

2010

Town of Addison Ordinances

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TOWN OF ADDISON

BUILDING PERMIT ORDINANCE

ENACTED: MARCH 14, 2002
REVISED: MARCH 9, 2004
REVISED: MARCH 14, 2006
REVISED: MARCH 13, 2007
REVISED: MAY 13, 2010

ATTEST: A TRUE COPY

DATED: _____

MARY FARNSWORTH

TOWN CLERK

AFFIX SEAL

TOWN OF ADDISON

Building Permit Ordinance

Purpose

New buildings or structures, additions to existing buildings, and conversions of existing buildings to other uses can have a significant effect on the cost, capacity, and efficiency of town services as well as the environment, aesthetics, and well being of this town and its neighborhoods. Among other aspects, such buildings and structures can impact (either positively or adversely) property values of current residents, businesses, schools, water supplies, recreational facilities, traffic, road repair, snow removal services, library facilities, and many other parts of the community we all share. Therefore, it is the purpose of this ordinance to avoid or mitigate any such negative impacts.

Building Permits

A building permit shall be required before the start of any work for the purpose of constructing, expanding, or moving any building or other structure in the Town of Addison. This permit requirement shall apply to reconstruction, expansion, replacement or rebuilding of existing structures, and to conversions of existing structures to another residential, recreational, or business use.

Buildings and structures, include, but are not limited to, houses, garages, sheds, barns, mobile homes, and towers.

Exempt from the requirement of obtaining a building permit are buildings or structures of 100 square feet or less and not greater than 12 feet in height and stand alone (Revised March 9, 2004). Also exempt is routine interior and exterior maintenance. These items are not exempt from meeting the minimum standards set forth in this ordinance.

Application for a building permit shall be made to the Code Enforcement Officer and/or the Planning Board on the application form available at the town office. The completed application shall be dated on the day received at the town office. The application requires the following in order to be complete:

- **Map and Plan**

1. State the map and lot number of the applicable town tax map showing the location of the building lot (you can obtain this information from your tax bill).
2. For property that will contain a drainage/sewer system, a soil test performed by a State approved inspector and a copy of a completed State form HHE 200 showing that sewage can be properly disposed.

3. A detailed site plan showing:
 - a) The size of the lot in square feet and the dimensions of the lot in feet,
 - b) The location and dimensions of any existing buildings/structures on the lot, and the distance from all property lines,
 - c) The location and dimensions of the proposed building/structure or addition on the lot and the distance from all property lines,
 - d) Location of existing or proposed water supply and sewage disposal systems.
 - e) Access to property
4. Note the number of bedrooms in the existing structure and in the proposed plan.

Laws and Ordinances

Any building erected, remodeled or altered under permission granted by this permit must conform to all applicable laws and ordinances.

Minimum Standards

The applicant shall show that the proposal complies with the following local standards in each of the following, which shall be the minimum requirements for approval of the application:

1. Surface Water Drainage:
The proposal must be designed to provide adequate surface water drainage so that removal of surface waters will not adversely affect neighboring properties, downhill water quality or roads.
2. Sizes, Setback, and Other Requirements:
 - Minimum lot size: 20,000 square feet non-shoreline property
30,000 square feet tidal shoreline property
40,000 square feet non-tidal shoreline property
The minimum lot size must be met for each dwelling unit or principal structure on the lot.
 - Height: No building/structure shall exceed 50 feet in height.
 - Height: No building/structure shall exceed 35 feet in height in a resource protection, limited residential, limited commercial or stream protection district of the shoreland zone. *See attached definition.
 - Minimum frontage for tidal area: 150 feet; non-tidal: 200 feet (Refer to Shoreland Zoning Ordinance.)

- Minimum building set-back from a highway right-of-way: 25 feet (Highway is defined as any public way including, but not limited to, state roads, county roads, or town roads (whether currently maintained or discontinued).
 - Minimum building set-back from property lines: 15 feet
 - Minimum building set-back from shoreline: 75 feet
 - Minimum distance between septic system and well: 100 feet or shall conform to state requirements
 - Minimum new permanent road or driveway setback from normal high water mark: 75 feet.
3. Vehicular Access:
- The proposed site layout shall provide safe access to and from public roads.
 - A driveway entrance permit from the Road Commissioner for town roads and from DOT for state roads is required.
4. Parking:
- Adequate off-street parking will be provided according to the following standards:
- Dwellings: 2 spaces per unit.
 - Hotels, Motels, Boarding Houses and Bed & Breakfast establishments: 1 space per guest room.
 - Restaurants, Churches, Clubs, Recreation Facilities: 1 space per 4 seats.
 - Stores and Offices: 1 space per 300 square feet of floor space.
 - Buildings not listed: Spaces shall be provided as for the most similar building listed.

Appeals

Anyone aggrieved by a decision of the Planning Board or CEO may appeal such decision to the Board of Appeals and may further appeal to the Superior Court within thirty days after the Board of Appeals' decision as provided by statute. Not later than thirty days from the date of the written decision, the appellant shall submit a written appeal to the Board of Appeals. The appellant shall set forth in writing the specific grounds for this appeal. The Board of Appeals shall forthwith cause to be advertised in a newspaper of general circulation in the town of Addison, a Notice of Appeals stating the property involved, the nature of the appeal and the time and place of the public hearing. The Board of Appeals shall at the same time notify by mail the owners of all property abutting and immediately across the street or way from the property for which the appeal is taken. The appeal shall be in order for hearing within ten days after the first publication of the Notice of Appeal and the date of the hearing so stated in the Notice. The hearing will be held in accordance with State Law. Following such hearing, the Board of Appeals may reverse the decision of the Planning Board or CEO only if it finds a mistake of fact or law or misinterpretation of the terms of this Ordinance. A copy of any such reversal shall be sent to the Planning Board and CEO within ten days of the Board of Appeals' action but no later than thirty days after the public hearing.

Variance Requests

Upon application, the Board of Appeals, following a public hearing in accordance with State Law, may grant a variance only where strict application of this Ordinance, or provision thereof, to the petitioner and his property would cause undue hardship. The words "undue hardship" as used in this subsection mean:

1. That there are exceptional or unique circumstances relative to the property that do not pertain generally to other properties in the same neighborhood; **and**:
2. That property in the neighborhood will not be adversely affected: **and**
3. That such action will not be contrary to the objectives of this ordinance; **and**
4. That any hardship is not the result of action taken by the applicant or a prior owner.

Reconstruction

If any building or structure is hereafter damaged or destroyed by fire or any cause other than the willful act of the owner or his agent, it may be restored or reconstructed on its original site within 5 years of the date of said damage or destruction even though the lot may not be of the required size or have the required frontage or setbacks.

Planning Board

The Planning Board of Code Enforcement Officer (unless designated as a Code Enforcement Officer responsibility in an ordinance) shall review the application and issue written notice of approval or denial within 60 days of receipt of a completed application by the town office. Approval shall be by issuance of a building permit. The Planning Board may hold special meetings at its discretion provided that such special meeting is publicly advertised.

Failure of the Planning Board or Code Enforcement Officer to issue written notice of its decision within 60 days from the date of receipt of the application shall constitute denial of a permit. The Planning Board can extend the 60-day time frame by notifying the applicant and establishing a date when the permit will be issued / denied. The Planning Board shall review all applications and permits.

Commencement of Work

Construction shall commence within one (1) year from date of issuance of the permit, otherwise the permit shall expire unless an extension is requested by the applicant and is granted by the Planning Board.

Renewal Procedures

If work has not commenced before the permit has expired a renewal of the application can be requested from the Planning Board. The Planning Board can renew the permit if the planned work has not changed from the original request. If the planned work has changed an application for a new permit will be required. No fees will be charged for renewals,

Enforcement

Any construction undertaken without the necessary permit will result in late fee of \$100.00 in addition to applicable building permit fees. Additional fines may apply as follows: (rev: 03/14/06) Any person or persons, firm or corporation owning or having control of any building or premises or other persons such as subcontractors who assist in the violation of this Ordinance or of any permit issued hereunder, shall be guilty of a civil violation, and upon conviction thereof shall be fined a minimum of \$100.00 and a maximum of \$2500.00 for each offense. Each day that the violation exists shall be considered a separate offense.

The Board of Selectmen or their authorized agent(s), acting in accordance with their duties and responsibilities in connection with the enforcement of this ordinance, shall serve written notice on the owner(s), or others assisting, of such violation or violations. When this action does not result in the correction or abatement of the violation(s), the Board of Selectman are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, seeking injunctions of violations and impositions of fines, that may be appropriate or necessary to enforce the provisions of this ordinance in the name of the Town of Addison.

Building Permit Fees

Subdivisions ...(Revised March 9, 2004)...per lot.....	\$100.00
Heavy Commercial (more than 5,000 sq. ft.).....	\$100.00
Light Commercial (5,000 sq. ft. or less).....	\$ 50.00
Shoreland Zoning (rev. 03/14/06).....	\$100.00
All other building permits (Rev: 3/14/2007).....	\$ 50.00
CEO Service Charge Fee (Non-refundable...New 3/13/07..Rev. 5/13/10).....	\$ 35.00
CEO Service Charge Fee (New May 13, 2010) prior to slab/foundation pour.....	\$ 35.00
CEO Service Charge Fee (New May 13, 2010) prior to completion.....	\$35.00
Town Road Driveway Entrance Permit Fee (New 5/13/10)	\$40.00

Severability

If a court declares any section or provision of this ordinance invalid, such decision shall not invalidate any other section or provision of this ordinance.

Amendments

Amendments or revisions of this ordinance may be adopted by the vote of the town's people at a town meeting. A public hearing will be held to review the ordinance at least 10 days prior to the town meeting.

Effective Date

Effective date of this ordinance is March 12, 1996. Copies of this ordinance and all amendments to it shall be filed with the Town Clerk.

*Effective date or revisions is March 9, 2004

*Effective date of revisions is March 14, 2006

*Effective date of revisions is March 13, 2007

*Effective date of revisions is May 13, 2010

Certification of Payment of Sales Tax On New Manufactured Homes

If this building permit application is for placement of a **NEW** manufactured home this form must be completed before a permit can be issued. Manufactured housing is defined to include mobile homes and modular homes.

State regulation provides that no municipality may allow the construction or location of any form of new manufactured housing within the municipality, except by a licensed dealer registered to collect the Maine sales tax, unless the buyer presents evidence that the Maine sales or use tax has been paid on the manufactured housing. Building permits cannot be issued until payment of the sales tax has been certified. In order to certify the payment of the sales tax one of the following must be completed and the appropriate form attached.

1. Is the manufactured housing being installed by a licensed Maine dealer registered to collect Maine sales tax?
 - ☐ Yes – attached a copy of the bill of sale indicating the name, address, and sales tax certificate number of the dealer.
 - ☐ No – See #2

2. Was the manufactured housing purchased from a Maine dealer?
 - ☐ Yes – attached a copy of the bill of sale or invoice from the seller showing that the sales tax was collected at the time of sale.
 - ☐ No – See #3

3. If the housing was purchased from a person who is not registered to collect the Maine sales tax, the purchaser is responsible for payment of the tax directly to the State. Attach a copy of the Maine Revenue Services receipt.

TOWN OF ADDISON

BUILDING PERMIT INSPECTION SCHEDULE

This inspection schedule is designed to ensure compliance with the land use standards contained in the Shore Land Zoning and Building Permit Ordinances. Other inspections may be required.

IT IS UP TO THE PERMITEE OR REPRESENTATIVE TO SCHEDULE THESE INSPECTIONS WITH THE TOWN'S CODE ENFORCEMENT OFFICER. FAILURE TO OBTAIN THESE INSPECTIONS SHALL CONSTITUTE A VIOLATION OF THE ORDINANCE.

- Prior to Construction
- Prior to Foundations Pour
- Prior to Completion

The CEO, if necessary can adjust this inspection schedule. The CEO will notify the permittee of any changes in Inspection Schedule at the time the permit is issued.

STANDARD CONDITIONS OF APPROVAL FOR ALL SHORELAND ZONING PROJECTS

1. A copy of this permit must be posted in a visible location on your property during development of the site. Including construction of the structure approved by the permit.
2. This permit is limited to the proposal as set forth in the application and supporting documents, except as modified by specific conditions set forth by the Planning Board or Code Enforcement Officer in granting this permit. Any variations from the application or conditions of approval are subject to prior review and approval by the Planning Board or Code Enforcement Officer.

Failure to obtain prior approval for variations shall constitute a violation of the ordinance.

3. A substantial start (30% of project based on estimated cost) of construction activities approved by this permit must be completed within one (1) year of the date of issue, otherwise, this permit shall lapse, and no activities shall occur unless and until a new permit is issued.
4. The water body and wetland setbacks for all principal and accessory structures, septic systems, driveways, and parking areas must be as specified in the application, or as modified by the conditions of approval.
5. In the event the permittee should sell or lease this property, the buyer or lessee shall be provided with a copy of the approved permit and advised of the conditions of approval.
6. The permittee shall arrange for the Code Enforcement Officer to conduct compliance inspections during construction and prior to occupancy.

Standard Clearing Conditions for Shoreland Zoning

The following shall apply to vegetation clearing for all activities within the shoreland zone.

1. A vegetative buffer strip shall be retained within 100 feet of a great pond or river flowing to a great pond, and within 75 feet of other water bodies, wetland, and tributary streams.
2. Within the buffer strip(s) there shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. A winding footpath is permitted, provided it does not exceed ten (10) feet in width as measured between tree trunks, and does not provide a cleared line of sight to the water. Adjacent to great ponds and rivers flowing to great ponds, the width of the footpath is limited to six (6) feet.
3. Selective cutting of trees within the buffer strip(s) is permitted provided that a well-distributed stand of trees and other vegetation is maintained. Not more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 ½ feet above ground level, may be removed in any ten (10) year period.
4. Within the buffer strip(s) adjacent to great ponds, and rivers and streams flowing to great ponds, existing vegetation under three (3) feet in height and other ground cover shall not be removed, and soil shall not be disturbed, except to provide for a foot path or other permitted use.
5. Pruning of tree branches is prohibited within the buffer strip(s) except on the bottom 1/3 of the tree vitality will not be adversely affected.
6. Within the buffer strip(s), 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 in excess of 250 square feet, these openings shall be replanted with native tree species. When removal of such trees appears necessary, the permittee is advised to consult with the Code Enforcement Officer.
7. Within the shoreland zone, but outside the 75 foot or 100 foot buffer strip(s) described in Standard #1 above, not more than 40% of the volume of trees four (4) inches or more in diameter, measured 4 ½ feet above ground level may be removed in any ten (10) year period. In no instance shall cleared openings exceed, in the aggregate, 10,000 square feet or 25% of the lot area, whichever is greater, including land previously cleared.
8. Legally existing cleared openings which exceed the above standards may be maintained, but shall not be enlarged except as permitted by the ordinance.
9. Where natural vegetation is removed it shall be replaced by other vegetation (except for areas to be built upon) that is effective in preventing erosion and retaining beauty.

06-096

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

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

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

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.

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 the compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home.

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

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

Guidelines for Soil Stabilization within Shoreland Zone

Areas of disturbed soil, including but not limited to areas that are filled, graded, or otherwise disturbed during construction, must be stabilized according to the approved erosion control plan proved as part of the permit application, or as modified by specific conditions of approval. The following guidelines provide guidance for the landowner to consider in preparing and executing the soil stabilization portion of the erosion control plan. The goals to be achieved by proper stabilization are avoidance of accelerated soil erosion and sedimentation of water bodies.

In general:

1. Sterile soils such as sands and gravel should be covered with a minimum of 4 inches of compacted topsoil to provide a growth medium for vegetation.
2. Disturbed areas which can be seeded between May 1 and September 15 should be prepared and seeded during that period. The best seeding dates are from May 1 to June 15, Mid-summer seeding will usually require significant watering.
3. Disturbed areas which can not be seeded between May 1 and September 15 should be heavily mulched with hay, straw, or some other suitable materials to keep them as stable as possible over the winter, and particularly during the spring runoff the following year. Generally, one bale of hay for each 500 square feet of disturbed area provides a stabilizing, mulch. For over-winter, mulched must be tied down, as it is easily blown around on frozen ground, leaving areas of exposed soils. Mulched over-winter areas should be prepared and seeded the following spring as soon as conditions allow.
4. Seeding preparation, in addition to providing topsoil or loam if the site is sterile, including the application of lime and fertilizer, which should be lightly raked into the soil prior to seeding. After the area is seeded, it should be lightly watered and then mulched to protect the seed, keep the site stable and moist, and allow the seed to germinate and grow.
5. Lime should be applied at a rate of approximately 138 pounds per 1000 square feet of area. This rate may vary depending on soil conditions, and it is recommended that soil be analyzed to determine specifically what additional nutrients are needed.
6. Fertilizers should be a "quick release" low phosphorus mixture. They should be applied at a rate of approximately 18.4 pounds per 1000 square feet. However, no more fertilizer than necessary should be added since any excess may be washed into the adjacent water body and contribute to lower water quality. Fertilizers should never be applied before thunderstorms or before spring runoff.
7. Minimize the areas of exposed soil during construction, and temporarily or permanently stabilize disturbed areas within one week of the time the area is actively worked. Runoff control features such as hay bales, silt fencing, and diversion ditching must be placed and functioning prior to the start of construction.

This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the Building Permit Ordinance.

After enacted by the voters of the Town of Addison, this ordinance shall become effective May 14, 2010.

Given under our hands this _____ day of _____, 2010.

Michael L. Murphy, Selectman

Dale Crowley, Selectman

Thomas Batson, Selectman



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333
DEPARTMENT ORDER

IN THE MATTER OF

TOWN OF ADDISON) MANDATORY SHORELAND ZONING ACT
WASHINGTON COUNTY) 38 M.R.S.A., SECTION 438-A (3)
SHORELAND ZONING ORDINANCE) ORDINANCE APPROVAL WITH
FILE #15-07) CONDITIONS

Pursuant to the provisions of 38 M.R.S.A., Section 435-449, and 06-096 CMR, Chapter 1000, State of Maine Guidelines for Municipal Shoreland Zoning Ordinances, effective March 24, 1990, and amended through May 1, 2006, the Department of Environmental Protection has considered the Shoreland Zoning Ordinance for the Municipality of Addison, as adopted by the municipal legislative body on July 18, 2007, and FINDS THE FOLLOWING FACTS:

1. The Mandatory Shoreland Zoning Act (Act) requires the Town of Addison establish zoning controls in areas within 250 feet of the normal high water-line of great ponds and rivers; within 250 feet of the upland edge of freshwater wetlands; and within 75 feet of the normal high water line of streams. Such zoning standards must be consistent with or no less restrictive than those in the State of Maine Guidelines for Municipal Shoreland Zoning Ordinances, (Guidelines), as adopted by the Board of Environmental Protection (Board).
2. The Act specifies that before a locally adopted shoreland zoning ordinance, or amendments to that ordinance, is/are effective, it must be approved by the Commissioner of the Department of Environmental Protection (Department). The Department may approve, approve with conditions, or disapprove a locally adopted ordinance. If disapproved, or approved with conditions, such action must be preceded by notice to the municipality.
3. The Department's review of the Addison ordinance has revealed the following significant deficiencies:
 - A. The Ordinance includes both the 30% expansion limitation provided for in Section 439-A(4) of the Act, and the alternative expansion requirement in Section 439-A(4-A). The town may not apply both of the 30% expansion limitation and the alternative expansion provision to the same shoreland areas.
 - B. Section 12(E)(3) pertaining to *Contiguous Lots – Vacant or Partially Built* includes an exclusion from the requirement that certain lots be combined if adjoining nonconforming lots come under the same ownership. That exclusion however must be tied to the date that the town of Addison enacted lot size

TOWN OF ADDISON
WASHINGTON COUNTY
SHORELAND ZONING ORDINANCE
FILE #15-07

2.
) MANDATORY SHORELAND ZONING ACT
) 38 M.R.S.A., SECTION 438-A (3)
) ORDINANCE APPROVAL WITH
) CONDITIONS

requirements greater than 100 feet of shore frontage and 20,000 square feet of lot area. That date is May 27, 1992, but is not referenced in Section 12(E)(3).

- C. The town did not adopt an Official Shoreland Zoning Map with the enactment of the July 18, 2007 ordinance. In addition because an official map was not included with the Ordinance, the town has not updated the zoning adjacent to the moderate and high value freshwater wetlands based on the Department of Inland Fisheries and Wildlife's May 1, 2006 ratings as required in Section 13(A)(1).
 - D. The town did not include the Addison Point Commercial zoning district in the amended text of their Ordinance, although this district was previously adopted by the town and is used on their previously adopted Shoreland Zoning Map.
4. In a letter dated October 5, 2007, the Town of Addison was notified by the Department of the above deficiencies, and the proposed conditional approval of the locally adopted ordinance. No comments were submitted to the Department.

BASED on the above Findings of Fact, the Department makes the following CONCLUSIONS:

- 1. The deficiency noted in paragraph 3(A) above can be addressed by the Department approving the 30% expansion limitation, and disapproving the alternative expansion provision found in Appendix A of the Town's ordinance.
- 2. Section 12(E)(3) can be properly administered if it is based on the date that the Town amended the lot size and shore frontage standards to require lot sizes greater than 100 feet of shore frontage and 20,000 square feet. That date is May 27, 1992.
- 3. The Town's failure to re-adopt its shoreland zoning map and to update said map consistent with the May 1, 2006 freshwater wetlands ratings for waterfowl and wading bird habitat should not keep the Town from administering the newly amended text. The Board of Environmental Protection has given municipalities until July 1, 2008 to fully update local shoreland zoning ordinances consistent with the May 1, 2006 Guidelines.
- 4. The Town's failure to include the Addison Point Commercial district within the text of the Ordinance is merely an oversight. The Town previously adopted this distinct zoning to reflect the current pattern of development in the commercial center of the Town.

TOWN OF ADDISON
WASHINGTON COUNTY
SHORELAND ZONING ORDINANCE
FILE #15-07

3.
) MANDATORY SHORELAND ZONING ACT
) 38 M.R.S.A., SECTION 438-A (3)
) ORDINANCE APPROVAL WITH
) CONDITIONS

THEREFORE, the Department APPROVES the Shoreland Zoning Ordinance for the Town of Addison, as adopted on July 18, 2007, SUBJECT TO THE ATTACHED CONDITIONS:

1. The Town of Addison shall administer the 30% expansion limitation for non-conforming structures as provided for in Section 12(C)(1)(a) of the Ordinance. The alternative expansion requirement shall not be administered and Appendix A shall not be applicable to this Ordinance.
2. Section 12(E)(3) shall read as follows:

“(3) Contiguous Lots – Vacant or Partially Built: If two or more contiguous lots or parcels are in single or joint ownership of record on May 27, 1992 or thereafter, if any of these lots do not individually meet the dimensional requirements of this Ordinance, or subsequent amendments, and if one or more of the lots are vacant and contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

This provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on May 27, 1992 and recorded in the registry of deeds if the lot is served by public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

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

(b) Any lots that do not meet the frontage and lot size requirements of Section 12(E)(3)(a) are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.”
3. The Town of Addison Shoreland Zoning Map adopted on February 20, 2004 shall remain in effect, but must be amended by July 1, 2008 to provide proper zoning districts for moderate and high value freshwater waterfowl/wading bird habitats as rated on May 1, 2006 by the Maine Department of Inland Fisheries and Wildlife.
4. The Addison Point Commercial District, including all standards and provisions, shall remain in effect as adopted by the Town of Addison on March 14, 1997.

TOWN OF ADDISON
WASHINGTON COUNTY
SHORELAND ZONING ORDINANCE
FILE #15-07

4.
) MANDATORY SHORELAND ZONING ACT
) 38 M.R.S.A., SECTION 438-A (3)
) ORDINANCE APPROVAL WITH
) CONDITIONS

DONE AND DATED AT AUGUSTA, MAINE, THIS 7th DAY OF NOVEMBER, 2007.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:  (for)
David P. Littell, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

ESTABLISHMENT OF THE TOWN OF ADDISON PLANNING BOARD

ENACTED: MARCH 11, 2008
ARTICLE #32 – ANNUAL TOWN MEETING

CERTIFIED BY: John Woodward
JOHN WOODWARD

John Woodward
NOTARY
My Commission Expires: July 13, 2014

ATTEST: A TRUE COPY

DATED: March 12, 2008

Mary Farnsworth
MARY FARNSWORTH

Town Clerk
TOWN CLERK

AFFIX SEAL



Establishment of the Town of Addison Planning Board

1. Establishment

Pursuant to Article VIII, pt. 2, Section 1 of the Maine Constitution and 30-A M.R.S.A. _3001, the Town of Addison hereby establishes a Planning Board.

2. Definitions

Board Member: Any regular or alternate member of the Planning Board.

3. Appointment: Term

- A. Board members shall be appointed by the Board of Selectmen and sworn by the clerk or other person authorized to administer oaths;
- B. The Board shall consist of 5 regular members and such number of alternates as the Board deems necessary;
- C. Once Board members are appointed and sworn, the Board shall have exclusive authority to define or change the status of a member as voting or nonvoting;
- D. The term of each member shall be 3 years.

4. Removal: Resignation

Board members may be removed by the Board of Selectmen for good cause after notice and hearing. Resignations of Board members must be confirmed by the Board of Selectmen.

5. Vacancy

When there is a permanent vacancy, the Board of Selectmen shall within 60 days of its occurrence appoint a person to serve for the un-expired term.

A vacancy shall occur upon the resignation or death of any member; when a member ceases to be a legal resident of the town; when a member fails to attend four (4) consecutive regular meetings; when a member fails to attend 75% of all meetings during the preceding twelve (12) month period; or when by majority vote the Board recommends that a member should be removed from the Board, the final determination to be made by the Board of Selectmen. The vacancy of a regular member shall be filled by an alternate member

based on seniority. When a vacancy occurs, the Chairperson of the Board shall immediately so advise the Selectmen in writing. The Planning Board will recommend new members to the Board of Selectmen.

6. Municipal Officers

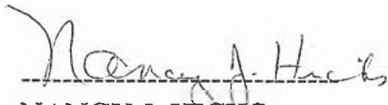
Municipal officers and Town employees may not serve as Board members.

7. Organization and Rules

- A. The Board shall elect a chairperson, vice chairperson and secretary from among its members. The term of all offices shall be 1 year with eligibility for re-election;
- B. When a regular member is unable to act because of interest, physical incapacity, absence or any other reason satisfactory to the majority of the Board, the chairperson shall designate an alternate member in order of seniority to sit in that regular member's stead;
- C. An alternate member may and is encouraged to attend all meetings of the board and participate in its proceedings, but may vote only when he or she has been designated by the chairperson to sit for a regular member;
- D. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members except the member who is being challenged;
- E. The chairperson shall call at least one regular meeting of the Board each month;
- F. No meeting of the Board shall be held without a quorum consisting of 3 members or alternate members authorized to vote. The Board shall act by majority vote of the members present and voting;
- G. The Board shall adopt rules for transaction of business and the secretary shall keep a record of its resolutions, transactions, correspondence, findings and determinations. All records shall be deemed public and may be inspected during regular town office hours.

ADMINISTRATIVE POLICY ORDINANCE
FOR THE TOWN OF ADDISON

ATTEST: A TRUE COPY

A handwritten signature in cursive script, reading "Nancy J. Hicks", written over a horizontal dashed line.

NANCY J. HICKS
TOWN CLERK
MARCH 11, 1997

ADMINISTRATIVE POLICY ORDINANCE
FOR THE TOWN OF ADDISON

1. The purpose of this ordinance is to allow the Board of Selectmen to adopt administrative policies concerning the use of the town office and other buildings with respect to office hours, meeting hours, use of equipment, and so on.
2. The Selectmen are authorized to adopt administrative policies which shall be binding on all officials, whether elected or appointed.
3. Any official, whether elected or appointed, who intentionally violates an administrative policy adopted by the Selectmen, may be removed from office by the Selectmen, after notice and hearing. Any vacancy created thereby shall be filled in accordance with 30-A M.R.S.A. 2602.

