days, the Town may execute the security to pay for this action.

6. **Definitions**

For the purpose of this Section 8 (L) and Section 5 (b) of this Article II the following terms have the meaning given herein:

   a. **Antenna.** The surface from which wireless radio signals are sent and/or received by a PWSF.

   b. **Antenna Array.** A collection of antennas attached to a mount to send and receive radio signals.

   c. **Average Tree Canopy Height.** An average height found by inventorying the height, at above ground level (AGL) of all trees over twenty (20) feet in height within the area that extends for a distance of one hundred fifty (150) feet from the base of the mount, security barrier, or designated clear area for access to equipment whichever is greatest. Trees that will be removed for construction shall NOT be used in this calculation.

   d. **Camouflaged.** A PWSF that is disguised, hidden, part of an existing or proposed structure, or placed within an existing or proposed structure.

   e. **Carrier.** A company that provides personal wireless services also sometimes referred to as a provider.

   f. **Co-location.** The use of a single mount by more than one carrier (vertical co-location), or the use of more than one mount on the same site by more than one carrier (horizontal co-location), or the use of several mounts on an existing building or structure by more than one carrier.

   g. **Community Scale.** Compatibility between the proposed PWSF and its surroundings in relation to the height, mass, materials, contrasts, and proportion of the proposed facility and its surroundings.

   h. **Environmental Assessment (EA).** An EA is a document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a PWSF is placed in certain designated areas.

   i. **Equipment Shelter.** An enclosed structure, cabinet, shed, vault, or box near the base of the mount within which are housed equipment for PWSF such as batteries and electrical equipment. Equipment shelters are sometimes referred to as base transceiver stations.

   j. **Facility.** See Personal Wireless Service Facility.

   k. **Fall Zone.** The area on the ground from the base of a structure mounted personal wireless service facility that forms a circle with a diameter equal to twice the height of the facility, including any antennas or other appurtenances.
The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

l. **Guyed Tower.** A monopole or lattice tower that is secured to the ground or other surface by diagonal cables for lateral support.

m. **Height.** The height above ground level (AGL) from the natural grade of a site to the highest point of a structure.

n. **Lattice Tower.** A type of mount with multiple legs and structural cross-bracing between the legs that is self-supporting and freestanding.

o. **Mast.** A thin pole that resembles a street light standard or a telephone pole. A dual-polarized antenna is typically deployed on a mast.

p. **Monopole.** A thicker type of mount than a mast that is self-supporting with a single shaft of wood, steel or concrete, or other material that is designed for the placement of antennas and arrays along the shaft.

q. **Mount.** The structure or surface upon which antennas are mounted. (interior or exterior) including the following two types of mounts:

   i. **Ground-mounted** - A mount that is a structure affixed to the ground, other than a building, upon which one or more antennas are mounted.

   ii. **Building-mount** - A mount that is: (1) the roof or side of a building upon which one or more antennas are mounted; or (2) a mount that is a structure affixed directly to the roof or side of a building and not part of the building, upon which one or more antennas are mounted.

   After effective date of Section14-65A of this Ordinance, all ground-mounts shall be masts or monopoles, and all structures (other than buildings) used with building mounts shall be masts.

r. **Personal Wireless Service Facilities (PWSF).** Facility for the provision of personal wireless services, as defined by the Telecommunications Act of 1996, as amended and this Ordinance. PWSFs include a mount, antenna, equipment shelter, and other related equipment. A PWSF shall not include any of the following:

   i. Wireless communication facilities for emergency communications by public officials.

   ii. Amateur (ham) radio stations licensed by the Federal Communications Commission (FCC)

   iii. Parabolic Antennae less than seven (7) feet in diameter, that are an accessory use of the property.
iv. Temporary Personal Wireless Service Facilities in operation for one maximum period of one hundred eighty (180) days. Such temporary facilities shall be removed prior to 30 days following the maximum period.

v. An antenna that is an accessory use to a residential dwelling unit, provided that the PWS is not used for commercial purposes.

s. Personal Wireless Services. The three types of services covered by this Ordinance: commercial mobile radio services, unlicensed wireless services, and common carrier wireless exchange access services as described in the Telecommunications Act of 1996, as amended.

t. Radio Frequency (RF) Engineer. An engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

u. Radio Frequency Radiation (RFR). The emissions from PWSFs.

i. Security Barrier. A wall, fence, or berm that restricts an area from unauthorized entry or trespass.

7. Additional Application Requirements for PWSFs.

In addition to the foregoing requirements contained in this section, applications for PWSFs shall include:

a. For ground-mounted PWSFs that must be screened by trees a written report must be provided from a qualified forestry or environmental consultant that describes the Average Tree Canopy Height and the methodology used to determine it.

b. A proposal to construct or modify a PWSF must include evidence of a commitment from a duly licensed carrier to utilize the tower to provide wireless communication services.

c. Written approval by all applicable state and federal agencies, including but not limited to the FAA and FCC, including a description of any conditions or criteria for the approval, or a statement from the agency that no approval is required.

d. An inventory of all of the provider's existing and approved towers, antennae or sites within the Town of Winslow and locations in surrounding communities where wireless telecommunications are proposed to be utilized in conjunction with the facility proposed in the application. Service area maps or network maps of the applicant's existing and proposed facilities in Kennebec County.

e. Identification of any other PWSFs existing or proposed on the site.

f. Details of all existing or proposed accessory structures including buildings, parking areas, utilities, gates, access roads, etc.

g. Evidence must be provided that written notice was sent, by pre-paid first class United States
mail, to all other such tower and alternative tower structure owners and licensed wireless communication providers that could furnish service to the Town of Winslow utilizing existing towers and alternative tower structures and to owners of such towers. This notice shall state the applicant’s siting needs and include a request for information of the co-location capabilities of the existing or previously approved facilities. Evidence that this notice requirement has been fulfilled shall include a name and address list, copy of the notice that was sent, and a return receipt request that the notices were sent as required.

h. Evidence must be provided that existing or previously approved towers and alternative tower structures with the Town of Winslow cannot accommodate the communications equipment (antennae, cables, etc.) planned for the proposed tower. Such evidence shall include documentation from a qualified and licensed professional engineer that:

i. Planned necessary equipment would exceed the structural capacity of existing and approved PWSFs and alternative tower structures considering (1) the existing and planned use of those PWSFs and alternative tower structures, and (2) the existing and approved PWSFs cannot be reinforced or enlarged to accommodate planned or equivalent equipment at a reasonable cost.

ii. Planned equipment will cause electromagnetic frequency interference with other existing or planned equipment for that PWSF or alternative tower structure, and the interference cannot be prevented at a reasonable cost;

iii. Existing or approved PWSFs and alternative tower structures do not have space on which planned equipment can be placed so it can function effectively and at least in parity with other similar equipment in place or approved; or

iv. Other documented reasons make it technically or financially unfeasible to place the equipment planned by the applicant on existing and approved PWSFs and alternative tower structures.

i. Evidence must be provided that the proposed PWSF cannot be co-located on existing or previously approved tower sites. Evidence should include an assessment of whether such PWSF sites could be changed to accommodate the proposed tower, and a general description of the projected cost of shared use of the existing or approved PWSF site.

j. A report must be provided from a Registered Professional Engineer that describes the PWSF, the technical reasons for the PWSF design and the capacity of the PWSF, including the number(s), type(s), and volume(s) of antennae that it can accommodate and the basis for the calculation of capacity.

k. When a proposed ground-mounted PWSF does not meet the standards of this Ordinance evidence must be provided demonstrating whether there are alternative sites that can meet the standards and provide adequate signal coverage. Using more than one site each with a shorter PWSF than was originally proposed must be considered.

l. A letter of intent must be provided that commits the PWSF owner and its successors in interest to:
i. respond in a timely, comprehensive manner to a request for information from a potential co-location applicant;

ii. negotiate in good faith for shared use by third parties that have received an FCC license or permits; and

iii. allow shared use if an applicant agrees in writing to pay reasonable charges.

m. Proof of financial capacity to build, maintain, and remove the proposed PWSF must be submitted.

n. Photos showing site vegetation, existing and adjacent structures, views of and from the proposed site, topography, and land uses on the proposed parcel and on abutting properties must be provided.

o. Landscaping plan reflecting location of proposed screening and fencing, planting areas, proposed plantings, existing plant materials to be retained and trees or shrubs to be removed must be submitted.

p. Elevation drawings, cross-sectional area or silhouette, of the facility, drawn to scale, and showing all measurements, both linear and volumetric, showing front, sides and rear of the proposed facility including all fencing, supporting system for transmission cables running between the tower and accessory structures, control panels, antennae, and existing structures and trees. Reference any design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

q. Detail of the tower base or method of attachment to a structure. If the facility will be attached to an existing building or structure, provide measurements and elevations of the structure.

r. An analysis of the visual impact of the proposed facility, including tower and supporting structures, which may include photo montage, field mock up, or other techniques, that identify the potential visual impacts, at design capacity, of the proposed facility. Consideration shall be given to views from roads, public areas, private residences, historic resources, including historic districts and structures listed in the National Register of Historic Places, and archaeological resources. The analysis of the impact on historical and archaeological resources shall meet the requirements of the Maine State Historical Preservation Officer in his/her review capacity for the FCC.

s. The applicant shall submit written proof that the proposed use and the facility comply with the FCC regulations on radio (RF) frequency exposure guidelines and a propagation map showing the proposed radio frequency coverage.

t. The applicant shall submit written proof that an evaluation has taken place, as well as the results of such evaluation, satisfying the requirements of the National Environmental Policy Act (NEPA) further referenced in applicable FCC rules. If an Environmental Assessment
(EA) or an Environmental Impact Statement (EIS) is required under the FCC rules and NEPA, submission of the EA or EIS to the Town prior to the beginning of the federal 30 day comment period, and the Town process, shall become part of the application requirements.

u. The applicant shall submit annually to the Town Council a Certificate of Insurance showing public liability insurance coverage of not less than $1 million Combined Single Limit.

v. The applicant will provide information as to whether any of the Personal Wireless Service carriers providing service to the Town use the system known as cable micro-cell integrator/headend interface converter (CMI/HIC) which utilizes cable television lines and small transceivers mounted on utility poles to communicate with wireless telephones and whether there are any such carriers using CMI/HIC in Kennebec County.

(Ord. No. 3-2009, 05-11-09)

Sec. 14-65B Wind Energy Facility

(a) Title
This Ordinance shall be known as the Wind Energy Facility Ordinance for Winslow, Maine.

(b) Authority
This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution; the provisions of 30-A M.R.S. § 3001 (Home Rule), and the provisions of the Planning and Land Use Regulation Act, 30-A M.R.S. § 4312, et seq.

(c) Purpose
The purpose of the Ordinance is to provide for the construction and operation of Wind Energy Facilities in Winslow, subject to reasonable conditions that will protect the public health, safety, and welfare.

(d) Definitions

Applicant is the legal entity, including successors and assigns, that files an application under this Ordinance.

Approved Residential Subdivision means a residential subdivision for which all applicable land use permits have been issued, provided that the time for beginning construction under such permits has not expired.

Associated Facilities means elements of a Wind Energy Facility other than its Generating Facilities that are necessary to the proper operation and maintenance of the Wind Energy Facility, including but not limited to buildings, access roads, Generator Lead Lines and substations.

DEP Certification means a certification issued by the Department of Environmental Protection pursuant to 35-A M.R.S. § 3456 for a Wind Energy Development.
Generating Facilities means Wind Turbines and electrical lines, not including Generator Lead Lines that are immediately associated with the Wind Turbines.

Generator Lead Line means a "generator interconnection transmission facility" as defined by 35-A M.R.S. § 3132 (1-B).

Historic Area means an Historic Site administered by the Bureau of Parks and Recreation of the Maine Department of Conservation, with the exception of the Arnold Trail.

Historic Site means any site, structure, district or archaeological site which has been officially included on the National Register of Historic Places and/or on the Maine Historic Resource Inventory, or which is established by qualified testimony as being of historic significance.

Locally-Designated Passive Recreation Area means any site or area designated by a municipality for passive recreation that is open and maintained for public use and which:
   a) has fixed boundaries, b) is owned in fee simple by a municipality or is accessible by virtue of public easement, c) is identified and described in a local comprehensive plan and,
   d) has been identified and designated at least nine months prior to the submission of the Applicant's Wind Energy Facility permit application.

Meteorological Tower (MET Tower) means a Tower used for the measurement and collection of wind data that supports various types of equipment, including but not limited to anemometers, data recorders, and solar power panels. MET Towers may also include wildlife related equipment such as ANABAT detectors, bird diverts and wildlife entanglement protectors.

Municipal Reviewing Authority means the municipal planning board, agency or office, or if none, the municipal officers.

Nacelle means the frame and housing at the top of the Tower that encloses the gearbox and generator.

Non-Participating Landowner means any landowner, other than a Participating Landowner whose land is located within Winslow.

Occupied Building means a residence, school, hospital, house of worship, public library or other building that is occupied or in use as a primary residence or is customarily frequented by the public at the time when the permit application is submitted.

Participating Landowner means one or more Persons that hold title in fee or a leasehold interest with sublease rights to property on which Generating Facilities or Associated Facilities are proposed to be located pursuant to an agreement with the Applicant or an entity that has entered into an appropriate agreement with the Applicant allowing the Applicant to demonstrate the requisite right, title and interest in such property.

Person means an individual, corporation, partnership, firm, organization or other legal entity.
Planned Residence means a Residence for which all applicable building and land use permits have been issued, provided that the time for beginning construction under such permits has not expired.

Protected Location means any location that is:

1) accessible by foot, on a parcel of land owned by a Non-Participating Landowner containing a residence or planned residence, or an approved residential subdivision, house of worship, academic school, college, library, duly licensed hospital or nursing home near the development site at the time an application for a Wind Energy Facility is submitted under this Ordinance;

2) within a State Park, Baxter State Park, a National Park, a nature preserve owned by a land trust, the Maine Audubon Society or the Maine chapter of the Nature Conservancy, the Appalachian Trail, the Moosehorn National Wildlife refuge, a federally designated wilderness area, a state wilderness area designated by statute, a municipal park or a locally-designated passive recreation area, or any location within consolidated public reserve lands designated by rule by the Bureau of Public Lands as a Protected Location, or;

3) a hotel, motel, campsite or duly licensed campground that the municipal authority responsible for review and approval of the pending application under 9.1 has designated a Protected Location after making a determination that the health and welfare of the guests or the economic viability of the establishment will be unreasonably impacted by noise in excess of that allowed under section 13.1.3(b).

Residence means a building or structure, including manufactured housing, maintained for permanent or seasonal residential occupancy providing living, cooking and sleeping facilities and having permanent indoor or outdoor sanitary facilities, excluding recreational vehicles, tents and watercraft.

Scenic Resource means either a Scenic Resource of state or national significance, as defined in 35-A M.R.S § 3451(9) or a scenic resource of local significance located within the municipality and identified as such in a comprehensive plan, open space plan or scenic inventory adopted by the municipal legislative body.

Shadow Flicker means alternating changes in light intensity caused by the movement of Wind Turbine blades casting shadows on the ground or a stationary object.

Short Duration Repetitive Sounds means a sequence of repetitive sounds which occur more than once within an hour, each clearly discernible as an event and causing an increase in the sound level of at least 6 dBA on the fast meter response above the sound level observed immediately before and after the event, each typically less than ten seconds in duration, and which are inherent to the process or operation of the development and are foreseeable.

Sight Line Representation means a profile drawing showing prominent features, including
but not limited to topography, buildings, and trees, along and in relation to a line of sight extending from an observer’s eye to the lowest point visible on a proposed Tower.

**Significant Wildlife Habitat** means a Significant Wildlife Habitat as defined in 38 M.R.S. § 480-B(10).

**Substantial Start** means that construction shall be considered to be substantially commenced when any work beyond excavation, including but not limited to, the pouring of a slab or footings, the installation of piles, the construction of columns, or the placement of a Tower on a foundation has begun.

**Tower** means the free-standing structure on which a wind measuring or energy conversion system is mounted.

**Turbine Height** means the distance measured from the surface of the Tower foundation to the highest point of any turbine rotor blade measured at the highest arc of the blade.

**Wind Energy Facility** means a facility that uses one or more Wind Turbines to convert wind energy to electrical energy. A Wind Energy Facility includes Generating Facilities and Associated Facilities.

**Wind Energy Facility, Type 1A** means a Wind Energy Facility having a maximum generating capacity of less than 100kW, a maximum of one Wind Turbine and a maximum Turbine Height of 80 feet.

**Wind Energy Facility, Type 1B** means a Wind Energy Facility having a maximum generating capacity of less than 100kW and either more than one Wind Turbine, or one or more Wind Turbines with a Turbine Height greater than 80 feet.

**Wind Energy Facility, Type 2** means a Wind Energy Facility having a maximum generating capacity of 100 kW or greater and which does not require a state permit issued by the Department of Environmental Protection under the Site Location of Development Act, 38 M.R.S. §481, *et seq.*

**Wind Energy Facility, Type 3** means a Wind Energy Facility having a generating capacity of 100kW or greater and which requires a state permit issued by the Department of Environmental Protection under the Site Location of Development Act, 38 M.R.S. §481, *et seq.*

**Wind Turbine** means a system for the conversion of wind energy into electricity which is comprised of a Tower, generator, Nacelle, rotor and transformer.

(e) **Applicability**

This Ordinance applies to any Wind Energy Facility proposed for construction in Winslow after the effective date of this Ordinance. This Ordinance does not apply to Associated Facilities unless the Generating Facilities are located within Winslow, in which case this Ordinance applies to both the Generating Facilities and the Associated Facilities.
A Wind Energy Facility that is the subject of an application determined to be complete by the Code Enforcement Officer prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; provided that any physical modifications after the effective date of the Ordinance shall be subject to the permitting requirements of Section 9.2.

(f) Conflict and Severability

If there is a conflict between provisions in this Ordinance, the more stringent shall apply. If there is a conflict between a provision in this Ordinance and that of another Winslow ordinance, the provision of this Ordinance shall apply.

The invalidity of any part of this Ordinance shall not invalidate any other part of this ordinance.

(g) Effective Date

This Ordinance becomes effective on ______________________ .