TOWN OF ADDISON
ASSESSMENT REVIEW BOARD ORDINANCE
ENACTED MARCH 9, 1993

Section I Purpose

Where the municipality has adopted a board of assessment review, if the assessors or the municipal officers refuse to make the abatement asked for, the applicant may apply in writing to the board of assessment review within 60 days after notice of the decision from the which the appeal is being taken or after the application is deemed to have been denied, and, if the board thinks his is over-assessed, he shall be granted such reasonable abatement as the board thinks proper. If the board of assessment review fails to give written notice of their decision within 60 days of the date the application is filed, unless the applicant is deemed denied and applicant may appeal to Superior Court as if there had been a denial or the applicant may appeal the procedures specified in subsection 2. 1985, c. 764, 17 (amd).

Section II Rules of Procedure

I. Hearing Procedures. When a taxpayer requests a hearing, he is to be notified of the date, time and place for that hearing in writing and he will also be given adequate preliminary information and time to ensure effective information, which will govern all hearings. All hearings will:

1. Be conducted in a convenient place within the Town of Addison, open to the public and to:
 - a. the taxpayer, witness, legal counsel, or other whom he wishes to be present, and
 - b. the majority of tax assessors, legal counsel, or others selected by the hearing authority for their planned participation in the hearing;
2. Be opened with a presentation of the issue by the Chairman or Spokesman.
3. Be conducted informally, but under oath, without technical rules of evidence, but subject to requirements of due process. All evidence being reasonable shall be admissible but all immaterial, irrelevant and unduly repetitious evidence shall be excluded.
4. Allow the taxpayer and the tax assessors the option to present their positions for themselves or with the aid of others, including legal counsel:

5. Give all participants an opportunity:
 - a. to present oral or written testimony or documentary evidence;
 - b. to offer rebuttal,
 - c. to question witnesses,
 - d. to examine all evidence presented at the hearing,
 - e. to view the property in issue
6. Result in a decision, based exclusively on evidence or testimony presented at the hearing and the observations of the Board on any view taken;
7. Be permanently recorded, having a written decision (see Below, DISPOSITION OF HEARING DECISION) filed with evidence introduced at the hearing. The hearing will allow the taxpayer to establish all pertinent facts and circumstances, and to advance any arguments without undue interference.

II. Disposition of Hearing Decision. The decision of the Board of Assessment Review will be binding on the Tax Assessor and will be communicated in writing to the taxpayer and to the Tax Assessor, Tax Collector within 10 days after completion of the hearing*. Written notice of the *decision decision will contain the following:

1. A statement of the issue;
2. Relevant facts brought out at the hearing;
3. The decision and the reason for it;

The taxpayer shall be furnished with a copy of the notice of decision.

The written NOTICE OF DECISION shall state that the Taxpayer and the Town, if either is dissatisfied with the decision, shall have the right to judicial review under the provisions of Maine Revised Statutes Annotated. To take advantage of this right, the taxpayer or the Town must file a petition for review in the Superior Court within 30 days from the receipt of notice of the hearing decision. The procedure or appeal shall be as set forth in Rule 80 B of the Maine Rules of Civil Procedure.

Section III. ASSESSMENT REVIEW BOARD

A Board of Assessment Review consisting of three (3) members shall be appointed by the Town Selectmen in March of 1993 with the responsibility for arbitration of taxpayer appeals and authority to abate assessments in the light of

said appeals, One member shall be appointed for one year, one member shall be appointed to serve for two years, and the remaining member shall be appointed to serve for three years. Thereafter, all appointments shall be for a three year term. Vacancies due to death, resignation, or other cause shall be filled by Council appointment for the remainder of the unexpired term. One member shall be elected annually by the members as chairman and one member as secretary of the Board of Assessment Review. The full Board shall be present to act and abatement shall be allowed by a majority vote of those present and voting.

*AMENDED OCTOBER 27, 1994 to read as follows:

II. DISPOSITION OF HEARING DECISION. The decision of the Board of Assessment Review will be binding on the Tax Assessor and will be communicated in writing to the taxpayer and to the Tax Assessor, Tax Collector within 10 days after completion of the hearing decision.

AUTOMOBILE GRAVEYARD ORDINANCE
FOR THE
TOWN OF ADDISON, MAINE

ENACTED: OCTOBER 27, 1994
DATE

TO BECOME EFFECTIVE JANUARY 1, 1995

CERTIFIED BY: Glenda C. Emerson
NAME

Town Clerk
TITLE

ATTEST:

IT TRUE COPY
December 12, 1995
Dawn M. Woodward
Deputy Town Clerk

AFFIX SEAL

Town of Addison

AUTOMOBILE GRAVEYARD ORDINANCE

Purpose

The purpose of this ordinance is to provide adequate controls to ensure that automobile graveyards do not have a deleterious impact on the health, safety, and general welfare of the people of the Town of Addison.

The operation of an automobile graveyard is a privilege granted to an individual by the state acting through the selectmen of the Town of Addison. Because the law defines these types of operations to be a nuisance, the selectmen must decide whether or not to issue a permit under the operation proposed by the applicant.

Title 30-A, sections 3751-3760 impose an obligation on municipalities to license automobile graveyards which meet State and local requirements and to enforce the law against people who are in violation.

State law shall take precedent over town ordinance when more restrictive. Town ordinance will apply whenever the town requirements are equal or more restrictive than the State law.

Authority

This ordinance is enacted pursuant to 30-A M.R.S.A. section 3751 et seq.

Licensing

Any automobile graveyard established, operated or maintained is required to be licensed whether or not the person is actually in the automobile graveyard business.

No differentiation shall be made between initial applications for a permit and renewal applications. Each licensing is an original proceeding. Conditions might change to the extent that it would not be feasible to permit the continuation of an automobile graveyard in a certain place after it has been operating lawfully in that area.

The permit shall specify that compliance with the performance standards, is required. Permits issued are valid until the first day of the following year.

Definitions

Automobile graveyard: means a yard, field, or other area used to store three (3) or more unserviceable, discarded, worn-out or junked motor vehicles or parts of such vehicles. This definition excludes licensed used car dealerships. Automobile graveyard does not include any area used for temporary storage by an establishment or business which is *primarily* engaged in doing auto body repair work to make repairs to render a motor vehicle serviceable.

Unserviceable vehicle: An unserviceable vehicle shall mean any motor vehicle which is wrecked, dismantled, or cannot be operated legally on any public highway or which is not being used for the purpose for which it was manufactured. This definition excludes any insured, registered vehicles which are temporarily stored while awaiting parts and/or adjustment. For example: registered, insured vehicles awaiting auto body work for the purpose of making repairs to render a motor vehicle serviceable.

Highway: any public way including, but not limited to, state roads, county roads, or town roads (whether currently maintained or discontinued).

Temporary storage: Temporary storage shall be limited to five (5) vehicles for a limit of five (5) days. Any vehicles beyond this limit must be stored behind screening which meets the requirements set forth in this ordinance (see Screening).

Freshwater wetlands: means freshwater swamps, marshes, bogs and similar areas which are:

- A. Of 10 or more contiguous acres, or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that, in a natural state, the combined surface area is in excess of 10 acres; and
- B. 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 subsection.

Administration

This ordinance shall be administered by the selectmen. No automobile graveyard permit shall be issued unless the provisions of this ordinance are met.

Upon receipt of an application, the selectmen shall hold a hearing in accordance with 30-A M.R.S.A. section 3754. A public hearing shall be held before granting a permit to establish, operate or maintain an automobile graveyard. A notice of the hearing shall be posted at least 7 and not more than 14 days before the hearing in at least 2 public places in the town and a notice shall be published in one newspaper having general circulation in the town. The selectmen shall give written notice of the application to the Department of Transportation by mailing a copy of the application at least 7 days and not more than 14 days before the hearing.

The selectmen shall inspect at any time, or cause to be inspected at any time, the automobile graveyard site to ensure compliance with the provisions of this ordinance and state law. At a minimum said inspection shall occur annually. Records of inspections shall be maintained by the selectmen.

Automobile Graveyard Site Requirements

The following requirements must be met before a permit may be granted for an automobile graveyard:

- The automobile graveyard must be a plot of no more than three (3) acres. The plot must be clearly staked out and must be kept entirely screened to the ordinary view from residences and highways at all times by natural objects, plantings or fences as defined by the Department of Transportation (see Screening).
- Automobile graveyards cannot be located within 100 feet of a highway right-of-way and must be setback at least 20 feet from property boundary lines.

- Screening must be well constructed and properly maintained and acceptable to the selectmen of the Town of Addison. Screening must be maintained so that automobile graveyards are kept entirely screened to the ordinary view from both residences and highways.
- An automobile graveyard cannot be located within 300 feet of any public park, public playground, public bathing beach, school, church, cemetery or any body of water or within 100 feet of a freshwater wetland.
- An automobile graveyard cannot be located within 100 feet of a well that serves as a public or private water supply. This prohibition does not include a private well that serves only the automobile graveyard or the owner's or operator's abutting residence.
- An automobile graveyard cannot be located within the 100 year floodplain.
- An automobile graveyard must comply at all times with all of the requirements set forth in this ordinance and with the rules adopted in title 30-A M.R.S.A.
- The total acreage for any person or any combination of persons applying for an automobile graveyard permit, a junkyard permit, an automobile recycling permit, or any combination thereof, cannot exceed three (3) acres whether on one site or multiple sites. Example #1: If a person applies for both a junkyard permit and an automobile graveyard permit the total acreage for both operations cannot exceed three (3) acres. Example #2: If a person is operating a recycling business and decides to operate a junkyard in partnership with another person the total acreage for both operations cannot exceed three (3) acres.

Operating Standards

The following operating standards are required of all automobile graveyards, whether new or existing:

- All vehicles must be stored within the enclosure designated as the graveyard. Temporary storage outside of the graveyard shall be limited to five (5) vehicles for five (5) days.
- No vehicle shall be stored within 300 feet of any body of water or within 100 feet of a freshwater wetland.
- No vehicles shall be stored over a sand and gravel aquifer or aquifer recharge area as mapped by the Maine Geological Survey or by a licensed geologist.
- No vehicles shall be stored within the 100-year flood plain.
- No vehicle, whether temporarily or permanently stored, shall be located closer than 20 feet from any lot line.
- Upon receiving a motor vehicle, the battery shall be removed, and the engine lubricant, transmission fluid, brake fluid and engine coolant shall be drained into watertight, covered containers and shall be recycled or disposed of according to all applicable Federal and State laws, rules, and regulations regarding disposal of waste oil and hazardous materials. No discharge of any fluids from any motor vehicle shall be permitted into or on the ground.
- An automobile graveyard must employ a system of containment to collect, store for recycling, or properly dispose of used oils, fluids, coolants, and spilled battery acid that ensures that no discharge from any vehicle is permitted into or onto the ground.
- Containers used for the storage of used oils, fluids, and coolants must be watertight and free from leaks.
- Licensed disposal facilities must be contracted to handle the removal of used oils, fluids.
- Dismantling of vehicles shall be prohibited without an automobile recycling permit.
- The Code Enforcement Officer must be given forty-eight (48) hours notice before any crushing operation is started on the site. The Code Enforcement Officer must be allowed to inspect all crushing operations.

- The Code Enforcement Officer must be allowed to inspect the site of the automobile graveyard operation at any time.
- An automobile graveyard must comply at all times with all of the operating standards set forth in this ordinance and with the rules adopted in title 30-A M.R.S.A.

Application Requirements

Application for an automobile graveyard shall be made to the selectmen on the "Application for Automobile Graveyard" form available at the town office. The completed application shall be dated on the day received at the town office. The application requires the following in order to be complete:

- The property owner's name and address and the name and address of the person or entity who will operate the site.
- A description of any screening required by this ordinance.
- A site plan drawn to scale on which is shown:
 - (1) the boundary lines of the property
 - (2) the soils
 - (3) the location of any sand and gravel aquifer recharge area, as mapped by the Maine Geological Survey, or a licensed geologist
 - (4) the location of any residences or schools within 500 feet of the area where cars will be placed
 - (5) the location of any bodies of water or wet areas on the property or within 200 feet of the property lines
 - (6) the boundaries of the 100-year floodplain
 - (7) the location of all highways within 1000 feet of the site
- All questions listed on the application must be answered in full.

- Additional information to be submitted with the application:
 - (1) A current soil test of the storage area will be required for all first time applications and thereafter as requested by the Code Enforcement Officer. Indicate the areas where the tests were taken on the site plan.
 - (2) Show, on the site plan, the location of the storage area and any buildings and/or other preparation areas where vehicles will be prepared for storage including distances from storage area and buildings and/or preparation areas to property lines.
 - (3) Site plan to include any wells or private residences within 500 feet of the storage area and dismantling area.
 - (4) Description of the system of containment to be used to collect, recycle, or properly dispose of used oils, fluids, and coolants, and any spilled battery acids.
 - (5) Copy of signed contract(s) with licensed disposal facilities that will remove the used oils, fluids, and coolants or a description of other accepted methods of disposal.

The applicant must be able to show that all conditions set forth in this ordinance have been met before the application will be acted upon by the selectmen.

Enforcement

This ordinance shall be enforced by the selectmen or their authorized agents in accordance with state law.

A permit may, after notice and hearing, be suspended or revoked by the selectmen for violation of any condition of approval, requirement, operating standard, or rules set forth in this ordinance or in Title 30-A M.R.S.A. Any violation of this ordinance shall also be deemed a nuisance within the meaning of 17 M.R.S.A. Section 2802 and the violator shall be subject to the penalties set forth in 30-A M.R.S.A. section 4452 and any other remedy available by law.

The selectmen and the code enforcement officer shall be responsible for enforcing this ordinance.

Any person, including, but not limited to, a landowner, the landowner's agent or a contractor, who violates any of the provisions set forth in this ordinance or the regulations established by the state of Maine is liable for any penalties assessed.

Penalties include, but are not limited to, the following:

- The minimum penalty for starting an automobile graveyard without a permit is \$100, and the maximum penalty is \$2,500. These penalties may be assessed on a per-day basis.
- The minimum penalty for a specific violation is \$100, and the maximum penalty is \$2,500. These penalties may be assessed on a per-day basis.
- The violator may be ordered to correct or abate the violations.
- If the town of Addison is the prevailing party, the town must be awarded reasonable attorney fees, expert witness fees and costs, unless the court finds that special circumstances make the award of these fees and costs unjust.
- The maximum penalty may exceed \$2,500, but may not exceed \$25,000, when it is shown that there has been a previous conviction of the same party within the past 2 years for violation of the automobile graveyard ordinance or applicable state or federal regulations. These penalties may be assessed on a per-day basis.

All proceedings arising under ordinances and laws administered by the town of Addison shall be brought in the name of the town. All fines resulting from those proceedings shall be paid to the town.

Other

If any section or provision of this ordinance is declared invalid by a court, such decision shall not invalidate any other section or provision of this ordinance.

Effective date of this ordinance is . Copies of this ordinance and all amendments to it shall be filed with the Town Clerk.

Fees

An annual fee of \$50.00 plus the cost of posting and publishing the notice shall be submitted with the application.

If an automobile recycling permit and/or a junkyard permit is also requested the fee structure will be an annual fee of \$50.00 for the first permit and a \$10.00 annual fee for each additional permit.

Junkyard	Auto. Graveyard	Auto. Recycling	ANNUAL FEE
X			\$50.00
	X		\$50.00
		X	\$50.00
X	X		\$60.00
	X	X	\$60.00
X		X	\$60.00
X	X	X	\$70.00

Screening

Screening may be accomplished by natural or man-made objects, plantings, or properly constructed fences, any of which must completely screen the junk yard or automobile graveyard from ordinary view from any portion of any highway or residence within the prescribed distances throughout the entire calendar year, all of which shall be outside of the highway right-of-way limits.

Natural or man-made objects may be interpreted to be:

- Hills, gully, or embankments. Such man-made objects must be constructed to blend with the landscape with loam and seeding or other treatment as may be necessary to establish a natural appearance.
- Buildings or other installations.
- Combinations of above.

Plantings

Trees, shrubs, or other vegetation of sufficient height, density and depth

of planting or growth to completely screen the junk yard or automobile graveyard from ordinary view from any highway within the prescribed distance throughout the entire calendar year may be used for screening.

Fences

Fences shall be so located and of sufficient height to completely screen the junk yard or automobile graveyard from ordinary view from any highway within the prescribed distances. The minimum height of any fences is six feet. However, it must be emphasized that height must be sufficient to accomplish the complete screening from ordinary view. All fences shall be will constructed and maintained. Only sound undamaged material, uniform in appearance, and erected in a workman-like manner will be acceptable.

Suggested Materials

Posts: Wood - Sound, round or square, preferably cedar, hackmatack, spruce, or fir. Preservative treatment is suggested. 4" x 4" minimum (square) or 4" minimum diameter (round).

Metal - Steel pipe or structural section steel either galvanized or base coat painted with rust inhibitive paint.

All posts to extend a minimum of 4 feet below ground level and to be set plumb. Recommended post spacing 8 feet to 12 feet. End and corner posts to be diagonal braced to nearest adjacent post.

Stringer: Minimum 2x4 - Spruce or Fir - Sound and free of excessive or weakening knots, and relatively free from warp or wain, preferably treated with a preservative after cutting to length. Solidly spiked to wood posts or bolted to metal posts. Three stringers for 6 or 8 foot height of fence, 4 stringers for 10 or 12 foot height. Over 12 foot height would require special design.

Steel pipe or structural section stringers may be used. These should be either galvanized or base coat painted with rust inhibitive paint.

Facing Material

Facing material may be wood, composite, sheet metal or plastic. Although new material will not be a requirement, bent, damaged, poor quality, scrap, discarded, mixed or conglomerate materials will not be acceptable.

Suggested materials would be sound, new or used boards; exterior grade hardboard or plywood; corrugated steel, aluminum, or plastic.

It is suggested that all fastenings be galvanized nails, spikes, bolts, clamps, etc., and that all wood materials be treated with a preservative to prolong the life of the fence and to present a uniformity of appearance,

Since wind damage is a problem with any fence, bracing may be required and certainly would be essential on any fence over 8 feet in height. In board fence construction, relief of wind pressure may be achieved by placing the boarding alternately on outside and inside of stringers with the spacing to such that edges overlap enough to present a solid appearance and effectively screen the junk yard or automobile graveyard from ordinary view.

Application For Automobile Graveyard and/or Junkyard Permit

MUNICIPAL OFFICE USE ONLY

Tentative Date of Hearing Application Received
Time of Hearing Permit No.
Place of Hearing Fee Paid \$.....
Notifications sent by Date

To the City/Town County Maine

I/We hereby
make application (in quadruplicate) for a permit to establish, operate or maintain an Automobile
Graveyard and/or Junkyard at the following described location and in accordance with the provisions
of Title 30, Sections 2451-B to 2459, Chapter 481, Public Laws 1966.

Answer all questions in full.

1. Give location of Automobile Graveyard and/or Junkyard
2. Is this application made by or for a company, partnership, corporation-individual?
3. Is this property leased? Property owned by
Address:
4. How is "yard" screened? — Fence? (Type) Height Trees? (Type)
Embankment? Gully? Hill? Other?
5. How far is edge of "yard" from center of highway? Feet.
6. Can junk be seen from any part of highway? Yes No
7. Was Junkyard Law, Requirements and Fees explained to you? Yes No
8. Is any portion of this "yard" on public property? Yes No
9. Is "yard" within 300 feet of a Public Park, Public Playground, Public Bathing Beach, School,
Church or Cemetery? Yes No
10. When was "yard" established? By whom?
11. When was last permit issued? To whom?

One Copy of Application to City/Town
One Copy of Application to Applicant
One Copy of Application to State Police, Augusta
One Copy of Application to Dept. of Transportation

(over)

The undersigned certifies that the above information is true and correct to the best of his/her knowledge and that he/she is the owner or agent of the property or that he/she has been duly authorized by the owner, individual, partnership, company or corporation to make this application and to receive the permit under the law.

Signed by: For:
Name of Company - Corporation, Partnership, Indiv.

Address:

Make complete sketch of "yard." Show footage all sides and location in relationship to adjacent properties. Show distance (in feet) from edge of "yard" to center of highway. Fill in Route Number or Local Road Name. Name of nearest City/Town in each direction. Distance from nearest intersection, bridge or other known reference point.

Tax Map No.
Lot No.
Zone

Circle Correct N.....
Direction E.....
W.....
S.....

.....
Road Name
or
..... To Route No. To
.....

AUTOMOBILE RECYCLING ORDINANCE
(DISMANTLING AND SALVAGE OPERATIONS)
FOR THE
TOWN OF ADDISON, MAINE

ENACTED: OCTOBER 27, 1994
DATE

TO BECOME EFFECTIVE JANUARY 1, 199

CERTIFIED BY: Glenda C. Emerson
NAME

Town Clerk
TITLE

AFFIX SEAL

ATTEST: A TRUE COPY

11-2-94
Nancy Hicks
Dep. Town Clerk

Town of Addison

AUTOMOBILE RECYCLING ORDINANCE (DISMANTLING AND SALVAGE OPERATIONS)

Purpose

The purpose of this ordinance is to provide adequate controls to ensure that automobile recycling operations do not have a deleterious impact on the health, safety, and general welfare of the people of the Town of Addison.

The operation of an automobile recycling operation is a privilege granted to an individual by the state acting through the selectmen of the Town of Addison. Because the law defines these types of operations to be a nuisance, the selectmen must decide whether or not to issue a permit under the operation proposed by the applicant.

Title 30-A, sections 3751-3760 impose an obligation on municipalities to license automobile recycling operations which meet State and local requirements and to enforce the law against people who are in violation.

State law shall take precedent over town ordinance when more restrictive. Town ordinance will apply whenever the town requirements are equal or more restrictive than the State law.

Authority

This ordinance is enacted pursuant to 30-A M.R.S.A. section 3751 et seq.

It has been recognized by the state of Maine that recycling of automobiles is a business enterprise that, when conducted in accordance with certain standards, differs from the enterprise of an automobile graveyard and that adoption of uniform state standards for this type of business enterprise would assist in development and regulation of that business.

Licensing

Any automobile recycling operation established, operated or maintained is required to be licensed whether or not the person is actually in the automobile recycling business.

Freshwater Wetlands means freshwater swamps, marshes, bogs and similar areas which are contiguous to the Department of Transportation.

A. Of 10 or more contiguous acres, or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that, in a natural state, the combined surface area is in excess of 10 acres; and

B. Inundated or saturated by surface or ground water at a frequency and 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 subsection.

Administration

This ordinance shall be administered by the selectmen. No automobile recycling permit shall be issued unless the provisions of this ordinance are met.

Upon receipt of an application, the selectmen shall hold a hearing in accordance with 30-A M.R.S.A. section 3754. A public hearing shall be held before granting a permit to establish, operate or maintain an automobile recycling operation. A notice of the hearing shall be posted at least 7 and not more than 14 days before the hearing in at least 2 public places in the town and a notice shall be published in one newspaper having general circulation in the town. The selectmen shall give written notice of the application to the Department of Transportation by mailing a copy of the application at least 7 days and not more than 14 days before the hearing.

The selectmen shall inspect at any time; or cause to be inspected at any time, the automobile recycling site to ensure compliance with the provisions of this ordinance and state law. At a minimum said inspection shall occur annually. Records of inspections shall be maintained by the selectmen.

Automobile Recycling Operation Requirements

The following requirements must be met before a permit may be granted for an automobile recycling business:

- a. The automobile recycling operation must be a plot of less than three (3) acres. The plot must be clearly staked out and must be kept entirely screened to the ordinary view from residences and

Operating Standards

The following operating standards are required of all automobile recycling operations, whether new or existing:

- All vehicles must be stored within the enclosure designated as the recycling operation. Temporary storage outside of the operation area shall be limited to five (5) vehicles for five (5) days.
- No vehicle shall be stored or dismantled within 300 feet of any body of water or within 100 feet of a freshwater wetland.
- No vehicles shall be dismantled or stored over a sand and gravel aquifer or aquifer recharge area as mapped by the Maine Geological Survey or by a licensed geologist.
- No vehicles shall be dismantled or stored within the 100-year flood plain.
- No vehicle, whether temporarily or permanently stored, shall be located closer than 20 feet from any lot line. No vehicles shall be located or dismantled closer than 20 feet from any lot line.
- Upon receiving a motor vehicle, the battery shall be removed, and the engine lubricant, transmission fluid, brake fluid and engine coolant shall be drained into watertight, covered containers and shall be recycled or disposed of according to all applicable Federal and State laws, rules, and regulations regarding disposal of waste oil and hazardous materials. No discharge of any fluids from any motor vehicle shall be permitted into or on the ground.
- An automobile recycling operation must employ a system of containment to collect, store for recycling, or properly dispose of used oils, fluids, coolants, and spilled battery acid that ensures that no discharge from any vehicle is permitted into or onto the ground.
- Containers used for the storage of used oils, fluids, and coolants must be watertight and free from leaks.
- All fluids must be recycled or disposed of in accordance with applicable federal or state laws, rules, and regulations or a licensed disposal facilities must be contracted to handle the

- A site plan drawn to scale on which is shown:
 - (1) the boundary lines of the property
 - (2) the soils
 - (3) the location of any sand and gravel aquifer recharge area, as mapped by the Maine Geological Survey, or a licensed geologist
 - (4) the location of any residences or schools within 500 feet of the area where cars will be placed
 - (5) the location of any bodies of water or wet areas on the property or within 200 feet of the property lines
 - (6) the boundaries of the 100-year floodplain
 - (7) the location of all highways within 1000 feet of the site
- All questions listed on the application must be answered in full.
- Additional information to be submitted with the application:
 - (1) A current soil test of the storage area will be required for all first time applications and, thereafter, as requested by the Code Enforcement Officer. Indicate the areas where the tests were taken on the site plan.
 - (2) Show, on the site plan, the location of the storage area and any buildings and/or other preparation areas where vehicles will be prepared for storage including distances from storage area and buildings and/or preparation areas to property lines.
 - (3) Site plan to include any wells or private residences within 500 feet of the storage area and dismantling area.
 - (4) Description of the system of containment to be used to collect, recycle, or properly dispose of used oils, fluids, and coolants, and any spilled battery acids.
 - (5) Annual certification that containers for storage of used oils, fluids,

of 17 M.R.S.A. Section 2802 and the violator shall be subject to the penalties set forth in 30-A M.R.S.A. section 4452 and any other remedy available by law.

No permit may be revoked or suspended without a hearing and notice to the owner or the operator of the automobile recycling business. Notice of hearing must be sent to the owner or operator by registered mail at least seven (7) but not more than fourteen (14) days before the hearing. The notice must state the time and the place of hearing and contain a statement describing the alleged violation of any conditions, restrictions, or limitations inserted in the permit.

The selectmen and the code enforcement officer shall be responsible for enforcing this ordinance.

Any person, including, but not limited to, a landowner, the landowner's agent or a contractor, who violates any of the provisions set forth in this ordinance or the regulations established by the state of Maine is liable for any penalties assessed.

Penalties include, but are not limited to, the following:

- The minimum penalty for starting an automobile recycling operation without a permit is \$100, and the maximum penalty is \$2,500. These penalties may be assessed on a per-day basis.
- The minimum penalty for a specific violation is \$100, and the maximum penalty is \$2,500. These penalties may be assessed on a per-day basis.
- The violator may be ordered to correct or abate the violations.
- If the town of Addison is the prevailing party, the town must be awarded reasonable attorney fees, expert witness fees and costs, unless the court finds that special circumstances make the award of these fees and costs unjust.
- The maximum penalty may exceed \$2,500, but may not exceed \$25,000, when it is shown that there has been a previous conviction of the same party within the past 2 years for violation of the automobile recycling ordinance or applicable state or federal regulations. These penalties may be assessed on a per-day basis.

All proceedings arising under ordinances and laws administered by the town

All fences shall be will constructed and maintained. Only sound undamaged material, uniform in appearance, and erected in a workman-like manner will be acceptable.