(h) Classification of Wind Energy Facilities

All Wind Energy Facilities shall be classified in accordance with Table 1 below:

Table 1: Classification of Wind Energy Facilities and Corresponding Local Review and Approval Authority

<table>
<thead>
<tr>
<th>Facility Type</th>
<th>Aggregate Capacity</th>
<th>Turbine Height</th>
<th>Max. # of Turbines</th>
<th>DEP Site Location Permit Required</th>
<th>Local Review and Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>1A</td>
<td>&lt;100 kW</td>
<td>≤ 80'</td>
<td>1</td>
<td>No</td>
<td>Code Enforcement Officer</td>
</tr>
<tr>
<td>1B</td>
<td>&lt;100 kW</td>
<td>&gt; 80'</td>
<td>NA</td>
<td>No</td>
<td>Planning Board</td>
</tr>
<tr>
<td>2</td>
<td>≥100 kW</td>
<td>NA</td>
<td>NA</td>
<td>Yes 1</td>
<td>Planning Board</td>
</tr>
<tr>
<td>3</td>
<td>≥ 100 kW</td>
<td>NA</td>
<td>NA</td>
<td>Yes 2</td>
<td>Planning Board</td>
</tr>
</tbody>
</table>

1  Per 35-A MRS §3456. DEP Certificate required if energy generated is for sale or use by a Person other than the generator.
2  Per 38 MRS §482(2)

(i) Administration

Review and Approval Authority

1. The Code Enforcement Officer is authorized to review all applications for Type 1A Wind Energy Facilities and MET Towers pursuant to section 11.0, and may
approve, deny or approve such applications with conditions in accordance with the standards of the Ordinance.

2. The Planning Board is authorized to review all applications for Type 1B, Type 2, and Type 3 Wind Energy Facilities and may approve, deny or approve such applications with conditions in accordance with this Ordinance.

Permit Required

1. No Wind Energy Facility shall be constructed or located within Winslow without a permit issued in accordance with this Ordinance.

2. Any physical modification to an existing Wind Energy Facility that materially alters the location or increases the area of development on the site or that increases the Turbine Height or the level of sound emissions of any Wind Turbine shall require a permit modification under this Ordinance. Like-kind replacements and routine maintenance and repairs shall not require a permit modification.

Permit Applications

1. Application components. A Wind Energy Facility permit application shall consist of the application form, application fee, and supporting documents, as described below:

   a. Application Forms. The municipality shall provide the application form which shall be signed by: 1) a Person with right, title and interest in the subject property or; 2) a Person having written authorization from a Person with right, title and interest in the subject property. The signature shall be dated and the signatory shall certify that the information in the application is complete and correct and that the proposed facility will be constructed and operated in accordance with the standards of this ordinance and all approval and permit conditions, if any.

   b. Application Fees. Application fees shall be assessed and paid upon submission of the application in accordance with Appendix A of this Ordinance.

   c. Supporting Documents. The application shall include all additional documents necessary to satisfy the applicable submission requirements under section 10 of this Ordinance.

2. Application Submission. The Applicant shall submit its application for a Wind Energy Facility permit to the Code Enforcement Officer who shall note on the application the date on which it was received.
3. Changes to a Pending Application

a. The Applicant shall promptly notify the municipal entity responsible for review and approval of a pending application under section 9.1 of any changes the Applicant proposes to make to information contained in the application.

b. If changes are proposed to a pending application after a public hearing has been held, the Planning Board may consider those changes and continue with the review and approval process without a renewed public hearing if it determines that the changes do not materially alter the application. If the Planning Board determines that the proposed changes do materially alter the application it shall schedule and conduct another public hearing within 30 days of that determination. In making its determination, the Planning Board shall consider whether the proposed changes involve potential adverse effects different than or in addition to those addressed in the initial application.

Permit Application Procedures

1. Type 1A Wind Energy Facility Application

a. Within 10 days after receiving an application, the Code Enforcement Officer shall notify the Applicant in writing either that the application is complete or, if the application is incomplete, the specific additional material needed to complete the application. The Code Enforcement Officer may waive any submission requirement if the Code Enforcement Officer issues a written finding that, due to special circumstances of the application, adherence to that requirement is not necessary to determine compliance with the standards of this Ordinance.

b. Within 30 days after determining the application to be complete, the Code Enforcement Officer shall issue a written order: 1) denying approval of the proposed Wind Energy Facility, 2) granting approval of the proposed Wind Energy Facility or, 3) granting approval of the proposed Wind Energy Facility with conditions. In making the decision, the Code Enforcement Officer shall make findings on whether the proposed Wind Energy Facility meets the applicable criteria described in sections 12 and 13.

c. With the agreement of the applicant, the Code Enforcement Officer may extend the procedural time frames of this section.

2. Type 1B, Type 2 and Type 3 Wind Energy Facility Applications

a. The Applicant is strongly encouraged to meet with the Code Enforcement Officer before submitting an application. At this pre-application meeting, the Code Enforcement Officer will explain the Ordinance's provisions, application
forms, and submission requirements. The Applicant should provide photos of
the proposed site and written descriptions of the proposed facility and the
proposed site, including its location and lot area.

b. An application shall be eligible for consideration at a regularly-scheduled
meeting of the Planning Board only if the applicant submits it at least 14 days
prior to the meeting.

c. Within 30 days after receipt of the application by the Code Enforcement
Officer, the Planning Board shall notify the Applicant in writing either that the
application is complete or, if the application is incomplete, the specific
additional material needed to complete the application. The Planning Board
may waive any submission requirement if it issues a written finding that, due to
special circumstances of the application, adherence to that requirement is not
necessary to determine compliance with the standards of this Ordinance.

d. The Planning Board shall hold a public hearing for a Type 3 Wind Energy
Facility application within 60 days after determining that the application is
complete. The Planning Board may decide to hold a public hearing for a Type
1B or a Type 2 Wind Energy Facility application. If it decides to hold a public
hearing for a Type 1B application, the Planning Board shall hold that hearing
within 30 days after determining that application is complete. If it decides to
hold a public hearing for a Type 2 application, the Planning Board shall hold
that hearing within 60 days after determining that the application is complete.

e. Within 60 days after determining that an application for a Type 1B Wind
Energy Facility is complete or within 90 days after determining that an
application for a Type 2 or Type 3 Wind Energy Facility is complete, the
Planning Board shall issue a written order: 1) denying approval of the
proposed Wind Energy Facility, 2) granting approval of the proposed Wind
Energy Facility or, 3) granting approval of the proposed Wind Energy Facility
with conditions. In making its decision, the Planning Board shall make findings
on whether the proposed Wind Energy Facility meets the applicable criteria
described in sections 12, 13, and 14.

f. With the agreement of the applicant, the Planning Board may extend the
procedural time frames of this section.

Table 2:
Procedural Time Frames

<table>
<thead>
<tr>
<th>Facility</th>
<th>Application</th>
<th>Public</th>
<th>Final</th>
</tr>
</thead>
</table>

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Notice of Meetings

Ten days prior to any meeting at which an application for a Type 1B, Type 2, or Type 3 Wind Energy Facility is to be considered, the Planning Board shall send notice by first class mail, to the applicant and all owners of property abutting the property on which the Wind Energy Facility is proposed to be located. The notice shall state the date, time and place of the meeting and the proposed location and the classification of the proposed Wind Energy Facility.

Public Hearings

The Planning Board shall have notice of the date, time, and place of any public hearing and the proposed location and the classification of the proposed Wind Energy Facility:

1. Published at least once in a newspaper having general circulation within the municipality. The date of the first publication shall be at least 10 days before the hearing.

2. Mailed by first class mail to the Applicant and to owners of property within 500 feet of the property on which the Wind Energy Facility is proposed to be located, at least 10 days before the public hearing. The Planning Board shall maintain a list of property owners to whom notice is mailed in the application file. Failure of any of these property owners to receive a notice shall not invalidate the public hearing, nor shall it require the Planning Board to schedule another hearing.

Professional Services

In reviewing the application for compliance with this Ordinance, the Planning Board may retain professional services, including but not limited to those of an attorney or consultant, to verify information presented by the Applicant. The attorney or consultant
shall first estimate the reasonable cost of such review and the Applicant shall deposit, with the municipality, the full estimated cost, which the municipality shall place in an escrow account. The municipality shall pay the attorney or consultant from the escrow account and reimburse the Applicant if funds remain after payment.

Expiration of Permits
Permits shall expire: 1) two years after the date of approval unless a substantial start on construction has occurred and; 2) three years after the date of approval unless construction of the Wind Energy Facility has been completed. If a permit for a Type 2 or Type 3 Wind Energy Facility expires, the Applicant shall implement pertinent provisions of the approved decommissioning plan. Upon the Applicant’s written request, the municipal entity responsible for review and approval of the application under section 9.1 may extend either or both expiration time limits by one year.

Access

The Code Enforcement Officer shall have access to the site at all times to review the progress of the work and shall have the authority to review all records and documents directly related to the design, construction and operation of the facility.

Enforcement

1. It shall be unlawful for any Person to violate or fail to comply with or take any action that is contrary to the terms of the Ordinance, or to violate or fail to comply with any permit issued under the Ordinance, or to cause another to violate or fail to comply or take any action which is contrary to the terms of the Ordinance or any permit under the Ordinance.

2. If the Code Enforcement Officer or other Person charged with enforcement of municipal laws determines that a violation of the Ordinance or the permit has occurred, the Code Enforcement Officer shall provide written notice to any Person alleged to be in violation of this Ordinance or permit. If the alleged violation does not pose an immediate threat to public health or safety, the Code Enforcement Officer and the alleged violator shall engage in good faith negotiations to resolve the alleged violation. Such negotiations shall be conducted within thirty (30) days of the notice of violation and, with the consent of the alleged violator, may be extended.

3. If, after thirty (30) days from the date of notice of violation or further period as agreed to by the alleged violator, the Code Enforcement Officer determines, in the officer’s reasonable discretion, that the parties have not resolved the alleged violation, the Code Enforcement Officer may institute civil enforcement proceedings or any other remedy at law to ensure compliance with the Ordinance or permit.
Appeals
Any Person aggrieved by a decision of the Code Enforcement Officer or the Planning Board under this Ordinance may appeal the decision to the Board of Appeals, as provided by Chapter 14 Section 14-14 of the Winslow Zoning Ordinance.

(j) Application Submission Requirements

General Submission Requirements
1. A completed application form including:
   a. The Applicant and Participating Landowner(s’) name(s) and contact information.

   b. The address, tax map number, zone and owner(s) of the proposed facility site and any contiguous parcels owned by Participating Landowners.

   c. The tax map number, zone, current use, owner(s) and addresses of owner(s) of parcels that abut the proposed facility site or abut parcels of Participating Landowners that are contiguous with the proposed facility site (Not required for Type 1A applications)

   d. An affirmation, signed and dated by the Applicant, that the information provided in the application is correct and that the proposed Wind Energy Facility, if approved and built, shall be constructed and operated in accordance with the standards of this ordinance and all conditions of approval, if any

2. Receipt showing payment of application fee in accordance with Appendix A.

3. A copy of a deed, easement, purchase option or other comparable documentation demonstrating that the Applicant has right, title or interest in the proposed facility site.

4. Location map showing the boundaries of the proposed facility site and all contiguous property under total or partial control of the Applicant or Participating Landowner(s) and any Scenic Resource or Historic Site within 2500 feet of the proposed development.

5. Description of the proposed Wind Energy Facility that includes the number and aggregate generating capacity of all Wind Turbines, the Turbine Height and manufacturer’s specifications for each Wind Turbine (including but not limited to the make, model, maximum generating capacity, sound emission levels and types of overspeed controls) and a description of Associated Facilities.

6. Site plan showing the proposed location of each Wind Turbine and Associated Facilities and any of the following features located within 500 feet of any Wind Turbine: parcel boundaries, required setbacks, topographic contour lines (maximum 20-foot interval), roads, rights-of-way, overhead utility lines, buildings (identified by use), land cover, wetlands, streams, water bodies and areas proposed to be re-graded or cleared of vegetation.
   a. In addition to the information in 6, above, site plans for Type 1B, Type 2 and Type 3 Wind Energy Facilities shall show the location and average height of
tree cover to be retained and the location, variety, planting height and mature height of proposed trees, if any.

7. Written evidence that the Environmental Coordinator of the Maine Department of Inland Fisheries and Wildlife (MDIFW) and that the Maine Natural Areas Program (MNAP) have both been notified of the pending application and the location and Turbine Height of all proposed Wind Turbines.

8. Written evidence that the provider of electrical service to the property has been notified of the intent to connect an electric generator to the electricity grid, if such connection is proposed.

9. Description of emergency and normal shutdown procedures.

10. Photographs of existing conditions at the site.

11. An application for a Type 1A or 1B Wind Energy Facility shall include structural drawings of the Tower foundation and anchoring system: a) prepared by the Wind Turbine or Tower manufacturer, b) prepared in accordance with the manufacturer’s specifications or, c) prepared and stamped by a Maine-licensed professional engineer.

12. An application for a Type 1A or Type 1B Wind Energy Facility shall include:
   a. a written statement, signed by the Applicant, that certifies that the proposed facility is designed to meet the applicable noise control standards under section 13.1.3 and acknowledges the Applicant’s obligation to take remedial action in accordance with section 13.1.6 if the Code Enforcement Officer determines those standards are not being met or;
   b. a written request for review under section 14.1 along with information required under Appendix B, subsection B (Submissions).

13. An Application for Type 1B, Type 2 or Type 3 Wind Energy Facility shall include the following site line, photographic and, if applicable, screening information, provided that an Applicant for a Type 3 Wind Energy Facility may provide this information as part of a visual assessment if required pursuant to section 14.5:
   a. Sight Line Representations of each Wind Turbine from the nearest Occupied Building and from at least one other representative location within 500 feet of the Wind Turbine, such as a Scenic Resource or another Occupied Building. Each Site Line Representation shall be drawn at a scale sufficiently large to make it legible. If screening is proposed, the proposed screening device, such as trees, shrubs or fencing, shall be depicted on the drawing along with the sight line as altered by the screening.
   b. A current four-inch by six-inch color photograph of the proposed site of the Wind Turbine(s) taken from viewpoints corresponding to each of the Site Line Representations.
   c. One copy of each of the photographs described in b, above, onto which is superimposed an accurately-scaled and sited representation of the Wind Turbine(s).

14. An application for a Type 2 Wind Energy Facility that generates energy primarily for sale or use by a Person other than the generator, shall include, if issued at the
time of application, certification from the Department of Environmental Protection pursuant to 35-A M.R.S. § 3456 that the Wind Energy Facility:

a. Will meet the requirements of the noise control rules adopted by the Board of Environmental Protection pursuant to the Site Location of Development Act, 38 M.R.S. §481, et seq.;

b. Will be designed and sited to avoid unreasonable adverse Shadow Flicker effects; and

c. Will be constructed with setbacks adequate to protect public safety.

If such certification has not been issued at the time of application, the Applicant shall include written evidence that the Applicant has applied for certification.

10.1 Additional Submission Requirements for an Application for a Type 2 and 3 Wind Energy Facility

1. Certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, or other similar certifying organizations.

2. Decommissioning plan in conformance with Appendix C.

3. Written summary of operation and maintenance procedures for the Wind Energy Facility and a maintenance plan for access roads, erosion and sedimentation controls and storm water management facilities.

4. Standard boundary survey of the subject property stamped by a Maine-licensed surveyor. The Planning Board may waive this requirement if it determines that the Applicant has provided information sufficient to identify property boundaries to the extent necessary.

5. Visual impact assessment, if required pursuant to section 14.5.

6. Stormwater management plan stamped by a Maine-licensed professional engineer.

7. Sound level analysis, prepared by a qualified engineer, which addresses the standards of section 14.1.

8. Shadow Flicker analysis based on WindPro or other modeling software approved by the Department of Environmental Protection.

9. Foundation and anchoring system drawings that are stamped by a Maine-licensed professional engineer.

10. Other relevant studies, reports, certifications and approvals as may be reasonably requested by the Planning Board to ensure compliance with this Ordinance.

(k) Meteorological Towers (MET Towers)

Applications for Meteorological (MET) Towers shall be subject to the submission and review standards for a Type 1A Wind Energy Facility, as applicable, except that no height limitation shall apply. A permit for a MET Tower shall be valid for 2 years and 2 months from the date of issuance. The Code Enforcement Officer may grant one or more one-year extensions of this permit period. Within 30 days following removal of a MET Tower, the Applicant shall
restore the site to its original condition to the extent practicable. The provisions of this section do not apply to permanent MET Towers included as Associated Facilities in approved Wind Energy Facility applications.

I. General Standards

a. Safety Setbacks

Wind Turbines shall be set back a horizontal distance equivalent to 150% of the Turbine Height from property boundaries, public and private rights-of-way and overhead utility lines that are not part of the proposed Generating Facility except that the entity responsible for review and approval of the application may allow a reduced setback if the Applicant submits, in writing: 1) a waiver of the property boundary setback signed by the pertinent abutting landowner or; 2) evidence, such as operating protocols, safety programs, or recommendations from the manufacturer or a licensed professional engineer with appropriate expertise and experience with Wind Turbines, that demonstrates that the reduced setback proposed by the Applicant is appropriate.

b. Natural Resource Protection

A Wind Energy Facility shall not have an unreasonable adverse effect on rare, threatened, or endangered wildlife, significant wildlife habitat, rare, threatened or endangered plants and rare and exemplary plant communities. In making its determination under this subsection, the municipal entity responsible for review and approval of the permit application under section 9.1 shall consider pertinent application materials and the written comments and/or recommendations, if any, of the Maine Department of Inland Fisheries and Wildlife (MDIFW) Environmental Coordinator and the Maine Natural Areas Program (MNAP).

Building Permit
All components of the Wind Energy Facility shall conform to relevant and applicable local and state building codes.

Overspeed Controls and Brakes
Each Wind Turbine shall be equipped with an overspeed control system that: 1) includes both an aerodynamic control such as stall regulation, variable blade pitch, or other similar system, and a mechanical brake that operates in fail safe mode; or 2) has been designed by the manufacturer or a licensed civil engineer and found by the municipal entity responsible for review and approval of the application under section 9.1, based on its review of a written description of the design and function of the system, to meet the needs of public safety.

Electrical Components and Interconnections
All electrical components of the Wind Energy Facility shall conform to relevant and applicable local, state, and national codes.

Access
All ground-mounted electrical and control equipment and all access doors to a Wind Turbine shall be labeled and secured to prevent unauthorized access. A Wind Tower
shall not be climbable up to a minimum of fifteen (15) feet above ground surface.

Blade Clearance
The minimum distance between the ground and all blades of a Wind Turbine shall be 25 feet as measured at the lowest arc of the blades.

Signal Interference
The Applicant shall make reasonable efforts to avoid and mitigate to the extent practicable any disruption or loss of radio, telephone, television, or similar signals caused by the Wind Energy Facility.

Structure Type
With the exception of Meteorological (MET) Towers, Towers shall be monopoles with no guy wires. This requirement may be waived if the Applicant demonstrates to the satisfaction of the municipal entity responsible for review and approval of the permit application under section 9.1, that there is no practicable alternative. Bird flight diverters must be installed on any guy wires that are permitted.

Erosion Control

Building-Mounted Wind Turbines
Building-mounted Wind Turbines are not permitted.

Visual Appearance
1. A Wind Turbine shall be a non-obtrusive color such as white, off-white or gray, or as may otherwise be required by another governmental agency with jurisdiction over the Wind Energy Facility.