Suggested Materials

Posts: Wood - Sound, round or square, preferably cedar, hackmatack, spruce, or fir. Preservative treatment is suggested. 4" x 4" minimum (square) or 4" minimum diameter (round).

Metal - Steel pipe or structural section steel either galvanized or base coat painted with rust inhibitive paint.

All posts to extend a minimum of 4 feet below ground level and to be set plumb. Recommended post spacing 8 feet to 12 feet. End and corner posts to be diagonal braced to nearest adjacent post.

Stringer: Minimum 2x4 - Spruce or Fir - Sound and free of excessive or weakening knots, and relatively free from warp or wain, preferably treated with a preservative after cutting to length. Solidly spiked to wood posts or bolted to metal posts. Three stringers for 6 or 8 foot height of fence, 4 stringers for 10 or 12 foot height. Over 12 foot height would require special design.

Steel pipe or structural section stringers may be used. These should be either galvanized or base coat painted with rust inhibitive paint.

Facing Material

Facing material may be wood, composite, sheet metal or plastic. Although new material will not be a requirement, bent, damaged, poor quality, scrap, discarded, mixed or conglomerate materials will not be acceptable.

Suggested materials would be sound, new or used boards; exterior grade hardboard or plywood; corrugated steel, aluminum, or plastic.


It is suggested that all fastenings be galvanized nails, spikes, bolts, clamps, etc., and that all wood materials be treated with a preservative to prolong the life of the fence and to present a uniformity of appearance,

Since wind damage is a problem with any fence, bracing may be required and certainly would be essential on any fence over 8 feet in

This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the Automobile Recycling Ordinance.

After enacted by the voters of the Town of Addison, this Ordinance shall become effective January 1, 1995

Given under our hands this 12th day of October, 1994.


Michael L. Murphy



Virgil L. Crowley


David T. Ouellet

Selectmen Town of Addison

"Attest: A true copy of the ordinances entitled Automobile Recycling Ordinance for the Town of Addison, Maine," as certified to me by the municipal officers of Addison on the 12th day of October, 1994.

Signature


Glenda C. Emerson
Town Clerk of Addison

AUTOMOBILE GRAVEYARD, RECYCLING OR JUNKYARD PERMITS

04/08/09

1. Complete the Application in full and return to the town office with the appropriate fees.
2. Property must be inspected by the CEO
3. The Municipal Officers will set a date for a public hearing.
4. A notice must be sent via Registered Mail to all abutting property owners and the Department of Transportation informing them of the application and the hearing date and time. The town office will take care of this and charge the applicant for the cost. If the applicant prefers to take care of this procedure, they must provide proof to the Municipal Officers before the public hearing.
5. The town office will then post a Notice of Hearing, between 7 and 14 days prior to the hearing in at least two public places and in one local newspaper.
6. If the application is for a first time establishment, the Municipal Officers must give written notice to the Bureau of Motor Vehicles between 7 and 14 days prior to the hearing.
7. It is recommended that the applicant attend the public hearing to answer any questions that might arise.
8. The State now requires that all Automobile Junkyards, Recycling, and Graveyard businesses obtain a State Dealers License. These forms are also available at the town office. This needs to be done annually even though your permit might be approved for a 5 year period. The cost for this license is \$150.00/year. These are submitted directly to the Maine Bureau of Motor Vehicles.
9. A permit, other than a limited-term permit, may not be granted for an Automobile Graveyard, Recycling or Junkyard Business that is not in compliance with all applicable provisions of the automobile dealer or recycler licensing provisions of Title 29-A, Chapter 9. The Municipal Officers may award a limited-term permit conditional upon the applicant providing proof of compliance with the State of Maine provisions, within the limited term.

AUTOMOBILE RECYCLING ORDINANCE
(DISMANTLING AND SALVAGE OPERATIONS)
FOR THE
TOWN OF ADDISON, MAINE

ENACTED: OCTOBER 27, 1994
DATE

TO BECOME EFFECTIVE JANUARY 1, 199

CERTIFIED BY: Glenda C. Emerson
NAME

Town Clerk
TITLE

AFFIX SEAL

ATTEST: A TRUE COPY

11-2-94
Nancy Hicks
Dep. Town Clerk

Town of Addison

AUTOMOBILE RECYCLING ORDINANCE (DISMANTLING AND SALVAGE OPERATIONS)

Purpose

The purpose of this ordinance is to provide adequate controls to ensure that automobile recycling operations do not have a deleterious impact on the health, safety, and general welfare of the people of the Town of Addison.

The operation of an automobile recycling operation is a privilege granted to an individual by the state acting through the selectmen of the Town of Addison. Because the law defines these types of operations to be a nuisance, the selectmen must decide whether or not to issue a permit under the operation proposed by the applicant.

Title 30-A, sections 3751-3760 impose an obligation on municipalities to license automobile recycling operations which meet State and local requirements and to enforce the law against people who are in violation.

State law shall take precedent over town ordinance when more restrictive. Town ordinance will apply whenever the town requirements are equal or more restrictive than the State law.

Authority

This ordinance is enacted pursuant to 30-A M.R.S.A. section 3751 et seq.

It has been recognized by the state of Maine that recycling of automobiles is a business enterprise that, when conducted in accordance with certain standards, differs from the enterprise of an automobile graveyard and that adoption of uniform state standards for this type of business enterprise would assist in development and regulation of that business.

Licensing

Any automobile recycling operation established, operated or maintained is required to be licensed whether or not the person is actually in the automobile recycling business.

Freshwater Wetlands means freshwater swamps, marshes, bogs and similar areas which are contiguous to the Department of Transportation.

A. Of 10 or more contiguous acres, or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that, in a natural state, the combined surface area is in excess of 10 acres; and

B. Inundated or saturated by surface or ground water at a frequency and 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 subsection.

Administration

This ordinance shall be administered by the selectmen. No automobile recycling permit shall be issued unless the provisions of this ordinance are met.

Upon receipt of an application, the selectmen shall hold a hearing in accordance with 30-A M.R.S.A. section 3754. A public hearing shall be held before granting a permit to establish, operate or maintain an automobile recycling operation. A notice of the hearing shall be posted at least 7 and not more than 14 days before the hearing in at least 2 public places in the town and a notice shall be published in one newspaper having general circulation in the town. The selectmen shall give written notice of the application to the Department of Transportation by mailing a copy of the application at least 7 days and not more than 14 days before the hearing.

The selectmen shall inspect at any time; or cause to be inspected at any time, the automobile recycling site to ensure compliance with the provisions of this ordinance and state law. At a minimum said inspection shall occur annually. Records of inspections shall be maintained by the selectmen.

Automobile Recycling Operation Requirements

The following requirements must be met before a permit may be granted for an automobile recycling business:

- a. The automobile recycling operation must be a plot of less than three (3) acres. The plot must be clearly staked out and must be kept entirely screened to the ordinary view from residences and

Operating Standards

The following operating standards are required of all automobile recycling operations, whether new or existing:

- All vehicles must be stored within the enclosure designated as the recycling operation. Temporary storage outside of the operation area shall be limited to five (5) vehicles for five (5) days.
- No vehicle shall be stored or dismantled within 300 feet of any body of water or within 100 feet of a freshwater wetland.
- No vehicles shall be dismantled or stored over a sand and gravel aquifer or aquifer recharge area as mapped by the Maine Geological Survey or by a licensed geologist.
- No vehicles shall be dismantled or stored within the 100-year flood plain.
- No vehicle, whether temporarily or permanently stored, shall be located closer than 20 feet from any lot line. No vehicles shall be located or dismantled closer than 20 feet from any lot line.
- Upon receiving a motor vehicle, the battery shall be removed, and the engine lubricant, transmission fluid, brake fluid and engine coolant shall be drained into watertight, covered containers and shall be recycled or disposed of according to all applicable Federal and State laws, rules, and regulations regarding disposal of waste oil and hazardous materials. No discharge of any fluids from any motor vehicle shall be permitted into or on the ground.
- An automobile recycling operation must employ a system of containment to collect, store for recycling, or properly dispose of used oils, fluids, coolants, and spilled battery acid that ensures that no discharge from any vehicle is permitted into or onto the ground.
- Containers used for the storage of used oils, fluids, and coolants must be watertight and free from leaks.
- All fluids must be recycled or disposed of in accordance with applicable federal or state laws, rules, and regulations or a licensed disposal facilities must be contracted to handle the

- A site plan drawn to scale on which is shown:
 - (1) the boundary lines of the property
 - (2) the soils
 - (3) the location of any sand and gravel aquifer recharge area, as mapped by the Maine Geological Survey, or a licensed geologist
 - (4) the location of any residences or schools within 500 feet of the area where cars will be placed
 - (5) the location of any bodies of water or wet areas on the property or within 200 feet of the property lines
 - (6) the boundaries of the 100-year floodplain
 - (7) the location of all highways within 1000 feet of the site
- All questions listed on the application must be answered in full.
- Additional information to be submitted with the application:
 - (1) A current soil test of the storage area will be required for all first time applications and, thereafter, as requested by the Code Enforcement Officer. Indicate the areas where the tests were taken on the site plan.
 - (2) Show, on the site plan, the location of the storage area and any buildings and/or other preparation areas where vehicles will be prepared for storage including distances from storage area and buildings and/or preparation areas to property lines.
 - (3) Site plan to include any wells or private residences within 500 feet of the storage area and dismantling area.
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of 17 M.R.S.A. Section 2802 and the violator shall be subject to the penalties set forth in 30-A M.R.S.A. section 4452 and any other remedy available by law.

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- The violator may be ordered to correct or abate the violations.
- If the town of Addison is the prevailing party, the town must be awarded reasonable attorney fees, expert witness fees and costs, unless the court finds that special circumstances make the award of these fees and costs unjust.
- The maximum penalty may exceed \$2,500, but may not exceed \$25,000, when it is shown that there has been a previous conviction of the same party within the past 2 years for violation of the automobile recycling ordinance or applicable state or federal regulations. These penalties may be assessed on a per-day basis.

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Michael L. Murphy



Virgil L. Crowley


David T. Ouellet

Selectmen Town of Addison

"Attest: A true copy of the ordinances entitled Automobile Recycling Ordinance for the Town of Addison, Maine," as certified to me by the municipal officers of Addison on the 12th day of October, 1994.

Signature


Glenda C. Emerson
Town Clerk of Addison

Town of Addison Maine

LAND USE AND DEVELOPMENT CODE

Passed March 1965

MARCH 1973

Part I: Land Use Guidance (Zoning)

Section 1. Authority: This Part I is enacted pursuant to Article VIII-A of the Constitution of the State of Maine, (Municipal Home Rule); Revised Statutes, 1964, Title 30, Section 4962, as amended (Zoning Ordinances); and R.S., 1964, Title 12, Sections 4811-4814, (Mandatory Zoning and Subdivision Control).

Section 2. Purpose: This Part I establishes a system for dividing land in the town into three classifications. The purpose of this is to regulate and guide future land use. These classifications are based on such factors, among others, as present land use, the types and quality of soils and water bodies, and the ability of the town and other public agencies to provide necessary facilities and services.

Section 3. Application of Part I to Future Land Use and Development: The regulations contained in this Part I apply throughout town. Uses of land existing or for which approval has been requested, at the time these regulations came into effect, and which are otherwise lawful, are not affected. If such uses are discontinued for more than 12 consecutive months or are substantially destroyed or expanded, they may not be re-established except in accordance with the provisions of this Part I.

Section 4. Land Use Permit:

A. No person may establish, expand substantially, re-establish or rebuild a land use not in existence on the date this Code came into effect without first having obtained a land use permit granted by the Planning Board. Provided, that the granting of a land use permit in no way relieves such person from the obligation to obtain other permits provided for in Parts II and III of this Code and other State and local laws.

B. A substantial expansion shall include, without being limited to the following:

- i) an increase of more than 50% in the volume of sanitary waste;
- ii) An increase of more than 50% in the total floor area of a building; and
- iii) an increase of more than 50% in the total value of structures and other improvements.

C. Application for a land use permit shall be filed with the Planning Board or with the Town Clerk addressed to the attention of the Planning Board.

Section 5. Permit to Establish Uses Permitted as a Matter of Right:

Application for a land use permit to establish one or more of the land uses permitted as a matter of right in the land use district in which the land is located shall be subject to review and approval as follows:

A. The applicant shall apply in writing to the Planning Board on the form provided or shall furnish at least the following information:

- i) A map or other means of showing the location and size of the parcel of land for which a permit is requested;
- ii) the land use district in which the land is located;
- iii) the land use to be established; and
- iv) a statement or more specific information showing that the use to be established is permitted as a matter of right in the land use district in which the land is located.

Section 6. Permit to Establish Land Uses Other Than Those Permitted As A Matter of Right:

Application to establish one or more land uses other than those permitted as a matter of right in the land use district in which the land is located shall be subject to review and approval as follows:

A. The applicant shall apply in writing to the Planning Board on the on the form provided or shall furnish at least the following information:

- i) a map or other means of showing the size, location, topography and soil characteristics of the property; and
- ii) the nature and extent of all alterations of the land, construction or other use or development proposed, whether or not to be carried out immediately.

B. The applicant shall prove that taking into account the purposes of and uses permitted in the land use district in which the land is located, such land use:

- i) would be consistent with the maintenance or improvement of the quality of any adjacent water body, the protection of spawning grounds, and of fish, aquatic life, bird and other wildlife habitat; and
- ii) could be established or carried out in compliance with the development regulations set forth in Part II of this Code and related local and State laws, ordinances, and regulations, in particular those pertaining to erosion control, conservation of shoreland trees and vegetation, preservation of points of public access to public water bodies and the protection of the natural beauty or present appearance of shoreland areas.

C. In determining whether the foregoing tests have been met, the Planning Board shall consider:

- i) any elements of, or a completed or adopted, comprehensive plan of the community,
- ii) recommendations of the Town conservation commission, if any; and
- iii) the plans, policies and practices of regional and State agencies and commissions having jurisdiction over some or all of such matters, whether such jurisdiction is regulatory or advisory.

Section 7. Permits to Conduct Land Use and Development Activities:

A. An applicant for a land use permit under this Part I may at the same time apply for review and approval of a subdivision as provided in Part III and/or for one or more permits to carry out one or more development activities as provided in Part II. Provided that applications for such permits and approval and the decision upon them shall be clearly set forth in writing separate from the application and decision for the land use permit.

B. If the Planning Board finds that it is unable to reach a decision upon an application for a land use permit without considering information

required to be submitted under Parts II and II of this Code, then it shall notify the applicant in writing to make application for such permits or approval.

C. The procedure for notice, public review, and appeal regarding an application for a land use permit shall be as provided in Part IV of this Code.

Section 8. Land Use Districts Defined: (Note: The following are suggestive only. While state guidelines indicate that a Protection District is mandatory, this has not been firmly established.)

A. Protection Districts

Purpose: To achieve the most appropriate uses in area comprising significant natural, recreation, economic, historical or visual resources of the town and to restrict, at this time, the use of areas which are severely limited for development by reason of soil type, slope, location with respect to public roads, inadequate water supply, or deficiencies in other resources and public services and facilities.

Designation: The following areas are located within Protection Districts: All land areas within 250 feet of any natural pond or lake with a water surface of 10 acres or more, artificially increased pond or lake with a water surface of 30 acres or more, (any part of) a stream or river capable of floating watercraft, and any salt water body. Such distance shall be measured along a line following the surface of the land.

B. Uses Permitted within Protection Districts: The following uses, and only the following uses, are permitted as a matter of right in Protection Districts, and then only to the extent that the Planning Board finds that such uses will not unduly burden or otherwise harm or destroy the resource or area so used:

- i) public, primitive and wilderness recreational uses;
- ii) resource protection and management practices carried out by a duly authorized state or local agency with the prior approval of the Planning Board;

- iii) agricultural practices of the home garden or small commercial farm type on tracts of five acres or less but excluding dairy-ing, livestock and poultry raising except for home use or limited sale;
- iv) residential uses and related commercial activities; *Delete*
- v) home-related retail, professional, service and aquacultural harvesting and marine product landing, processing and dis-tribution, provided that no such establishment employs more than three persons not residing in the home to which such use is re-lated.;
- vi) any and all other uses may be permitted as a conditional use in the manner provided for in Section 6, above, of this Part I and the related provisions of this Code.

C. Management Districts

Purpose: To protect and conserve those areas suited for the large scale (alt: commercial) production of agricultural, aquacultural, and forest products and to limit development of areas otherwise suited for varied uses, in accordance with the ability of the town and others to provide public facilities and services.

The following areas are included within Management Districts:

All land inland of areas included in a Resource Protection District but excluding any land within 500 feet of the center of all public roads maintained year round.

D. Uses Permitted Within Management Districts:

The following, and only the following uses, are permitted as a matter of right in Management Districts:

- i) All uses permitted in Protection Districts:
- ii) forest management and commercial harvesting, but not processing, of forest products, forest nurseries, and tree farms;

- iii) agricultural management and commercial harvesting but not processing, of agricultural products, including but not limited to: dairying, livestock and poultry raising; bee keeping; grazing and pasturage; stables and paddocks; fruits and vegetables, berries and cereal grain raising; and, horticultural and ornamental plant raising;
- iv) aquacultural management and commercial harvesting of aquacultural products including but not limited to mussels, oysters and marine worms but excluding the landing and processing of other marine products unless permitted as a conditional use in accordance with (vii), below;
- v) dwellings, provided that the applicant for a land use permit shall agree in writing, binding also on any successors in interest, to assume responsibility for the provision of roads and road maintenance, snow removal, school transportation, fire protection and other services and facilities which the Planning Board might reasonably require to protect the health and safety of the occupants of such areas and of the town;
- vi) erection of accessory structures or buildings and carrying out of accessory uses as may be necessary for the conduct of uses permitted within Management Districts; and,
- vii) any and all other uses may be permitted as a conditional use, in the manner provided for in Section 6, above, of this Part I and the related Provisions of this Code.

G. General Districts:

Purpose: To encourage such other residential, recreational, commercial, industrial development and land uses which are consistent with the health safety and general welfare of the inhabitants of the town and which may be suitable for and compatible with such areas and to discourage inconsistent, unsuitable and incompatible development and land use.

The following areas are included within General Districts:

- i) all land areas within the town which lie within five hundred feet of the center of a public road and which are not included in a Protection District.

H. Uses Permitted within General Districts:

The following uses, and only the following uses, are permitted as a matter of right in a General District:

- i) all uses permitted in a Protection or a Management District;
- ii) any and all other land uses may be permitted as a conditional use, in the manner provided for in Section 6, above, of this Part I and the related provisions of this Code.

Section 9. Enforcement:

- A. No person shall be granted any permit required by Parts II and III of this Code without first having obtained a land use permit in accordance with this Part I.
- B. No person shall commence or continue any land use activity for which a permit is required by Parts II and III, without first having obtained a land use permit.
- C. Any person in violation of B., above, shall take steps as may be required by the Planning Board to prevent or minimize harmful or adverse effects of such unauthorized activity to persons, the land, or a water body.

Section 10. Penalties:

Any person who commences or continues any land use activity without first obtaining a land use permit in accordance with this Part I shall be punished by a fine of not more than \$100.00 for each such activity. Each day that any such activity is carried on shall constitute a separate offense. Each day following notice from the Planning Board on which measures to minimize or prevent harmful or adverse effects are not taken or are not continued with reasonable diligence shall constitute a separate offense.

Section 11. Suits and Remedies:

A. The town through its Selectmen or Planning Board or any seven of its registered voters or taxpayers may institute proceedings to enjoin the violation of this Part I.

B. Upon notice by the Planning Board that measures required to be taken pursuant to 9C., above, have not been taken or have not been continued with reasonable diligence, the Selectmen shall cause said measures to be taken and shall assess and collect the reasonable costs for such measures in the same manner as in the assessment and collection of a tax on real property.

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NOTE: The Board of Environmental Protection recognizes that many municipalities have developed and adopted comprehensive land use ordinances for all land areas within their respective communities. Those ordinances may or may not follow a similar format to this guideline ordinance. It is not the intent of the Board to impose this guideline ordinance on a municipality which, within its land use codes, has otherwise met the intent and purposes of the Mandatory Shoreland Zoning Act and this guideline ordinance.

Whether or not municipalities choose to integrate their shoreland zoning requirements into a town-wide zoning ordinance, it is important to develop a comprehensive and coordinated strategy for managing and guiding growth in the shoreland area.

Shoreland Zoning Ordinance for the Municipality of Addison

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

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

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

NOTE: Coastal wetlands, by definition, include all areas affected by tidal action, not just those areas where salt marshes and salt meadows exist. Cobble and sand beaches, mudflats, and rocky ledges, below the maximum spring tide are all considered to be coastal wetlands.

4. Effective Date

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

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

B. Sections 15(O) and 15(O-1). Section 15(O) is repealed on the statutory date established under 38 M.R.S.A. section 438-A(5), at which time Section 15(O-1) shall become effective. Until such time as Section 15(O) is repealed, Section 15(O-1) is not in effect.

NOTE: The statutory date established under 38 M.R.S.A. section 438-A(5) is the effective date of state-wide timber harvesting standards. That date is “the first day of January of the 2nd year following the year in which the Commissioner of Conservation determines that at least 252 of the 336

municipalities identified by the Commissioner of Conservation as the municipalities with the highest acreage of timber harvesting activity on an annual basis for the period 1992-2003 have either accepted the state-wide standards or have adopted an ordinance identical to the state-wide standards.” 38 M.R.S.A. section 438-A(5) further provides that “the Commissioner of Conservation shall notify the Secretary of State in writing and advise the Secretary of the effective date of the state-wide standards.”

5. **Availability.** A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.
6. **Severability.** Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.
7. **Conflicts with Other Ordinances.** Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the municipality, the more restrictive provision shall control.
8. **Amendments.** This Ordinance may be amended by majority vote of the legislative body. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.
9. **Districts and Zoning Map**
 - A. **Official Shoreland Zoning Map.** The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map(s) which is (are) made a part of this Ordinance:
 - (1) Resource Protection
 - (2) Limited Residential
 - (3) Limited Commercial
 - (4) Addison Point Commercial
 - (5) Commercial Fisheries/Maritime Activities
 - (6) Stream Protection
 - B. **Scale of Map.** The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.
 - C. **Certification of Official Shoreland Zoning Map.** The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office. In the event the municipality does not have a municipal office, the Municipal Clerk shall be the custodian of the map.

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

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

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

12. Non-conformance.

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

B. General

- (1) **Transfer of Ownership.** Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.
- (2) **Repair and Maintenance.** This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations that do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

NOTE: See Section 17 for the definitions of non-conforming structures, non-conforming uses and non-conforming lots.

C. Non-conforming Structures

- (1) **Expansions.** A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs (a) and (b) below.
 - (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. If a replacement structure conforms with the requirements of Section 12(C)(3), and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date.

- (b) Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 12(C)(2) Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 12(C)(1)(a) above, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.
- (2) Relocation. A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board or its designee, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

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

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

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

- (b) Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.
- (3) **Reconstruction or Replacement.** Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board or its designee in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12(C)(2) above.

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

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board or its designee shall consider, in addition to the criteria in Section 12(C)(2) above, the physical condition and type of foundation present, if any.

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

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

D. Non-conforming Uses

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

- (2) **Resumption Prohibited.** A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.
- (3) **Change of Use.** An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12(C)(4) above.

E. Non-conforming Lots

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

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

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

This provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on May 27, 1992 and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

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

13. Establishment of Districts

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

- (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 May 1, 2006. For the purposes of this paragraph "wetlands associated with great ponds and rivers" shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river.

NOTE: The Natural Resources Protection Act, 38 M.S.R.A. sections 480-A through 480-Z, requires the Department of Environmental Protection to designate areas of "significant wildlife habitat". Significant wildlife habitat includes:

Habitat for species appearing on the official state or federal lists of endangered or threatened species; high and moderate value deer wintering areas and travel corridors as defined by the Department of Inland Fisheries and Wildlife; high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas as defined by the Department of Inland Fisheries and Wildlife; critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Sea Run Salmon Commission; and shorebird nesting, feeding and staging areas and seabird nesting islands as defined by the Department of Inland Fisheries and Wildlife.

- (2) Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils.
- (3) Areas of two or more contiguous acres with sustained slopes of 20% or greater.

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

NOTE: These areas usually consist of forested wetlands abutting water bodies and non-forested wetlands.

- (5) 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, Addison Point District or Commercial Fisheries/Maritime Activities Districts.

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 Districts. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

D. Addison Point Commercial District. The Addison Point District includes the uptown areas that have historically been the commercial center of the Town of Addison.

1. These areas shall be devoted to a mix of commercial and residential uses including and similar to:
 - (a) Areas devoted to retail trade;
 - (b) Areas devoted to service activities; and
 - (c) Areas devoted to other light, low-intensity commercial uses.
 - (d) Areas may also include residential uses; however, no areas shall be established as an Addison Point Commercial District solely on residential use.
2. The following commercial and industrial uses shall not be established in the Addison Point Commercial District unless it can be shown that these uses have historically been part of the commercial center of the Town of Addison:
 - a. Manufacturing, fabricating, or other industrial uses; nor
 - b. Amusements parks, race tracks, fairgrounds, or other intensive recreational uses.
 - c. No areas adjacent to great ponds classified GPA and adjacent to rivers flowing to great ponds classified GPA, shall be established as Addison Point Commercial District.

E. Commercial Fisheries/Maritime Activities District. The Commercial Fisheries/Maritime Activities District includes areas where the existing predominant pattern of development is consistent with the allowed uses for this district as indicated in the Table of Land Uses, Section

14, and other areas which are suitable for functionally water-dependent uses, taking into consideration such factors as:

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

F. 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 wetland. Where a stream and its associated shoreland area are located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

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

Key to Table 1:

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

No - Prohibited

PB - Allowed with permit issued by the Planning Board.

CEO - Allowed with permit issued by the Code Enforcement Officer

LPI - Allowed with permit issued by the Local Plumbing Inspector

Abbreviations:

RP - Resource Protection APCD –Addison Point Commercial District

LR - Limited Residential LC - Limited Commercial

SP - Stream Protection

TABLE 1. LAND USES IN THE SHORELAND ZONE

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

¹In RP not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.²Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.³In RP not allowed in areas so designated because of wildlife value.⁴Provided that a variance from the setback requirement is obtained from the Board of Appeals.⁵Functionally water-dependent uses and uses accessory to such water dependent uses only (See note on previous page).⁶See further restrictions in Section 15(L)(2).⁷Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.⁸Except as provided in Section 15(H)(4).

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

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

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

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

¹³Except in the APCD where allowed industrial uses listed in Section 13 (D), which are considered to be of historical significance to the commercial center of the Town of Addison, are allowed with a permit from the Addison Planning Board.

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

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

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

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

A. Minimum Lot Standards

	Minimum Lot Area (sq. ft.)	Minimum Shore Frontage (ft.)
(1)		
(a) Residential per dwelling unit	40,000	200
(b) Governmental, Institutional, Commercial or Industrial per principal structure	60,000	300
(c) Public and Private Recreational Facilities	40,000	200
(2) Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.		
(3) Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.		
(4) The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.		
(5) If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.		

B. Principal and Accessory Structures

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

In addition:

- (a) The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
- (b) All principal structures along Significant River Segments as listed in 38 M.R.S.A. section 437 (see Appendix B), shall be set back a minimum of one hundred and twenty-five (125) feet, horizontal distance, from the normal high-water line and shall be screened from the river by existing vegetation. This provision does not apply to structures related to hydropower facilities.
- (c) For principal structures, water and wetland setback measurements shall be taken from the top of the coastal bluff that has been identified on Coastal Bluff maps as being "highly unstable" or "unstable" by the Maine Geological Survey pursuant to its "classification of Coastal Bluffs" and published on the most recent Coastal Bluff map. If the applicant and the permitting official(s) are in disagreement as to the specific location of a "highly unstable" or "unstable" bluff, or where the top of the bluff is located, the applicant may at his or her expense, employ a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, a Maine State Geologist, or other qualified individual to make a determination. If agreement is still not reached, the applicant may appeal the matter to the Board of Appeals.
- (d) On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

NOTE: All tidal land which is subject to tidal action during the maximum spring tide is coastal wetland.