2. A Wind Turbine shall not be lighted artificially, except to the extent consistent with Federal Aviation Administration recommendations or other applicable authority that regulates air safety or as is otherwise required by another governmental agency with jurisdiction over the Wind Energy Facility.

3. A Wind Turbine shall not be used to support signs and shall not display advertising except for reasonable and incidental identification of the turbine manufacturer, facility owner and operator, and for warnings.

Visibility of Wind Turbine
The following requirements apply, to the extent practicable, to Type 1B and Type 2 Wind Energy Facilities:
1. To the extent that doing so does not inhibit adequate access to the wind resource, each Wind Turbine shall be located to maximize the effectiveness of existing vegetation, structures and topographic features in screening views of the Wind Turbine from Occupied Buildings and Scenic Resources.
2. When existing features do not screen views of a Wind Turbine from Residences and Scenic Resources, screening may be required, where feasible and effective, through the planting of trees and/or shrubs. In order to maximize the screening effect and minimize wind turbulence near the Wind Turbine, plantings should be situated as near as possible to the point from which the Wind Turbine is being viewed. Such plantings should be of native varieties.

(m) Special Standards for Type 1A and Type 1B Wind Energy Facilities

Noise emanating from a Type 1A or Type 1B Wind Energy Facility shall be controlled in accordance with the provisions of this section or, upon the written request of the applicant, the provisions of section 14.1. If the Applicant chooses review under section 14.1, the provisions of 13.1.1, 13.1.2 and 13.1.6 shall apply, but the provisions of 13.1.3, 13.1.4 and 13.1.5 shall not apply.

1. The sound level limits contained in this section apply only to areas that are defined as Protected Locations and to property boundaries that describe the outer limits of the facility site in combination with any parcel(s) owned by a Participating Land-Owner that are contiguous with the facility site.

2. The sound level limits contained in this section do not apply to the facility site or any parcel(s) owned by a Participating Land-Owner that are contiguous with the facility site.

3. The sound levels resulting from routine operation of a Wind Energy Facility, as measured in accordance with the procedures described in section 13.1.5 shall not exceed the limits specified for the following locations and times:

   a. At a Protected Location with no living and sleeping quarters:

      55 dBA during the Protected Location’s regular hours of operation

   b. At a Protected Location with living and sleeping quarters:

      1. Area(s) within 500 feet of living and sleeping quarters:

         45 dBA between 7:00 p.m. and 7:00 a.m.

         55 dBA between 7:00 a.m. and 7:00 p.m.

      2. Area(s) more than 500 feet from living and sleeping quarters:

         55dBA at all times.

   c. At property boundaries that describe the outer limits of the facility site combined with any parcel(s) owned by a Participating Land-Owner that are contiguous with the facility site:
75 dBA at all times.

4. If the Applicant submits the certification and acknowledgement required by Section 10.1.12(1), the municipal entity responsible for review and approval of the application under Section 9.1 shall determine, for purposes of issuing its approval, that the pertinent sound-level limits under section 13.1.1 have been met, subject to the Applicant's obligation to take remedial action as necessary under section 13.1.4.

5. The Codes Enforcement Office may perform measurements of sound levels resulting from routine operation of an installed Type 1A or Type 1B Wind Energy Facility at the officer's own initiative or in response to a noise-related complaint to determine compliance with the pertinent standards in section 13.1.1. Such measurements shall be performed as follows:
   a. Measurements shall be obtained during representative weather conditions when the sound of the Wind Energy Facility is most clearly noticeable. Preferable weather conditions for sound measurements at distances greater than about 500 feet from the sound source include overcast days when the measurement location is downwind of the Wind Turbine and inversion periods (which most commonly occur at night).
   b. Sound levels shall be measured at least four (4) feet above the ground by a meter set on the A-weighted response scale, fast response. The meter shall meet the latest version of American National Standards Institute (ANSI S1.4.) “American Standard Specification for General Purpose Sound Level Meters” and shall have been calibrated at a recognized laboratory within the past year.
   c. 5 dBA shall be added to sound levels of any Short Duration Repetitive Sound measured in accordance with paragraphs a and b.

6. The Applicant shall operate the proposed Wind Energy Facility in conformance with the sound level limits of section 13.1 or section 14.1, as applicable. If, based on post-installation measurements taken in accordance with section 13.1.3 or section 14.1, as applicable, the Code Enforcement Officer determines that the applicable sound-level limits are not being met, the Applicant shall, at the Applicant’s expense and in accordance with the Winslow Wind Energy Facility Ordinance and in consultation with the Code Enforcement Officer, take remedial action deemed necessary by the Code Enforcement Officer to ensure compliance with those limits. Remedial action that the Code Enforcement Officer may require, includes, but shall not be limited to, one or more of the following:
   a. modification or limitation of operations during certain hours or wind conditions;  
   b. maintenance, repair, modification or replacement of equipment;  
   c. relocation of the Wind Turbine(s); and,  
   d. removal of the Wind Turbine(s) provided that the Code Enforcement Officer determines that there is no practicable alternative.

(n) Discontinued Use

1. A Type 1A or Type 1B Wind Energy Facility that is not generating electricity for
twelve (12) consecutive months shall be deemed a discontinued use and shall be removed from the property by the Applicant within 120 days of receipt of notice from the Code Enforcement Officer, unless the Applicant provides information that the Planning Board deems sufficient to demonstrate that the project has not been discontinued and should not be removed. If the Wind Energy Facility is not removed within this time period, the municipality may remove the turbine at the Applicant’s expense. The Applicant shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition, including the removal of roads and reestablishment of vegetation.

2. If a surety has been given to the municipality for removal of a Type 1B Wind Energy Facility, the Applicant may apply to the Planning Board for release of the surety when the Wind Energy Facility has been removed to the satisfaction of the Code Enforcement Officer.

(o) Special Standards for Type 2 and Type 3 Wind Energy Facilities

Control of Noise
Noise emanating from a Type 2 Wind Energy Facility, a Type 3 Wind Energy Facility, or, upon written request of the Applicant pursuant to section 13.1, a Type 1A or Type 1B Wind Energy Facility shall be controlled in accordance with the provisions of Appendix B. If there is a conflict between a provision of Appendix B and another provision of this ordinance, the provision of Appendix B shall apply.

Use of Public Roads
1. The Applicant shall identify all state and local public roads to be used within Winslow to transport equipment and parts for construction, operation or maintenance of a Type 2 or Type 3 Wind Energy Facility.

2. The Town Engineer, Road Commissioner or a qualified third-party engineer reasonably acceptable to both the Planning Board and the Applicant and paid for by the Applicant pursuant to Section 9.7 of the Ordinance, shall document road conditions prior to construction. The Town Engineer, Road Commissioner or third-party engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.

3. The Applicant shall demonstrate, to the satisfaction of the Planning Board, that it has financial resources sufficient to comply with subsection 4, below, and the Planning Board may require the Applicant to post a bond or other security in order to ensure such compliance.

4. Any road damage caused by the Applicant or its contractors shall be promptly repaired at the Applicant’s expense.

Warnings
A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

Artificial Habitat
To the extent practicable, the creation of artificial habitat for raptors or raptor prey shall be minimized. In making its determination under this subsection the Planning Board
shall consider comments and recommendations, if any, provided by the Maine Department of Inland Fisheries and Wildlife.

Effect on Scenic Resources

1. Except as otherwise provided in this subsection, if a Type 2 or Type 3 Wind Energy Facility is proposed for location in or is visible from a Scenic Resource, the Applicant shall provide the Planning Board a visual impact assessment that addresses the evaluation criteria in subsection 14.5.3. There is a rebuttable presumption that a visual impact assessment is not required for those portions of a Type 2 or Type 3 Wind Energy Facility that are located more than 3 miles, measured horizontally, from a Scenic Resource. The Planning Board may require a visual impact assessment for portions of the Type 2 or Type 3 Wind Energy Facility located more than 3 miles and up to 8 miles from a Scenic Resource if it finds that a visual impact assessment is needed to determine if there is the potential for significant adverse effects on the Scenic Resource. Information intended to rebut the presumption must be submitted to the Planning Board by any interested Person within 30 days of acceptance of the application as complete. The Planning Board shall determine if the presumption is rebutted based on a preponderance of evidence in the record.

2. The Planning Board shall determine, based on consideration of the evaluation criteria in subsection 14.5.3, whether the Type 2 or 3 Wind Energy Facility significantly compromises views from a Scenic Resource such that the proposed facility has an unreasonable adverse effect on the scenic character or existing uses related to scenic character of that Scenic Resource.

3. In making its determination pursuant to subsection 14.5.2, and in determining whether an Applicant for a Type 2 or 3 Wind Energy Facility located more than 3 miles from a Scenic Resource must provide a visual impact assessment in accordance with subsection 14.5.1, the Planning Board shall consider:
   a. The significance of the potentially affected Scenic Resource;
   b. The existing character of the surrounding area;
   c. The expectations of the typical viewer;
   d. The Type 2 or Type 3 Wind Energy Facility’s purpose and the context of the proposed activity;
   e. The extent, nature and duration of potentially affected public uses of the Scenic Resource and the potential effect on the public’s continued use and enjoyment of the Scenic Resource; and
   f. The scope and scale of the potential effect of views of the Wind Energy Facility on the Scenic Resource, including but not limited to issues related to the number and extent of Wind Turbines visible from the Scenic Resource, the distance from the Scenic Resource and the effect of prominent features of the Wind Energy Facility on the landscape.

A finding by the Planning Board that the Type 2 or Type 3 Wind Energy Facility is a highly visible feature in the landscape is not a solely sufficient basis for determination that it has an unreasonable adverse effect on the scenic character and existing uses related to scenic character of a Scenic Resource. In making its determination under subsection 14.5.2, the Planning Board shall consider insignificant the effects of portions of a Type 2 or Type 3 Wind Energy Facility located more than 8 miles. Shadow Flicker Type 2 and Type 3 Wind Energy Facilities shall be designed to avoid unreasonable
adverse shadow flicker effect at any Occupied Building located on a Non-Participating Landowner’s Relationship to DEP Certification and Permitting

1. For a Type 2 Wind Energy Facility for which a DEP Certification has been submitted in accordance with section 10.1.14, the Planning Board shall consider, to the extent applicable, pertinent findings in that certification when making its determination under sections 12.1, 14.1, and 14.6. There is a rebuttable presumption that a Wind Energy Facility that has obtained DEP Certification meets the requirements of sections 12.1, 14.1, and 14.6. The Planning Board may, as a condition of approval of a Type 2 Wind Energy Facility that generates energy for sale or use by a person other than the generator, deem DEP’s issuance of a certificate for the development sufficient to meet, in whole or in part, as applicable, the requirements of sections 12.1, 14.1, 14.6.

2. If DEP has issued a Site Location of Development Act permit for a Type 3 Wind Energy Facility pursuant to 38 M.R.S. § 484(3), there is a rebuttable presumption that the development meets the requirements of sections 12.1 12.2, 14.1, 14.6, 14.12 and, as it pertains to Scenic Resources of state or national significance as defined by 35-A M.R.S. §3451(9), section 14.5. The Planning Board may, as a condition of approval of a Type 3 Wind Energy Facility, deem DEP’s issuance of a permit for the development sufficient to meet, in whole or in part, as applicable, the requirements of sections 12.1, 12.2, 14.1, 14.6, 14.12 and, as it pertains to Scenic Resources of state or national significance, section 14.5.

Local Emergency Services

1. The Applicant shall provide a copy of the project summary and site plan to local emergency service providers, including paid or volunteer fire department(s).

2. Upon request, the Applicant shall cooperate with emergency service providers to develop and coordinate implementation of an emergency response plan for a Type 2 or Type 3 Wind Energy Facility.

3. A Wind Turbine shall be equipped with an appropriate fire suppression system to address fires within the Nacelle portion of the turbine or shall otherwise address the issue of fire safety to the satisfaction of the [Municipal Reviewing Authority].

Liability Insurance

The Applicant or an Applicant’s designee acceptable to the Planning Board shall maintain a current general liability policy for the Type 2 or Type 3 Wind Energy Facility that covers bodily injury and property damage with limits in an amount commensurate with the scope and scale of the Facility. The Applicant or its designee shall make certificates of insurance available to the Planning Board upon request.

Design Safety Certification

Each Wind Turbine shall conform to applicable industry standards including those of the American National Standards Institute (ANSI) and at least one of the following: Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or
other similar certifying organization.  

Public Inquiries and Complaints  
1. The Applicant or its designee shall maintain a phone number and identify a responsible Person for the public to contact with inquiries and complaints throughout the life of the Wind Energy Facility.  
2. The Applicant or its designee shall make reasonable efforts to respond to the public’s inquiries and complaints and shall provide written copies of all complaints and the company’s resolution or response to the Codes Enforcement upon request.  

Decommissioning  
The Applicant shall prepare a decommissioning plan in conformance with Appendix C  

APPENDIX A  
Application Fees  

<table>
<thead>
<tr>
<th>Facility Type</th>
<th>Application Fees</th>
<th>Permit Fees</th>
</tr>
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<tbody>
<tr>
<td>1A</td>
<td>N/A</td>
<td>$200 each unit</td>
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<tr>
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<td>$150</td>
<td>$275 each unit</td>
</tr>
<tr>
<td>2</td>
<td>$150</td>
<td>$500 each unit</td>
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<tr>
<td>3</td>
<td>$150</td>
<td>$500 each unit</td>
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</table>

APPENDIX B  
Control of Noise  
Pursuant to section 14.1, noise emanating from a Type 2 Wind Energy Facility, a Type 3 Wind Energy Facility, or, upon written request of the Applicant pursuant to section 13.1, a Type 1A or Type 1B Wind Energy Facility, shall be controlled in accordance with the following provisions:  

A. Sound Level Limits  

1. Sound from Routine Operation of Facility.  

   a. Except as noted in subsections (b) and (c) below, the hourly sound levels resulting from routine operation of the facility and measured in accordance with the measurement procedures described in subsection F shall not exceed the following limits:  

   i. At any property line of the facility site or contiguous property owned by the Applicant or Participating Land Owner(s), whichever is farther from the proposed facility’s regulated sound sources:
75 dBA at any time of day.

(ii) At any Protected Location in an area for which the zoning, or, if unzoned, the existing use or use contemplated under a comprehensive plan, is not predominantly commercial, transportation, or industrial:

60 dBA between 7:00 a.m. and 7:00 p.m.
(the "daytime hourly limit"), and
50 dBA between 7:00 p.m. and 7:00 a.m.
(the "nighttime hourly limit").

(iii) At any Protected Location in an area for which the zoning, or, if unzoned, the existing use or use contemplated under a comprehensive plan, is predominantly commercial, transportation, or industrial:

70 dBA between 7:00 a.m. and 7:00 p.m.
(the "daytime hourly limit"), and
60 dBA between 7:00 p.m. and 7:00 a.m.
(the "nighttime hourly limit").

(iv) For the purpose of determining whether the use of an unzoned area is predominantly commercial, transportation, or industrial (e.g. non-residential in nature), the Code Enforcement Officer shall consider the municipality’s comprehensive plan, if any. Furthermore, the usage of properties abutting each Protected Location shall be determined, and the limits applied for that Protected Location shall be based upon the usage occurring along the greater portion of the perimeter of that parcel; in the event the portions of the perimeter are equal in usage, the limits applied for that Protected Location shall be those for a Protected Location in an area for which the use is not predominantly commercial, transportation, or industrial.

(v) When a proposed facility is to be located in an area where the daytime pre-development ambient hourly sound level at a Protected Location is equal to or less than 45 dBA and/or the nighttime pre-development ambient hourly sound level at a Protected Location is equal to or less than 35 dBA, the hourly sound levels resulting from routine operation of the facility and measured in accordance with the measurement procedures described in subsection F shall not exceed the following limits at that Protected Location:

55 dBA between 7:00 a.m. and 7:00 p.m.
(the "daytime hourly limit"), and
45 dBA between 7:00 p.m. and 7:00 a.m.
(the "nighttime hourly limit").

For the purpose of determining whether a Protected Location has a daytime or nighttime pre-development ambient hourly sound level equal to or less than 45 dBA or 35 dBA, respectively, the Applicant may make sound level measurements in accordance with the procedures in subsection F or may estimate the sound-level based upon the population density and proximity to local highways. If the resident population within a circle of 3,000 feet radius around a Protected Location is greater than 300 persons, or the hourly sound level from highway traffic at a Protected Location is predicted to be greater than 45 dBA in the daytime or 35 dBA at night, then the Applicant may estimate the daytime or nighttime pre-development ambient hourly sound level to be greater than 45 dBA or 35 dBA, respectively.
(vi) Notwithstanding the above, the Applicant need not measure or estimate the pre-development ambient hourly sound levels at a Protected Location if he demonstrates, by estimate or example, that the hourly sound levels resulting from routine operation of the facility will not exceed 50 dBA in the daytime or 40 dBA at night.

(b) If the Applicant chooses to demonstrate by measurement that the daytime and/or nighttime pre-development ambient sound environment at any Protected Location near the facility site exceeds the daytime and/or nighttime limits in subsection 1(a)(ii) or 1(a)(iii) by at least 5 dBA, then the daytime and/or nighttime limits shall be 5 dBA less than the measured daytime and/or nighttime pre-development ambient hourly sound level at the location of the measurement for the corresponding time period.

(c) For any Protected Location near an existing facility, the hourly sound level limit for routine operation of the existing facility and all future expansions of that facility shall be the applicable hourly sound level limit of 1(a) or 1(b) above, or, at the Applicant's election, the existing hourly sound level from routine operation of the existing facility plus 3 dBA.

(d) For the purposes of determining compliance with the above sound level limits, 5 dBA shall be added to the observed levels of any tonal sounds that result from routine operation of the facility.

(e) When routine operation of a facility produces short duration repetitive sound, the following limits shall apply:

(i) For short duration repetitive sounds, 5 dBA shall be added to the observed levels of the short duration repetitive sounds that result from routine operation of the facility for the purposes of determining compliance with the above sound level limits.

(ii) For short duration repetitive sounds which the municipal entity responsible for review and approval of a pending application under section 9.1 determines, due to their character and/or duration, are particularly annoying or pose a threat to the health and welfare of nearby neighbors, 5 dBA shall be added to the observed levels of the short duration repetitive sounds that result from routine operation of the facility for the purposes of determining compliance with the above sound level limits, and the maximum sound level of the short duration repetitive sounds shall not exceed the following limits:

(a) At any Protected Location in an area for which the zoning, or, if unzoned, the existing use or use contemplated under a comprehensive plan, is not predominantly commercial, transportation, or industrial:

   65 dBA between 7:00 a.m. and 7:00 p.m., and
   55 dBA between 7:00 p.m. and 7:00 a.m.