NOTE: A tributary stream may be perennial or intermittent. Where a tributary stream is present within the shoreland zone, setback standards from that tributary stream are applicable.

- (2) Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, Limited Commercial, Addison Point 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 foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood-plain soils.
- (4) The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed, except in the Commercial Fisheries/Maritime Activities District, where lot coverage shall not exceed seventy (70) percent.
- (5) Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:
 - (a) The site has been previously altered and an effective vegetated buffer does not exist;
 - (b) The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;
 - (c) The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
 - (d) The total height of the wall(s), in the aggregate, are no more than 24 inches;
 - (e) Retaining walls are located outside of the 100-year floodplain on rivers, streams, wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.
 - (f) The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and
 - (g) A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:

- (i) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;
- (ii) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
- (iii) Only native species may be used to establish the buffer area;
- (iv) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;
- (v) A footpath not to exceed the standards in Section 15(P)(2)(a), may traverse the buffer;

NOTE: If the wall and associated soil disturbance occurs within 75 feet, horizontal distance, of a water body, tributary stream or wetland, a permit pursuant to the Natural Resource Protection Act is required from the Department of Environmental Protection.

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

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

- (1) Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
- (2) The location shall not interfere with existing developed or natural beach areas.
- (3) The facility shall be located so as to minimize adverse effects on fisheries.
- (4) The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf shall not be wider than six feet for non-commercial uses.
- (5) No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.
- (6) New permanent piers and docks shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.

- (7) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.
- (8) Except in the General Development Districts, 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.

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

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

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

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

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

Inspector. 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 and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

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

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

G. Parking Areas

- (1) Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities in Districts other than the Addison point Commercial District shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.
- (2) Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.

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

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

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

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

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

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

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

- location is available outside the district. When a road or driveway is permitted in a Resource Protection District the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.
- (5) Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 15(Q).
 - (6) Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.
 - (7) In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
 - (8) Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:
 - (a) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road or driveway at intervals no greater than indicated in the following table:

Grade (Percent)	Spacing (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21 +	40
 - (b) Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.
 - (c) On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.
 - (d) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

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

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

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

J. Storm Water Runoff

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

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

K. Septic Waste Disposal

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

NOTE: The Maine Subsurface Wastewater Disposal Rules require new systems, excluding fill extensions, to be constructed no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body. The minimum setback distance for a new subsurface disposal system may not be reduced by variance.

L. Essential Services

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

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

Mineral extraction may be permitted under the following conditions:

- (1) A reclamation plan shall be filed with, and approved, by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 15 (M) (4) below.
- (2) No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.
- (3) Developers of new gravel pits along Significant River Segments shall demonstrate that no reasonable mining site outside the shoreland zone exists. When gravel pits must be located

within the zone, they shall be set back as far as practicable from the normal high-water line and no less than seventy-five (75) feet and screened from the river by existing vegetation.

- (4) Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
 - (a) All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

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

- (b) The final graded slope shall be two and one-half to one (2 1/2:1) slope or flatter.
 - (c) Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
- (5) In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

N. Agriculture

- (1) All spreading of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).
- (2) Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.
- (3) Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

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

- (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 wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.

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

O. Timber Harvesting

- (1) In a 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 ½ feet above ground level, are cut in any 10-year period; and a well-distributed stand of trees and other natural vegetation remains; and
 - (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 Section 15(O)(1)(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 ½ 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 Section 15(O)(1) above, timber harvesting shall conform with the following provisions:
 - (a) Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:
 - (i) Within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be

no clearcut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.

- (ii) At distances greater than one-hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5000) square feet they shall be at least one hundred (100) feet, horizontal distance, apart. Such clearcut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.
- (b) Timber harvesting operations exceeding the 40% limitation in Section 15(O)(2)(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 Ordinance. The planning board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the planning board's decision.
- (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:
 - (i) Surface waters are frozen; and
 - (ii) 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 revegetated.
- (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 unscarified strip of vegetation of at least seventy-five (75) feet, horizontal distance, in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral

soil on a back face shall be closer than twenty five (25) feet, horizontal distance, from the normal high-water line of a water body or upland edge of a wetland.

O-1. Timber Harvesting – Statewide Standards [Effective on effective date established in Section 4(B)]

- (1) Shoreline integrity and sedimentation. Persons conducting timber harvesting and related activities must take reasonable measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water, and the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water, or the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and wetlands occurs, such conditions must be corrected.
- (2) Slash treatment. Timber harvesting and related activities shall be conducted such that slash or debris is not left below the normal high-water line of any water body or tributary stream, or the upland edge of a wetland. Section 15(O-1)(2) does not apply to minor, incidental amounts of slash that result from timber harvesting and related activities otherwise conducted in compliance with this section.
 - (a) Slash actively used to protect soil from disturbance by equipment or to stabilize exposed soil, may be left in place, provided that no part thereof extends more than 4 feet above the ground.
 - (b) Adjacent to great ponds, rivers and wetlands:
 - (i) No accumulation of slash shall be left within 50 feet, horizontal distance, of the normal high-water line or upland edge of a wetland; and
 - (ii) Between 50 feet and 250 feet, horizontal distance, of the normal high-water line or upland edge of a wetland, all slash larger than 3 inches in diameter must be disposed of in such a manner that no part thereof extends more than 4 feet above the ground.
- (3) Timber harvesting and related activities must leave adequate tree cover and shall be conducted so that a well-distributed stand of trees is retained. This requirement may be satisfied by following one of the following three options:
 - (a) Option 1 (40% volume removal), as follows:
 - (i) Harvesting of no more than 40 percent of the total volume on each acre of trees 4.5 inches DBH or greater in any 10 year period is allowed. Volume may be considered to be equivalent to basal area;
 - (ii) A well-distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and,
 - (iii) Within 75 feet, horizontal distance, of the normal high-water line of rivers, streams, and great ponds, and within 75 feet, horizontal distance, of the upland edge of a

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

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

- (i) The residual stand must contain an average basal area of at least 60 square feet per acre of woody vegetation greater than or equal to 1.0 inch DBH, of which 40 square feet per acre must be greater than or equal to 4.5 inches DBH;
- (ii) A well-distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and,
- (iii) Within 75 feet, horizontal distance, of the normal high-water line of water bodies and within 75 feet, horizontal distance, of the upland edge of wetlands, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the normal high-water line of a river or great pond, or upland edge of a wetland, timber harvesting and related activities must not create single cleared openings greater than 14,000 square feet in the forest canopy. Where such openings exceed 10,000 square feet, they must be at least 100 feet, horizontal distance, apart. Such cleared openings will be included in the calculation of the average basal area. Volume may be considered equivalent to basal area.

(c) Option 3 (Outcome based), which requires: An alternative method proposed in an application, signed by a Licensed Forester or certified wildlife professional, submitted by the landowner or designated agent to the State of Maine Department of Conservation's Bureau of Forestry (Bureau) for review and approval, which provides equal or better protection of the shoreland area than this rule.

Landowners must designate on the Forest Operations Notification form required by 12 M.R.S.A. Chapter 805, subchapter 5 which option they choose to use. If landowners choose Option 1 or Option 2, compliance will be determined solely on the criteria for the option chosen. If landowners choose Option 3, timber harvesting and related activities may not begin until the Bureau has approved the alternative method.

The Bureau may verify that adequate tree cover and a well-distributed stand of trees is retained through a field procedure that uses sample plots that are located randomly or systematically to provide a fair representation of the harvest area.

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

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

- (b) Skid trails and yards must be designed and constructed to prevent sediment and concentrated water runoff from entering a water body, tributary stream, or wetland. Upon termination of their use, skid trails and yards must be stabilized.
- (c) Setbacks:
 - (i) Equipment must be operated to avoid the exposure of mineral soil within 25 feet, horizontal distance, of any water body, tributary stream, or wetland. On slopes of 10 percent or greater, the setback for equipment operation must be increased by 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5 percent increase in slope above 10 percent. Where slopes fall away from the resource, no increase in the 25-foot setback is required.
 - (ii) Where such setbacks are impracticable, appropriate techniques shall be used to avoid sedimentation of the water body, tributary stream or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.
- (5) Land Management Roads. Land management roads, including approaches to crossings of water bodies, tributary stream channels, and wetlands, ditches and other related structures, must be designed, constructed, and maintained to prevent sediment and concentrated water runoff from directly entering the water body, tributary stream or wetland. Surface water on or adjacent to water crossing approaches must be diverted through vegetative filter strips to avoid sedimentation of the watercourse or wetland. Because roadside ditches may not extend to the resource being crossed, vegetative filter strips must be established in accordance with the setback requirements in Section 15(O-1)(7) of this rule.
 - (a) Land management roads and associated ditches, excavation, and fill must be set back at least:
 - (i) 100 feet, horizontal distance, from the normal high-water line of a great pond, river or wetland;
 - (ii) 50 feet, horizontal distance, from the normal high-water line of streams; and
 - (iii) 25 feet, horizontal distance, from the normal high-water line of tributary streams
 - (b) The minimum 100 foot setback specified in Section 15(O-1)(5)(a)(i) above may be reduced to no less than 50 feet, horizontal distance, and the 50 foot setback specified in Section 15(O-1)(5)(a)(ii) above may be reduced to no less than 25 feet, horizontal distance, if, prior to construction, the landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

- (c) On slopes of 10 percent or greater, the land management road setback must be increased by at least 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5 percent increase in slope above 10 percent.
- (d) New land management roads are not allowed within the shoreland area along Significant River Segments as identified in 38 M.R.S.A. section 437, nor in a Resource Protection District, unless, prior to construction, the landowner or the landowner's designated agent makes a clear demonstration to the Planning Board's satisfaction that no reasonable alternative route exists outside the shoreland zone, and that the new road must be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.
- (e) Ditches, culverts, bridges, dips, water turnouts and other water control installations associated with roads must be maintained on a regular basis to assure effective functioning. Drainage structures shall deliver a dispersed flow of water into an unscarified filter strip no less than the width indicated in the setback requirements in Section 15(O-1)(7). Where such a filter strip is impracticable, appropriate techniques shall be used to avoid sedimentation of the water body, tributary stream, or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.
- (f) Road closeout and discontinuance. Maintenance of the water control installations required in Section 15(O-1)(5)(e) must continue until use of the road is discontinued and the road is put to bed by effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to avoid surface water flowing over or under the water bar, and extending a sufficient distance beyond the traveled way so that water does not reenter the road surface.
- (g) Upgrading existing roads. Extension or enlargement of presently existing roads must conform to the provisions of Section 15(O-1). Any nonconforming existing road may continue to exist and to be maintained, as long as the nonconforming conditions are not made more nonconforming.
- (h) Exception. Extension or enlargement of presently existing roads need not conform to the setback requirements of Section 15(O-1)(5)(a) if, prior to extension or enlargement, the landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.
- (i) Additional measures. In addition to the foregoing minimum requirements, persons undertaking construction and maintenance of roads and river, stream and tributary stream crossings must take reasonable measures to avoid sedimentation of surface waters.

- (6) Crossings of waterbodies. Crossings of rivers, streams, and tributary streams must allow for fish passage at all times of the year, must not impound water, and must allow for the maintenance of normal flows.
- (a) Determination of flow. Provided they are properly applied and used for the circumstances for which they are designed, methods including but not limited to the following are acceptable as a means of calculating the 10 year and 25 year frequency water flows and thereby determining water crossing sizes as required in Section 15(O-1): The United States Geological Survey (USGS) Methods; specifically: Hodgkins, G. 1999. Estimating the Magnitude of Peak Flows for Streams in Maine for Selected Recurrence Intervals. U.S. Geological Survey. Water Resources Investigations Report 99-4008. 45 pp.
 - (b) Upgrading existing water crossings. Extension or enlargement of presently existing water crossings must conform to the provisions of Section 15(O-1). Any nonconforming existing water crossing may continue to exist and be maintained, as long as the nonconforming conditions are not made more nonconforming; however, any maintenance or repair work done below the normal high-water line must conform to the provisions of Section 15(O-1).
 - (c) Other Agency Permits. Any timber harvesting and related activities involving the design, construction, and maintenance of crossings on waterbodies other than a river, stream or tributary stream may require a permit from the Land Use Regulation Commission, the Department of Environmental Protection, or the US Army Corps of Engineers.
 - (d) Any timber harvesting and related activities involving the design, construction, and maintenance of crossings of wetlands identified by the Department of Inland Fisheries and Wildlife as essential wildlife habitat require prior consultation with the Department of Inland Fisheries and Wildlife.
 - (e) Notice to Bureau of Forestry. Written notice of all water crossing construction maintenance, alteration and replacement activities in shoreland areas must be given to the Bureau prior to the commencement of such activities. Such notice must contain all information required by the Bureau, including:
 - (i) a map showing the location of all proposed permanent crossings;
 - (ii) the GPS location of all proposed permanent crossings;
 - (iii) for any temporary or permanent crossing that requires a permit from state or federal agencies, a copy of the approved permit or permits; and
 - (iv) a statement signed by the responsible party that all temporary and permanent crossings will be constructed, maintained, and closed out in accordance with the requirements of this Section.
 - (f) Water crossing standards. All crossings of rivers require a bridge or culvert sized according to the requirements of Section 15(O-1)(6)(g)) below. Streams and tributary streams may be crossed using temporary structures that are not bridges or culverts provided:
 - (i) concentrated water runoff does not enter the stream or tributary stream;
 - (ii) sedimentation of surface waters is reasonably avoided;
 - (iii) there is no substantial disturbance of the bank, or stream or tributary stream channel;
 - (iv) fish passage is not impeded; and,
 - (v) water flow is not unreasonably impeded.

Subject to Section 15(O-1)(6)(f)(i-v) above, skid trail crossings of streams and tributary streams when channels of such streams and tributary streams are frozen and snow-covered or are composed of a hard surface which will not be eroded or otherwise damaged are not required to use permanent or temporary structures.

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

(i) Bridges and culverts must be installed and maintained to provide an opening sufficient in size and structure to accommodate 10 year frequency water flows or with a cross-sectional area at least equal to 2 1/2 times the cross-sectional area of the river, stream, or tributary stream channel.

(ii) Temporary bridge and culvert sizes may be smaller than provided in Section 15(O-1)(6)(g)(i) if techniques are effectively employed such that in the event of culvert or bridge failure, the natural course of water flow is maintained and sedimentation of the water body or tributary stream is avoided. Such crossing structures must be at least as wide as the channel and placed above the normal high-water line. Techniques may include, but are not limited to, the effective use of any, a combination of, or all of the following:

1. use of temporary skidder bridges;
2. removing culverts prior to the onset of frozen ground conditions;
3. using water bars in conjunction with culverts;
4. using road dips in conjunction with culverts.

(iii) Culverts utilized in river, stream and tributary stream crossings must:

1. be installed at or below river, stream or tributary stream bed elevation;
2. be seated on firm ground;
3. have soil compacted at least halfway up the side of the culvert;
4. be covered by soil to a minimum depth of 1 foot or according to the culvert manufacturer's specifications, whichever is greater; and
5. have a headwall at the inlet end which is adequately stabilized by riprap or other suitable means to reasonably avoid erosion of material around the culvert.

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

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

- (h) Skid trail closeout. Upon completion of timber harvesting and related activities, or upon the expiration of a Forest Operations Notification, whichever is earlier, the following requirements apply:
- (i) Bridges and culverts installed for river, stream and tributary stream crossings by skid trails must either be removed and areas of exposed soil stabilized, or upgraded to comply with the closeout standards for land management roads in Section 15(O-1)(6)(i) below.
 - (ii) Water crossing structures that are not bridges or culverts must either be removed immediately following timber harvesting and related activities, or, if frozen into the river, stream or tributary stream bed or bank, as soon as practical after snowmelt.
 - (iii) River, stream and tributary stream channels, banks and approaches to crossings of water bodies and tributary streams must be immediately stabilized on completion of harvest, or if the ground is frozen and/or snow-covered, as soon as practical after snowmelt. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.
- (i) Land management road closeout. Maintenance of the water control features must continue until use of the road is discontinued and the road is put to bed by taking the following actions:
- (i) Effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to reasonably avoid surface water flowing over or under the water bar, and extending sufficient distance beyond the traveled way so that water does not reenter the road surface.
 - (ii) Water crossing structures must be appropriately sized or dismantled and removed in a manner that reasonably avoids sedimentation of the water body or tributary stream.
 - (iii) Any bridge or water crossing culvert in roads to be discontinued shall satisfy one of the following requirements:
 - 1. it shall be designed to provide an opening sufficient in size and structure to accommodate 25 year frequency water flows;
 - 2. it shall be designed to provide an opening with a cross-sectional area at least 3 1/2 times the cross-sectional area of the river, stream or tributary stream channel; or
 - 3. it shall be dismantled and removed in a fashion to reasonably avoid sedimentation of the river, stream or tributary stream.
- If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

(7) Slope Table

Filter strips, skid trail setbacks, and land management road setbacks must be maintained as specified in Section 15(O-1), but in no case shall be less than shown in the following table.

Average slope of land between exposed mineral soil and the shoreline (percent)	Width of strip between exposed mineral soil and shoreline (feet along surface of the ground)
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

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

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

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

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

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

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

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:

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

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

The following shall govern in applying this point system:

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

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

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

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

- (d) Pruning of tree branches, on the bottom 1/3 of the tree is allowed.
- (e) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

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

- (3) At distances greater than one hundred (100) feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

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

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

Q. Erosion and Sedimentation Control

- (1) All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
 - (a) Mulching and revegetation of disturbed soil.
 - (b) Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
 - (c) Permanent stabilization structures such as retaining walls or rip-rap.
- (2) In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

- (3) Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
 - (4) Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of 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 (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.
- R. Soils.** All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.
- S. Water Quality.** No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream or wetland.
- T. Archaeological Site.** Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

16. Administration

A. Administering Bodies and Agents

- (1) Code Enforcement Officer. A Code Enforcement Officer shall be appointed or reappointed annually by July 1st.
- (2) Board of Appeals. A Board of Appeals shall be created in accordance with the provisions of 30-A M.R.S.A. section 2691.
- (3) Planning Board. A Planning Board shall be created in accordance with the provisions of State law.

B. Permits Required.

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

- (1) A permit is not required for the replacement of an existing road culvert as long as:
 - (a) The replacement culvert is not more than 25% longer than the culvert being replaced;
 - (b) The replacement culvert is not longer than 75 feet; and
 - (c) Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.
- (2) A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.
- (3) Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

C. Permit Application

- (1) Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.
- (2) All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.
- (3) All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.

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

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

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

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

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

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

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

- (1) There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.
- (2) The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.
- (3) All proposed buildings, sewage disposal systems and other improvements are:
 - (a) Located on natural ground slopes of less than 20%; and
 - (b) Located outside the floodway of the 100-year flood-plain along rivers and artificially formed great ponds along rivers, 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 shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.

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

H. Appeals

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

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

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

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

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

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

(c) The Board shall not grant a variance unless it finds that:

(i) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and

(ii) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:

a. That the land in question cannot yield a reasonable return unless a variance is granted;

b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

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

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

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

- (e) The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.
- (f) A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

(3) Administrative Appeals

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

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

(4) Appeal Procedure

(a) Making an Appeal

- (i) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-related matters as described in Section 16(H)(1)(a) above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.
- (ii) Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:
 - a. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.
 - b. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.

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

(b) Decision by Board of Appeals

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

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

I. Enforcement

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

(2) Code Enforcement Officer

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

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

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

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

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

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).

17. Definitions.

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

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

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

Aquaculture - the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

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

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

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

Bureau – State of Maine Department of Conservation’s Bureau of Forestry

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

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

Coastal wetland – all tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and concurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes. NOTE: All areas below the highest annual tide level are coastal wetlands. These areas may consist of rocky ledges, sand and cobble beaches, mud flats, etc., in addition to salt marshes and salt meadows.

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

Cross-sectional area – the cross-sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream

channel depth. The stream or tributary stream channel width is the straight line distance from the normal high-water line on one side of the channel to the normal high-water line on the opposite side of the channel. The average stream or tributary stream channel depth is the average of the vertical distances from a straight line between the normal high-water lines of the stream or tributary stream channel to the bottom of the channel.

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

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

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

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

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

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

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

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

Expansion of a structure - an increase in the 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 one or more months to a use's operating season; or the use of more floor area or ground area devoted to a particular use.

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

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

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

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

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

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

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

Freshwater wetland - freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

1. Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of 10 acres; and
2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Native – indigenous to the local forests.

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

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

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

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

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

are considered part of the river or great pond. NOTE: Adjacent to tidal waters, setbacks are measured for the upland edge of the "coastal wetland."

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

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

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

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

Principal structure - a 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:

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

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

Recreational vehicle - a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

Replacement system - a system intended to replace: 1.) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2.) any existing overboard wastewater discharge.

Residential dwelling unit - a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that

contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

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

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

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

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

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

Service drop - any utility line extension which does not cross or run beneath any portion of a water body provided that:

1. in the case of electric service
 - a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
 - b. the total length of the extension is less than one thousand (1,000) feet.
2. in the case of telephone service
 - a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
 - b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

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

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

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

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

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

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

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

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

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

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

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

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

Tidal waters- all waters affected by tidal action during the highest annual tide.

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

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

Tributary stream – means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. “Tributary stream” does not include rills or gullies

forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

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

NOTE: Water setback requirements apply to tributary streams within the shoreland zone.

Upland edge of a wetland - the boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the highest annual tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edges 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, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 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.

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.

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

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

1.
APPENDIX B

38 §437. Significant river segments identified

For purposes of this chapter, significant river segments include the following:

- 1. Aroostook River.** The Aroostook River from St. Croix Stream in Masardis to the Masardis and T.10, R.6, W.E.L.S. townline, excluding segments in T.9, R.5, W.E.L.S.; including its tributary the Big Machias River from the Aroostook River in Ashland to the Ashland and Garfield Plantation townlines;
- 2. Dennys River.** The Dennys River from the railroad bridge in Dennysville Station to the dam at Meddybemps Lake, excluding the western shore in Edmunds Township and No. 14 Plantation;
- 3. East Machias River.** The East Machias River from 1/4 of a mile above the Route 1 bridge in East Machias to the East Machias and T.18, E.D., B.P.P. townline, and from the T.19, E.D., B.P.P. and Wesley townline to the outlet of Crawford Lake in Crawford, excluding Hadley Lake;
- 4. Fish River.** The Fish River from the bridge in Fort Kent Mills to the outlet of Eagle Lake in Wallagrass, and from the Portage Lake and T.14, R.6, townline to the Portage Lake and T.13, R.7, W.E.L.S. townline, excluding Portage Lake;
- 5. Machias River.** The Machias River from the Whitneyville and Machias townline to the Northfield T.19, M.D., B.P.P. townline;
- 6. Mattawamkeag River.** The Mattawamkeag River from the outlet of Mattakeunk Stream in Winn to the Mattawamkeag and Kingman Township townline, and from the Reed Plantation and Bancroft townline to the East Branch, including its tributaries the West Branch from the Mattawamkeag River to the Haynesville T.3, R.3, W.E.L.S. townline and from its inlet into Upper Mattawamkeag Lake to the Route 2 bridge; the East Branch from the Mattawamkeag River to the Haynesville and Forkstown Township townline and from the T.4, R.3, W.E.L.S. and Oakfield townline to Red Bridge in Oakfield; the Fish Stream from the Route 95 bridge in Island Falls to the Crystal-Patten townline; and the Baskehegan Stream from its inlet into Crooked Brook Flowage in Danforth to the Danforth and Brookton Township townline;
- 7. Narraguagus River.** The Narraguagus River from the ice dam above the railroad bridge in Cherryfield to the Beddington and Devereaux Township townline, excluding Beddington Lake;
- 8. East Branch of Penobscot.** The East Branch of the Penobscot from the Route 157 bridge in Medway to the East Millinocket and Grindstone Township townline;
- 9. Pleasant River.** The Pleasant River from the railroad bridge in Columbia Falls to the Columbia and T.18, M.D., B.P.P. townline, and from the T.24, M.D., B.P.P. and Beddington townline to the outlet of Pleasant River Lake;
- 10. Rapid River.** The Rapid River from the Magalloway Plantation and Upton townline to the outlet of Pond in the River;
- 11. West Branch Pleasant River.** The West Branch Pleasant River from the East Branch to the Brownville and Williamsburg Township townline; and
- 12. West Branch of Union River.** The West Branch of the Union River from the Route 9 bridge in Amherst to the outlet of Great Pond in the Town of Great Pond.

TOWN OF ADDISON, MAINE

SUBDIVISION ORDINANCE

- A. All Subdivisions in the Town of Addison must be in accordance with M.R.S.A. Title, 30, Section 4956 or any State Laws passed and in effect since.
- B. All applications for any Subdivision must be accompanied by suitable maps, prepared by a registered surveyor who is registered in the State of Maine for that purpose.
 - 1. Maps must show location and identification of the proposed Subdivision.
 - 2. Maps must show each lot of Subdivision, and adjoining property owners.
- C. All applications for any Subdivision must be accompanied by certification of completion of soil tests for each lot on the proposed Subdivision, by a person licensed for that purpose in the State of Maine.
- D. All applications for Subdivisions must be accompanied by Covenant, stating the use of all land, regulations and conditions that will become a part of each deed, of each lot in the Subdivision.
- E. Any lot of a Subdivision shall have not less than two (2) acres in area.
- F. Any lot of a Subdivision must have a minimum of two hundred (200) feet frontage, either water frontage or road frontage.
- G. No one lot of a Subdivision or consecutive lots there-of may have a Water frontage in excess of fifteen hundred (1500) feet without a Right of Way, to be used by the public, said Right of Way to be not less than twenty-five (25) feet wide, extending from the water's edge to a Public Way.

Part III: Subdivision

Section 1. Authority: This part III is enacted pursuant to R.S., 1964, Title 30, Section 4956, as amended.

Section 2. Purpose: This Part III provides for the local administration, with some amendment, of the State law regulating the division of land. Its purpose is to provide for the orderly subdivision of land consistent with the rights of property ownership, the grantees or users of such land, and of the town and its inhabitants in general.

Section 3. Land Regulated by this Part:

- A. Beginning on the effective date of this Part III, the division of a tract or parcel of land into 3 or more lots within a 5-year period for the purpose of sale, lease, gift or other conveyance, or development or building shall be reviewed and approved as provided in this Part III.
- B. Lots in a subdivision not previously approved in accordance with law at the time of their creation and which remain unsold and not subject to an enforceable agreement to convey on the effective date of this Part III are subject to its provisions.

Section 4. Minor Subdivision: The Planning Board shall review an application for the approval of a subdivision containing 5 lots or less in as informal a manner as is consistent with the requirements of Section 6.

Section 5. Subdivision Plan:

- A. An applicant for subdivision approval shall submit a plan of the proposed subdivision in four copies with all dimensions shown in feet, drawn to a scale of one inch equals 50 feet and showing or accompanied at least by the following information:
 - i) Proposed name or identifying title of the subdivision;
 - ii) Name and address of record owner, sub-divider or developer, and surveyor, planner or designer of the plan;
 - iii) Deed description and map or survey of tract boundary made and certified by a registered land surveyor, related to established reference points showing true north point and graphic scale;
 - iv) Municipal land use regulations or zoning designation, if any;
 - v) Number of acres within the proposed subdivision, location of property lines, and existing easements, buildings and underground utilities;
 - vi) Names of all property owners and/or subdivisions immediately adjacent to the proposed whether separated by a public way or a water body;
 - vii) Proposed lot lines with approximate dimensions in conformity with sub-section 6.B of Part II and suggested location and types of land uses or buildings;
 - viii) Location of temporary or permanent markers adequate to enable a ready location and appraisal of the basic layout in the field;
 - ix) Parcels of land to be dedicated to public use or common use of subdivision occupants, including land providing access to a water body and/or for the erection of common wharf or docking facilities in conformity with sub-section 19.B of Part II.

- x) Location, name, width, grade of existing and proposed public streets, rights of way, easements, and points of connection with existing public rights of way in conformity with sub-section 16.B of Part II.
 - xi) Location of all natural features, sites and site characteristics including, but not limited to the following:
 - a) Water bodies and water courses;
 - b) Natural drainage ways;
 - c) Areas important to the recharging or replenishing of underground water sources;
 - d) Wetlands, swamps, marshes, and bogs;
 - e) Spawning grounds, fish, aquatic life, bird and other wild-life habitat;
 - f) Flood plains and areas subject to storm flowage; and,
 - g) Structures, sites, objects, or formations of Historical, archaeological, geological or ecological importance;
 - xii) A soils report in map form superimposed upon the plot plan identifying soils types and slopes and their boundaries in accordance with the USDA Soil Conservation Service classification for Washington County; and,
 - xiii) Locations of tests to ascertain subsurface soil and ground water conditions.
- B. The applicant shall submit other statements, reports, or data sufficient to meet the burden proof as provided in Section 6.
- C. The Planning Board may at any time require additional information in order to perform an adequate review of an application.
- D. The applicant may submit additional information for consideration by the Planning Board until such time as the Board notifies the applicant that it is deciding upon the application.

Section 6. Determination of Subdivision Impact:

A. Water and Air Pollution

1. The applicant shall prove the suitability of the soil of each lot and/or any surface water body for one or more methods or systems of sanitary waste disposal. In considering such proof, the Planning Board shall take into account Sub-sections 6.B and C and Section 7 of Part II demonstrated to be suitable, then the Planning Board shall set forth in its decision on the application that no land use, building or development producing sanitary waste may be constructed or located on such lot or lots unless and until a valid permit for the installation of such method or system has been issued by the appropriate municipal and/or State official.
2. If the disposal of other solid or liquid waste, including animal waste, pesticides, petroleum or petroleum-based materials, is proposed to be carried out within the subdivision, or if the Planning Board reasonably concludes that such disposal is likely to occur; then the applicant shall approve that provision can and will be made for the safe and sanitary disposal of such wastes in accordance with Sections 11, 23 and 13 of Part II and other State and local law.

3. The applicant shall set forth the sources of emission into the air that will be created, if any, which are subject to regulation by the Maine Department of Environmental Protection and shall present a plan or statement approved by the Department of the methods to be used to bring such emissions into compliance with such regulations.

B. Land Protection

1. The applicant shall prove that any excavation, filling, grading, lagooning, dredging, road construction, location of buildings or other development activities and land use proposed, or which the Planning Board reasonably concludes are likely to occur or be carried out in the subdivision, can be carried out in compliance with the provisions of Sub-sections 6.F., G., K., and L. of Part II.
2. The applicant shall prove that the development proposed or likely to occur in the subdivision will not reduce the capacity of the land in, or affected by, the subdivision to hold water, where such reduced capacity would interfere with the recharging of ground water sources or would harm the habitat of wildlife or fish and other aquatic life.
3. The applicant shall prove that the development proposed or likely to occur in the subdivision will not increase the amount of surface water in excess of the amount which can be absorbed, evaporated or transpired from the land within or affected by the subdivision, unless provision is made for the collection and retention of such excess surface water in accordance with Sub-section 6.K(i) of Part II.
4. The applicant shall describe the effects of the subdivision on areas, sites, and objects required to be identified and shown pursuant to Sub-section 5.A(xi), above and shall describe the steps to be taken to prevent their alteration, destruction or other harm.

C. Streets and Access to Highways and Water Bodies

1. The applicant shall prove that the subdivision will not cause an increase, whether seasonal or otherwise, in the types or amount of vehicular traffic so as to endanger or significantly inconvenience the present users of the highways or public roads in the vicinity of the subdivision and throughout the municipality.
2. The location, design, size and number of entrances and exits from the proposed subdivision must be such that movement to and from the subdivision can be accomplished conveniently and safely and without causing frequent, abrupt traffic stoppage on the public ways.
3. In determining whether such proof has been established as required by 1 and 2 above, the Planning Board shall consult with municipal and State highway engineering and safety officials and shall consider, at least, recognized standards of highway adequacy and safety.
4. The applicant shall prove that roads, whether private or public, and points of connection or access from the subdivision to public ways will or can be constructed to provide convenient access to each lot in conformity with the provisions of Sub-section 6.A., F., and L and Section 16 of Part II.
5. The applicant shall prove that the subdivision will have no adverse effect on the use of a public easement or right-of-way to a public water body whether such means of public access was created by deed, grant or use.

D. Water Supply

1. The applicant shall estimate the amount of water required by the subdivision and shall show, either that such water in the amount and quality estimated can be obtained from wells or other ground water sources within the subdivision or, that alternative provisions will or can be made. Such calculations or estimates shall be derived according to State or nationally recognized standards and shall be based upon the nature and extent of the use or uses proposed to be carried out within the subdivision.
2. The applicant shall prove that a water supply adequate for fire protection purposes will or can be provided in the amount and locations deemed necessary by municipal or State fire protection officials.
3. The applicant shall prove that supplying water to meet the requirements set forth in 1. and 2., above, will not significantly diminish the amount or quality of water presently being drawn from sources.

E. Municipal and Other Public Services and Facilities.

1. The applicant shall calculate with reasonable accuracy the cost or burden on, and the anticipated tax revenue or other economic benefit to, the municipality, other governmental bodies or districts and public utilities which the subdivision would cause. Such calculations shall include, without being limited to, the following:
 - a) Elementary and secondary schools;
 - b) Water quality practices;
 - c) Community water supply;
 - d) Fire protection;
 - e) Road maintenance
 - f) Off-street parking;
 - g) Navigation and mooring for commercial and public safety purposes;
 - h) Police protection;
 - i) Telephone and electrical service; and,
 - j) Cultural and recreational facilities.
2. If the subdivision would substantially reduce the amount or quality of such services, exceed the capacity of such facilities, or cause an increase in taxes or other cost of one or more facilities in excess of 10%, on the average, to each taxpayer or rate-payer; then the applicant shall reduce or phase the subdivision or make other provision so as to avoid such effect or effects.
3. Whether the subdivision would cause one or more effects as provided in 2., above, shall be determined in accordance with any plans or policies or operating and capital budgets and reasonable estimates of the municipality, other governmental body or district, or public utility responsible for providing such facility or service, a regional or State planning agency, a regulatory agency and other appropriate officials and experts.

F. Relationship to Other Laws, Ordinances, Regulations and Plans.

1. The applicant shall prove that the subdivision is in conformance with municipal plans and policies which existed as a matter of public record at the time the subdivision application was accepted for review and decision whether or not such plans and policies are required to be publicly adopted.

2. The applicant shall set forth other municipal, State and Federal laws and regulations, if any, applying to the development of the land to be subdivided and shall show in sufficient detail, that the subdivision _____
3. It shall be the sole responsibility of the applicant and not the Planning Board or other municipal officials to identify or interpret the laws and regulations referred to in 2., above.

G. Technical and Financial Capacity of the Applicant

The applicant shall prove that he has or will obtain the qualified engineering, legal, and contracting services, surety, and financing necessary to comply with and carry out all municipal, State and Federal laws and regulations and any requirements that may be imposed by the Planning Board as a condition of subdivision approval.

Section 7. Authority to Adopt Regulations: The Planning Board may, from time to time, adopt regulations further clarifying or defining the requirements set forth in Section 6., above, which regulations shall be in force and effect only from the date posted in the manner provided for the posting of notices in Part IV.

Section 8. Decision: The Planning Board shall issue an order granting or denying approval or granting approval upon such terms and conditions, as it may deem advisable to satisfy the requirements set forth in Section 6., above, and the provisions of Part II, and otherwise to protect and preserve the public, health, safety, and general welfare and land, water, and air quality. Any failure or refusal to decide shall constitute a denial.

Section 9. Recording of Decision and Notice in Offers to Convey:

The applicant shall record in the Registry of Deeds the written decision of the Planning Board in its entirety or shall request a summary of its decision, which summary opinion shall be recorded in its entirety, together with the plot or plan as approved and signed by a majority of the Planning Board.

Section 10. Enforcement:

- A. No person shall convey, offer or agree to convey any land or development in a subdivision which has not been approved with the written decision of the Planning Board, or a summary thereof, in the Washington County Registry of Deeds.
- B. No public utility, water district, sanitary district or any utility company of any kind shall serve any lot in a subdivision for which a plan has not been approved as provided in the Part III.

Section 11. Penalty:

- A. Any person who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by this Part III shall be punished by a fine of not more than \$1000 for each conveyance, offering or agreement.
- B. The Attorney-General, the Town or the appropriate municipal officers, including the Planning Board, may institute proceedings to enjoin the violation of this Part III as provided in R.S., 1964, Title 30, Section 4956, as amended.

Section 12. Notice, Review and Appeal: The procedure for notice, review, and appeal shall be a provided in Part IV.

The above Subdivision Ordinance was enacted on October 22, 1986 at a Special Town Meeting held at 7:00PM at the Addison Town Hall. Signed by Selectmen: Michael Murphy, Virgil Crowley and Lawrence L. Crowley. Lewis Lovejoy was Constable.

FLOODPLAIN MANAGEMENT ORDINANCE

FOR THE

TOWN OF ADDISON, MAINE

ENACTED:

3/21/17
Date

EFFECTIVE:

7/18/17
Date

CERTIFIED BY:

Timothy H. Thompson
Signature

CERTIFIED BY:

TIMOTHY H. THOMPSON
Print Name

CHAIRMAN-ADDISON BOARD OF SELECTMEN
Title

Affix Seal

FLOODPLAIN MANAGEMENT ORDINANCE

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ARTICLE I – PURPOSE AND ESTABLISHMENT

Certain areas of the Town of Addison, 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 Addison, 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 Addison, Maine to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards.

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

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

The areas of special flood hazard, Zones A, AE, and VE for the Town of Addison, Washington County, Maine, identified by the Federal Emergency Management Agency in a report entitled “Flood Insurance Study – Washington County, Maine,” dated July 18, 2017 with accompanying “Flood Insurance Rate Map” dated July 18, 2017 with panels: 1569E, 1588E, 1589E, 1595E, 1782E, 1784E, 1792E, 1794E, 1801E, 1802E, 1803E, 1804E, 1806E, 1807E, 1808E, 1809E, 1811E, 1812E, 1813E, 1814E, 1816E, 1817E, 1818E, 1819E, 1957E, 1959E, 1970E, 1976E, 1977E, 1978E, 1979E, 1981E, 1982E, 1983E, 1984E, 1987E, 1990E, 1992E, and 1995E derived from the county wide digital Flood Insurance Rate Map entitled “Digital Flood Insurance Rate Map, Washington County, Maine,” are hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II - PERMIT REQUIRED

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

ARTICLE III - APPLICATION FOR PERMIT

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

- A. The name, address and phone number of the applicant, owner, and contractor;
- B. An address and a map indicating the location of the construction site;

- C. A site plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;
- D. A statement of the intended use of the structure and/or development;
- E. A statement of the cost of the development including all materials and labor;
- F. A statement as to the type of sewage system proposed;
- G. Specification of dimensions of the proposed structure and/or development;

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

- H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD), or to a locally established datum in Zone A only, of the:
 - 1. base flood at the proposed site of all new or substantially improved structures, which is determined:
 - a. in Zones AE and VE from data contained in the "Flood Insurance Study - Washington County, Maine," as described in Article I; or,
 - b. in Zone A:
 - (1) from any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265), including information obtained pursuant to Article VI.K. and IX.D.; or,
 - (2) in the absence of all data described in Article III.H.1.b.(1), information to demonstrate that the structure shall meet the elevation requirement in Article VI.F.2.b, Article VI.G.2.b. or Article VI.H.2.b.
 - 2. highest and lowest grades at the site adjacent to the walls of the proposed building;
 - 3. lowest floor, including basement; and whether or not such structures contain a basement; and,
 - 4. level, in the case of non-residential structures only, to which the structure will be floodproofed;
- I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article VI;
- J. A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate;

- K. The following certifications as required in Article VI by a registered professional engineer or architect:
1. a Floodproofing Certificate (FEMA Form 81-65, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article III.H.4.; Article VI.G.; and other applicable standards in Article VI;
 2. a V-Zone Certificate to verify that the construction in coastal high hazard areas, Zone VE, will meet the criteria of Article VI.P.; and other applicable standards in Article VI;
 3. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.L.2.a.;
 4. a certified statement that bridges will meet the standards of Article VI.M.;
 5. a certified statement that containment walls will meet the standards of Article VI.N.;
- L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
- M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee of \$50 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, Planning Board, and/or the Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision to hire expert assistance may appeal that decision to the Board of Appeals.

ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Planning Board shall:

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

1. the base flood and floodway data contained in the "Flood Insurance Study - Washington County, Maine," as described in Article I.;
 2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Planning Board shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.b.(1); Article VI.K.; and Article IX.D., in order to administer Article VI of this Ordinance; and,
 3. when the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.1.b.(1), the community shall submit that data to the Maine Floodplain Management Program.
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;
- D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;
- E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;
- F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits, based on the type of development:
1. A two-part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with a Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer or architect based on the Part I permit construction, "as built", for verifying compliance with the elevation requirements of Article VI, paragraphs F, G, H, or P. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,
 2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Article VI.G.1.a., b., and c. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,

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

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

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

ARTICLE VI - DEVELOPMENT STANDARDS

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

- A. **All Development** - All development shall:
 1. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 2. use construction materials that are resistant to flood damage;
 3. use construction methods and practices that will minimize flood damage; and
 4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located to prevent water from entering or accumulating within the components during flooding conditions.
- B. **Water Supply** - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- C. **Sanitary Sewage Systems** - All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
- D. **On Site Waste Disposal Systems** - On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.

- E. **Watercourse Carrying Capacity** - All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.
- F. **Residential** - New construction or substantial improvement of any residential structure located within:
1. Zones AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.
 2. Zone A shall have the lowest floor (including basement) elevated:
 - a. to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.(1); Article V.B.; or Article IX.D., or;
 - b. in the absence of all data described in Article VI.F.2.a, to at least two feet above the highest adjacent grade to the structure.
 3. Zone VE shall meet the requirements of Article VI.P.
- G. **Non Residential** - New construction or substantial improvement of any non-residential structure located within:
1. Zones AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
 - a. be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - c. be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K. and shall include a record of the elevation above mean sea level to which the structure is floodproofed.
 2. Zone A shall have the lowest floor (including basement) elevated:
 - a. to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.(1); Article V.B.; or Article IX.D., or;

- b. in the absence of all data described in Article VI.G.2.a., to at least two feet above the highest adjacent grade to the structure; or,
- c. together with attendant utility and sanitary facilities, be floodproofed to one foot above the elevation established in Article VI.G.2.a. or b., and meet the floodproofing standards of Article VI.G.1.a., b., and c.

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

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

1. Zones AE shall:

- a. be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation;
- b. be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,
- c. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:
 - (1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,
 - (2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).
 - (3) all components of the anchoring system described in Article VI.H.1.c.(1) & (2) shall be capable of carrying a force of 4800 pounds.

2. Zone A shall:

- a. be elevated on a permanent foundation, as described in Article VI.H.1.b., such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.(1); Article V.B.; Article IX.D.; or
- b. in the absence of all data described in Article VI.H.2.a., to at least two feet above the highest adjacent grade to the structure; and
- c. meet the anchoring requirements of Article VI.H.1.c.

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

I. Recreational Vehicles - Recreational Vehicles located within:

1. Zones A and AE, shall either:

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

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

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

1. have unfinished interiors and not be used for human habitation;
2. have hydraulic openings, as specified in Article VI.L.2., in at least two different walls of the accessory structure;
3. be located outside the floodway;
4. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,
5. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.

K. Floodways -

1. In Zone AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's Flood Insurance Rate Map unless a technical evaluation certified by a registered professional-engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. In Zones AE and A riverine areas, for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development

shall not be permitted in the floodway as determined in Article VI.K.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:

- a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,
 - b. is consistent with the technical criteria contained in FEMA's guidelines and standards for flood risk analysis and mapping.
3. In Zones AE and A riverine areas, for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

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

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

4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.
- M. **Bridges** - New construction or substantial improvement of any bridge in Zones A, AE, and VE shall be designed such that:
1. when possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation; and
 2. a registered professional engineer shall certify that:
 - a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.K.; and
 - b. the foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.
- N. **Containment Walls** - New construction or substantial improvement of any containment wall located within:
1. Zones A, AE, and VE shall:
 - a. have the containment wall elevated to at least one foot above the base flood elevation;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K.
- O. **Wharves, Piers and Docks** - New construction or substantial improvement of wharves, piers, and docks are permitted in Zones A, AE, and VE, in and over water and seaward of the mean high tide if the following requirements are met:
1. wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and
 2. for commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.
- P. **Coastal Floodplains** -

1. All new construction located within Zones AE and VE shall be located landward of the reach of mean high tide except as provided in Article VI.P.6.
2. New construction or substantial improvement of any structure located within Zone VE shall:
 - a. be elevated on posts or columns such that:
 - (1) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to one foot above the base flood elevation;
 - (2) the pile or column foundation and the elevated portion of the structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components; and,
 - (3) water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state and local building standards.
 - b. have the space below the lowest floor:
 - (1) free of obstructions; or,
 - (2) constructed with open wood lattice-work, or insect screening intended to collapse under wind and water without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting piles or columns; or,
 - (3) constructed to enclose less than 300 square feet of area with non-supporting breakaway walls that have a design safe loading resistance of not less than 10 or more than 20 pounds per square foot.
 - c. require a registered professional engineer or architect to:
 - (1) develop or review the structural design, specifications, and plans for the construction, which must meet or exceed the technical criteria contained in the *Coastal Construction Manual*, (FEMA-55); and,
 - (2) certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the criteria of Article VI.P.2.
3. The use of fill for structural support in Zone VE is prohibited.
4. Human alteration of sand dunes within Zone VE is prohibited unless it can be demonstrated that such alterations will not increase potential flood damage.
5. The area below the lowest floor shall be used solely for parking vehicles, building access, and storage.

6. Conditional Use - Lobster sheds and fishing sheds may be located seaward of mean high tide and shall be exempt from the elevation requirement in Article VI.G. only if permitted as a Conditional Use following review and approval by the Planning Board, as provided in Article VII, and if all the following requirements and those of Article VI.A., VI.K., and VI.L. are met:
 - a. The conditional use shall be limited to low value structures such as metal or wood sheds 200 square feet or less and shall not exceed more than one story.
 - b. The structure shall be securely anchored to the wharf or pier to resist flotation, collapse; and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.
 - c. The structure will not adversely increase wave or debris impact forces affecting nearby buildings.
 - d. The structure shall have unfinished interiors and shall not be used for human habitation.
 - e. Any mechanical, utility equipment and fuel storage tanks must be anchored and either elevated or floodproofed to one foot above the base flood elevation.
 - f. All electrical outlets shall be ground fault interrupt type. The electrical service disconnect shall be located on shore above the base flood elevation and when possible outside the Special Flood Hazard Area.

ARTICLE VII - CONDITIONAL USE REVIEW

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

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

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

5. The applicant shall be notified by the Planning Board in writing over the signature of the Chairman of the Planning Board that flood insurance is not available for structures located entirely over water or seaward of mean high tide.

B. Expansion of Conditional Uses

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

ARTICLE VIII - CERTIFICATE OF COMPLIANCE

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

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

ARTICLE IX - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

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

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

- B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.
- C. Adequate drainage is provided in order to reduce exposure to flood hazards.
- D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.
- E. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area, are to be constructed in accordance with Article VI of this ordinance. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

ARTICLE X - APPEALS AND VARIANCES

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

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

- A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances shall be granted only upon:
 - 1. a showing of good and sufficient cause; and,
 - 2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,
 - 3. a showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and,
 - 4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:

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

G. Appeal Procedure for Administrative and Variance Appeals

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

ARTICLE XI - ENFORCEMENT AND PENALTIES

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

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

ARTICLE XII - VALIDITY AND SEVERABILITY

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

ARTICLE XIII - CONFLICT WITH OTHER ORDINANCES

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

ARTICLE XIV - DEFINITIONS

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

Accessory Structure - means a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure.

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

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

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

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

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

Building - see **Structure**.

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

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

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

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

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

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

Elevated Building - a non-basement building that is:

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

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

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

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

Flood or Flooding

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - 1. The overflow of inland or tidal waters.

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

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

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

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

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

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

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

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

Floodway - see **Regulatory Floodway**.

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

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

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

Historic Structure - means any structure that is:

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

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

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

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

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

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

Minor Development - means all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or

materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

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

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

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

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

Recreational Vehicle - a vehicle that is:

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

Regulatory Floodway –

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

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

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

Start of Construction - the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the

construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

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

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

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

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

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

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

ARTICLE XV - ABROGATION

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

60.3 (e) Rev. 01/17
Prepared by DACF/JP

HARBOR AND COASTAL WATER ORDINANCE

FOR THE

TOWN OF ADDISON, MAINE 04606

ENACTED: MARCH 11, 1997

AMENDED: MARCH 10, 1998

AMENDED: MAY 13, 1998

AMENDED: MARCH 12, 2002

AMENDED: MARCH 9, 2004

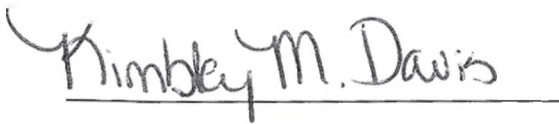
AMENDED: MARCH 8, 2005

AMENDED: MARCH 21, 2017

AMENDED: JANUARY 12, 2018

AMENDED: MARCH 21, 2018

ATTEST: A TRUE COPY

A handwritten signature in dark ink, reading "Kimbley M. Davis", is written over a horizontal line.

**KIMBLEY M. DAVIS
TOWN CLERK
ADDISON, MAINE**

Harbor & Coastal Water Ordinance for the Town of Addison

Being ordered by the Board of Selectmen of the Town of Addison, Maine that the following revised Harbor Ordinance be enacted:

Article I General Provisions

Section 1 Definition of Purpose

The purpose of this Ordinance is to provide for the just and orderly operation of marine activities in the Town of Addison for the economic and enjoyment benefit of all the town citizens and others, as may be authorized by this committee. This ordinance is to establish regulations for marine activities within the harbors, waterways and tidal waters of the Town of Addison, Maine in order to ensure safety to persons and property, to promote availability and use of a valuable public resource and to create a fair and efficient framework for the administration of the resource. This revised ordinance shall be subordinate to existing Federal and State laws governing the same matters and is not intended to preempt other valid laws.

Section 2 Harbor Limits and Designated Mooring areas

Addison Harbors shall include all designated mooring areas of the tidal territorial waters with the Town of Addison.

The Town of Addison may from time to time include or delete other tidal areas under this Ordinance as necessary to promote and regulate this public resource.

Designated Anchorage and Mooring areas are, but not limited to:

Eastern Inner Harbor shall include all of the tidal waters north and east of the line from the point commonly known as Lems Point across the Harbor to the point commonly known as Donovan Point.

Otter Cove in Eastern Harbor commencing at 44E 30.35'N, 67E 43.60'W (Ledges south of Lems Point) on a SSW course for the red nun buoy #4 to 44E 30.15'N, 67E 43.75'W and turning easterly to 44E 30.04'N, 67E 43.60'W (Lakeman Point south to Ed Greaves wharf) Note: No moorings shall be placed within a 200 foot radius from the outer end float of the Town Landing.

Cape Split Harbor also known as Comey Cove.

Addison Point Harbor shall include the waters of the Pleasant River from a point adjacent to the Riverbend Apartments easterly to the Addison fixed bridge.

Bar Island

East & West River (Basin Crowley Island)
John White

Marsh Harbor

Merritt Cove

Narrows

Ports Harbor

Wass Cove

Wohoa Bay

Section 3 Harbor Masters

The Board of Selectmen appoints the Harbor Masters annually. Title 38, M.R.S.A., describes certain duties and responsibilities of this office. The Harbor Masters have the duty to Administer, enforce, or direct the enforcement of the provisions of this Ordinance with the authority granted by law and through their appointments as Harbor Masters.

******Amended. 1-12-18 The Board of Selectmen appoints one (1) Harbor Master annually. Title 38, M.R.S.A., describes certain duties and responsibilities of this office. The Harbor Master has the duty to Administer, enforce, or direct the enforcement of the provisions of this Ordinance with the authority granted by law and through the appointment as Harbor Master.***

If it should become necessary to compensate the Harbor Masters the Board of Selectmen shall make a request for same at the annual Addison town meeting. (Does this need to be amended?)

In addition to the duties prescribed under Title 38, M.R.S.A., the Harbor Masters shall be overseers of the Town's waterfront facilities such as moorings, floats, docks, ramps, and channels. He/she shall make recommendations to the Harbor Committee for maintenance and improvements to all town-owned waterfront facilities. He/she shall have full authority to enforce all harbor regulations affecting the waterfront to the fullest extent permitted by law.

******Amended. 1-12-18 In addition to the duties prescribed under Title 38, M.R.S.A., the Harbor Master shall be overseer of the Town's waterfront facilities such as moorings, floats, docks, ramps, and channels. He/she shall make recommendations to the Harbor Committee for maintenance and improvements to all town-owned waterfront facilities. He/she shall have full authority to enforce all harbor regulations affecting the waterfront to the fullest extent permitted by law.***

Section 4 Town of Addison Harbor Committee

The Harbor Committee shall consist of five (5) members appointed by the Board of Selectmen.

******Amended. The Harbor Committee shall consist of seven (7) members appointed by the Board of Selectmen.***

*****Amended. 3-21-18** *The Harbor Committee shall consist of five (5) members and two (2) alternates appointed by the Board of Selectmen.*

~~Harbor Committee members shall be appointed for two (2) years with overlapping terms so that approximately half the membership shall be subject to change each year.~~

*****Amended. 3-21-18** *Harbor Committee members shall be appointed annually.*

Harbor committee members shall be citizens of the Town of Addison and shall represent as many diverse interests in the harbor as possible. (i.e. commercial boat owner, abutting land and business owners, recreational boat owners.)

The duties of the Harbor Committee shall consist of harbor planning, operation and regulation except for the duties of the Harbor Masters which are set forth in the Maine Revised Statutes and this Ordinance. They shall make recommendation to the Board of Selectmen and the Planning Board consistent with their duties. Such recommendation shall include but not necessarily be limited to fees and the operational budget for waterfront facilities controlled by the Town.

A chairman of the Harbor Committee shall be chosen from the membership by a vote of the Committee. The Chairman, the Harbor Masters, or the Board of Selectmen may call meeting of the committee.

The Harbor Committee shall also sit as a Board of Appeals to hear the appeal of any person aggrieved by any decision, act, or failure to act of the Harbor Masters. Application to have the committee hold a hearing regarding any appeal must be made within thirty (30) days of the incident, which precipitated the appeal. An appeal to the Board of Selectmen regarding a decision by the Committee must be made within seven (7) days of the Committee's decision. All applications for appeals must be made to the Town Clerk.

Section 5 Invalidity Provisions

IF any provision or clause of the ordinance or application thereof to any person, persons, or circumstances is held invalid, such invalidity shall not offset other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end provisions of this ordinance are declared separable.

Nothing herein shall be considered as conflicting with federal or state laws applicable to the tidal waters of the state.

Section 6

This Ordinance may be amended, deleted, or added to if deemed necessary by a majority vote of the legislative body.

Article II Definitions

1. **Anchorage:** Shall mean an area of the harbor set aside for permanent moorings or for the temporary anchoring of boats and vessels.
2. **Channel:** Shall mean areas of Harbors or Tidal Rivers kept open for navigation, providing access or other purpose by this ordinance.