(b) At any Protected Location in an area for which the zoning, or, if unzoned, the existing use or use contemplated under a comprehensive plan, is predominantly commercial, transportation, or industrial:

   75 dBA between 7:00 a.m. and 7:00 p.m., and
65 dBA between 7:00 p.m. and 7:00 a.m.

(c) The methodology described in subsection 1(a)(iv) shall be used to determine whether the use of an unzoned area is predominantly commercial, transportation, or industrial.

(d) If the Applicant chooses to demonstrate by measurement that the pre-development ambient hourly sound level at any Protected Location near the facility site exceeds 60 dBA between 7:00 a.m. and 7:00 p.m., and/or 50 dBA between 7:00 p.m. and 7:00 a.m., then the maximum sound level limit for short duration repetitive sound shall be 5 dBA greater than the measured pre-development ambient hourly sound level at the location of the measurement for the corresponding time period.

(e) For any Protected Location near an existing facility, the maximum sound level limit for short duration repetitive sound resulting from routine operation of the existing facility and all future expansions and modifications of that facility shall be the applicable maximum sound level limit of (e)(ii)(a) or (e)(ii)(b) above, or, at the Applicant's election, the existing maximum sound level of the short duration repetitive sound resulting from routine operation of the existing facility plus 3 dBA.

NOTE: The maximum sound level of the short duration repetitive sound shall be measured using the fast response \[L_{AFmax}\]. See the definition of maximum sound level.

(2) Sound from Construction of a Facility

(a) The sound from construction activities between 7:00 p.m. and 7:00 a.m. is subject to the following limits:

(i) Sound from nighttime construction activities shall be subject to the nighttime routine operation sound level limits contained in subsections 1(a) and 1(b).

(ii) If construction activities are conducted concurrently with routine operation of the facility, then the combined total of construction and routine operation sound shall be subject to the nighttime routine operation sound level limits contained in subsections 1(a) and 1(b).

(iii) Higher levels of nighttime construction sound are permitted when a duly issued permit authorizing nighttime construction sound in excess of these limits has been granted by the Code Enforcement Officer.

(b) Sound from construction activities between 7:00 a.m. and 7:00 p.m. shall not exceed the following limits at any Protected Location:

<table>
<thead>
<tr>
<th>Duration of Activity</th>
<th>Hourly Sound Level Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 hours</td>
<td>87 dBA</td>
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<tr>
<td>8 hours</td>
<td>90 dBA</td>
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<tr>
<td>6 hours</td>
<td>92 dBA</td>
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<tr>
<td>4 hours</td>
<td>95 dBA</td>
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<td>3 hours</td>
<td>97 dBA</td>
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<tr>
<td>2 hours</td>
<td>100 dBA</td>
</tr>
<tr>
<td>1 hour or less</td>
<td>105 dBA</td>
</tr>
</tbody>
</table>
(c) All equipment used in construction on the facility site shall comply with applicable federal noise regulations and shall include environmental noise control devices in proper working condition, as originally provided with the equipment by its manufacturer.

(3) Sound from Maintenance Activities

(a) Sound from routine, ongoing maintenance activities shall be considered part of the routine operation of the facility and the combined total of the routine maintenance and operation sound shall be subject to the routine operation sound level limits contained in subsection 1.

(b) Sound from occasional, major, scheduled overhaul activities shall be subject to the construction sound level limits contained in subsection 2. If overhaul activities are conducted concurrently with routine operation and/or construction activities, the combined total of the overhaul, routine operation and construction sound shall be subject to the construction sound level limits contained in subsection 2.

B. Submissions

(1) Facilities with Minor Sound Impact.

An Applicant proposing facility with minor sound impact may choose to file, as part of the permit application, a statement attesting to the minor nature of the anticipated sound impact of their facility. An applicant proposing an expansion or modification of an existing facility with minor sound impact may follow the same procedure as described above. For the purpose of this ordinance, a facility or an expansion or modification of an existing facility with minor sound impact means a facility where the Applicant demonstrates, by estimate or example, that the regulated sound from routine operation of the facility will not exceed 5 dBA less than the applicable limits established under Section A. It is the intent of this subsection that an applicant need not conduct sound level measurements to demonstrate that the facility or an expansion or modification of an existing facility will have a minor sound impact.

(2) Other Facilities

Technical information shall be submitted describing the Applicant's plan and intent to make adequate provision for the control of noise. The applicant's plan shall contain information such as the following, when appropriate:

(a) Maps and descriptions of the land uses, local zoning and comprehensive plans for the area potentially affected by sounds from the facility.

(b) A description of major sound sources, including tonal sound sources and sources of short duration repetitive sounds, associated with the construction, operation and maintenance of the proposed facility, including their locations within the proposed facility.

(c) A description of the daytime and nighttime hourly sound levels and, for short duration repetitive sounds, the maximum sound levels expected to be produced by these sound sources at Protected Locations near the proposed facility.

(d) A description of the Protected Locations near the proposed facility.

(e) A description of proposed major sound control measures, including their locations and expected performance.
(f) A comparison of the expected sound levels from the proposed facility with the sound level limits of this regulation.

C. Terms and Conditions

The municipal entity responsible for review and approval of the pending application under 9.1 may, as a term or condition of approval, establish any reasonable requirement to ensure that the Applicant has made adequate provision for the control of noise from the facility and to reduce the impact of noise on Protected Locations. Such conditions may include, but are not limited to, enclosing equipment or operations, imposing limits on hours of operation, or requiring the employment of specific design technologies, site design, modes of operation, or traffic patterns.

The sound level limits prescribed in this ordinance shall not preclude the municipal entity responsible for review and approval of the pending application under 9.1 from requiring the Applicant to demonstrate that sound levels from a facility will not unreasonably disturb wildlife or adversely affect wildlife populations in accordance with 12.2. In addition, the sound level limits shall not preclude the municipal entity responsible for review and approval of the pending application under 9.1, as a term or condition of approval, from requiring that lower sound level limits be met to ensure that the Applicant has made adequate provision for the protection of wildlife.

D. Waiver from Sound Level Limits

Winslow recognizes that there are certain facilities or activities associated with facilities for which noise control measures are not reasonably available. Therefore, the municipal entity responsible for review and approval of the pending application under section 9.1 may grant a waiver from any of the sound level limits contained in this ordinance upon (1) a showing by the Applicant that he or she has made a comprehensive assessment of the available technologies for the facility and that the sound level limits cannot practicably be met with any of these available technologies, and (2) a finding by the municipal entity responsible for review and approval of the pending application under section 9.1 that the proposed facility will not have an unreasonable impact on Protected Locations. In addition, a waiver may be granted by the municipal entity responsible for review and approval of the pending application under section 9.1 if (1) a facility is deemed necessary in the interest of national defense or public safety and the Applicant has shown that the sound level limits cannot practicably be met without unduly limiting the facility’s intended function, and (2) a finding is made by the municipal entity responsible for review and approval of the pending application under section 9.1 that the proposed facility will not have an unreasonable impact on Protected Locations. The municipal entity responsible for review and approval of the pending application under section 9.1 shall consider the request for a waiver as part of the review of a completed permit application. In granting a waiver, the municipal entity responsible for review and approval of the pending application under section 9.1 may, as a condition of approval, impose terms and conditions to ensure that no unreasonable sound impacts will occur.

E. Definitions

Terms used herein are defined below for the purpose of this noise regulation.

(1) AMBIENT SOUND: At a specified time, the all-encompassing sound associated with a given environment, being usually a composite of sounds from many sources at many directions, near and far, including the specific facility of interest.
(2) **CONSTRUCTION:** Activity and operations associated with the facility or expansion of the facility or its site.

(3) **EMERGENCY:** An unforeseen combination of circumstances which calls for immediate action.

(4) **EMERGENCY MAINTENANCE AND REPAIRS:** Work done in response to an emergency.

(5) **ENERGY SUM OF A SERIES OF LEVELS:** Ten times the logarithm of the arithmetic sum of the antilogarithms of one-tenth of the levels. [Note: See Section F(4.2).]

(6) **EXISTING FACILITY:** A Wind Energy Facility legally constructed before the effective date of this ordinance or a proposed Wind Energy Facility for which the Application is found complete on or before the effective date of this ordinance. Any facility with an approved permit application which has been remanded to the municipal entity responsible for review and approval of the application under 9.1 by a court of competent jurisdiction for further proceedings relating to noise limits or noise levels prior to the effective date of this ordinance shall not be deemed an existing facility and the ordinance shall apply to the existing noise sources at that facility.

(7) **EXISTING HOURLY SOUND LEVEL:** The hourly sound level resulting from routine operation of an existing facility prior to the first expansion that is subject to this ordinance.

(8) **EQUIVALENT SOUND LEVEL:** The level of the mean-square A-weighted sound pressure during a stated time period, or equivalently the level of the sound exposure during a stated time period divided by the duration of the period. (NOTE: For convenience, a one hour equivalent sound level should begin approximately on the hour.)

(9) **HISTORIC AREAS:** Historic sites administered by the Bureau of Parks and Lands of the Maine Department of Conservation, with the exception of the Arnold Trail.

(10) **HOURLY SOUND LEVEL:** The equivalent sound level for one hour measured or computed in accordance with this ordinance.

(11) **LOCALLY-DESIGNATED PASSIVE RECREATION AREA:** Any site or area designated by Winslow for passive recreation that is open and maintained for public use and which:

   (a) has fixed boundaries,

   (b) is owned in fee simple by Winslow or is accessible by virtue of public easement,

   (c) is identified and described in Winslow comprehensive plan, and

   (d) has been identified and designated at least nine months prior to submission of the Applicant's Wind Energy Facility permit application.

(12) **MAXIMUM SOUND LEVEL:** Ten times the common logarithm of the square of the ratio of the maximum sound to the reference sound of 20 micropascals. Symbol: LAFmax.

(13) **MAXIMUM SOUND:** Largest A-weighted and fast exponential-time-weighted sound during a specified time interval. Unit: pascal (Pa).
(14) RESIDENCE: A building or structure, including manufactured housing, maintained for permanent or seasonal residential occupancy providing living, cooking and sleeping facilities and having permanent indoor or outdoor sanitary facilities, excluding recreational vehicles, tents and watercraft.

(15) PRE-DEVELOPMENT AMBIENT: The ambient sound at a specified location in the vicinity of a facility site prior to the construction and operation of the proposed facility or expansion.

(16) PROTECTED LOCATION: any location that is:

1) accessible by foot, on a parcel of land owned by a Non-Participating Landowner containing a Residence or planned Residence, or an approved residential subdivision, house of worship, academic school, college, library, duly licensed hospital or nursing home near the facility site at the time an application for a Wind Energy Facility permit is submitted under this ordinance; or

2) within a State Park, Baxter State Park, a National Park, a nature preserve owned by a land trust, the Maine Audubon Society or the Maine chapter of the Nature Conservancy, the Appalachian Trail, the Moosehorn National Wildlife refuge, a federally designated wilderness area, a state wilderness area designated by statute, a municipal park or a locally-designated passive recreation area, or any location within consolidated public reserve lands designated by rule by the Bureau of Public Lands as a Protected Location.

At Protected Locations more than 500 feet from living and sleeping quarters within the above noted buildings or areas, the daytime hourly sound level limits shall apply regardless of the time of day.

Houses of worship, academic schools, libraries, State and National Parks without camping areas, Historic Areas, nature preserves, the Moosehorn National Wildlife Refuge, federally-designated wilderness areas without camping areas, state wilderness areas designated by statute without camping areas, and locally-designated passive recreation areas without camping areas are considered protected locations only during their regular hours of operation.

Transient living accommodations are generally not considered Protected Locations; however, in certain special situations where it is determined by the municipal entity responsible for review and approval of the application under 9.1 that the health and welfare of the guests or the economic viability of the establishment will be unreasonably impacted, the municipal entity responsible for review and approval of the application under 9.1 may designate certain hotels, motels, campsites and duly licensed campgrounds as protected locations.

This term does not include buildings and structures located on leased camp lots, owned by the Applicant used for seasonal purposes.

For purposes of this definition, (1) a Residence is considered planned when the owner of the parcel of land on which the Residence is to be located has received all applicable building and land use permits and the time for beginning construction under such permits has not expired, and (2) a residential subdivision is considered approved when the developer has received all applicable land use permits for the subdivision and the time for beginning construction under such permits has not expired.

(17) ROUTINE OPERATION: Regular and recurrent operation of regulated sound sources associated with the purpose of the facility and operating on the facility site.
(18) **SHORT DURATION REPETITIVE SOUNDS:** A sequence of repetitive sounds which occur more than once within an hour, each clearly discernible as an event and causing an increase in the sound level of at least 6 dBA on the fast meter response above the sound level observed immediately before and after the event, each typically less than ten seconds in duration, and which are inherent to the process or operation of the facility and are foreseeable.

(19) **SOUND COMPONENT:** The measurable sound from an audibly identifiable source or group of sources.

(20) **SOUND LEVEL:** Ten times the common logarithm of the square of the ratio of the frequency-weighted and time-exponentially averaged sound pressure to the reference sound of 20 micropascals. For the purpose of this ordinance, sound level measurements are obtained using the A-weighted frequency response and fast dynamic response of the measuring system, unless otherwise noted.

(22) **SOUND PRESSURE:** Root-mean-square of the instantaneous sound pressures in a stated frequency band and during a specified time interval. Unit: pascal (Pa).

(23) **SOUND PRESSURE LEVEL:** Ten times the common logarithm of the square of the ratio of the sound pressure to the reference sound pressure of 20 micropascals.

(24) **TONAL SOUND:** for the purpose of this ordinance, a tonal sound exists if, at a Protected Location, the one-third octave band sound pressure level in the band containing the tonal sound exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by 5 dB for center frequencies at or between 500 Hz and 10,000 Hz, by 8 dB for center frequencies at or between 160 and 400 Hz, and by 15 dB for center frequencies at or between 25 Hz and 125 Hz.

Additional acoustical terms used in work associated with this ordinance shall be used in accordance with the following American National Standards Institute (ANSI) standards:


**F. Measurement Procedures**

(1) **Scope.** These procedures specify measurement criteria and methodology for use, with applications, compliance testing and enforcement. They provide methods for measuring the ambient sound and the sound from routine operation of the facility, and define the information to be reported. The same methods shall be used for measuring the sound of construction and maintenance activities.

(2) **Measurement Criteria**

2.1 **Measurement Personnel**

Measurements shall be supervised by personnel who are well qualified by training and experience in measurement and evaluation of environmental sound, or by personnel trained to operate under a
specific measurement plan approved by the municipal entity responsible for review and approval of the pending application under 9.1.

2.2 Measurement Instrumentation

(a) A sound level meter or alternative sound level measurement system used shall meet all of the Type 1 or 2 performance requirements of American National Standard Specifications for Sound Level Meters, ANSI S1.4-1983.

(b) An integrating sound level meter (or measurement system) shall also meet the Type 1 or 2 performance requirements for integrating/averaging in the International Electrotechnical Commission Standard on Integrating-Averaging Sound Level Meters, IEC Publication 804 (1985).

(c) A filter for determining the existence of tonal sounds shall meet all the requirements of American National Standard Specification for Octave-Band and Fractional Octave-Band Analog and Digital Filters, ANSI S1.11-1986 for Order 3, Type 3-D performance.

(d) An acoustical calibrator shall be used of a type recommended by the manufacturer of the sound level meter and that meets the requirements of American National Standard Specification for Acoustical Calibrators, ANSI S1.40-1984.

(e) A microphone windscreen shall be used of a type recommended by the manufacturer of the sound level meter.

2.3 Calibration

(a) The sound level meter shall have been calibrated by a laboratory within 12 months of the measurement, and the microphone's response shall be traceable to the National Bureau of Standards.

(b) Field calibrations shall be recorded before and after each measurement period and at shorter intervals if recommended by the manufacturer.

2.4 Measurement Location, Configuration and Environment

(a) Except as noted in subsection (b) below, measurement locations shall be at nearby Protected Locations that are most likely affected by the sound from routine operation of the facility.

(b) For determining compliance with the 75 dBA property line hourly sound level limit described in subsection A(l)(a)(i), measurement locations shall be selected at the property lines of the proposed facility or contiguous property owned by the Applicant, as appropriate.

(c) The microphone shall be positioned at a height of approximately 4 to 5 feet above the ground, and oriented in accordance with the manufacturer's recommendations.

(d) Measurement locations should be selected so that no vertical reflective surface exceeding the microphone height is located within 30 feet. When this is not possible, the measurement location may be closer than 30 feet to the reflective surface, but under no circumstances shall it be closer than 6 feet.
(e) When possible, measurement locations should be at least 50 feet from any regulated sound source on the facility.

(f) Measurement periods shall be avoided when the local wind speed exceeds 12 mph and/or precipitation would affect the measurement results.

2.5 Measurement Plans. Plans for measurement of pre-development ambient sound or post-facility sound may be discussed with the Code Enforcement Officer.

(3) Measurement of Ambient Sound

3.1 Pre-development Ambient Sound

Measurements of the pre-development ambient sound are required only when the Applicant elects to establish the sound level limit in accordance with subsections A(1)(b) and A(1)(e)(ii)(d) for a facility in an area with high ambient sound levels, such as near highways, airports, or pre-existing facilities; or when the Applicant elects to establish that the daytime and nighttime ambient hourly sound levels at representative Protected Locations exceed 45 dBA and 35 dBA, respectively.

(a) Measurements shall be made at representative Protected Locations for periods of time sufficient to adequately characterize the ambient sound. At a minimum, measurements shall be made on three different weekdays (Monday through Friday) during all hours that the facility will operate. If the proposed facility will operate on Saturdays and/or Sundays, measurements shall also be made during all hours that the facility will operate.

(b) Measurement periods with particularly high ambient sounds, such as during holiday traffic activity, significant insect activity or high coastline waves, should generally be avoided.

(c) At any measurement location the daytime and nighttime ambient hourly sound level shall be computed by arithmetically averaging the daytime and nighttime values of the measured one hour equivalent sound levels. Multiple values, if they exist, for any specific hour on any specific day shall first be averaged before the computation described above.

3.2 Post-Facility Ambient Sound

(a) Measurements of the post-facility ambient one hour equivalent sound levels and, if short duration repetitive sounds are produced by the facility, the maximum sound levels made at nearby Protected Locations and during representative routine operation of the facility that are not greater than the applicable limits of subsection C clearly indicate compliance with those limits.

(b) Compliance with the limits of subsection A(1)(b) may also be demonstrated by showing that the post-facility ambient hourly sound level, measured in accordance with the procedures of subsection 3.1 above during routine operation of the facility, does not exceed the pre-development ambient hourly sound level by more than one decibel, and that the sound from routine operation of the facility is not characterized by either tonal sounds or short duration repetitive sounds.

(c) Compliance with the limits of subsection A(1)(e)(ii)(d) may also be demonstrated by showing that the post facility maximum sound level of any short duration repetitive sound, measured in accordance with the procedures of subsection 3.1 above, during routine operation of the facility, does not exceed the pre-development ambient hourly sound level by more than five decibels.
(d) If any of the conditions in (a), (b) or (c) above are not met, compliance with respect to the applicable limits must be determined by measuring the sound from routine operation of the facility in accordance with the procedures described in subsection 4.

(4) Measurement of the Sound from Routine Operation of Facility.

4.1 General

(a) Measurements of the sound from routine operation of facilities are generally necessary only for specific compliance testing purposes in the event that community complaints result from operation of the facility, for validation of an Applicant's calculated sound levels when requested by the municipal entity responsible for review and approval of the pending application under 9.1, for determination of existing hourly sound levels for an existing facility or for enforcement by the Code Enforcement Officer.

(b) Measurements shall be obtained during representative weather conditions when the facility sound is most clearly noticeable. Preferable weather conditions for sound measurements at distances greater than about 500 feet from the sound source include overcast days when the measurement location is downwind of the facility and inversion periods (which most commonly occur at night).

(c) Measurements of the facility sound shall be made so as to exclude the contribution of sound from facility equipment that is exempt from this regulation.

4.2 Measurement of the Sound Levels Resulting from Routine Operation of the Facility.

(a) When the ambient sound levels are greater than the sound level limits, additional measurements can be used to determine the hourly sound level that results from routine operation of the facility. These additional measurements may include diagnostic measurements such as measurements made close to the facility and extrapolated to the Protected Location, special checkmark measurement techniques that include the separate identification of audible sound sources, or the use of sound level meters with pause capabilities that allow the operator to exclude non-facility sounds.

(b) For the purposes of computing the hourly sound level resulting from routine operation of the facility, sample diagnostic measurements may be made to obtain the one hour equivalent sound levels for each sound component.

(c) Identification of tonal sounds produced by the routine operation of a facility for the purpose of adding the 5 dBA penalty in accordance with subsection A(l)(d) requires aural perception by the measurer, followed by use of one-third octave band spectrum analysis instrumentation. If one or more of the sounds of routine operation of the facility are found to be tonal sounds, the hourly sound level component for tonal sounds shall be computed by adding 5 dBA to the one hour equivalent sound level for those sounds.

(d) Identification of short duration repetitive sounds produced by routine operation of a facility requires careful observations. For the sound to be classified as short duration repetitive sound, the source(s) must be inherent to the process or operation of the facility and not the result of an unforeseeable occurrence. If one or more of the sounds of routine operation of the facility are found to be short duration repetitive sounds, the hourly sound level component for short duration repetitive sounds shall be computed by adding 5 dBA to the one hour equivalent sound level for those sounds. If required, the maximum sound levels of short duration repetitive sounds shall be
measured using the fast response [LAFmax]. The duration and the frequency of occurrence of
the events shall also be measured. In some cases, the sound exposure levels of the events may
be measured. The one hour equivalent sound level of a short duration repetitive sound may be
determined from measurements of the maximum sound level during the events, the duration and
frequency of occurrence of the events, and their sound exposure levels.

(e) The daytime or nighttime hourly sound level resulting from routine operation of a facility is the
energy sum of the hourly sound level components from the facility, including appropriate
penalties, (see (c) and (d) above). If the energy sum does not exceed the appropriate daytime or
nighttime sound level limit, then the facility is in compliance with that sound level limit at that
Protected Location.

(5) Reporting Sound Measurement Data. The sound measurement data report should include the
following:

(a) The dates, days of the week and hours of the day when measurements were made.

(b) The wind direction and speed, temperature, humidity and sky condition.

(c) Identification of all measurement equipment by make, model and serial number.

(d) The most recent dates of laboratory calibration of sound level measuring equipment.

(e) The dates, times and results of all field calibrations during the measurements.

(f) The applicable sound level limits, together with the appropriate hourly sound levels and the
measurement data from which they were computed, including data relevant to either tonal or
short duration repetitive sounds.

(g) A sketch of the site, not necessarily to scale, orienting the facility, the measurement locations,
topographic features and relevant distances, and containing sufficient information for another
investigator to repeat the measurements under similar conditions.

(h) A description of the sound from the facility and the existing environment by character and
location.

APPENDIX C
Decommissioning Plan
Pursuant to section 14.12, the Applicant shall provide a plan for decommissioning a Type 2 or Type 3 Wind
Energy Facility. The decommissioning plan shall include, but shall not be limited to the following:

1. A description of the trigger for implementing the decommissioning plan. There is a
rebuttable presumption that decommissioning is required if no electricity is generated for a
continuous period of twelve (12) months. The Applicant may rebut the presumption by
providing evidence, such as a force majeure event that interrupts the generation of
electricity, that although the project has not generated electricity for a continuous period of
12 months, the project has not been abandoned and should not be decommissioned.

2. A description of the work required to physically remove all Wind Turbines, associated
foundations to a depth of 24 inches, buildings, cabling, electrical components, and any other
Associated Facilities to the extent they are not otherwise in or proposed to be placed into
productive use. All earth disturbed during decommissioning must be graded and re-seeded, unless the landowner of the affected land requests otherwise in writing.

[Note: At the time of decommissioning, the Applicant may provide evidence of plans for continued beneficial use of any or all of the components of the Wind Energy Facility. Any changes to the approved decommissioning plan shall be subject to review and approval by the Code Enforcement Officer.]

3. An estimate of the total cost of decommissioning less salvage value of the equipment and itemization of the estimated major expenses, including the projected costs of measures taken to minimize or prevent adverse effects on the environment during implementation of the decommissioning plan. The itemization of major costs may include, but is not limited to, the cost of the following activities: turbine removal, turbine foundation removal and permanent stabilization, building removal and permanent stabilization, transmission corridor removal and permanent stabilization and road infrastructure removal and permanent stabilization.

4. Demonstration in the form of a performance bond, surety bond, letter of credit, parental guarantee or other form of financial assurance as may be acceptable to the Planning Board that upon the end of the useful life of the Wind Energy Facility the Applicant will have the necessary financial assurance in place for 100% of the total cost of decommissioning, less salvage value. The Applicant may propose securing the necessary financial assurance in phases, as long as the total required financial assurance is in place a minimum of 5 years prior to the expected end of the useful life of the Wind Energy Facility.

ARTICLE 7. SHORELAND AREAS

State law reference(s)--Power and duty of the town to regulate shoreland areas, 12 M.R.S.A., § 4812.

Sec. 14-66 Purposes.

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

(Ord. No. 1-1993, 2-8-93)

Sec. 14-67. Authority.

This article has been prepared in accordance with the provisions of Title 38 M.R.S.A., Sections 435--449.

Sec. 14-68. Applicability.
This article applies to all land areas within two hundred fifty (250) feet, horizontal distance of the:

- normal high-water line of any great pond, or river,
- upland edge of a freshwater wetland,
- within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

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

Land subject to regulation under this article will also be subject to the requirements of the town zoning ordinance.

(Ord. No. 1-1993, 2-8-93; Ord. No. 2-2009, 05-11-09)

**Sec. 14-69. Effective date and repeal of formerly adopted ordinance.**

This article, which was adopted by the municipal legislative body on May 11, 2009 shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the article, attested and signed by the municipal clerk, shall be forwarded to the commissioner for approval. If the commissioner fails to act on this article within forty-five (45) days of his/her receipt of the ordinance, it shall be deemed automatically approved. Upon approval of this article, Article VII "Shoreland Area" of the Winslow zoning ordinance is amended.

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

(Ord. No. 1-1993, 2-8-93; Ord. No. 2-2009, 5-11-09)

**Sec. 14-70. Availability.**

A certified copy of this article 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 article shall be posted.

(Ord. No. 1-1993, 2-8-93)

**Sec. 14-71. Severability.**

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

(Ord. No. 1-1993, 2-8-93)

**Sec. 14-72. Conflicts with other ordinances.**

Whenever a provision of this article conflicts with or is inconsistent with another provision of this article or of any other ordinance, regulation or statute administered by the town, the more restrictive provision shall control.
Sec. 14-73. Amendments.

This article may be amended by majority vote of the legislative body. Copies of amendments, attested and signed by the municipal clerk, shall be submitted to the Commissioner of 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.

Sec. 14-74. Districts and zoning map.

(a) *Official shoreland zoning map.* The areas to which this article 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 article:

1. Resource protection.
2. Limited residential.
3. Limited commercial.
4. General development.
5. Stream protection.

(b) *Scale of map.* The official shoreland zoning map shall be drawn at a scale of not less than one (1) inch equals two thousand (2,000) 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 14-73, 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.
Sec. 14-75. 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.

(Ord. No. 1-1993, 2-8-93)

Sec. 14-76. 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 and all necessary permits have been granted.

(Ord. No. 1-1993, 2-8-93; Ord. No. 2-2009, 5-11-09)

Sec. 14-77. Nonconformance.

(a) Purpose. It is the intent of this article to promote land use conformities, except that nonconforming conditions that existed before the effective date of this article shall be allowed to continue, subject to the requirements set forth in this section. 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: Nonconforming structures, lots, and uses may be transferred, and the new owner may continue the nonconforming use or continue to use the nonconforming structure or lot, subject to the provisions of this article.

(2) Repair and maintenance: This article allows, without a permit, the normal upkeep and maintenance of nonconforming uses and structures including repairs or renovations which do not involve expansion of the nonconforming use or structure, and such other changes in a nonconforming use or structure as federal, state, or local building and safety codes may require.

(c) Nonconforming structures.

(1) Expansions: A nonconforming 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 nonconformity of the structure.

Further limitations:
a. After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a wetland, that portion of the structure shall not be expanded, as measured in floor area or volume, by 30% or more, during the lifetime of the structure and may only be expanded in story height or towards the rear property line unless the following conditions can be met:

   (1) The lot depth (the distance measured horizontally from the water or the upland edge of the wetlands to the rear property line of lot) must be at least 125 ft; and
   
   (2) The lot width must be at least 100 ft.; and
   
   (3) The lot area must be at least 15,000 s.f.; and
   
   (4) Without the use of any variances, including the first time subsurface disposal system variance (variance includes all foot-notes in the Maine Subsurface Wastewater Disposal Rules).

b. Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided: Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure,

   (1) 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, basing its decision on the criteria specified in subsection 2 Relocation, below; if
   
   (2) The completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 14-77(C)(1)(a) above; and
   
   (3) The foundation does not cause the structure to be elevated by more than two (2) additional feet as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.

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

(2) Relocation: Relocation. A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as
determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules without the use of any variances (which includes any footnotes in the Maine Subsurface Wastewater Disposal Rules), including the first time system variance. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming.

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 a replanting plan prepared by an engineer, Forester or Arborist with experience in Shoreland restoration of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

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

(b) 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.

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

(3) Reconstruction or Replacement. Any non-conforming structure which is located less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within one year of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the 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 14-77(C)(1)(a) above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 14-77(C)(2) above.

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

In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent the Planning Board or its designee shall consider, in addition to the criteria in Section 14-77(C)(3) paragraph (2) above, the physical condition and type of foundation present, if any.

(4) Change of use of a nonconforming structure: The use of a nonconforming structure may not be changed to another use unless the planning board after receiving a written application determines that the new use will have no greater adverse impact on the water body, tributary stream or wetland or on the subject or adjacent properties and resources than the existing use.

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

(d) Nonconforming uses.

(1) Expansions: Expansions of nonconforming uses are prohibited, except that nonconforming residential uses may, after obtaining a permit from the planning board, be expanded within existing residential structures or within expansions of such structures as permitted in section 14-77(c)(1)a. above.

(2) Resumption prohibited: A lot, building or structure in or on which a nonconforming use is discontinued for a period exceeding one (1) year, or which is superseded by a conforming use, may not again be devoted to a nonconforming use except that the planning board may, for good cause shown by the applicant, grant up to a one-year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five-year period.
(3) **Change of use:** An existing nonconforming use may be changed to another nonconforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the planning board. The determination of no greater adverse impact shall be made according to criteria listed in section 14-77(c)(4) above.

(e) **Nonconforming lots:**

(1) **Nonconforming lots:** A nonconforming lot of record as of the effective date of this article 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 article except lot size and frontage can be met. Variances relating to setback or other requirements not involving lot size or frontage shall be obtained by action of the board of appeals.

(2) **Contiguous built lots:** If two (2) or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this article, if all or part of the lots do not meet the dimensional requirements of this article, and if a principal use or structure exists on each lot, the nonconforming 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 Subsurface Wastewater Disposal Rules are complied with.

If two (2) or more principal uses or structures existed on a single lot of record on the effective date of this article, 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 article.

(3) **Contiguous lots - Vacant or partially built:** If two (2) or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this article, if any of these lots do not individually meet the dimensional requirements of this article or subsequent amendments, and if one (1) or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

This provision shall not apply to two (2) or more contiguous lots, at least one (1) of which is nonconforming, owned by the same person or persons on the effective date of this article 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 200 feet of shore frontage and at least 2 acres of lot area; or

b. Any lots that do not meet the frontage and lot size requirements of subparagraph a. are reconfigured or combined so that each new lot contains at least 200 feet of shore frontage and 2 acres of lot area.
Sec. 14-78. Establishment of districts.

1. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of December 31, 2009. For the purposes of this paragraph "wetlands associated with great ponds and rivers" shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river.

   (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, or General Development need not be included within the Resource Protection District.

      (1) Flood plains along rivers and flood plains along artificially formed great ponds along rivers, defined by the one-hundred-year flood plain as designated on the Federal Emergency Management Agency's (FEMA) flood insurance rate maps or flood hazard boundary maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.

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

      (3) Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater 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.

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

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

(d) **General Development District.** The General Development District includes the following types of areas:

1. Areas of two (2) or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:
   a. 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 discernable as having patterns of intensive commercial, industrial or recreational uses.

Portions of the General Development District may also include residential development. However, no area shall be designated as a General Development District based solely on residential use. In areas adjacent to great ponds the designation of an area as a General Development District shall be based upon uses existing at the time of adoption of this article. There shall be no newly established General Development Districts or expansions in area of existing General Development Districts adjacent to great ponds.

(d) **Stream Protection District.** The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland. Where a stream and its associated shoreland area is 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.

(Ord. No. 2-2009, 5-11-09)

**Sec. 14-79. 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 14-79. 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--Requires permit issued by the planning board.

CEO--Requires permit issued by the code enforcement officer.

LPI--Requires permit issued by the local plumbing inspector.

Abbreviations:

RP--Resource Protection

LR--Limited Residential

LC--Limited Commercial

GD--General Development

SP--Stream Protection

Table 1. Land Uses in the Shoreland Zone

<table>
<thead>
<tr>
<th>Land Uses</th>
<th>SP</th>
<th>RP</th>
<th>LR</th>
<th>LC</th>
<th>GD</th>
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<tbody>
<tr>
<td>1. Non-intensive recreational uses not requiring structures such as hunting, fishing, and hiking</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>2. Motorized vehicular traffic on existing roads and trails</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td></td>
<td>Forest management activities except for timber harvesting</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>---</td>
<td>-------------------------------------------------------</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>4</td>
<td>Timber harvesting</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>Yes</td>
</tr>
<tr>
<td>5</td>
<td>Clearing of vegetation for approved construction and other allowed uses</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>yes</td>
</tr>
<tr>
<td>6</td>
<td>Fire prevention activities</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>7</td>
<td>Wildlife management practices</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>8</td>
<td>Soil and water conservation practices</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>9</td>
<td>Mineral exploration</td>
<td>no</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>10</td>
<td>Mineral extraction including sand and gravel extraction</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>11</td>
<td>Surveying and resource analysis</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>12</td>
<td>Emergency operations</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>13</td>
<td>Agriculture</td>
<td>yes</td>
<td>PB</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>14</td>
<td>Aquaculture</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>yes</td>
</tr>
<tr>
<td>15</td>
<td>Principal structures and uses on a conforming lot</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. Single family residential</td>
<td>PB⁴</td>
<td>PB⁹</td>
<td>PB</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>B. Multi-unit residential</td>
<td>no</td>
<td>no</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>C. Commercial</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>CEO</td>
<td>PB</td>
</tr>
<tr>
<td>D. Industrial</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>No</td>
<td>PB</td>
</tr>
<tr>
<td>E. Governmental and institutional</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>F. Small nonresidential facilities for educational, scientific, or nature interpretation purposes</td>
<td>PB⁴</td>
<td>PB</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>16. Structures accessory to allowed uses</td>
<td>PB⁴</td>
<td>PB</td>
<td>CEO</td>
<td>CEO</td>
<td>yes</td>
</tr>
<tr>
<td>17. Construction and Demolition of Piers, docks, wharfs, bridges, dams and other structures and uses extending over or below the normal high-water line or within a wetland</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>A. Temporary</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>B. Permanent</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>18. Conversions of</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
</tr>
<tr>
<td></td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td></td>
<td>seasonal residences to year-round residences</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>19.</td>
<td>Home occupations</td>
<td>PB</td>
<td>no</td>
<td>PB</td>
<td>CEO</td>
</tr>
<tr>
<td>20.</td>
<td>Private sewage disposal systems for allowed uses</td>
<td>LPI</td>
<td>NO</td>
<td>LPI</td>
<td>LPI</td>
</tr>
<tr>
<td>21.</td>
<td>Essential services</td>
<td>PB(^6)</td>
<td>PB(^6)</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>22.</td>
<td>Service drops, as defined, to allowed uses</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>23.</td>
<td>Public and private recreational areas involving minimal structural development</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>24.</td>
<td>Individual, private campsites</td>
<td>CEO</td>
<td>No</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>25.</td>
<td>Campgrounds</td>
<td>no</td>
<td>no(^7)</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>26.</td>
<td>Road and driveway construction</td>
<td>PB</td>
<td>no(^8)</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>27.</td>
<td>Parking facilities</td>
<td>no</td>
<td>no(^7)</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>28.</td>
<td>Marinas and</td>
<td>PB</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>29.</td>
<td>Filling and earthmoving of less than 10 cubic yards</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>yes</td>
</tr>
<tr>
<td>30.</td>
<td>Filling and earthmoving of more than 10 cubic yards</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
</tr>
</tbody>
</table>
31. Signs

<table>
<thead>
<tr>
<th>No.</th>
<th>Sign</th>
<th>Yes</th>
<th>NO</th>
<th>Yes</th>
<th>Yes</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>32.</td>
<td>Uses similar to allowed uses</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>33.</td>
<td>Uses similar to uses requiring a CEO permit</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>34.</td>
<td>Uses similar to uses requiring a PB permit</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
</tbody>
</table>

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

2. Requires permit from the code enforcement officer if more than 100 square feet of surface area, in total, is disturbed.

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

4. Provided that a variance from the setback requirement is obtained from the board of appeals.

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

6. See further restrictions in section 14-80(m)(2).

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

8. Except to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the RP area, in which case a permit is required from the Planning Board.