3. **Commercial Vessel:** Shall mean any vessel used or engaged for any type of commercial venture, including but not limited to fishing or the carrying of cargo and/or passengers for hire.
4. **Floats:** Shall mean any floating structure normally used as point of transfer for passengers and goods and/or for mooring purposes and/or for storage purposes.
5. **Jurisdiction:** Shall apply to all tidal water and to all land areas at an elevation below the normal high water mark in the Town.
6. **Moored Float:** Shall mean platform, not attached to or associated with a pier or wharf, that floats and is anchored, moored, or otherwise secured and is used as a berth or other purpose.
7. **Mooring:** Shall mean a semi-permanent, adequate means of securing a vessel to the bottom in an anchorage.
8. **Non-Resident:** Shall mean all persons without a residence in the Town of Addison.
9. **Resident:** Shall mean any person who has been domiciled in this municipality for at least six (6) months prior to the time his claim of such residence is made.
****Amended 3-10-98. Resident shall mean any person who has been domiciled in this municipality for at least six (6) months prior to the time his chain of such residence is made.*
10. **Riparian Owner:** Shall mean an owner of a parcel of land located in the Town of Addison that borders upon the water as described in Article I, Section 2.
11. **Shore:** Shall mean that part of the land in immediate contact with a body of water, including the area between the high and low water lines.
12. **Shall and May:** As used in this document “shall” is mandatory. “May” is permissive.
13. **State:** Shall mean the State of Maine.
14. **Stray Vessel:** Shall mean (1) an abandoned vessel; (2) a vessel the owners of which is unknown; or (3) a vessel underway without a competent person in command.

Article III Harbor Facilities & Regulations for Use

Section 1: General Provisions

Liability. The operation of any vessel within the harbor area in excess of posted speed limits or, in absence of such limits, in a manner to create a wash that endangers persons or property, shall constitute a violation of this Ordinance.

Any person using the facilities within the limits of a harbor or maritime facility shall assume all risk of damage or loss to his/her property and the Town of Addison assumes no risk on account of fire, theft, Act of God, or damages of any kind to vessels within the harbor or maritime facility.

Usage. No person shall loiter, create a public nuisance, or partake of alcoholic beverages on a town float, pier, wharf, ramp, or landing. No person shall be allowed on these facilities after 10:00 p.m. and before 5:00 a.m. unless going to or from a vessel. In addition there shall be no overnight camping ~~or overnight parking at either of the Addison Town Landing facilities.~~

**** Amended. No person shall loiter, create a public nuisance, or partake of alcoholic beverages on a town float, pier, wharf, ramp, or landing. No person shall be allowed on these facilities after 10:00 p.m. and before 5:00 a.m. unless going to or from a vessel. In addition there shall be no overnight camping. No overnight parking is allowed except for parking in designated areas with written permission of the Harbor Master.*

****Amended. 3-21-18 No person shall loiter, create a public nuisance, or partake of alcoholic beverages on a town float, pier, wharf, ramp, or landing. No person shall be allowed on these facilities after 10:00PM or after 5:00AM unless going to or from a vessel. In addition there shall be no overnight camping. Limited overnight parking is allowed in designated areas with permission from the Harbor Master.*

Access. It shall be unlawful to obstruct by any means whatsoever the free use of a town float, pier, wharf, or land, or any common landing place for a period longer than is reasonably necessary for this purpose. The Harbor Masters shall remove or cause to be removed any unattended vessel obstructing free use of said areas after due effort has been made to notify the owner of said vessel of the above violation. The vessel owner shall be responsible for all costs associated with said removal.

1-1 Addison Town Landing Facilities:

A. Use. The Town Landing facilities are to be used primarily for the loading and unloading of gear, supplies, equipment, seafood products and other such related used as may be permitted by the Town of Addison.

B. Time Limits. No vessel other than a tender shall be made fast to a town float, pier, wharf or landing except for a reasonable time required for loading and unloading. Exceptions may be made only by permission from the Harbor Master of the affected area.

C. Pole Fishing. Pole fishing from these facilities shall be allowed during the hours from sunrise to sunset providing it does not interfere with watercraft usage of these facilities.

D. Swimming or Diving. No person shall engage in swimming and or diving from these town facilities or any watercraft moored in any manner from said facilities, exception being only made for the purpose of repairing and/or maintaining watercraft or repairing watercraft and said diving shall be conducted with proper safety signals and flags.

E. Storage. These facilities are not to be used for the storage of gear, traps, drags and other equipment. No drags, or other equipment shall be allowed to obstruct the launching ramps or otherwise be placed in such a manner that will inhibit access to the floats or the approach to the launching areas.

****Amended. These facilities are not to be used for the storage of gear, traps, drags and other equipment. No drags, or other equipment shall be allowed for no more than a period of 24 hours to obstruct the launching ramps or otherwise be placed in such a manner that will inhibit access to the floats or the approach to the launching areas.*

******Amended. 3-21-18*** These facilities are not to be used for the storage of personal and commercial property, including but not limited to vessels, gear, traps, drags, smelt huts, and other equipment. No drags or other equipment shall be allowed to obstruct the launching ramp or otherwise be placed in such a manner that will inhibit access to the floats or approach to the launching areas at any time. Violation of this article will result in a per day fine as defined by the Addison Board of Selectmen annually.

F. Skiffs and Tenders. Skiffs and tenders tied to the town floats are to be kept tied to the float in the area designated for tie up of these tenders. Skiffs and tenders are to be used for access to vessels moored in these anchorages. No vessel other than skiffs and tenders shall be left tied to floats in the skiff landing areas. The skiffs and tenders secured to the floats must be properly maintained, be kept bailed, and secured in such a manner so as to keep access to the floats clear and not interfere with vessels landing and departing.

G. Cleanup. Users are responsible for promptly cleaning up any spillage or untidiness resulting from operations on and around these facilities.

H. Abuse of Privileges. Failure to observe these regulations may result in the loss of permission to use these facilities.

1. Violation of any of the provisions of this ordinance shall be deemed a civil violation. Violations referring to this ordinance are enforceable by the Harbor Masters or any other Law Enforcement Officer with jurisdiction in Addison by a Civil Action in the District Court to recover a fine of not less than \$25.00 nor more than \$500.00
2. If the Harbor Master incurs costs in the conduct of his duty as a direct result of a failure of a vessel owner or operator to comply with the laws and regulations, the Harbor Master may recover those costs and reasonable remuneration for his time by filing a civil complaint against such owner or operator in district Court.

Section 2: Harbor Mooring Fees:

The annual mooring fee charged residents shall be \$10.00 per mooring and the non-resident shall be \$30.00 per mooring provided that the mooring shall not be rented by the assignee to any other user for any length of time. All succeeding moorings will be 1.5 times the amount of the previous mooring fee.

******Amended 3/9/04.*** The annual resident fee \$15.00 for the first mooring and annual fee for non-residents shall be \$40.00 for the first mooring. Additional moorings will be 1.5 times for each succeeding mooring. Effective January 2005.

******Amended 3/8/05.*** The annual mooring fee charges residents shall be \$20.00 per mooring and the non-resident shall be \$50.00 per mooring provided that the mooring shall not be rented by the assignee to any other user for any length of time.

******Amended 3/21/17.*** The annual mooring fee charged residents shall be \$50.00 per mooring and the non-resident shall be \$125.00 per mooring provided that the mooring shall not be rented by the assignee to any other user for any length of time. Effective January 2018.

All mooring permits will expire the 31st day of December each year and issuance thereof will commence on January 1st each year. Each mooring will require an application on file at the Addison town office to identify the owner, type and location of mooring.

******Amended 5/13/98.*** All mooring permits will expire the 30th day of April each year and issuance thereof will commence on May 1st each year. Mooring fees unpaid by August 1st will be

considered overdue, in default and subject to action as specified in the Addison Harbor Ordinance. Each mooring will require an application on file at the Addison Town Office to identify the owner, type, and location of the mooring.

*****Amended 3/12/02.** *To change the mooring fee date May 1st through April 30th each year to January 1st through December 31st each year.*

*****Amended 3/21/17.** *To the change the mooring fees overdue date from August 1st to January 1st of the following year.*

Mooring fees unpaid by August 1st will be considered overdue, in default and subject to action as specified in the Addison Harbor Ordinance. Each mooring will require an application on file at the Addison town office to identify the owner, type, and location of the mooring.

*****New Addition 3/8/05** Rental Mooring Fees: The annual mooring fee for rental moorings shall be \$100.00 per mooring.

Article IV Regulations Concerning Anchoring, Mooring and Security of Vessels

Section 1: Classification of mooring privileges (As in accordance with Title 38, Maine Revised Statutes Annotated (M.S.R.A.))

1. Shorefront owner request for location immediately adjacent to frontage.
2. Resident commercial vessel owners.
3. Resident pleasure vessel owners.
4. Resident vessel owners with multiple locations.
5. Non-resident commercial vessel owners.
6. Non-resident pleasure vessel owners.

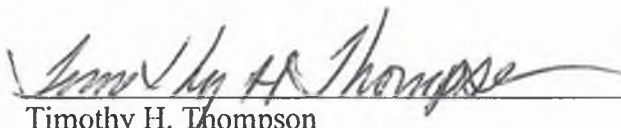
All other mooring privileges shall be assigned on a first-come, first-served basis from the waiting list maintained by the Harbor Masters. If, however, the Harbor Masters receive more applications for mooring privileges than there are mooring spaces, the Harbor Masters shall assign spaces as they become available from said waiting list in the order in which such names were placed on the waiting list in accordance with Title 38, M.R.S.A.

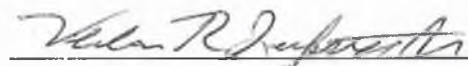
Locating: No person shall place or move a mooring or anchorage within the harbor without obtaining permission of the Harbor Masters who shall designate the location in which said mooring shall be placed with terms and conditions of such use.


This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the Harbor and Coastal Water Ordinance for the Town of Addison.

This Ordinance shall become effective when enacted by the voters of the Town of Addison.

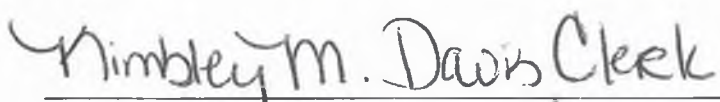
We, the Selectmen of the Town of Addison certify that this is a true copy of the updated Harbor and Coastal Water Ordinance for the Town of Addison.


Timothy H. Thompson


Verlan R. Lenfestey Jr.


Thomas W. Batson

Attest: A True Copy


Kimbley M. Davis, Clerk

DATE/TIME RECEIVED _____ PERMIT# _____

ADDRESS: _____

Legal residency (City, State) _____

3. Old Mooring Relocation from _____ part of the harbor
(Fill out only 1, 2, or 3 above whichever is applicable)

Last Inspected _____ By Whom _____

BOAT REG/DOC# _____ NAME OF BOAT _____ MAKE _____

Type of Vessel (Circle) Lobster Dragger Day Cruiser Sail Other _____

Size of Bottom Chain _____ Length of Bottom Chain _____ Size of Bridle _____

Length of Bridle _____ Identification: Color of Marker Buoy _____

I will comply with the Harbor and Coastal Water Ordinance for the Town of Addison and understand all the requirements.

Signed _____ Date _____

REQUEST APPROVED: _____ Date _____

10

PERMIT FOR BOAT MOORING LOCATION

PERMIT# _____

From: Harbor Master, Town of Addison, Maine

To: _____ Address: _____

Permission is granted to you to set _____ boat mooring of the following type and size:

TYPE: _____ WEIGHT: _____ SIZE OF CHAIN: _____

LENGTH OF CHAIN: _____ SIZE OF BRIDLE: _____

LENGTH OF BRIDLE: _____

Location of mooring to be at _____

I, the undersigned, agree to supply adequate mooring gear of not less than what is set forth in this permit and also to maintain my mooring as set forth by the Town Ordinance and State Statutes that apply.

Permit numbers must be affixed to mooring float in at least three (3) inch letters of a contrasting color.

In the event of transfer, sale or discontinuance of the mooring, the Harbor Master will be given notice of the same.

Signed: _____
Owner

Permit granted and issued by: _____ Date: _____
Harbor Master

Section 2:

Minimum New Mooring Requirements:

Size of Boat	<u>Up to 16'</u>	<u>17'-25'</u>	<u>26'-30'</u>	<u>31'-36'</u>	<u>over 36'</u>
Weight of Block	300#	500#	1500#	3000#	3500# - 4000#
Size of Chain:					
-Top (optional)	3/8"	1/2"	1/2"	1/2"	1/2"
-Bottom	1/2"	1/2"	1"	1"	1"
Size of Nylon Bridle	1/2"	1/2"	3/4"	1"	1"
Length of Mooring	3:1 ratio or Harbor Masters discretion				

The Harbor Committee approves a 3:1 ratio for permanent moorings in most of the approved designated mooring areas. It is the Harbor Masters discretion of the following specifications:

Note:

The minimum recommendation of mooring equipment as follows is only a guide to assist you in designing your mooring if you have questions concerning adequate equipment consult with your area harbor master.

Granite block or mushroom anchor (of ample size/weight)

Heavy chain bottom 1.5 times maximum depth

Light chain or nylon 1.0 times maximum depth (if floatation buoy is used)

Bridle 2.5 times chock to waterline if coming off a floatation buoy

Bridle or rider coming off bottom chain must be heavy nylon and of sufficient length to provide proper ratio as listed above.

Anyone with a boat 45' in size and over must see Harbor Masters for instructions.

All existing moorings and temporary anchors and all mooring to be set in the future shall be of sufficient size to hold the vessel for which they are to be used. All moorings and their locations shall be approved by the Harbor Masters. Boat and/or mooring owners will be liable for any damage caused by faulty, inadequate, or improperly placed moorings.

All mooring buoys will be marked with a permanent name tag and/or number assigned to the owner by the Harbor Master.

**TOWN OF ADDISON, MAINE MORATORIUM
ORDINANCE ON RETAIL MARIJUANA ESTABLISHMENTS AND RETAIL
MARIJUANA STORES AND RETAIL MARIJUANA SOCIAL CLUBS**

ENACTED: 3/20/18

ATTEST: A TRUE COPY

Kimbley Davis

Kimbley Davis



WHEREAS, the “Marijuana Legalization Act,” has become law in Maine, codified in the Maine Revised Statutes in Title 7, chapter 417; and

WHEREAS, the Marijuana Legalization Act (hereinafter, “Act”) authorizes municipalities to regulate the number of retail marijuana stores and the location and operation of retail marijuana social clubs and retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, as those terms are defined in the Act, as well as providing the option to prohibit the operation of retail marijuana social clubs and retail marijuana establishments, including stores, cultivation facilities, manufacturing facilities and testing facilities, within their jurisdiction; and

WHEREAS, the proposed Act will not limit the privileges or rights afforded by the Maine Medical Use of Marijuana Act (22 M.R.S.A. §§ 2421 – 2430-B) to qualifying patients, primary caregivers, or registered dispensaries, including cultivation facilities associated with any of those classifications; and

WHEREAS, Addison’s current ordinances do not include any regulations related to retail marijuana stores, retail marijuana establishments or retail marijuana social clubs under the proposed new Act; and

WHEREAS, the unregulated location and operation of retail marijuana establishments, retail marijuana stores and retail marijuana social clubs within Addison of Addison, Maine raises legitimate and substantial questions about the impact of such establishments, stores and social clubs on Addison, including questions about the compatibility of retail marijuana establishments, retail marijuana stores and retail marijuana social clubs with existing uses and development in residential, commercial and industrial zoning districts; the potential adverse health and safety effects of retail marijuana establishments, retail marijuana stores and retail marijuana social

clubs on the community if not properly regulated; the possibility of illicit sale and use of marijuana and marijuana products to minors and misuse of marijuana and marijuana products by those who would abuse the uses authorized under the Act; potential criminal activity associated with the cultivation, manufacturing, sale and use of marijuana and marijuana products for non-medicinal purposes and the potential increased burden on Addison's police and fire departments; and the adequacy of Addison's streets and infrastructure to accommodate the additional traffic and/or population that may result from the presence of retail marijuana establishments, retail marijuana stores or retail marijuana social clubs; and

WHEREAS, the possible effect of the location and operation of retail marijuana establishments and/or retail marijuana stores and/or retail marijuana social clubs within Addison has potentially serious implications for the health, safety and welfare of Addison and its residents; and

WHEREAS, Addison needs time to review the Act and to review its own ordinances to determine the implications of future proposed retail marijuana establishments and/or retail marijuana stores and/or retail marijuana social clubs to develop reasonable ordinances governing the location and operations of such establishments and stores and social clubs to address the concerns cited above; and

WHEREAS, Addison's current ordinances are insufficient to prevent serious public harm that could be caused by the unregulated development of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs and other uses authorized by the Act, thereby necessitating a moratorium; and

WHEREAS, the board of municipal officers, the administration and the planning board, with the professional advice and assistance of local and regional law enforcement agencies, shall study Addison's current ordinances to determine the land use and other regulatory implications of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs and consider what locations, if any, and conditions of approval, if any, might be appropriate for such uses; and

WHEREAS, a moratorium is necessary to prevent an overburdening of public facilities that is reasonably foreseeable as the result of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs and other uses authorized by the Act, being located in Addison; and

WHEREAS, it is anticipated that such a study, review, and development of recommended ordinance changes will take at least one hundred and eighty (180) days from the date Addison enacts this Moratorium Ordinance on retail marijuana establishments and retail marijuana stores and retail marijuana social Clubs;

NOW, THEREFORE, be it ordained by the legislative body of Addison of Addison, Maine, that the following Moratorium Ordinance on retail marijuana establishments and retail marijuana stores and retail marijuana social clubs be, and hereby is, enacted, and, in furtherance thereof, the legislative body does hereby declare a moratorium on the location, operation or licensing of any retail marijuana social clubs and any retail marijuana establishments, including

retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, within the Town.

This Moratorium Ordinance shall take effect, once enacted by the legislative body, but shall be applicable as of January 22, 2018 as expressly provided below. The moratorium shall remain in effect for one hundred and eighty (180) days from the date of applicability of this Ordinance, unless extended, repealed, or modified by the legislative body, for the express purpose of drafting an amendment or amendments to Addison's current ordinances to protect the public from health and safety risks including, but not limited to, compatibility of retail marijuana establishments, retail marijuana stores and retail marijuana social clubs with existing and permitted uses in residential, commercial and industrial zoning districts; the correlation of retail marijuana establishments, retail marijuana stores and retail marijuana social clubs with medical marijuana cultivation facilities and dispensaries, all as defined in the Act; the potential adverse health and safety effects of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs on the community if not properly regulated; the possibility of illicit sale and use of marijuana and marijuana products to minors and misuse of marijuana and marijuana products by those who would abuse the uses authorized under the new law; criminal activity associated with the cultivation, manufacturing, sale and use of marijuana and marijuana products for non-medicinal purposes and the potential increased burden on the public safety agencies serving Addison in responding to the same; and the adequacy of Addison's infrastructure to accommodate the additional traffic and/or population that may result from the presence of retail marijuana establishments or retail marijuana stores or retail marijuana social clubs in Addison.

BE IT FURTHER ORDAINED, that this Ordinance shall apply to retail marijuana stores and retail marijuana social clubs and retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, as those terms are defined by the Act, codified at 7 M.R.S.A. §§ 2442 (36), (38), (39), (40) (41), that may be proposed to be located within Addison on or after the January 22, 2018 applicability date of this Ordinance; and

BE IT FURTHER ORDAINED, that notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, this Ordinance, when enacted, shall govern any proposed retail marijuana establishments or retail marijuana stores or retail marijuana social clubs for which an application for a building permit, Certificate of Occupancy, site plan or any other required approval has not been submitted to and granted final approval by the Code Enforcement Officer, Planning Board or other Municipal official or board prior to the applicability date of this Ordinance; and

BE IT FURTHER ORDAINED, that no person or organization shall develop or operate a retail marijuana establishment or retail marijuana store or retail marijuana social club within Addison on or after the effective date of this Ordinance without complying with whatever ordinance amendment or amendments the legislative body may enact as a result of this Moratorium Ordinance; and

BE IT FURTHER ORDAINED, that during the time this Moratorium Ordinance is in effect, no officer, official, employee, office, administrative board or agency of Addison shall accept, process, approve, deny, or in any other way act upon any application for a license,

building permit or any other type of land use approval or permit and/or any other permits or licenses related to a retail marijuana establishment or retail marijuana stores or retail marijuana social club; and


BE IT FURTHER ORDAINED, that those provisions of Addison's ordinances that are inconsistent or conflicting with the provisions of this Ordinance, are hereby repealed to the extent that they are applicable for the duration of the moratorium hereby ordained, and as it may be extended as permitted by law, but not otherwise; and

BE IT FURTHER ORDAINED, that if retail marijuana establishments or retail marijuana stores or retail marijuana social clubs are established in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance, and Addison shall be entitled to all rights available to it in law and equity, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney's fees and costs in prosecuting any such violations; and

BE IT FURTHER ORDAINED, that should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

Given under our hands this 20th day of March, 2018


Timothy H. Thompson, Selectman


Thomas Batson, Selectman


Verlan R. Lenfestey Jr., Selectman

TOWN OF ADDISON

**BUILDING CODE FOR MOBILE HOME
PARKS**

ENACTED APRIL 22, 1980

ATTEST: A TRUE COPY

NANCY HICKS
TOWN CLERK

MARCH 25, 1997

ARTICLE

Shall an ordinance entitled "Building Code for Mobile Home Parks" be enacted for the town of Addison? Proposed code listed below.

Text of proposed ordinance to read as follows, and does not apply to existing mobile homes and mobile home parks.

GENERAL PROHIBITIONS:

- A. No mobile home shall be permitted to locate in a duly licensed mobile home park which does not meet the minimum standards set forth in publication N.F.P.A. No. 501a, a standard for Fire Protection in Trailer Courts for Mobile Homes.
- B. No persons, firm or corporation shall establish, conduct, maintain or operate a mobile home park unless such person shall first obtain a license issued by the Planning Board. The fee shall be \$50.00, renewable annually on the first day of January. Renewable applications shall be accompanied by plans drawn to scale showing any proposed extensions or alterations.
- C. The applicant shall be required to execute a bond in the amount of \$ to secure faithful compliance with this ordinance prior to issuance of license to build. Bond is to be filed with the Town Clerk.

DEVELOPMENT REQUIREMENTS:

- A. Mobile Home Parks shall be located on a well-drained site, properly graded to insure drainage and freedom from stagnant pools of water.
- B. The area of Mobile Home Park shall be a contiguous parcel of land having a minimum of 5 acres.
- C. All mobile homes shall be located at least 100 feet from all boundaries of Mobile Home Parks.
- D. A maximum of 25 mobile home lots shall be constructed on a 25-acre parcel.
- E. No mobile home shall be located less than 20 feet from the side and rear lines of an individual mobile home lot, and there shall be a minimum side and end clearance of 40 feet between adjacent mobile homes.

STREETS, WALKS AND PARKING:

- A. All mobile homes shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Such access shall have a 50-foot right of way. All parks streets shall be well drained, paved maintained in good condition, and adequately lighted at night.
- B. Approved sidewalks not less than three feet in width shall be provided on at least one side of every street within the Mobile Home Park.
- C. Approved walkways not less than two feet in width shall connect each mobile home to a paved sidewalk, to a paved street or to a paved driveway connecting to a paved street.
- D. Mobile home stands shall provide an adequate foundation for the placement of a mobile home. Stand foundations shall be of such construction as to prevent heaving, or shifting due to frost action.

UTILITIES:

- A. Accessible, adequate, safe and potable supply of water shall be provided in each Mobile Home Park. When a public water supply is not available, a private water supply may be developed and used subject to approval by the plumbing inspector and the State Department of Health and Welfare.
- B. The water supply shall be capable of delivering a minimum of 150 gallons a day per mobile home.
- C. Every well of suction line of the water supply system shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source.
- D. The water supply system shall be connected by pipes to all mobile homes, buildings, and other facilities requiring water.
- E. All water piping, fixtures and other equipment shall be constructed and maintained in accordance with the State Law of Maine, the State Plumbing Code, local regulations and shall be of a type and in locations approved by the Plumbing Code.

SEWAGE DISPOSAL:

- A. Sewage disposal systems shall comply with all State of Maine Laws, the State Plumbing Code and local codes and ordinances.
- B. Septic sewage disposal shall be prohibited on soils which are classified as “poor” or “very poor” for septic sewage disposal as defined by the U.S. Conservation Service.
- C. Where soils are classified by the U.S. Conservation Service as “poor” or “very poor” a sewer system designed by a registered engineer shall be required.

ELECTRICAL DISTRIBUTION SYSTEM:

- A. Every Mobile Home Park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with all applicable State of Maine Laws and local codes and regulations governing such systems. All facilities shall be inspected by the Building Inspector.
- B. Wherever soils conditions permit, all electrical distribution facilities shall be located underground.

REFUSE DISPOSAL:

- A. The storage, collection, and disposal of refuse in the Mobile Home Park shall be conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.
- B. All refuse shall be stored in fly-tight, water-tight, rodent-proof containers, which shall be located not more than 150 feet from any mobile home lot. Containers shall be provided in sufficient number and capacity to properly store all refuse.

FUEL SUPPLY AND STORAGE:

- A. Natural gas and liquefied petroleum gas systems shall comply with all applicable codes and regulations. Installation of systems shall be subject to inspection and approval by the Building Inspector.
- B. All fuel oil supply systems shall be constructed and installed underground in each mobile home lot in accordance with all applicable codes and regulations. Installation of the system shall be subject to inspection and approval of the Building Inspector.

MISCELLANEOUS REQUIREMENTS:

- A. The licensee shall operate the park in compliance with this ordinance, and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in clean and sanitary conditions.
- B. The licensee shall notify park occupants of all applicable provisions of this ordinance and inform them of their duties and responsibilities thereunder.
- C. A mobile home shall not be occupied for dwelling purposes unless it is properly placed on a mobile home stand and connected to water, sewerage, and electrical utilities. The licensee shall be responsible for the proper placement of each mobile home on a mobile home and for the proper installation of all utility connections. The licensee shall also be responsible for the disconnection of all utilities prior to the departure of a mobile home.
- D. The licensee shall maintain an accurate register containing the names of all park occupants. Such register shall be available to any civil authority inspecting the park.
- E. The license certificate shall be conspicuously posted in the office of, or on the premises of the mobile home park at all times.
- F. The licensee shall be responsible for notifying the Assessors of the arrival or pending departure of any occupied mobile home or change of ownership that occurs within the park.
- G. No park shall permit the entrance of a mobile home having an evaporating type of heating or cooking facilities without the approval of the Building Inspector.

INSPECTIONS:

- A. The Fire Department shall make regular inspections of any mobile home park pursuant to a written schedule, which shall provide for inspections only during reasonable hours and only after 48 hours notice.

VIOLATION PROCEDURE:

- A. If after any inspection the Fire Department has knowledge or has any reason to believe that a violation of any provision of this Ordinance or any provision incorporated herein exists, the Fire Department shall issue a written order requiring a showing of compliance within 30 days of issuance. Such order shall contain a description of the violation or suspected violation and shall be directed to and served on the alleged offender and the owner of the Mobile Home Park. Service shall be by mail or personal. If compliance is not shown in 30 days, the Fire Department shall notify the municipal officers for the purpose of taking court action.

Given under our hands in Addison, Me. This twenty second day of April, in the year of our Lord, one thousand nine hundred and eighty.

Signed by Selectmen: Michael Murphy, Robert Pounder Jr., Judith Dakin

Lewis B. Lovejoy, Constable

**MORATORIUM ORDINANCE
REGARDING TALL STRUCTURES IN EXCESS
OF FIFTY FEET IN HEIGHT**

FOR THE

TOWN OF ADDISON, MAINE 04606

ENACTED: AUGUST 24, 2015

ATTEST: A TRUE COPY

**ALICE TUCKER
TOWN CLERK
ADDISON, MAINE**

Moratorium Ordinance Regarding Tall Structures in Excess of Fifty Feet in Height

The TOWN OF ADDISON (MAINE) adopts a Moratorium Ordinance as follows:

WHEREAS, areas of the Town of Addison are suddenly under threat of increased development pressure from radio/TV/telephone towers and other structures in excess of fifty feet in height (hereinafter "tall structures"); and

WHEREAS, this development pressure was unanticipated and has not been adequately provided for in the Town's current land use ordinances / building permit ordinance ; and

WHEREAS, there is a strong likelihood that all areas of the Town will continue to be subjected to this development pressure and other unknown tall structure development pressures due to the amount of undeveloped land, the nonexistence of any regulations or restriction on location of tall structures, the relatively low land prices of some of the land at issue, and the high demand for sites for such tall structures; and

WHEREAS, continued development of such tall structures pursuant to the current land use ordinances / building permit ordinance could pose serious threats to the public health, safety and welfare of the residents of Addison through the over-development of parts of Town with such tall structures without adequate provisions for issues of safety and land use compatibility, and visual access to view corridors; and

WHEREAS, after public hearing, there is strong support for this Moratorium Ordinance; and

WHEREAS, the Town will need at least 180 days to develop and implement the necessary amendments to land use ordinances / building permit ordinance and regulations to accommodate these development pressures; and

WHEREAS, amendments to the land use ordinances / building permit ordinance require a public hearing by the Planning Board and the Board of Selectmen, and then must be voted upon at a Town Meeting; and

WHEREAS, in the Judgment of the Town, these facts create an emergency within the meaning of 30-A M.R.S.A. 4356 (1)(B) and require the following Moratorium Ordinance as immediately necessary for the preservation of the public health, safety and welfare;

NOW, THEREFORE, the Town of Addison hereby ordains that a moratorium is hereby imposed, effective July 27, 2015, the date the Addison Selectmen proposed the tall structures ordinance, and applicable, to the maximum extent permitted by law and subject to the severability clause below, to all proceedings, applications and petitions pending (within the meaning of 1 M.R.S.A. Sec. 302) as of July 27, 2015, and thereafter on any new construction or use, requiring approval under the terms of Addison's land use ordinances / building permit ordinance and regulations until the adoption of the necessary amendments to the land use ordinances / building permit ordinance and regulations or until January 22, 2016;

BE IT FURTHER ORDAINED, that the Planning Board, Board of Appeals, the Code Enforcement Officer, all Town agencies and all Town employees shall neither accept nor approve applications, plans, permits, licenses, and/or fees for any new construction or uses governed by this Moratorium Ordinance for such tall structures for said period of time; and

BE IT FURTHER ORDAINED, that those provisions of the Town's land use ordinances / building permit ordinance and regulations which are inconsistent or conflicting with the provisions of this Moratorium Ordinance, including, without limitation, the requirements for site plan review by the Planning Board, subdivision and/or special exception review by the Planning Board, and height variance appeals by the Board of Appeals, are hereby repealed to the extent that they are applicable for the duration of the Moratorium Ordinance hereby ordained, but not otherwise;

BE IT FURTHER ORDAINED, that to the extent any provision of this Moratorium Ordinance is deemed invalid by a court of competent jurisdiction, the balance of the Moratorium Ordinance shall remain valid.

EMERGENCY CLAUSE:

In view of the emergency cited in the preamble, this Moratorium Ordinance shall take effect (after adoption by the Addison voters) retroactively to July 27, 2015, the date the Selectmen proposed the tall structures ordinance, and shall apply, to the maximum extent permitted by law but subject to the severance clause above, to all proceedings, applications and petitions pending as of July 27, 2015, or filed thereafter, and shall stand repealed as of January 22, 2016.

Given under our hands this _____ day of _____, 2015

Michael L. Murphy, Selectman

Thomas Batson, Selectman

David Ingersoll, Selectman

TOWN OF ADDISON

P.O. BOX 142

ADDISON, MAINE 04606

PHONE # (207)483-4678 FAX # (207)483-2153

EMAIL ADDRESS: townofaddison@myfairpoint.net

addisonclamcommittee@gmail.com

SHELLFISH CONSERVATION

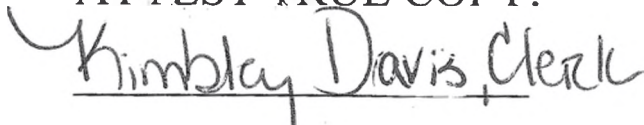
ORDINANCE

TOWN OF ADDISON, MAINE

MARCH 2018

MISSION STATEMENT: This Committee will act as Stewards to Preserve, Protect, Manage and Enhance the Shellfish Resources and the Ecological Wellbeing of the Town of Addison to Ensure a Sustainable Harvest for those making a living on the Shellfish Flats.

ATTEST TRUE COPY:

A handwritten signature in dark ink, appearing to read "Kimbley Davis, Clerk". The signature is written in a cursive, flowing style.

Kimbley Davis, Clerk

Town of Addison

Shellfish Conservation Ordinance

1. **Authority:** This ordinance is enacted in accordance with 12 M.R.S.A Section 6671.
2. **Purpose:** To establish a shellfish conservation program for the Town of Addison that will insure the protection and optimum utilization of shellfish resources with its limits. These goals will be achieved by means that may include:
 - A. Licensing
 - B. Limiting the number of shellfish harvesters
 - C. Restricting the time and area where digging is permitted
 - D. Limiting the minimum size of clams taken
 - E. Limiting the amount of clams taken daily by a harvester
3. **Shellfish Conservation Committee:** The shellfish Conservation Program for the Town of Addison will be administered by the Shellfish Conservation Committee consisting of 7 regular members plus 2 alternates to be appointed by the Selectmen for a term of One year. The Committee's responsibilities include:
 - A. Submitting to the Board of Selectman proposals for the expenditures of funds for the purpose of shellfish conservation.
 - B. Keeping this ordinance under review and making recommendations for its amendments
 - C. Recommending conservation closures and openings to the Board of Selectman or Council in conjunction with the Area Biologists of the Department of marine Resources.
 - D. Submitting an annual report to the Municipality and the Department of Marine Resources covering the above topics and all our committee activities.
 - E. Establishing annually in conjunction with the Department of Marine Resources the Annual Shellfish License Allocation Procedure Plan and Fees to be issued for Approval.
 - F. The Shellfish Committee shall develop a Shellfish Conservation Management list and oversee conservation activities. The Committee will set dates by which commercial license applicants must comply with to receive Conservation Credit. The conservation time and location requirements, will be subject to limits set by the Shellfish Conservation Committee and posted publicly at the Town Office with a ten-day notice.
 - G. Assist in identifying possible sources of pollution harmful to the intertidal habitat and the shellfish resources.
 - H. **ATTENDANCE:** Addison Shellfish Committee members shall make every effort to regularly attend Committee Meetings. Any Committee member who has missed more than 2 consecutive meetings with unexcused absences may lose their seat on the Committee. Members who violate these attendance rules can be removed from the Committee after a 2/3 affirmative vote of the members in good standing at any meeting and with a vote of concurrence by the Addison Board of Selectmen by a simple majority.

- I. **CONVICTIONS:** Any committee member convicted of violating this ordinance shall be removed from the committee.

4. DEFINITIONS:

- A. **Resident:** The term resident refers to a person who has been domiciled in this municipality for at least Six consecutive months directly prior to the time of their claim of such Residence is made. The burden of proof will be on the applicant. To best determine resident eligibility new residents shall provide two forms of proof of residency from the list below. At least one shall be from Section 3 in chart below. All licensed harvesters will provide proof of residency on an annual basis. Junior/Student Resident must have Parental/Custodial proof of residency.

Section 1	Section 2	Section 3
<ul style="list-style-type: none"> • Copy of Deed AND record of most recent mortgage payment • Copy of lease AND record of most recent legal affidavit from landlord affirming tenancy • Legal affidavit from landlord affirming tenancy AND record of most recent rent payment 	<p>A Utility bill or other work order dated within the past 60 days including:</p> <ul style="list-style-type: none"> *Gas Bill *Oil Bill *Electric Bill *Telephone Bill *Cable or Satellite Bill <p>Dated within the past year</p> <ul style="list-style-type: none"> *W-2 Form *Excise (vehicle) tax bill *Property Tax bill <p>Dated with the past 60 days</p> <ul style="list-style-type: none"> *Letter from approved Government Agency *Payroll Stub *Bank or Credit Card Statement 	<ul style="list-style-type: none"> • Valid Driver's License displaying physical address • Valid Maine photo ID card displaying physical address • Valid Passport displaying physical address • Current vehicle registration displaying physical address.

- B. **Nonresident:** The term non-resident means anyone not qualified as a resident under the language of this ordinance.
- C. **Shellfish, clams and Intertidal Shellfish Resources:** When used in the context of this ordinance the words "Shellfish", "Clams", and "Intertidal Shellfish Resources" mean soft shell clams, (*Mya Arenaria*).
- D. **Municipality:** Refers to the Town of Addison, Washington County, Maine
- E. **Recreational:** Refers to "Personal Use Only"
- F. **Shellfish Conservation Credit Requirements:** Any applicant who has completed of two conservation activities may apply for a Conservation Credit reduction in their license fee. The conservation activities must be completed by the second Saturday in June on the set times and dates announced by the Committee. All conservation activities must be supervised by at least one Shellfish Committee Member or the Shellfish Warden in order to

validate activity. No other activities will be approved for a Conservation Credit reduction. Conservation Activities will be determined by the Shellfish Committee.

- G. Possess:** For the purpose of this section, possess means to dig, take, harvest, ship, transport, hold, buy and sell retail and wholesale soft shell clam shell stock.

5. **LICENSING:** Municipal Shellfish harvesting license is required. It is unlawful for any person to harvest or take shellfish from the shores and flats of this Municipality for any purpose without having a current Municipal Shellfish harvesting license issued by this Municipality as provided by this Ordinance. Furthermore, it is unlawful for any person to harvest or take shellfish from the shores and flats of this Municipality for the purpose of selling the clams without having a current commercial license issued by this Municipality as provided by this Ordinance. Additionally, a commercial harvester must also have a Valid State of Maine Commercial Shellfish License issued by the Department of Marine Resources prior to harvesting clams for commercial purposes. An individual is not required to hold a state commercial license prior to obtaining a town commercial license. It shall be unlawful for any individual whose state license or right to harvest has been suspended by the state to harvest or possess shellfish without proof of purchase. Also, if such individual currently holds a municipal license such license shall be suspended for the same period of time. Any individual holding a State Commercial license cannot purchase a resident or nonresident recreational shellfish license. Any resident dispute will be required to submit application to the Shellfish Conservation Committee for approval before a license will be issued. An appeal to the Board of Selectman must be made in writing within 7 days of the date of decision of the Shellfish Committee for consideration.

A. Designation, Scope and Qualifications:

1. **Resident Commercial License:** The license is available to the residents of the Town of Addison and entitles the holder to harvest and take any amount of shellfish from the shore and flats of this Municipality and any reciprocating municipalities.
2. **Non-resident Commercial Shellfish License:** This license is available to nonresidents of this Municipality and entitles the holder to harvest and take any amount of shellfish from the shore and flats of this Municipality.
3. **Resident Recreational License:** This license is available to residents and Real Estate taxpayers of this municipality and entitles the holder to harvest, take, or possess no more than one peck of shellfish in any one day for the personal use of himself or his family.
4. **Nonresident Recreational License:** The license is available to any person not a resident of this Municipality and entitles the holder to harvest and take no more than one peck of shellfish in any one day for personal use only.
5. **Senior Resident Commercial:** This license is available to any resident 65 years or older. Fees for this license shall be half the cost of, and require only half of the conservation time necessary for, a regular commercial resident license.
6. **Senior Non-Resident Commercial:** This license is available to any non-resident 65 years and older. Fees for this license shall be half the cost of, and require only half of the conservation time necessary for, a regular commercial nonresident license.

7. **Senior Resident Recreational License:** This license is available to residents and Real Estate Taxpayers of this Municipality 65 years and older, and entitles the holder to harvest and take no more than one peck of shellfish in any one day for personal use only.
8. **Senior Non-Resident Recreational License:** This License is available to any person not a resident of this Municipality 65 years and older, and entitles the holder to harvest and take no more than one peck of shellfish in any one day for the personal use of themselves or family.
9. **Junior/Student Resident Commercial License:** This License is available to any resident age 18 and under and entitles the holder to harvest and take any amount of shellfish from the shores and flats of this municipality.
10. **Junior/Student Non-Resident Commercial License:** This License is available to any non-resident age 18 and under and entitles the holder to harvest and take any amount of shellfish from the shores and flats of this municipality.
11. **1-day Recreational License:** A one peck per day limit with date of harvest specified on license, is available to a resident and non-resident. 1-day peck license per person cost to be determined during Annual Shellfish Management Review.
12. **License must be signed:** The licensee must sign the license to make it valid.
13. **Enforcement:** This ordinance shall be enforced by the Shellfish Warden designated by the Municipal Officers.

B. Application Procedure: Any person may apply to the Town Clerk for the licenses required by this ordinance on form provided by this municipality.

1. **Contents of the Application:** The application must be in the form of any affidavit and must contain the applicants name, current address, birth date, height, weight, signature and whatever information the municipality may require.
2. **Misrepresentation:** Any person who gives false information on a license application will cause said license to become invalid and void.
3. **Commercial Application:** Applicants who are eligible for a reduced fee commercial license will be documented on a list provided to the Town Clerk prior to date of sale by the Shellfish Warden or the Shellfish Conservation Committee. Shellfish Committee members must have a signature of another Shellfish Committee Member in order to receive the conservation reduction. There will be no conservation credit issued unless the applicant has received prior approval by the Shellfish Committee. If an individual obtains the appropriate conservation time, but is unable to obtain a commercial license, their conservation time will roll over until the next year, or until they are offered a commercial license.
4. **Unpaid Fines:** A shellfish license will not be issued to anyone that has outstanding fines for any violation of the Addison Shellfish Conservation Ordinance, or until the fines have been paid per court decree.

C. Fees: The fees for the Resident licenses must accompany the application in full. Non-Residents must pay the fee at the time of the lottery drawing. The Town Clerk shall pay all the fees received to the Town Treasurer. Fees received for shellfish licensing shall be used by the town for shellfish management, conservation and enforcement. Upon recommendation from the Shellfish Committee

during Annual Shellfish Management Review, The Board of Selectman will set license fees. **FEES ARE NON-REFUNDABLE.**

- D. **License Expiration Date:** Each license issued under authority of this ordinance is valid on July 1st and expires at midnight on the 30th day of June following the date of issue (no matter the date of purchase). If Resident becomes a Non-Resident their License will only be valid for 90 days from date of becoming a nonresident.
- E. **Open License Sales & Limitation of Diggers:** Clam resources vary in size and distribution from year to year and over the limited soft-shell clam producing areas of the Town. It is essential that the Town carefully husband its resources. The Shellfish Committee in consultation with the DMR Area Biologist will determine whether limiting commercial or recreational shellfish licenses is appropriate Shellfish Management option for the following year.
 - A. Prior to March 1 of the current year the committee shall report its findings and document recommendations for the allocation of commercial and recreational licenses to be made available for the following license year to the Commissioner of Marine Resources for concurrence.
 - B. After receiving approval of proposed license allocation from the commissioner of Marine Resources and prior to June 1 of the current year, the Shellfish Conservation Committee shall notify the Town Clerk in writing of the allocation of shellfish licenses to be issued.
 - C. Notice of licenses to be issued with dates, times and the procedure for application shall be published in a trade or industry publication, or in a newspaper or combination of newspapers with general circulation, which the Municipality Officers consider effective in reaching person affected, not less than 10 days prior to the initial sale date and shall be posted in the municipal offices until the licensing period concludes.
 - D. The Town Clerk or Designee shall issue Commercial licenses starting the 4th Friday of June for the next year's licenses.
 - E. The Town Clerk, on the first day of license sales, shall issue a number of Non-resident Commercial licenses by lottery. This number shall be 10% of the number of total resident licenses issued in the previous year. These licenses shall be made available to qualified non-residents in accordance with DMR regulations. Thereafter, non-residents licenses will be issued in accordance with the 10% rule as described in Title 12 M.R.S.A. Chapter 7.4 Section 2 Table 1.
 - F. The Town Clerk shall issue recreational licenses starting the last week of June. Non-resident recreational licenses will be issued at a rate of 10% of resident license sales.
 - G. Any license holder may not accompany a non-license holder with the intent of assisting in the taking of or harvesting of soft-shell clams.
 - H. If you hold a State of Maine Commercial Shellfish License you may not apply for or hold an Addison Recreational License.
- 5. **Night Digging:** The Town of Addison will close the Shellfish flats to harvesting of soft-shell clams at night from one half hour after sunset until one half hour before sunrise.
- 6. **Opening and Closing of Flats:** The Municipal Officers, upon the approval of the Commissioner of Marine Resources, may open and close areas for shellfish harvest. Upon recommendation of the

Shellfish Conservation Committee and concurrence of the DMR area Biologist that the status of shellfish resource and other factors bearing on sound management indicate that an area should be opened or closed, the Municipal Officers may call a public hearing on a ten days' notice published in a newspaper having general circulation in the Town, stating the time, place, and subject matter of the hearing, and shall send a copy of the notice to the Department of Marine Resources. The decision of the Municipal Officers made after the hearing shall be based on findings of fact. Public notice of municipal conservation closures or openings shall be provided in accordance with DMR Regulations Chapter 7.

- A. It shall be unlawful for any person to harvest, take or possess shellfish from any areas closed by the Town of Addison in accordance with DMR regulations, Chapter 7. Harvesting shellfish in a closed area is a violation of this municipality's ordinance and is punishable under MRSA Title 12 6671.
- B. Boundaries of Conservation Closures are explicitly defined in the conservation closure application submitted by the Town of Addison to DMR and are part of the resulting permit issued by DMR. These permits are posted at the Addison Town Office and online: <http://www.maine.gov/dmr/shellfish-sanitation-management/programs/municipal/ordinances/towninfo.html>.

8. Minimum Legal Size of Soft-Shell Clams: It is unlawful for any person to possess soft shell clams with the Town of Addison, Washington County, which are less than two (2) inches in the longest diameter except as provided by subsection B of this section.

A. Definitions:

- 1. Lot: The word "lot" as used in this Ordinance means the total number of soft shell clams in any bulk pile. Where soft shell clams are in a box, barrel or other container, the contents of each box, barrel, or other container constitutes a separate lot.
- 2. Possess: For the purpose of this section, "possess" means dig, take, harvest, ship, transport, hold, buy, and sell retail and wholesale soft shell clam shell stock.

B. Tolerance: Any person may possess soft-shell clams that are less than two inches if they comprise less than 10% of any lot. The tolerance shall be determined by numerical count of not less than one peck not more than four pecks taken at random from various parts of the lot or by a count of the entire lot if it contains less than one peck.

C. Penalty: Whoever violates any provision of this section shall be punished as provided by 12 MRSA Sections 6671 and 6681.

9. Suspension: Any person who violates this Ordinance or the policies adopted in the Annual Shellfish Management Plan shall be punished as provided by 12 M.R.S.A. Section 6671 and/or Section 6681. Any Shellfish licensee having three convictions in a twelve-month period for a violation of this Ordinance shall have their shellfish license automatically suspended for a period of one year.

- 1. A licensee whose shellfish license has been suspended pursuant to this Ordinance may reapply for a license only after the suspension period has expired and fines are paid in accordance to the court's decree.
- 2. The suspension shall be effective from the date of conviction.

3. Any licensee whose shellfish license has been automatically suspended pursuant to this section shall be entitled to a hearing before the Shellfish Conservation Committee upon the filing of a written request for a hearing with the Town Clerk within thirty (30) days following the effective date of suspension. The licensee may appeal the decision of the Shellfish Conservation Committee before the Board of Selectman by filing a written request for appeal with the Town Clerk within seven (7) days of the decision of the Shellfish Committee.

10. Violations of Licenses, and Fine Conditions:

- A. If a person holding a commercial license uses it to aid and abet the illegal harvest of clams and is convicted their license shall be suspended for three (3) months and they shall receive a one thousand-dollar (\$1000) fine upon conviction. Any second and subsequent convictions under this section of the Ordinance shall result in a twelve (12) months suspension and a one thousand dollar (\$1000) fine.
- B. Any person convicted of harvesting over the peck limit while in possession of a Recreational License shall be suspended for two (2) months and they shall receive a five hundred (\$500) fine upon conviction. Any second and subsequent convictions under this section of the Ordinance shall result in a six (6) months suspension and a one thousand dollar (\$1000) fine.
- C. **Stopping for Inspection:** A person shall produce their license on demand of any Certified Municipal Shellfish Warden and having "probable cause" to take such action. It is unlawful for the operator of a motor vehicle, boat, vessel, or conveyance of any kind, or any person:
 1. To deliberately fail or refuse to stop immediately upon request or signal of any Certified Municipal Shellfish Warden
 2. After the person has stopped, to fail to remain stopped until the said Warden has reached his immediate vicinity and makes known to the operator the reason for his request or signal.
 3. To fail or refuse to stand by immediately for inspection on request of said Warden
 4. To throw or dump into any coastal waters or flats after having been requested or signaled to stop by a Certified Municipal Shellfish Warden any shellfish, or any pail, bag, hod or container before the said Warden has inspected the same.
 5. To attempt to elude, disobey, or assault any Certified Municipal Warden.
- D. **Penalties:** The first violation of Section 10.C.1 of this Ordinance shall result in a one (1) month suspension of the license and a three hundred dollar (\$300) fine. The second and subsequent violations of Section 10.C.1 of this Ordinance shall result in a twelve (12) month suspension of the license and a one thousand dollar (\$1000) fine. Harvesting Clams in any Closed Area: it is unlawful for any person to harvest clams in a closed area. **Penalties:** Any person found guilty of harvesting clams in a closed area shall be subject to fine of not less than three hundred dollars (\$300) and not more than fifteen hundred dollars (\$1500) with license suspension of thirty (30) days. The second and subsequent violations of harvesting clams in a closed area shall result in a fine of not less than five hundred dollars (\$500) and not more than fifteen hundred dollars (\$1500). The second violation of this section of this Ordinance shall result in a sixty (60) day license suspension

and the third and subsequent violations shall result in a one hundred and twenty (120) day suspension of the persons license.

- E. **Minimum Legal Size of Shellfish:** It is unlawful for any person to violate minimum shellfish size regulations set forth in this Ordinance:

Penalties: The first violation of Section 8 shall be subject to fine of not less than three hundred dollars (\$300). The second and subsequent violations of Section 8 shall result in a fine of not less than five hundred dollars (\$500). If a person exceeds a twenty percent (20%) threshold of undersized clams as described in Section 8 at any time, their license shall be suspended for twelve (12) months and they shall receive a one thousand dollar (\$1000) fine.

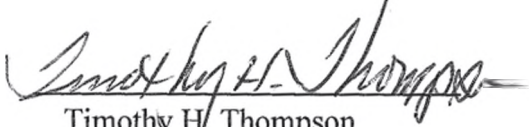
- F. A commercial licensee who has had their Maine State license suspended shall forfeit their Town License for the duration of the State suspension and will not qualify for a recreational license. Such a person in possession of shellfish must carry a receipt of purchase for said shellfish.


- G. **Harvesting without a license:** It is unlawful to harvest shellfish without a license.


Penalties: Any person convicted of harvesting shellfish within the municipality without a municipal license issued by authority of Town of Addison Shellfish Ordinance shall be ineligible to apply for any municipal shellfish license for a period of three (3) years from the date of conviction.

11. **ENFORCEMENT:** This ordinance shall be enforced by the Addison Municipal Shellfish Conservation Warden or any Municipal Shellfish Conservation Warden appointed by the Board of Selectman for the Town of Addison.
12. **Statute Law Changes:** Any changes to referenced Statute Laws in this Ordinance shall automatically update in this Ordinance upon enactment.
13. **Effective Date:** This Ordinance, which has been approved by the Commissioner of Marine Resources, shall become effective after its adoption by the Municipality provided a certified copy of the Ordinance is filed with the Commissioner within twenty (20) days of its adoption.
14. **Separability:** If any section, subsection, sentence or part of this ordinance is for any reason held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining portion of this Ordinance.
15. **Repeal:** Any Ordinance regulating the harvesting or conservation of shellfish in the Municipality and any provisions of any other Town ordinance that is inconsistent with this ordinance, is hereby repealed.

Given under our hands on this 20th day of March, 2018


Timothy H. Thompson


Thomas W. Batson


Verlan R. Lenfestey Jr.

AN ORDINANCE GRANTING TO
MERLIN COMMUNICATIONS GROUP, INC.
A PERMIT AND LICENSE TO DO BUSINESS
IN THE TOWN OF ADDISON, STATE OF MAINE

WHEREAS, Merlin Communications Group, Inc., a Maine corporation, desires to conduct the business of a Cable television system, including all types of services which are usually, or can be, furnished by such a system in Washington County, Maine, by the media of distribution and transmission through cable and/or wires, and/or microwave commonly called a Cable television system or otherwise; and

WHEREAS, such Cable system to a large extent would be attached to poles, cables, wires and other appurtenances which would cross over the streets, highways, alleys, sidewalks and other public lands and places in the Town of Addison, Maine;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Addison, Maine:

SECTION 1. There is hereby granted by the Town of Addison, Maine, to Merlin Communications Group, Inc., its successors and assigns, hereinafter called the Grantee, a permit and license for a period of fifteen (15) years from and after the effective date of this ordinance granting the rights and privileges to locate, construct, reconstruct, inspect, protect, maintain, repair, replace, renew, operate, modify, add to the number of, relocate and remove over, upon, and from the streets, highways, alleys, sidewalks, and other public lands and places, which are now presently in existence and which may exist in the future in said Town, all necessary towers, poles, wires, lines, cables, amplifiers, conduits, manholes, apparatus, fixtures, and other necessary equipment and facilities for the purpose of reception, interception, transformation, transposition, amplification, transmission, and distribution of all electronic communications and signals including, among other things, microwave, television signals, radio signals, and other related signals, to and within said Town and to the inhabitants thereof.

SECTION 2. Such towers, poles, wires, lines, cables, amplifiers, apparatus, fixtures, equipment and facilities shall be so erected and installed as not to interfere with traffic and the normal operation and use of said streets, highways, alleys, sidewalks, and other public lands and places. Provided, further, that such locations shall not be vested interests, and the same shall be removed, or the location thereof changed, by the Grantee whenever the same restricts or obstructs the reasonable use and operation, present or future, of said streets, highways, alleys, sidewalks and other public land and places.

SECTION 3. A permit and license is hereby granted to said Grantee,

its successors and assigns, to attach or otherwise affix cable, wires, equipment and other attachments to the poles and facilities of any public utility even though the same may be in, upon or over the streets, highways, alleys, sidewalks and other public lands and places of said Town. Provided, however, that the said Grantee, its successors and assigns, shall secure the permission and consent of said public utility to make such attachments prior to so doing.

SECTION 4. All streets, highways, alleys, sidewalks, and other public lands and places disturbed or damaged by the Grantee, its successors and assigns, in the exercise of any of the rights and privileges herein granted, shall be repaired by the Grantee, its successors and assigns, at its own expense.

SECTION 5. The Grantee shall establish an office in the general area with a regular schedule of working hours. Calls for service or repairs will be taken during working hours and outside of those hours shall be recorded on an answering machine, to be monitored by the service technician on a regular basis.

SECTION 6. In the event of interruption or discontinuance of service without fault or neglect of the subscriber for a period in excess of seventy-two (72) hours, the licensee shall refund or give credit to the subscriber for the period of discontinuance or interruption in excess of seventy-two (72) hours. Whenever it is necessary to shut off or interrupt service to make repairs, adjustments, installations or for any other purpose, the licensee shall do so at such time as will cause the least amount of inconvenience to its subscribers and, unless such interruption is unforeseen and immediately necessary, it shall give reasonable notice thereof to its customers.

SECTION 7. The Grantee shall procure, furnish and file with the Town Clerk a policy of insurance covering liability hereunder as follows:

THREE HUNDRED THOUSAND DOLLARS (\$300,000.00) for any one single personal injury to any one person;

FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) personal injury in any one single accident;

THREE HUNDRED THOUSAND DOLLARS (\$300,000.00) property damage for any one single accident.