9. Single family residential structures may be allowed by special exception only according to the provisions of Section 14-81 (e), Special Exceptions. Two-family residential structures are prohibited.

Note: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to Title 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.

Ord. No. 1-1993, 2-8-93; Ord. No. 1-2006, 4-10-06; Ord. No. 2-2009, 5-11-09)

Sec. 14-80. Land use standards.

(a) Minimum lot standards.

(1) All land use activities within the shoreland zone shall conform to the Zoning District requirements which they are located in as outlined in Article 4. Zoning Districts and as located on the Official Town of Winslow Zoning Map.

<table>
<thead>
<tr>
<th>Minimum Lot Area (square feet)</th>
<th>Minimum Shore and Road Frontage (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential per dwelling unit</td>
<td>2 acres</td>
</tr>
<tr>
<td>Public and private recreational facilities</td>
<td>2 acres</td>
</tr>
</tbody>
</table>

(2) Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads 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 shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.

(5) If more than one (1) residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, or 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 seventy-five (75) feet horizontal distance from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the General Development District the setback from the normal high-water line shall be at least twenty-five (25) feet horizontal distance. In the Resource Protection District the setback requirement is two hundred and fifty (250) feet horizontal distance, except for structures, roads, or other regulated object specifically
allowed in that district after review and approval by the Planning Board, in which case the setback requirements specified above shall not apply,

In addition:

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

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

(2) Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, Limited Commercial, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.

(3) The lowest floor elevation or openings of all buildings and structures including basements shall be elevated at least one (1) foot above the elevation of the one-hundred-year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent floodplain soils.

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

(5) 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) Construction and demolition of Piers, Docks, Wharfs, Bridges, Dams and other Structures and Uses extending in, over or Below the Normal High-Water line of a Water Body or within a Wetland.

(1) A detailed plan and documentation prepared by a Registered Engineer experienced in environmental impact and preservation must address and detail the following:

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

(b) The location shall not interfere with existing developed or natural beach areas.

(c) The facility shall be located so as to minimize adverse effects on fisheries.

(d) The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and, uses, of the area. A temporary pier, dock, dam or wharf in non-tidal waters shall not be wider than six feet for non-commercial uses.

(e) No new structure shall be built on, over or abutting a pier, wharf, dam, 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.

(f) New permanent piers, dams 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 all permits have been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act and all other State and Federal Agencies.

(g) No existing structures built on, over or abutting a pier, dock, wharf, dam or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

(h) Except in the General Development District, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

(d) Campgrounds. Campgrounds shall conform to the minimum requirements imposed under state licensing procedures and the following:

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

(2) The areas intended for placement of a recreational vehicle, tent or shelter, and utility
and service buildings shall be set back a minimum of one hundred (100) feet horizontal distance from the normal high-water line of a great pond classified GPA 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 providing the following conditions are met:

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

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

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

4. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1,000) square feet.

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

6. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred 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 the setback requirement for parking areas serving public boat launching facilities, in districts other than the General Development District may be reduced to 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 storm-water runoff from flowing directly into a water body tributary stream or wetland and where feasible, to retain all runoff on-site.

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

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

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

(h) Roads and driveways. In addition to Chapter 11 Streets of the Winslow Municipal Code the following standards shall apply to the construction and maintenance 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 Planning Board may reduce the road and/or driveway setback requirement to 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) per cent the road and/or driveway setback shall be increased by ten (10) feet horizontal distance for each five (5) per cent increase in slope above twenty (20) per cent.

Section 14-80 (h) (1) does not apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline or tributary stream due to an operational necessity excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 14-80(h)(1) except for that portion of the road or driveway necessary for direct access to the structure.

(2) Existing public or private roads may be expanded within the legal road right-of-way regardless of their setback from a water body tributary stream or wetland only with a plan detailing compliance with the Chapter 11 Streets, as Minor Rural Road standards without paving.

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

(4) Road and driveway grades shall be no greater than eight(8) per cent (5)In order to prevent road and driveway surface drainage from directly entering water bodies tributary streams or wetlands. roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least fifty (50) feet plus two (2) times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Road Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway or ditch. To accomplish this, the following shall apply:

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

<table>
<thead>
<tr>
<th>Grade (Percent)</th>
<th>Spacing (Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0--2</td>
<td>250</td>
</tr>
<tr>
<td>3--5</td>
<td>200--135</td>
</tr>
<tr>
<td>6--10</td>
<td>100--80</td>
</tr>
<tr>
<td>11--15</td>
<td>80--60</td>
</tr>
<tr>
<td>16--20</td>
<td>60--45</td>
</tr>
<tr>
<td>21+</td>
<td>40</td>
</tr>
</tbody>
</table>

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

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

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

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 provisions of Section 14-62 Signs shall govern the use of signs in the Resource Protection, Stream Protection, Limited Residential and Limited Commercial Districts:

(j) Storm-water runoff.

(1) All construction and development shall require a plan designed by a Registered Engineer experienced in environmental impact and preservation designed to minimize storm-water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm-waters.

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

(l) Septic waste disposal.

(1) All subsurface sewage disposal systems shall be installed in conformance with the State of Maine subsurface wastewater disposal rules without the uses of variances(variance includes all foot-notes in the Maine Subsurface Wastewater Disposal Rules). Primitive Disposal Systems, Alternative Toilets, and Separated Laundry Systems will not be allowed within the Shoreland District. “System” includes Fill Extensions, Treatment Tank, Disposal System, and in ground pump stations.

a. The minimum setback for new and replacement subsurface sewage disposal systems including fill extensions shall be no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body. The minimum setback distances from water bodies for new subsurface sewage disposal systems shall not be reduced by variance(variance includes all foot-notes in the Maine Subsurface Waste Water Disposal Rules).

(l) Holding Tank Ordinance

(1) Title

This Ordinance shall be known and cited as the Town of Winslow, Maine Holding Tank Ordinance, and will be referred to as "this Ordinance."

(2) Purpose

The purpose of this Ordinance is to establish the requirements for the use and maintenance of holding tanks utilized as disposal systems designed to receive and retain waste water 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 general welfare of the inhabitants of the Town of Winslow, Maine.

(3) Authority and Administration

A. This Ordinance is hereby adopted and hereafter amended pursuant to and consistent with Article VIII, Part 2, of the Maine Constitution, the provisions of Title 30-A, and the Maine Subsurface Waste Water Disposal Rules (144A CMR 241).

B. This Ordinance shall be administered by the Local Plumbing Inspector (L.P.I.).

(4) Applicability

This Ordinance applies to the approval for the installation of and the maintenance of holding tanks utilized as disposal systems for those small lots in the Seasonal district that have an existing principal structure which have plumbing fixtures installed, have a non-conforming waste water disposal system and soils or lot size do not permit the installation of a Sub Surface waste Disposal System,

(5) Enforcement

A. Nuisances

Any violation of this Ordinance shall be deemed a nuisance.

B. Local Plumbing Inspector

It shall be the duty of the Local Plumbing Inspector to enforce the provision of this Ordinance. If the Local Plumbing Inspector shall find that any provision of this Ordinance is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and the action necessary to correct it. A copy of such notices shall be maintained as permanent record.

C. Legal Action

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Town Council, upon notification from the Plumbing Inspector, are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality.
D. Fines

Any person, including but not limited to the landowner, a landowner's agent or a contractor who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A M.R.S.A., Section 4452. Each day the violation exists shall be considered a separate violation. Such persons shall be also be liable for court costs and attorney fees incurred by the Town of Winslow.

(6) Application Procedure and Content

A. Application Procedure

1. All applications for a Holding Tank Permit shall be in writing on forms provided for that purpose. Applications shall be received by the L.P.I.

2. The L.P.I. shall provide the applicant with a dated receipt when the application is first presented.

3. Within thirty-five days of receiving an application the L.P.I. shall approve, approve with conditions, or deny the application.

B. Fees

All applications for a Holding Tank Permit shall be accompanied by an application fee of $100.

C. Expiration of Approvals

All Holding Tank Permit approvals shall expire one (1) year after the date of issuance unless the work there under has commenced and is completed within eighteen (18) months from issuance.

D. All applications for a permit for a holding tank shall be made in writing on forms provided for that purpose. The submission shall contain the following information and exhibits:

1. Name of the owner(s) of record and applicant's name and address;

2. Sketch map showing the general location of the property;

3. The tax map and lot number of the parcel;

4. A copy of the deed to the property, option to purchase the property or other documentation to demonstrate right, title, or interest in the property on the part of the applicant;

5. A holding tank application approved by the Local Plumbing Inspector.
6. A signed agreement between the property owner and a tank pumper to pump and maintain the tank; and

7. A report or other documentation from a Site Evaluator that indicates that due to site conditions, lot configuration, or other constraints, the installation of a system with a disposal field is not feasible.

(7). Performance Standard

The following standards shall be utilized by the L.P.I. in reviewing applications for a holding tank for first time disposal systems. The L.P.I. shall approve the application unless the L.P.I. finds that the applicant has not satisfied one or more of the following standards:

A. A holding tank will not be permitted to satisfy the requirements for a Seasonal Conversion Permit under Title 30-A M.R.S.A., Section 4215 Subsection 2.

B. The plumbing in the structure shall be modified for maximum water conservation and all water closets shall meet or exceed ASME A112.19.2 for 1.6 gallons per flush.

C. A deed covenant shall be required for structures served by a holding tank. As a minimum, the covenant shall include a statement that a holding tank is serving the structure for the disposal of human sewage and waste water. The aforementioned statement shall be a separate stand alone section or paragraph.

D. The agreement between the property owner and tank pumper shall be filed in the Town Office and indicate the location of the site or sites that the septage will be disposed of. Only those sites approved by the Maine Department of Environmental Protection shall be utilized.

E. The owner shall have the tank pumped at least once a year and provide the L.P.I. with copies of all pumping records.

F. The holding tank shall be equipped with a visual and audible alarm device. The alarm shall be located and adjusted in a manner that assures the tank is pumped before it is full.

G. The owner and all tank pumpers shall not violate any terms, rules, regulations, or sections of the State Plumbing Code, as amended, including but not limited to Chapters 14 and 22, as amended, of the Maine Subsurface Wastewater Disposal Rules.

(8) Severability
A. The invalidity of any provision of these standards shall not invalidate any other part.

(9) Effective Date

A. This Ordinance shall become effective thirty (30) days after its adoption.

(m) 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 permitted, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

(n) 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 paragraph (3) below.

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

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

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

b. The final graded slope shall be two and one half to one (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.

(4) In keeping with the purposes of this article, 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.

(o) Agriculture.

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

(2) Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond, classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, 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 stormwater.

(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. Nonconformance with the provisions of said plan shall be considered to be a violation of this article.

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

(5) Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance of other water bodies; nor, within twenty-five (25) feet, horizontal distance, of tributary streams, and 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 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.

(p) Timber harvesting.

(1) In a shoreland area zoned for Resource Protection District abutting a great pond, timber harvesting shall be limited to the following:

(a) Within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, timber harvesting may be conducted when the following conditions are met:

(1) The ground is frozen;
(2) There is no resultant soil disturbance;
(3) The removal of trees is accomplished using a cable or boom and there is no entry of tracked or wheeled vehicles into the 75-foot strip of land;
(4) There is no cutting of trees less than 6 inches in diameter; no more than 30% of the trees 6 inches or more in diameter, measured at 4 1/2 feet above ground level, are cut in any 10-year period; and a well-distributed stand of trees and other natural vegetation remains; and
(5) A licensed professional forester has marked the trees to be harvested prior to a permit being issued by the municipality.

(b) Beyond the 75 foot strip referred to in paragraph a. above, timber harvesting is permitted in accordance with paragraph 2 below except that in no case shall the average residual basal area of trees over 4 1/2 inches in diameter at 4 1/2 feet above ground level be reduced to less than 30 square feet per acre.

(2) Except in areas as described in paragraph (1) above, timber harvesting shall conform with the following provisions:

a. Selective cutting of no more than forty (40) per cent of the total volume of trees four (4) inches or more in diameter measured at four and one-half (4 1/2) feet above ground level on any lot in any ten-year period is permitted. In addition:

1. Within one hundred (100) feet, horizontal distance of the normal high-water line of a great pond classified GPA and within seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clear-cut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.

2. At distances greater than one hundred (100) feet, horizontal distance, of a great pond classified GPA and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies
or the upland edge of a wetland, harvesting operations shall not create single clear-cut openings greater than ten thousand (10,000) square feet in the forest canopy. Where such openings exceed five thousand (5,000) square feet they shall be at least one hundred (100) feet apart. Such clear-cut openings shall be included in the calculation of total volume removal. For the purposes of these standards volume may be considered to be equivalent to basal area.

b. Timber harvesting operations exceeding the forty (40) per cent limitation in paragraph a. above, may be allowed by the planning board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this article. The planning board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the planning board's decision.

c. No accumulation of slash shall be left within fifty (50) feet horizontal distance of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.

d. Timber harvesting equipment shall not use stream channels as travel routes except when:

1. Surface waters are frozen; and
2. The activity will not result in any ground disturbance.

e. All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.

f. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil re-vegetated.

g. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an un-scarified strip of vegetation of at least seventy-five (75) feet horizontal distance in width for slopes up to ten (10) per cent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) per cent increase in slope, the un-scarified strip shall be increased by twenty (20) feet. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however,
that no portion of such exposed mineral soil on a back face shall be closer than twenty-five (25) feet from the normal high-water line of a water body or upland edge of a wetland.

(q) **Clearing or Removal of vegetation for Activities Other than Timber Harvesting.**

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

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

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

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

b. Selective cutting of trees within the buffer strip is allowed provided that a well distributed stand of trees and other natural vegetation is maintained. For the purposes of this section a "well-distributed stand of trees and other vegetation" 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 twenty-five (25) foot by fifty (50) foot square (1250) square feet) area as determined by the following rating system.

<table>
<thead>
<tr>
<th>Diameter of Tree at 4 1/2 feet Above Ground Level (inches)</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>2- &lt;4 inches</td>
<td>1</td>
</tr>
<tr>
<td>4-- &lt; 8 inches</td>
<td>2</td>
</tr>
<tr>
<td>8 - &lt;12 inches</td>
<td>4</td>
</tr>
</tbody>
</table>
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 twenty-five-foot by 50-foot rectangular area.

**Note:** As an example, adjacent to a great pond, if a 25-foot x 50-foot plot contains four (4) trees between 2 and 4 inches in diameter, two trees between 4 and 8 inches in diameter, three trees between 8 and 12 inches in diameter, and two trees over 12 inches in diameter, the rating score is:

\[(4 \times 1) + (2 \times 2) + (3 \times 4) + (2 \times 8) = 36\] points

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

The following shall govern in applying this point system:

(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 this 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 14-80(q)(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 forty (40) percent of the total volume of trees four (4) inches or more in diameter, measured at four and one-half (4 1/2) feet above ground level may be removed in any ten-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 paragraphs (2) and (2)a. above.

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

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

Paragraph (2) above does not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas, however, shall be limited to the minimum area necessary.

(3) At distances greater than one hundred (100) feet, horizontal distance, from 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-year period, selective cutting of not more than forty (40) per cent of the volume of trees four (4) inches or more in diameter, measured four and one-half (4 1/2) feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) per cent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

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

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

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

(r) Erosion and sedimentation control.

(1) All activities which involve filling, grading, excavation or other similar activities which result in un-stabilized 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 Code Officer or Planning Board, as may be required for approval and shall include, where applicable, provisions for:

a. Mulching and re-vegetation of disturbed soil.

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

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

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

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

(4) Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of 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. Drainage ways shall be designed and constructed in order to carry water from a twenty-five-year storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

(s) 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.

(t)  **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.

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

(Ord. No. 1-1993, 2-8-93; Ord. No. 2-1995, 2-12-96; Ord. No. 2-1997, 4-14-97; Ord. No. 1-2006, 4-10-06; Ord. No. 2-2009, 5-11-09)

**Sec. 14-81. Administration.**

(a)  **Administering bodies and agents.**

(1)  **Code enforcement officer.** A code enforcement officer shall be appointed or reappointed annually by July 1st.

(2)  **Board of appeals.** A board of appeals shall be created in accordance with the provisions of Title 30-A M.R.S.A., Section 2691.

(3)  **Planning board.** A planning board shall be created in accordance with the provisions of Title 30-A, M.R.S.A., Section 2691.

(b)  **Permits required.** After the effective date of this article 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 the replacement culvert is:

(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, the crossing does not block fish passage in the water course.

(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 14-80.

(2) All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the 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) Site map prepared by a registered Maine land surveyor, drawn to scale, showing the location, boundaries, dimensions, elevations, uses, and size of the following: subject site, principal and accessory structures, location of the existing septic system and any proposed new septic system, existing and proposed easements, streets, and other public ways, off-street parking, loading areas, driveways existing highway access restrictions, and existing and proposed street, side and rear yards setbacks. In addition, the site map shall show the location, elevation, and use of any abutting lands and their structures within 40 feet of the subject site.

(6) A detailed set of construction drawings for all new principal structures with adequate details to allow the CEO to determine its compliance with the town's building, plumbing, and zoning codes.

**Procedure for administering permits.** Within thirty-five (35) days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in section 14-79, 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.

a. **CEO Permits.** The Code Enforcement Officer, shall approve, approve with conditions, or deny all permit applications in writing within thirty-five (35) days of receiving a completed application. Planning Board Permits; After receiving a
The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this article.

After the submission of a complete application to the Planning Board, the Board may find through the Public Hearing and review process that additional information and data is required before making a decision. Upon completion of the review process the Planning Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

(1) Will maintain safe and healthful conditions;

(2) Will not result in water pollution, erosion, or sedimentation to surface waters;

(3) Will adequately provide for the disposal of all wastewater;

(4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

(5) Will conserve shore cover and visual, as well as actual, points of access to inland waters;

(6) Will protect archaeological and historic resources as designated in the comprehensive plan;

(7) Will avoid problems associated with flood plain development and use; and

(8) Is in conformance with the provisions of section 14-80, 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) The proposed location of 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 ground-floor area, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.

(5) All structures, except functionally water-dependent structures, 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 will 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 (1) year of the date of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall lapse and become void.

(g) **Installation of public utility service.** No public utility, water district, sanitary district or any utility company of any kind may install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous ordinance has been issued by the appropriate municipal officials. Following installation of service, the company or district shall forward the written authorization to the municipal officials, indicating that installation has been completed.

(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 a de novo basis, where it is alleged by an aggrieved party with standing that there is an error in any decision, or determination made by, the Code Enforcement Officer regarding issuing or denying of permits.

b. **Variance appeals**: To authorize variances upon appeal, within the limitations set forth in this article.

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

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

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

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

1. The proposed structure or use would meet the provisions of section 14-79 except for the specific provision which has created the nonconformity and from which relief is sought; and

2. The strict application of the terms of this article would result in undue hardship. The term "undue hardship" shall mean:

   (i) That the land in question cannot yield a reasonable return unless a variance is granted;

   (ii) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

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

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

d. The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes and provisions of this article 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.

e. 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) Appeal procedure.

a. Making an appeal.

1. An administrative appeal may be taken to the Board of Appeals by an aggrieved party with standing regarding any decision of the Code Enforcement Officer regarding the issuing or denying of permits. Such appeal shall be taken within thirty (30) days of the date of the decision appealed from, and not otherwise, except that the board, upon a showing of good cause, may waive the thirty-day requirement.

2. Such appeal shall be made by filing with the board of appeals a written notice of appeal which includes:

   (i) A concise written statement indicating what relief is requested and why it should be granted.

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

3. Upon receiving an application for an appeal, the Code Enforcement Officer shall transmit to the board of appeals all of the papers constituting the record of the decision appealed from.

4. The board of appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.

b. Decision by board of appeals.

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

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

3. The board shall decide all administrative appeals within thirty-five (35) days after the close of the last meeting of the hearing (the hearing may extend over several meetings), and shall issue a written decision on all appeals.
4. 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.

4) **Appeals of Board of Appeals Decision**: 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 Civil Rule 80 B forty-five (45) days from the date of any decision of the board of appeals.

5) **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.

6) **Appeals of Planning Board Decision**: Any aggrieved party who participated as a party during the proceedings before the Planning Board may take an appeal to Superior Court in accordance with Civil Rule 80 B within forty-five (45) days of the Planning Board decision.

(h) **Enforcement**.

1) **Nuisances**. Any violation of this article 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 article. If the code enforcement officer shall find that any provision of this article 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 article.

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

(3) **Legal actions.** When the above action does not result in the correction or abatement of the violation or nuisance condition, the municipal officers, upon notice from the code enforcement officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this article 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 article 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 article shall be penalized in accordance with 30-A M.R.S.A., section 4452.

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NOTE: 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).

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(Ord. No. 1-1993, 2-8-93; Ord. No. 6-2005, 10-11-05; Ord. 2-2009, 5-11-09)

**Sec. 14-82. 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 article; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

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

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

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

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

**Commercial.** Provisions for services on the premises, or the sale of goods to the general public on a regular basis for a charge or fee or rooms to let.

**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.

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

**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.

**Driveway.** A vehicular access-way less than five hundred (500) feet in length serving two (2) lots or less.

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

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

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

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

**Family.** One (1) or more persons occupying a premise and living as a single housekeeping unit.

**Floor area.** The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, with five (5) feet vertical distance or more of headroom plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

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

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

**Foundation.** The supporting substructure of a building or other structure including but not limited to basements, slabs, sills, posts or frost walls.

**Freshwater wetland.** Freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

1. Of ten (10) or more contiguous acres; or of less than ten (10) contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of ten (10) acres; and

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

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

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

**Great pond.** Any inland body of water which in a natural state has a surface area in excess of ten (10) acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this article, 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 Title 38 M.R.S.A., Article 4-A, Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

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

**Height of a structure.** The vertical distance between the mean original grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area.

**Holding Tank:** A closed, water-tight structure designed and used to receive and store waste water or septic tank effluent. A holding tank does not discharge waste water 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 waste water at another site.

**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.

**Individual private campsite.** An area of land which is not associated with a campground, but which is developed for repeated camping by only one (1) group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to gravel pads, parking areas, fire places, or tent platforms.

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

**Local Plumbing Inspector:** A person as defined in Title 30-A M.R.S.A., Section 4221 and Title 30-A M.R.S.A., Section 4451.

**Lot area.** The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two (2) lots.
**Marina.** A business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, boat and tackle shops and marine fuel service facilities.

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

**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.

**Nonconforming lot.** A single lot of record which, at the effective date of adoption or amendment of this article, does not meet the area, frontage, or width requirements of the district in which it is located.

**Nonconforming structure.** A structure which does not meet any one (1) or more of the following dimensional requirements: setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this article or subsequent amendments took effect.

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

**Normal high-water line.** That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond.
Person. An individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two (2) or more individuals having a joint or common interest, or other legal entity.

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

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

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

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

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

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

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

Alluvial
Charles
Cornish
Fryeburg
Hadley
Limerick
Lovewell
Medomak
Ondawa
Podunk
Rumney
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 (1) 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 (1) 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, but not recreational vehicles are not residential dwelling units.

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

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

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

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

Seasonal Conversion Permit: Written authorization issued by the Local Plumbing Inspector to allow the conversion of a seasonal dwelling unit located in a shoreland zone to a year-round use.

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:
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 at normal high-water elevation.

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

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

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

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

**Structure.** Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily or permanently located, such as decks, patios and satellite dishes.

**Substantial start.** Completion of thirty (30) per cent of a permitted structure or use measured as a percentage of estimated total cost.

**Subsurface sewage disposal system.** A collection of treatment tank(s), disposal area(s) and
holding tank(s) and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under Title 38 M.R.S.A., Section 414, any surface wastewater disposal system licensed under Title 38 M.R.S.A., Section 413 Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in Title 38 M.R.S.A., Chapter 13, subchapter 1.

**Sustained slope.** A change in elevation where the referenced per cent grade is substantially maintained or exceeded throughout the measured area.

**Timber harvesting.** The cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 14-80 (p).

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

**Tributary stream.** 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 article, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

**Upland edge.** The boundary between upland and wetland. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

**Vegetation.** All live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under four (4) inches in diameter, measured at four and one-half (4 1/2) feet above ground level.

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

**Waste Water:** Any liquid waste containing animal or vegetable matter in suspension or solution, or the water-carried waste from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers, or other sources of water-carried wastes of human origin. This term specifically excludes industrial, hazardous, or toxic wastes and materials.
**Water body.** Any great pond, river or stream.

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

**Wetland.** A freshwater wetland.

**Wetlands associated with great ponds and rivers.** Wetlands contiguous with or adjacent to a great pond or river, and which during normal high water are connected by surface water to the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.

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

Sec. 14-83. Regulating Commercial Displays of Nudity

(a) Findings:

1. The displays of nudity offered by such establishments and regulated by this article are a purely commercial activity, unrelated to free expression and the exchange of ideas.

2. Unlimited commercial exploitation of nudity can induce individuals to engage in prostitution, sexual assaults, breaches of the peace and other criminal activity.

3. Displays of nudity in commercial establishments tend to create a tawdry atmosphere which would adversely affect the quality of life of Winslow’s residents.

4. Persons under the age of 18, by reason of their age and inexperience, are especially susceptible to prostitution and other criminal activity if employed by or allowed entrance as patrons of commercial establishments offering displays of nudity.

(b) Purpose:

In view of the foregoing legislative findings, for the purpose of protecting the public health, safety and morals, the Town Council of the Town of Winslow hereby adopts the following regulations of commercial nudity within the Town of Winslow.

(c) Definitions:
1. **Nudity**: The showing of the human male or female genitals, pubic area or the female breast below the top of the nipple or the depiction of covered male genitals in a discernibly turgid state.

2. **Sadomasochistic abuse**: Flagellation or torture by or upon a person clad in undergarments or a mask or bizarre costume or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

3. **Sexual Conduct**: Acts of sodomy, masturbation, homosexuality, sexual intercourse or physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks or female breast.

(d) **Certificate of occupancy required.**

No person operating a commercial establishment in the Town of Winslow shall allow displays of nudity on the premises of the establishment concerned without first obtaining a certificate of occupancy for that purpose from the Town’s Code Enforcement Officer and Fire Chief. The application procedure and criteria for issuance of a certificate of occupancy shall be as provided in Chapter 14, Zoning; provided, however, that the following additional requirements shall apply to commercial establishments offering displays of nudity.

(1) The application for a certificate of occupancy under Chapter 14, § 14-25 shall state that the proposed use includes displays of nudity. The application shall describe the displays of nudity to be offered, including the intended frequency and times, and shall indicate the area of the premises where the displays of nudity shall take place.

(2) The application shall disclose the name and current residence address of all principals of the business concerned and shall disclose the name and current residence address of all persons holding a financial interest of 5% or more in the business concerned.

(3) Prior to granting a certificate of occupancy, the Code Enforcement Officer shall forward the application to the Chief of Police for a criminal information background check on each of the persons named in the application. The Code Enforcement Officer shall deny the application if the applicant, any principal of the business concerned or any holder of a five-percent or greater financial interest in the business concerned has a record of conviction of prostitution, promoting prostitution or of a Class A, B, or C felony under Maine law, or equivalent offenses in other jurisdictions, during the ten-year period ending prior to the application date.

(e) **Location and standards.**

(1) No certificate of occupancy shall be granted for a commercial establishment offering displays of nudity, unless the premises concerned are located on the west side of US. Route 201 from the North line of property located on the Assessor’s Tax Map 4 Lot 8 to the South line of property located on the Assessor’s Tax Map 1 Lot 22 in the commercial zoning district and the premises concerned meet all district provisions and development standards contained in Chapter 14, Zoning, plus the following additional requirements:
(a) The premises concerned must not be located within 500 feet of any other such establishment for which a certificate of occupancy, previously issued, remains in force; any establishment licensed to sell alcohol for on-premises or off-premises consumption under M.R.S.A. 28-A § 601 et seq.; a church, chapel, parish house or other place of worship; or a public library, juvenile shelter, orphanage, public or private school grounds, licensed daycare, public playground or public park. The 500 feet measurement is straight line from the nearest property lines.

(b) The premises concerned must not be located within 500 feet of the nearest district boundary of any residential zoning district established under the provisions of Chapter 14, Zoning, of the Town of Winslow, as measured in a straight line from the premises to the boundary of the zoning district.

(2) No certificate of occupancy shall be issued for a commercial establishment displays of nudity unless the premises concerned include changing rooms and toilet facilities that are separated from any area of the premises to which the public will have access.

(3) No certificate of occupancy shall be issued for a commercial establishment offering displays of nudity if any portion of the premises concerned consists of residential apartments or units, whether or not occupied.

(4) The premises concerned, in addition, shall meet all applicable requirements of Chapter 14, International Building Code, and Life Safety Code, as amended.

(5) The subsequent establishment of an establishment licensed to sell alcohol, a public or private school grounds, a church, chapel, parish house or other place of worship, a public library, a juvenile shelter or orphanage, a playground or public park or the rezoning of any property to residential shall not affect the validity of a certificate of occupancy of a legally existing commercial establishment offering displays of nudity. In the event of the subsequent establishment of any of the foregoing uses, the commercial establishment offering displays of nudity shall be treated as any other use permitted in the zoning district.

(f) Conduct.

(1) No person under the age of 18 years shall be employed in any capacity upon the premises of a commercial establishment that offers displays of nudity. The operator of each such establishment shall be responsible for verifying the age of each employee through photographic identification, including hourly employees, salaried employees and all persons working on the premises for tips, commissions or as independent contractors, contract dancers or contract performers.

(a) Each employer shall maintain records showing the name and date of birth for each employee, including a copy of the photographic identification used to verify age. Prior to any employee's beginning employment, the operator shall bring the records to the Winslow Police Department to verify the age of the prospective employee. These records must be maintained by the employer until six months after the employee ceases to work for the employer. These records are also subject to review by the Winslow police on the business premises during normal operating hours.
(b) In the event that the Winslow police reasonably suspect that any employee listed in the records is under the age of 18 years, the Winslow police may copy the record for investigatory purposes. Any record or information so obtained, and any subsequent information developed there from, is declared to be "intelligence and investigative information" under 16 M.R.S.A. § 611, Subsection 8, the Criminal History Record Information Statute, which, if publicly disclosed, would endanger the life or safety of the individuals named therein. Record information may be disclosed to the person named therein, notwithstanding this declaration.

(2) No person under the age of 18 years shall be admitted to any commercial establishment offering displays of nudity, as a customer or patron. The operator of each such establishment shall be responsible for verifying the age of each person entering the premises, through photographic identification.

(3) No alcoholic beverages shall be sold, served or given away on the premises of any commercial establishment offering displays of nudity, whether for on-premises or off-premises consumption. Operators of any such establishment shall not allow customers or patrons to bring or consume alcoholic beverages on the premises.

(4) There shall be no physical contact on the premises between patrons and those displaying nudity. For the purposes of this subsection, physical contact does not include incidental touching between someone displaying nudity and a patron of a business or social nature, i.e., a handshake or the brief contact that occurs while a patron is giving a tip. In no case shall incidental contact be deemed to include contact barred by the state statutes regarding unlawful sexual contact.

(5) No one who removes any garments during displays of nudity shall toss or throw those garments to any customer or patron.

(6) No one displaying nudity shall engage in any sadomasochistic abuse or sexual conduct.

(7) Displays of nudity in a commercial establishment shall not include any showing of the male or female genitals, pubic area, perineum or anus of any person with less than a fully opaque covering.

(8) There shall be no displays of nudity after the hour of 1:00 a.m. All premises offering displays of nudity shall be closed and cleared of customers and patrons between the hours of 1:15 a.m. and 6:00 a.m. Mondays through Saturdays and 9:00 a.m. Sundays.

(9) No display of nudity shall be visible from any public property or other private property.

(g) Violations and penalties.

(1) Any violation of this article by the owner, lessee, licensee, permittee or operator of a premises shall constitute a land use violation and shall be subject to prosecution and penalties as provided in 30-A M.R.S.A. § 4452 and Chapter 14 Section 14-13, provided that
the minimum fine for any violation by such persons shall be $500 for each offense, none of which may be suspended. In addition, the Code Enforcement officer may suspend or revoke the certificate of occupancy for any establishment offering displays of nudity in violation of this article, or in violation of conditions contained in the certificate of occupancy. Suspension or revocation of a certificate of occupancy shall be subject to administrative appeal as provided in Chapter 14, Section 14-14 Right of Appeal.

(2) Any violation of this article by a person other than the owner, lessee, licensee, permittee or operator of a premise shall be punished by a fine of not less than $500 for the first offense, and not less than $1,000 for the second and subsequent offenses, none of which may be suspended.

(3) Any violator shall be responsible for the Town’s reasonable attorney’s fees in prosecution of a violation.

(4) Each day a violation continues shall be a separate offense.

(h) Existing establishments.

(1) Within 30 days after the effective date of this article, all existing establishments wishing to offer displays of nudity at their existing location shall apply for a new certificate of occupancy as provided in § 14-83 (b).

(i) Theatrical productions.

(1) The application and location restrictions of § 14-83 (c) above shall not apply to theaters, dinner theaters, licensed movie theaters or similar establishments which are primarily devoted to theatrical performances or the presentation of movies, provided that any displays of live nudity within such theaters, dinner theaters, licensed movie theaters or similar establishments shall be limited to occasional nudity by bona fide stage actors during the course of theatrical performances; provided also that the provisions of §§ 14-83 (d), (4) through (8) shall apply.

(Ord. No. 2-2010, 6-14-10)

Article 8 – Definitions

Sec. 14-84 Definitions

As used in this chapter:

Accessory use or structure. Use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Addition. An extension or increase in floor area or height of a building or structure.

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

**Alteration.** As applied to a building or structure, means a change or rearrangement in the structural parts or in the means of egress; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

**Area.** The area included within surrounding exterior walls (or exterior walls and fire walls) exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if included within the horizontal projection of the roof or floor area.

**Arterial Street.** A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways, and parkways.

**Automobile Junk Yard, Automobile Graveyard, Salvage Yard.** A yard, field or other place of storage for the following items:

a. Three or more unserviceable, discarded, worn-out, or junked motor vehicles as defined by State Law, not including temporary storage, as defined by State Law, by an establishment or place of business engaged primarily in doing auto repair work for the purposes of rendering a motor vehicle serviceable;

b. Discarded, worn-out, or junk plumbing, heating supplies, household appliances, and furniture;

c. Discarded, scrap, junked lumber;

d. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste, and all scrap iron, steel, and other scrap ferrous or non-ferrous material.

**Automobile Service and Repair.** A business establishment engaged in general repair, engine rebuilding, parts replacement, muffler replacement, oil and lube service, brake service, auto glass, body repair, auto painting, car washing, undercoating, motorcycle repair, recreational vehicle repair such as snowmobiles, ATV’s boat engines, and small engine repair such as lawn mowers and similar lawn and garden equipment.

**Basement.** That portion of any structure located partly below the average adjoining lot grade.

**Bed and Breakfast.** A house, or portion thereof, where short term lodging rooms and meals are provided. The operator of the bed and breakfast shall live on the premises or in adjacent premises.

**Billboard.** Either freestanding or attached to a building or the wall of a building, the surface of which is available for hire of advertising purposes.

**Boarding and Rooming House.** Any residential structure where lodging or lodging and meals are provided for compensation for a period of at least 2 weeks, and where a family residing in the
building acts as proprietor or owner. There is no provision for cooking in any individual room.

**Building.** Any three-dimensional enclosure, of any building materials, of any space, for any use or occupancy. Building includes the word structure unless the context unequivocally indicates otherwise.

**Building Height.** Vertical measurement from a point on the ground at the mean finish grade adjoining the foundation as calculated by averaging the highest and lowest finished grade around the building or structure, to the highest point of the building or structure. The highest point shall exclude farm buildings components, flagpoles, chimneys, ventilators, skylights, domes, water towers, bell towers, church spires, tanks, or other building accessory features usually erected at a height greater than the main roofs of a building, provided such accessory features are not for human habitation. Maximum building height provisions in this Ordinance shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.

**Building Site.** The area occupied by a building or structure, including yards and courts required for light and ventilation, and such areas that are prescribed for access to the street.

**Building Width.** The horizontal distance between the outer edges of the living area of the building as measured in a straight line parallel to the lot frontage.

**Bulk Oil/Fuel Storage.** Structures, buildings, and fuel storage facilities designed for the storage of oil and gas for re-sale to retail fuel distributors.

**Camp Site.** A place designated to be used for a tent, trailer or recreational vehicle in a campground.

**Campground.** Land upon which one or more tents, trailers or recreational vehicles are placed for temporary family recreational use on sites arranged specifically for that purpose. Campgrounds include tenting grounds, and trailer and recreational vehicle park sites.

**Cemetery.** Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbarium, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

**Certificate of use or occupancy.** The certificate issued by the Code Enforcement Officer which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the building in its several parts together with any special stipulations or conditions of the building permit.

**Change of use.** An alteration by change of use in a building heretofore existing to a new use group that imposes other special provisions of law governing building construction, equipment or means of egress.

**Chemical Manufacturing and Storage.** A facility designed and used for the manufacturing and/or storage of hazardous materials and chemicals as defined in Title 37-B, M.R.S.A. Section 791.
Winslow Municipal Code

**Child Care Center.** A private establishment providing day care for 8 or more children under the age of 16 which charges for the care of the children and holds all legally required licenses and approvals.

**Child Care Home.** A private home providing day care for less than 8 children under the age of 16 which charges for the care of children and which holds all legally required licenses and approvals.

**Church.** A place of religious worship.

**Commercial Greenhouse.** The structures and land used to raise trees, shrubs, flowers, and other plants for sale or for transplanting which may also include associated retail or wholesale sales structures.

**Community Center.** A place, structure, area or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

**Congregate Housing.** A type of dwelling consisting of private living quarters and that provides shared community space and shared dining facilities and might also provide its residents with housekeeping services, personal care and assistance, transportation assistance, recreational activities and/or specialized services such as medical support.

**Convenience Store.** A retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages and other household supplies to customers who purchase only a relatively few items. ("in contrast to a supermarket") It shall not include retail fuel sales.

**Corner Lot.** A lot abutting 2 or more streets at their intersections provided that the corner of such intersection shall have an angle of 135 degrees or less measured on the lot side.

**Dwelling.** A building or portion thereof used exclusively for residential occupancy, including one-family, two-family, and multi-family dwellings; not including hotels, motels, lodging houses or boarding homes. Dwelling includes the word "residence".

**Dwelling Multi-family.** A residence designed for or occupied by 3 or more families with separate housekeeping and cooking facilities for each.

**Dwelling Two-family.** A residence designed for or occupied by 2 families only, with separate housekeeping and cooking facilities for each.

**Dwelling Unit.** A room or suite of rooms used by one family as a habitation which is separate from other rooms or suites of rooms and which contains cooking facilities.

**Efficiency.** A dwelling unit consisting of one principal room with no separate sleeping room.

**Essential Services.** Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure, and electric power transmission or
distribution lines, and related equipment. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewers, storm water drains and accessories thereto such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.

Family. Any number of persons related by blood, adoption, or marriage, or not to exceed 4 persons not so related living together in one dwelling as a single housekeeping entity.

Farm Stand. A booth, stall or building located on a farm from which produce and farm products are sold to the general public.

Farmer Market. A public or private entity for farmers to provide a building or open area in which stalls or sales areas are set aside or rented and which are intended for use by its members to sell produce and farm products.

Floor Area Net. For the purpose of determining the number of persons for whom exits are provided, net floor area shall be the actual occupied area, not including accessory unoccupied areas or thickness of walls.

Forestry. Timber management and other forest evaluation or management planning activities, cruising, pesticide or fertilizer application, pruning and other stand improvement, timber harvesting, regeneration of forest stands, and other similar associated activities.

Frontage. The length of a lot bordering on a public or private street, road or right-of-way shall mean the length in a straight line measured between the intersections of the side lot lines.

Funeral Home. A building or part thereof used for human funeral services. Such building may contain space and facilities for the following: embalming and the performance of other services used in the preparation of the dead for burial; the performance of autopsies and other surgical procedures; the storage of caskets, funeral urns, and other related funeral supplies; and the storage of funeral vehicles but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

Garage, Private. Any garage for 4 or less passenger motor vehicles without provision for repairing or servicing such vehicles for profit.

Golf Course. A tract of land for playing golf, improved with tees, greens, fairways, and hazards, and which may include clubhouses and shelters.

Government Buildings. Any structure or building necessary for the administrative and service functions of state and federal government. This does not include utilities which are defined in this section.

Grade. A reference plane representing the average finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plan shall be established by the lowest points within the area between the building and the lot line or, when the lot line is more than 6 feet from the building, between the building and a point 6 feet
from the building.

**Habitable Space.** Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet, compartments, closets, halls, storage or utility spaces and similar areas are not considered habitable space.

**Heavy industrial.** Industrial activity which involves the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or activity involving the storage of, or manufacturing processes using flammable or explosive processes that potentially involve hazardous or commonly recognized offensive conditions. Heavy industrial uses shall include steel fabrication, and paper production.

**Height, Court.** The vertical distance from the lowest level of the court to the mean height of the top of the enclosing walls.

**Height, Story.** The vertical distance from top to top of 2 successive tiers of beams or finished floor surfaces; and, the topmost story, from the top of the floor finish to the top of the ceiling joist, or, when there is not a ceiling, to the top of the roof rafters.

**Height, Wall.** The vertical distance from the foundation wall or other immediate support of such wall to the top of the wall.

**Historic and Archeological Sites.**
Characteristics: any site, building, group of buildings, structure or object may be designated for preservation as a historic property, landmark or district if it meets one or more of the criteria established for inclusion in the National Register of Historic Places, which are as follows:

The quality of significance in American history, architecture, archeology, engineering and culture on the local, state and national levels is present in district, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

a. That are associated with events that have made a significant contribution to the broad patterns of our history or;

b. Are associated with the lives of persons significant in our past or;

c. That embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction or;

d. That have yielded, or may be likely to yield information important in prehistory or history.

Ordinarily, cemeteries, birthplaces, or graves of historic figures, properties owned by religious institutions or used for religious purposes, structures that have been
moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of a district that do not meet the criteria or if they fall within the following categories:

(a) A religious property deriving primary significance from architectural artistic distinction of historic importance or;
(b) A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event or;
(c) A birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with productive life or;
(d) A cemetery that derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features or from association with historic events or;
(e) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived or;
(f) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance or;
(g) A property achieving significance within the past 50 years if it is of exceptional importance.

**Home Occupation.** An occupation or profession which is carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit; carried on by a member of the family permanently residing in the dwelling unit; clearly incidental and secondary to the use of the dwelling unit for residential purposes; and which does not change the essential residential character of the dwelling unit or neighborhood.

**Home Occupation Minor.** A type of home occupation that has a low impact on the residential character of a dwelling and neighborhood and conforms to specific performance standards contained in this Chapter.

**Hospital.** An institution providing health care services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities and staff offices that are an integral part of the facilities.

**Hotel/Motel.** A building in which lodging or meals and lodging are offered to the general public for compensation on a short term basis. The use may include such accessory services and facilities as news stands, personal grooming facilities, restaurants, and recreational facilities.

**Indoor Recreation.** A recreation facility designed and equipped for the conduct of sports, leisure time activities, performances and other customary recreation activities which take place indoors. Activities include but are not limited to amusement arcades, gyms, health clubs, theaters, and
bowling alleys. Restaurants that are incidental to the primary recreational use of the structure are also allowed.

**Jurisdiction.** The governmental unit which has adopted this code under due legislative authority.

**Kennel.** An establishment housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business.

**Laboratories.** A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale or products, except as incidental to the main purpose of the laboratory.

**Light Manufacturing.** A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

**Living Area.** The total living area bounded by the exterior walls of a building at the front levels, but not including unfinished basements, utility rooms, garages, porches, breezeways, and unfinished attics.

**Loading Area.** A completely off-street space or berth on the same lot for the loading or unloading of freight carriers having adequate ingress and egress to a public street or alley.

**Lot.** A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open space as are herein required. The word lot includes the words "plot" or "parcel".

**Lot Width.** The width of a parcel of land measured at the street right-of-way equal to the specified street yard distance. The lot width shall not include any part of the lot for which a right-of-way has been granted which denies to the owner the right of exclusive use of the ground surface of such right-of-way for pedestrian or motor vehicle use or otherwise, or which interest in such right-of-way the owner has transferred to another, either fully or partially.

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

**Minor Repairs.** Application or notice to the Code Enforcement Officer is not required for ordinary repairs to structures, but such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit requirements, nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas soil, waste, vent or similar piping, electric wiring or mechanical work or other work affecting public health or general safety.

**Minor Structure.** Any small, movable accessory erection or construction such as birdhouses, tool
houses, pet houses, play equipment, arbors, and walls and fences under 6 feet in height.

**Mobile Home.** A structure transportable in one or more sections, that in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and that are built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning, or electrical systems contained in the unit. The structure complies with the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70. Units constructed after June 15, 1976 are deemed to meet these standards. Units constructed prior to June 15, 1976 shall be modified or renovated as necessary in order to comply with these standards.

**Mobile Home Park.** Mobile Home Park means a parcel of land under unified ownership approved by the municipality for the placement of 3 or more mobile homes.

**Municipal Facility.** Any land, building, or structure necessary for the administration and service function of the Town of Winslow.

**Nightclub.** A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing or other entertainment may be provided.

**Non-Conforming Lot.** A lot which does not meet the requirements of this chapter.

**Non-Conforming Uses or Structures.** Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this chapter or amendments thereto which does not conform to the regulations of this chapter or amendments thereto. Any such structure conforming in respect to the use but not in respect to frontage, width, height area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

**Normal Repairs.** Usual or regular maintenance of decayed or damaged property such as: window frame replacement, siding replacement, roofing, re-shingling, etc.

**Nursing Home.** Any dwelling in which 3 or more aged, chronically ill, or incurable persons are housed and furnished with meals and nursing care for compensation.

**Occupancy.** The purpose for which a building, or part thereof, is used or intended to be used.

**Occupied.** As applied to a building, shall be construed as though followed by the words "or intended, arranged or designed to be occupied".

**Outdoor Recreation.** A commercial recreation facility designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities which take place predominately in the outdoors. Activities include, but are not limited to, golf driving ranges, miniature golf, amusement parks, and swimming pools. This includes any accessory structures such as rest rooms, storage, and other buildings necessary to operate the facility.

**Owner.** Any person, agent, firm, or corporation having a legal or equity interest in the property.
Parking Lot. An area or structure where the parking of motor vehicles, trucks, and trailers is the primary use.

Parking Space, Off-Road. An off-street parking space comprises not less than 180 square feet of parking stall plus maneuvering space. Space for maneuvering incidental to parking or un-parking shall not encroach upon any public way. Every off-street parking space shall be accessible from a public way.

Parks and Playgrounds. Non-commercially operated recreation facilities open to the general public including, but not limited to, playgrounds, parks, monuments, green strips, open space, mini-parks, athletic fields, boat launching ramps, piers, docks, picnic grounds, swimming pools, and wildlife and nature preserves, along with any necessary accessory facilities, rest rooms, bath houses, and the maintenance of such land and facilities.

Passive Recreation. Outdoor recreational activities which involve no structural or mechanical components or facilities, such as hiking, fishing, hunting, etc.

Permanent Outside Storage. The presence of any item of personal property outside of a building more than thirty days after being placed there. The time limitation also applies to items of personal property such as gravel piles or building materials that are removed and then replaced with similar items. The term does not include motor vehicles with current registration and inspection, equipment upon which payment of excise tax is current or items taxed as personal property.

Permit. An official document or certificate issued by the Code Enforcement Officer which authorizes performance of a specified activity.

Person. Includes a corporation or co-partnership as well as individual.

Pharmaceutical. A building or group of buildings used for the manufacture of drugs or medicine and which may also include laboratories.

Piers. Docks, Wharves, Breakwaters. Causeways, Marinas, Bridges over 20 feet in Length and uses projecting into water bodies.

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

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

Posted Use and Occupancy. The posted classification of a building in respect to use, fire grading, floor load and occupant load.

Principal Building. The building occupied by the chief use or principal use on the premises.

Printing. A use that provides duplicating services using digital equipment, photocopy, blueprint, and offset printing equipment directly to business and commercial customers and does not
include retail sales. Retail printing and photocopy services provided directly to the consumer shall be considered as a service store and business.

Professional Engineer or Surveyor. An individual technically and legally qualified to practice the profession of engineering or surveying.

Professional Office. The place of business of doctors, lawyers, accountants, financial advisors, architects, surveyors, real estate, insurance, doctors, psychiatrists, counselors, engineers and the like, or in which a business conducts its administrative, financial or clerical operations including banks and other financial services and consists of less than 2,000 square feet of floor area.

Professional Office Complex. The place of business of doctors, lawyers, accountants, financial advisors, architects, surveyors, real estate, insurance, doctors, psychiatrists, counselors, engineers and the like, or in which a business conducts its administrative, financial or clerical operations including banks and other financial services and consists of more than 2,000 square feet of floor area.

Public Way. Any street, alley or other parcel of land open to the outside air leading to Public Street; deeded, dedicated, or otherwise permanently appropriated to the public for public use and having a clear width of not less than 10 feet.

Radio and Communication Tower. A structure on which commercial transmitting and/or receiving antenna are located.

Rear Yard. A yard extending across the lot width which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. The yard shall be opposite the street yard or one of the street yards on a corner lot. All construction, structures and uses of land including all accessory uses and structures except minor structures, must comply with all yard requirements, including all street, rear and side yard requirements of each zoning district.

Recycling Center. A facility/building where recyclable solid waste material, including tires, are brought for processing (sorting, bailing, densifying, etc.) in return for sale or disposition to a broker or company that will further process the material into a reusable product. Note: A recycling facility does not include a junk yard for automobiles or a composting operation, but it may include a bottle redemption and can redemption center.

Redemption Center. A facility where persons may return bottles and cans or other such containers as identified in the "Maine Bottle Bill" and for which a deposit on the container may be redeemed in exchange for delivery of the containers. A redemption center may be operated in conjunction with other retail activities.

Re-Use of Agricultural Structures. The use of existing agricultural structures such as barns, dairy barns, chicken barns and other similar structures for low intensity light manufacturing or warehousing.

Repair. The reconstruction or renewal of any part of an existing building for the purposes of its maintenance.
Restaurant. An establishment where food and drink are prepared and served to the public for consumption and compensation. The facility is designed primarily for the consumption of meals on the premises.

Restaurant, Fast Food. A business involving the preparation and serving of meals for consumption on the premises or off the premises, normally requiring short amounts of time between the period of ordering and serving of the meal which is served in edible or disposable containers. Drive-in service is usually but not always offered for the public.

Retail. The sale to the ultimate consumer for direct consumption and not for resale.

Retail Fuel Sales. The buildings, structures and appurtenances, including fuel storage and delivery systems, required for the retail sale of petroleum products, including propane, gasoline and diesel fuel, directly to the consumer; in addition, food and convenience items may be stocked for retail sale.

Retail Store. A retail and/or service store or business that consists of more than 2,000 square feet of floor area.

Road. A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other material constructed for or created by the repeated passage of motorized vehicles.

Road Yard. A clear unoccupied space on the same lot with a building, extending across the entire width of the lot and situated between the front line of the building and the front line of the lot.

Roof. The roof slab or deck with its supporting members, not including vertical supports.

School, Public and Private. Primary and secondary schools or parochial schools, which satisfy either of the following requirements: the school is not operated for profit or as a gainful business; or the school teaches courses of study which are sufficient to qualify attendance in compliance with State Compulsory Education Requirements.

School, Commercial. An institution for education or instruction that does not comply with the definition as a Public and Private School and may include but is not limited to the following: post secondary, dancing, music, driving, business, and correspondence.

Seasonal Use. The occupation of a lot or dwelling for residential purposes only during any time between April 1 and December 1.

Service Store and Business. A commercial use in which the principal source of income is the provision of labor for compensation. The term shall include professional as well as contracted services and shall include, but is not limited to, the following: barbershop, beauty salon, repair, film processing, and printing. The term does not include automobile service and repair, truck and heavy equipment repair, and vehicle sales.

Side yard. A yard lying between the side line of the lot and the nearest line of the building and
extending from the front yard to the rear yard.

**Sign.** Any object, device, fixture, placard, display, or structure, or part thereof, that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce or identify the purpose of a person or entity, or to communicate information of any kind to the public.

**Small Store.** A retail and/or service store or business consisting of less than 2,000 square feet of floor space but not including retail fuel sales and restaurants.

**Street.** The full width of the right-of-way of a public way or private way open to travel by the general public, or a way shown on a plan of subdivision duly approved by the Planning Board.

**Street yard.** A clear unoccupied space on the same lot with a building, extending across the entire width of the lot and situated between the front line of the building and the front line of the lot.

**Structural Alterations.** Any change in the supporting members of a structure such as foundations, bearing walls, columns, beams, or girders.

**Structure.** Anything built or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind. Structures include buildings, platforms, decks, mobile homes, billboards, carports, garages, swimming pools, and piers. The term structures also includes anything constructed or erected and having an ascertainable stationary location with a fixed location on or in the ground or water. The term also includes walls, fences over 6 feet in height, and dish-type satellite antennas.

**Subdivision.** The term "subdivision" shall be subject to the statutory definition contained in Title 30-A, M.R.S.A. Section 4401 et. seq.

**Timber Harvesting.** The cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing the land for approved construction. Timber harvesting does not include forest management activities such as timber cruising and other forest resources evaluation activities, management planning activities, insect and disease control, timber stand improvement, pruning, regeneration of forest stands, and other similar associated activities.

**Tires.** A ring or band of rubber, either solid or hollow and inflated, for placing over the rim of a wheel to provide traction, resistance to wear etc.

**Truck and Heavy Equipment, Repair, Sales and Service.** A business establishment engaged in the sale, repair, or storage of commercial trucks, construction equipment, and/or other industrial vehicles and equipment.

**Used or Occupied.** Includes the words intended, designed or arranged to be used or occupied.

**Utilities.** Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power, cable television and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, commercial microwave
radio relays, and gas regulation stations, including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

**Variance.** A relaxation of the terms of this chapter where such variances shall not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Chapter would result in unnecessary and undue hardship. A variance is authorized only for height, area and the size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or adjoining district. See section 14-22.

**Vehicle Sales.** A business establishment engaged in the sales of automobiles, boats, recreational vehicles, and mobile and/or manufactured homes which are stored on the premise for sale.

**Veterinary Clinic.** A facility where animals or pets are given medical or surgical treatment and the boarding of animals is short term and incidental to the medical care.

**Warehouse.** The storage, deposit or stocking of goods and materials, but excluding retail or wholesale sales on the premises.

**Writing.** The term shall be construed to include handwriting, typewriting, printing, photo offset, or any other form of reproduction in legible symbols or characters.

**Written Notice.** A notification in writing delivered in person to the individual or parties intended; or delivered at, or sent by certified or registered mail to the last residential or business address of legal record.

**Yard.** An open space on the same lot with a structure, unoccupied and unobstructed from the ground except for vegetation. The street and rear yards extend the lot width. All construction, structures and uses of land, including all accessory uses and structures except minor structures, must comply with all yard requirements, including all street, rear and side yard requirements for each zoning district.

**Yard Sale.** All general sales open to the public, conducted from or on a residential premise for the purpose of disposing of personal property. Yard sale includes garage sales, porch sales, tag sales, and the like. If they occur on more than 8 days within any 12 month period, they shall be considered to be retail activities and shall conform to the applicable standards contained in this Chapter. Yard sales are allowed in all zoning districts without a permit.

**Zoning.** The reservation of certain specified areas within a community or city for building and structures, or the use of land for certain purposes with other limitations such as height, lot coverage and other stipulated requirements.

Winslow Municipal Code

9-08-08; Ord. No. 3-2008, 12-8-08; Ord. No. 4-2008, 12-8-08; Ord. No. 1-2010, 12-13-10; Ord. No. 2-2010, 6-14-10; Ord.No.7-2-10, 12-13-10.)