SECTION 8. The Grantee shall, at all times during the duration of this franchise, be subject to all lawful exercise of the police power by the Community.

SECTION 9. The Town of Addison shall have the right to rescind or revoke the rights herein granted upon any substantial violation by the Grantee of any of the obligations and requirements contained herein after written notice by the Town of Addison to Grantee in continuation

of such violation, failure or default.

(a) Such written notice to the Grantee shall specify the manner in which the Grantee is in violation, failure or default with respect to the franchise.

(b) The notice given by the Franchising Authority shall give the Grantee a specified, reasonable amount of time within which to correct the violation, failure or default, but in no event shall the time period be less than thirty (30) days from the date of receipt of the notice to the Grantee, except in the case of an emergency, in which event immediate steps shall be taken to correct the violation.

SECTION 10. If any section, subsection, sentence, clause, phrase, or portion of this Franchise is for any reason held invalid or unconstitutional by any court of competent jurisdiction, or any state or federal agency having jurisdiction over such matter, such portion shall be deemed a separate, distinct, and independent provision and such holdings shall not affect the validity of the remaining portions thereof.

SECTION 11. The performance by the Grantee hereunder is subject to limitations, restrictions, or requirements now existing or which may henceforth be imposed by law, rules, or order of the Federal Communications Commission, or any other government, board, commission, or authority of any kind. The Grantee shall not be deemed in breach of any of the requirements of the Franchise to the extent it refrains from doing anything prohibited by such law, rules or order.

SECTION 12. The Company shall make service available to all areas indicated in the original franchise proposal submitted to the Town. The Company shall extend the system to any future areas that meet a density average of 18 year-round homes per mile. The Company shall extend the system to areas with a lesser density if the subscribers agree to pay the costs of materials and labor necessary for construction to their areas.

SECTION 13. This Franchise shall be automatically renewed on the same terms and conditions for a second fifteen (15) year period unless previously terminated for violations of the terms and conditions of this Agreement; or unless notified in writing of its intention not to renew by either party at least sixty (60) days in advance of the expiration of the term of this Franchise.

SECTION 14. The Grantee shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks, and public places of the Town of Addison so as to prevent the branches of such trees from coming in contact with the wires and cables of the company, provided prior written approval of the Town Manager and property owner is obtained. Said written approval shall not be unreasonably withheld.

SECTION 15. Merlin Communications Group, Inc., guarantees the basic monthly rate to remain unchanged for a period of two (2) years

-47- COMM
cable service is activated.


from date of ~~this Franchise Agreement~~. Grantee shall notify the Board of Selectmen, orally or in writing, prior to any rate increase, any permanent deletion or addition in channels, or any substantial change in service, 30 day notice required. *COMM.*

Passed in Council this 16th day of May, 1988.



President, Board of Selectmen

ATTEST:



Clerk

Approved this 16th day of May, 1988.

Town Manager



Merlin Communications Group, Inc.

Service Area - Addison, Maine

<u>Street</u>	<u>From</u>	<u>To</u>	<u>Homes</u>	<u>Miles</u>
Addison Road	Town line	Columbia Rd.	12	.9
Addison Road	Columbia Road	Addison Pt. Rd.	22	.35
Columbia Road	Addison Road	Pole #32	5	.1
Road off Addison	Addison Road	dead end	11	.35
Addison Ridge Rd.	Ripley Neck Rd.	Town line	31	1.4
Old Addison Rd.	Addison Ridge Rd.	Marshville Rd.	9	1.2
Ripley Neck Rd.	Addison Ridge Rd.	Cross Road	14	.4
Ripley Neck Rd.	Cross Road	Pole #923/9	9	.3
Addison Pt. Rd.	Addison Rd.	Wescogus Rd.	18	.65
East Side Road	Wescogus Rd.	Pole #3/74	63	2.8
East Side Road	Pole #3/74 <i>Basin Rd.</i>	South Addison (dead end)	52	3.0 <i>5.0</i>
Cape Split Rd.	So. Addison Rd.	dead end	30	2.3
Harborview Sub.	So. Addison Rd.	dead end	6	.3
Basin Road	So. Addison Rd.	Rt. 187	68	5.3
Rt. 187	Jonesport town line	Indian River <i>Merritt School</i> Variety Store	54	4.3 <i>2.3</i>
Rockmaple Rd.	Rt. 187	dead end	7	.3
Wescogus Road	East Side Road	Rt. 187	12	1.3
Rt. 187	D.W. Merritt School	Col. Falls town line	26	1.7

Totals: 449 homes
27 miles

Service Area as part of franchise contract.
DM

CONSENT OF
FRANCHISOR

A resolution authorizing the granting of a security interest in the assets of the cable television system (the "System") owned and operated pursuant to a franchise (the "Franchise") created by Ordinance _____ dated May 16, 1988 of the ~~City~~ of Addison (the "Franchisor").
Town

RECITALS:

WHEREAS, the holder of the Franchise, Merlin Communications/ Merlin Cable Partners ("Franchisee"), intends to borrow funds from Phoenix Leasing Incorporated ("Phoenix") to help finance the cost of the construction and operation of the System; and

WHEREAS, Phoenix has required that Franchisee grant it a security interest in the System to secure such borrowings;

IT IS THEREFORE RESOLVED as follows:

A. The Franchise held by Franchisee is hereby certified to be valid and in full force and effect and Franchisee is not in default under any of the terms and provisions of the Franchise.

B. Franchisee is hereby authorized to grant to Phoenix a security interest in or lien on its cable, wires and equipment, the Franchise referred to herein and its other tangible and intangible assets both real and personal used in connection with the operation of the System, to secure the borrowing from time to time by Franchisee from Phoenix, and Phoenix shall have the rights and remedies of a secured party under the applicable Uniform Commercial Code and as otherwise available at law, including the right to foreclose, realize upon and dispose of the right, title

and interest of Buyer in its assets, all in accordance with applicable law.

PASSED AND APPROVED BY THE Board of Selectmen OF THE
Town of Addison, _____, 1988.

[AUTHORIZED SIGNATURE OF MUNICIPALITY]

Richard R. Rhymer

Attest: Glenda Emerson

Title: Town Clerk

TOWN OF ADDISON

**SPECIAL USE PERMIT FOR SMALL
RESIDENTIAL AND MUNICIPAL
WINDMILLS**

**AMENDMENT TO ADDISON'S
BUILDING ORDINANCE**

ENACTED: JULY 1, 2008
ARTICLE #2 – SPECIAL TOWN MEETING
AMENDED: MAY 13, 2010
ARTICLE #2 – SPECIAL TOWN MEETING

CERTIFIED BY: *John Woodward*
JOHN WOODWARD

July 13, 2014
NOTARY
My Commission Expires:

ATTEST: A TRUE COPY

DATED: *May 13, 2010*

Mary Farnsworth
MARY FARNSWORTH

Town Clerk
TOWN CLERK



AFFIX SEAL

Town of Addison

SPECIAL USE PERMIT FOR SMALL RESIDENTIAL AND MUNICIPAL WINDMILLS

I Purpose:

To promote the safe, effective and efficient use of small wind energy systems installed to reduce the consumption of utility supplied electricity.

** Amended 5/13/2010 – deletion of “on-site”*

II Definitions:

“Small Wind Energy System” – A wind energy conversion system consisting of a wind turbine, a tower, supporting structural components and guy-wires, and associated control or conversion electronics, which has a rated capacity of not more than 20kw and which is intended primarily to reduce consumption of utility power.

** Amended 5/13/2010 – change 100kw to 20kw and deletion of “on-site”*

“Tower Height” – The height above grade of the fixed portion of the tower, including length of blade.

III Permitted Use:

Small wind energy systems shall be a permitted use in all zoning classifications where structures of any sort are allowed, subject to certain requirements as set forth below:

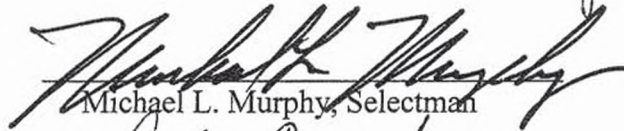
1. Tower height: Tower height shall be limited to 115 feet.
2. Set-back: No part of the wind system structure, including guy-wire anchors, may extend closer than the proposed height of the tower to the property boundaries of the installation site.
3. Limitation of number: There shall be no more than one (1) energy-deriving tower per two (2) acre land parcel.
4. Small wind energy systems shall be solely for personal use, including home-based small businesses, or for Municipal use.

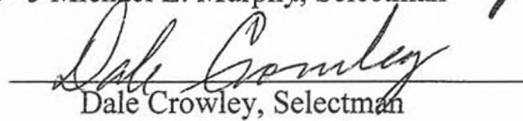
** Amended 5/13/2010 addition of “or for Municipal use”*

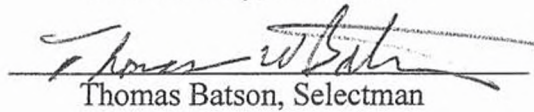
This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the Building Permit Ordinance.

After enacted by the voters of the Town of Addison, this ordinance shall become effective May 14, 2010.

Given under our hands this 13 day of May 2010


Michael L. Murphy, Selectman


Dale Crowley, Selectman


Thomas Batson, Selectman

TOWN OF ADDISON

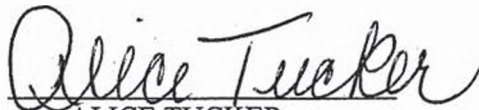
WIRELESS TELECOMMUNICATIONS FACILITIES ORDINANCE

ENACTED AT SPECIAL TOWN MEETING ON NOVEMBER 30, 2015

TO BECOME EFFECTIVE NOVEMBER 30, 2015

AS CERTIFIED BY THE ADDISON MUNICIPAL OFFICERS TO ME ON NOVEMBER 9, 2015

ATTEST: A TRUE COPY
December 1, 2015


ALICE TUCKER
ADDISON TOWN CLERK



**TOWN OF ADDISON
WIRELESS TELECOMMUNICATIONS FACILITIES ORDINANCE**

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SECTION 1: TITLE. This Ordinance shall be known as the "Town of Addison Wireless Telecommunications Facilities Ordinance" and will be referred to herein as "this Ordinance."

SECTION 2: AUTHORITY. This Ordinance is adopted pursuant to the enabling provisions of Article VI II, Part 2, Section I of the Maine Constitution; the provisions of the Municipal Home Rule Authority statute (30-A M.R.S.A. 3001, et seq.) and the provisions of the Planning and Land Use Regulation Act. 30-A M.R.S.A. 4312, et seq.

SECTION 3: PURPOSE. The purpose of this Ordinance is to provide a set of standards and a process to regulate siting, construction and operation of wireless telecommunications facilities in the Town of Addison in order to balance the interests of the residents of Addison and the owners of the facilities and their customers. In addition to the objectives set forth in other provisions of this Ordinance, the standards in this Ordinance are also intended to:

A. Establish guidelines, standards and time frames for the Town of Addison to regulate wireless telecommunications facilities in order to preserve the character and appearance of Addison;

B. Permit the Town of Addison to fairly and responsibly protect the public health, safety, welfare and quality of life of its residents;

C. Support the goals and policies of the Comprehensive Plan of the Town of Addison, especially the orderly development of Addison with minimal impacts on existing residential uses;

D. Protect the Town of Addison's environmental resources and rural character in accordance with the goals and objectives of Addison's Comprehensive Plan;

E. Protect the scenic and visual character of, and the historic structures and areas in, the Town of Addison;

F. Minimize any potential adverse effect of wireless telecommunications facilities on property values in the Town of Addison;

G. Encourage wireless communications providers to collocate, thus minimizing adverse impacts on the Town of Addison; and

H. Provide for the removal of towers and associated structures that are no longer being used for wireless communications purposes in the Town of Addison.

SECTION 4: APPLICABILITY; EFFECTIVE DATE. This Ordinance applies to construction, operation and major modification of wireless telecommunications facilities in the Town of Addison, except those structures exempted in Section 5 of this Ordinance. Notwithstanding Title 1 M.R.S. section 302, this Ordinance shall apply to all wireless communications facilities for which final permit approval has not been obtained as of the effective date of this ordinance. This Ordinance shall take effect upon approval by the voters of the Town of Addison at an annual or special Town Meeting.

SECTION 5: EXEMPTIONS.

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

1. Amateur (ham) radio stations licensed by the Federal Communications Commission (FCC).

2. Parabolic antennas less than seven (7) feet in diameter that are an accessory use on a property.

3. Maintenance, repair, replacement or reconstruction of an existing wireless telecommunications facility and its related equipment, either a conforming use or a valid nonconforming use, and whether removed or destroyed for any reason, provided that there is no major modification of the facility and there is compliance with the height restrictions of this Ordinance.

4. An antenna that is attached as an accessory use to a structure, provided the vertical distance between the mean grade at the downhill side of the structure and the highest point of the antenna does not exceed fifty feet.

5. Citizens' Band Radio.

6. Wireless communication facilities for emergency communications by public officials, police, fire, ambulance, and other emergency dispatch facilities.

7. Temporary wireless communication facilities in operation for a maximum period of sixty (60) days, provided they are removed within thirty (30) days after their use or after the 60 days has concluded.

B. No wireless telecommunications facility exempted in Section 5 shall be considered exempt from the height regulations in Section 9 of this Ordinance.

C. No wireless telecommunications facility shall be considered exempt from this Ordinance by virtue of collocation with an exempt facility listed in Section 5.

SECTION 6: APPROVAL REQUIRED. No person or entity shall erect, construct, install, operate or make a major modification to a wireless telecommunications facility in the Town of Addison without first obtaining a conditional use permit for the structure from the Planning Board of the Town of Addison in compliance with this Ordinance. The applicant has the burden of proving that the application is, and that the project will be, in compliance with all of the requirements of this Ordinance, other applicable Town ordinances and State and Federal law.

SECTION 7: APPLICATION REQUIREMENTS AND PROCEDURES

A. Pre-application Conference. All persons seeking approval of the Planning Board under this Ordinance shall meet with the Planning Board no less than thirty (30) days before filing an application. At this informal meeting, the Planning Board shall explain to the applicant the provisions of, and the submissions that will be required under, this Ordinance.

B. Fees; Provisions for Hiring Independent Consultants.

1. Planning Board application fee. A conditional use permit application under this Ordinance shall include payment of an application fee of \$1,500. In addition to the other requirements, the application shall not be considered complete until this fee is paid. An applicant is entitled to a refund of the application portion of the fee if the application is withdrawn within fifteen (15) days of the date of receipt of the application by the Addison Town Clerk, less all expenses incurred by the Town of Addison to review the application.

2. Planning Board review fee: An applicant for a conditional use permit under this Ordinance shall pay all additional reasonable and customary out-of-pocket costs, as well as independent consultants' fees as provided in Section 7(B)(3) below, incurred by the Town of Addison that are necessary to review the application and assure that the facility meets the conditions of this Ordinance.

3. Provisions for hiring independent consultants.

- a. Upon submission of an application for a conditional use permit under this Ordinance, the Addison Planning Board shall hire independent consultants whose services shall be paid for by the applicant. These consultants shall be qualified professionals with an appropriate combination of training, experience, and certification in one of the following fields: (i) telecommunications/radio frequency engineering; (ii) structural engineering; and (iii) if determined necessary by the Addison Planning Board, other fields of expertise.
- b. Upon submission of an application for a conditional use permit under this Ordinance, the Addison Planning Board shall provide its independent consultants with the full application for their analysis and review.
- c. An applicant shall deposit with the Town escrow funds sufficient to reimburse the Town for all reasonable costs of the Town's consultants in providing expert evaluation and consultation to any agency of the Town in connection with the review of any application deemed necessary by the Planning Board or any other agency of the Town of Addison. The initial deposit for the expert review of a new wireless facility shall be \$8,500. The initial deposit for the expert review of a major modification of a wireless facility shall be \$6,000. The placement of the deposit with the Town shall precede the pre-application meeting or shall occur at such later time as the Planning Board may direct. The Town will maintain a separate escrow account for each applicant's funds. The Town's consultants/experts shall invoice the Town of Addison for the services related to the application.
- d. If at any time during the process this escrow account has a balance less than \$2,500 for a wireless facility application, the applicant shall immediately, upon notification by the Town or consultant, replenish said escrow account so that it has a balance of at least \$5,000. Such additional escrow funds shall be deposited with the Town before any further action or consideration is taken on the application. In the event that the amount held in escrow by the Town is more than the amount of the actual invoicing at the completion of permit proceedings, the remaining balance shall, upon request by the applicant, be promptly refunded to the applicant.
- e. When notified by the Town that additional escrow is required, the applicant may request copies of invoices paid to consultants and/or experts. If the applicant finds errors in those invoices, the applicant may ask the Town to audit those specific items for reasonableness and, if any errors are discovered, may request relief therefrom.
- f. When the Planning Board determines that evaluation of the facility's compliance with this Ordinance is necessary under Subsections E through I of Section 11 of this Ordinance, the owner of the facility shall deposit with the Town escrow funds sufficient to reimburse the Town for all reasonable costs of the Town's consultants in providing such expert evaluation. The initial deposit for such expert evaluation shall be as

determined by the Planning Board but not in excess of \$4,000. If at any time during the process the escrow account has a balance of less than one-third of the escrow amount initially required for such evaluation, the applicant shall immediately, upon notification by the Town or consultant, replenish said escrow account so that it has a balance of at least one-half of the initial escrow deposit. If the owner does not make such deposits within thirty (30) days of the Planning Board's written request, the owner shall be deemed to have failed to maintain the facility under the provisions of, and with the consequences provided in, Subsection 12.B of this Ordinance.

g. The total amount of the funds needed as set forth in this Paragraph 7(B)(3) may vary with the scope and complexity of the project, the completeness of the application, and other information as may be needed to complete the necessary review, analysis and inspection of any construction or modification.

h. Notwithstanding the above, there shall be a fee cap as to the total consultant fees to be charged to the applicant in a case, which shall be not more than twice the initial deposit.

C. Request for Submission Waivers. The Planning Board may waive any of the application submission requirements in this Ordinance based upon a written request of the applicant submitted at the time of application. A waiver of any application submission requirement may be granted only if the Planning Board finds in writing that due to the special and unique circumstances of the application, the information is not required to determine compliance with the standards of this Ordinance.

D. Determination and Notice of Completeness. Upon receipt of an application the Addison Town Clerk shall provide the applicant with a dated receipt. The applicant shall initially submit seven copies of the application to the Addison Town Clerk. The Planning Board shall review any waiver requests and act upon these requests within thirty (30) days of receipt of the application. If one or more reports from experts are required by the Planning Board, the application is not complete until the report(s) has/have been submitted. If the Planning Board determines that the application is complete, the Planning Board shall formally notify the applicant within forty-five (45) days of application submission and request five (5) additional application copies of the application to be submitted for public review and other purposes. If the Planning Board determines that the application is incomplete, the Planning Board shall immediately notify the applicant specifying the additional information or data required to complete the application. Upon submission of the requested materials, the Planning Board shall determine application completeness within thirty (30) days. If the Planning Board finds that an application is not complete, it shall not consider the application until such time as the Planning Board determines that it is complete.

E. Public Hearing on the Application. When an application is deemed complete, the Planning Board shall set a date for the public hearing on the application, which date shall provide sufficient time for notification of the hearing date and public inspection of the application. Upon the determination that the application is complete the Planning

Board shall post a notice of the hearing date and provide at least two copies of the application for public review at the Addison Town Hall.

F. Notification of Hearing Date. The applicant shall be responsible for notifying owners of land abutting and within one thousand feet (1,000') of the facility site boundaries by certified mail, return receipt requested, at least fifteen (15) days before the hearing date, and the receipts and copies of the letters shall be forwarded to the Planning Board. The notice shall be sent to the owners concerned at the landowner's usual address for receipt of property tax bills from the Town. The notice shall contain notice of the date set for the public hearing, a brief description of the proposed facility, the name of the applicant, and that a copy of the application is available for public inspection at the Addison Town Hall. Failure on the part of any abutter or property owner entitled to notice to receive such notice, if duly sent in accordance with this subsection, shall not be grounds for delaying consideration of or denying the application.

G. Approval and Permit Issuance. Within thirty (30) days of the Planning Board's closing the hearing on the application, the Planning Board shall approve, approve with conditions, or deny the application in writing, and submit the findings on which that decision is based in writing to the applicant at the same time as it issues its written decision. This time period may be modified upon agreement between the applicant and the Planning Board so long as such agreement is documented in writing at the time it is made and as necessary to conform to any applicable requirements, including those of the Federal Telecommunications Act.

H. Application Amendments. An increase in tower height, a change of tower location or tower type, for a pending application or an existing facility, is a major amendment or modification for which the Planning Board may require a new application for a conditional use permit. All other amendments or modifications are minor and may be approved by the Planning Board without a new application.

SECTION 8: DOCUMENTS TO BE SUBMITTED FOR A COMPLETE APPLICATION

A. Contacts: Applicant shall submit the exact legal name, address or principal place of business and phone number of the following:

1. Applicant. If any applicant is not a person, also provide the type of business entity and the state in which it is registered.
2. Person to whom correspondence or communications in regard to the application are to be sent. Notice, orders and other papers may be served upon the person so named, and such service shall be deemed to be service upon the applicant.
3. Person to be contacted in the event of an emergency involving the facility. This person shall be available on a 24-hour basis and authorized by the applicant to act on behalf of the applicant regarding an emergency situation.

4. Owner of the property on which the proposed tower shall be located or of the owner of the tower or structure on which the proposed facility shall be located. Written permission of the owner to apply for a conditional use permit shall also be submitted along with written permission from the owner of the proposed property or facility site for the Town's independent consultants to conduct any necessary site visits.

5. Names and addresses of abutting landowners and landowners of properties within one thousand feet (1,000') of the property boundaries of the facility site.

B. Financial Capacity. The applicant shall provide proof of financial capacity to build, maintain and remove the proposed facility and to provide insurance coverage for it.

C. Lease of Land or Tower. Applicants for a conditional use permit for a facility to be built on land not owned by the applicant or installed on a tower not owned by the applicant shall provide a copy of the lease or contract with the owner of the land or tower. The lease or contract may be redacted to omit the amount of any payments or other consideration to the landowner or tower owner.

D. Plans and Maps. Survey plans shall be stamped and signed by a land surveyor registered in Maine. Signal propagation and radio frequency studies, plots and related material shall be prepared, clearly identified and signed by a qualified radio frequency engineer. Plans shall be on 24" x 36" sheets, on as many sheets as necessary, and at scales which are no smaller (i.e. no less precise) than listed below. Each plan sheet shall have a title block indicating the project title, sheet title, sheet number, date, revision dates, scales, and original seals and signatures of the professionals who prepared the plans and shall contain the following information:

1. Location Map. Copy of a portion of the most recent U.S.G.S. Quadrangle map showing the area within at least two miles from the proposed facility site. Indicate the tower location and the exact latitude and longitude (degrees, minutes and seconds to the nearest tenth).

2. Vicinity Map at a scale of 1" = 416' (1:5000) with contour intervals no greater than 10 feet (3 meters) showing the entire vicinity within a 2,500' radius of the facility site, and including the topography, public and private roads and driveways, buildings and structures, bodies of water, wetlands, landscape features, ridge lines, historic sites, and habitats for endangered species. Indicate the property lines of the proposed facility site parcel and of all abutters to the facility site parcel (from assessor's maps or available surveys). Indicate any access easement or right of way needed for access from a public way to the facility site, and the names of all abutters or property owners along the access easement or who have deeded rights to the easement.

3. Existing Conditions Plan. A recent survey of the area within 500 feet of the facility site at a scale no smaller than 1" = 40' (1:480 or metric equivalent 1:500) with topography drawn with a minimum of 10 feet (3 meters) contour intervals, showing

existing utilities, property lines, existing buildings or structures, stone walls or fence lines, wooded areas, existing water wells and springs. Show the boundary of any wetlands or floodplains or watercourses and of any bodies of water included in the Shoreland Zoning District within 500' from the facility site. The survey plan must have been completed and recorded within two years prior to the application date by a land surveyor registered and licensed to practice in Maine.

4. Proposed Site Plans must show the proposed facility site layout, grading and utilities at the same scale or larger than the existing conditions plan. The applicant must provide details of and a site plan showing all existing or proposed accessory structures including buildings, parking areas, utilities, access roads, etc. The proposed site plans must indicate: (a) the location of the proposed tower and any appurtenances, including supports and guy wires and any accessory building (communication equipment shelter or other); (b) property boundaries and setback distances to the base of the tower and to the nearest corners of each of the appurtenant structures and guy wires, if any, to those boundaries, and indicate setback distances from the edge of any fencing; (c) dimensions of all proposed improvements; (d) proposed spot elevations at the base of the proposed tower, at the base of any guy wires, and at the corners of all appurtenant structures.

5. Elevation drawings must show 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.

6. Landscaping plan must show the 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.

7. Proposed Equipment Plan must show plans, elevations, sections and details at appropriate scales but no smaller than 1" = 10' and for a wireless telecommunications facility must indicate:

- i. Number of antennas and repeaters, as well as the exact locations, of antenna(s) and of all repeaters (if any) located on a map as well as by degrees, minutes and seconds to the nearest tenth of latitude and longitude.
- ii. Mounting locations on tower or structure, including height above ground.
- iii. Antenna type(s), manufacturer(s), model number(s).
- iv. For each antenna, the antenna gain and antenna radiation pattern.
- v. Number of channels per antenna, projected and maximum.

vi. Power input to the antenna(s).

vii. Power output, in normal use and at maximum output for each antenna and all antennas as an aggregate.

viii. Output frequency of the transmitter(s).

E. Federal Permits. Applicant shall submit copies of all pertinent submittals and showings pertaining to:

1. FCC permitting/licensing, including Environmental Assessments and Environmental Impact Statements as required by National Environmental Protection Act of 1969, section 47, and documentation from State Historic Preservation Officer and the Maine Historic Preservation Commission;

2. FAA Notice of Construction or Alteration aeronautical studies;

3. 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 and all pertinent data, assumptions and calculations relating to service coverage;

4. All pertinent calculations and/ or measurement data related to non-ionizing radiation exposure, regardless of whether categorical exemption from routine environmental evaluation under the FCC rules is claimed.

F. Existing Coverage. Applicant shall provide written documentation demonstrating that existing telecommunications facility sites and other existing structures of suitable height in Addison and within a twenty (20) mile radius of the proposed site cannot reasonably be made to provide adequate coverage and/or adequate capacity to the Town of Addison. The documentation shall include, for each facility site listed which is owned or operated by the applicant, the exact location (in longitude and latitude, in degrees, minutes and seconds to the nearest tenth), ground elevation, height of tower or structure, type of antennas, antenna gain, height of antennas on tower or structure, output frequency, number of channels, power input and maximum power output per channel. Potential adjustments to these existing facility sites, including changes in antenna type, orientation, gain, height or power output shall be specified. Radial or tiled coverage plots showing each of these facility sites, as they exist, and with adjustments as above, shall be provided as part of the application.

G. Collocation. Evidence must be provided that the proposed wireless telecommunications facility cannot be collocated on any existing or previously approved tower sites or suitable structures. Evidence must include an assessment of whether such facility sites could be changed to accommodate the proposed tower, and a

detailed description of the projected cost of shared use of the existing or approved facility site or other suitable structures must be provided. Such evidence shall include documentation from a qualified and licensed Registered Professional Engineer that:

1. describes the facility, the technical reasons for the facility design and the capacity of the facility, including the numbers, types, and volumes of antennae that it can accommodate and the basis for the calculation of capacity.
2. the planned necessary equipment would exceed the structural capacity of existing and approved facilities and alternative structures considering (a) the existing and planned use of those facilities and alternative structures, and (b) the existing and approved facilities cannot be reinforced or enlarged to accommodate planned or equivalent equipment at a reasonable cost;
3. the planned equipment will cause electromagnetic frequency interference with other existing or planned equipment for that facility or alternative structure, and the interference cannot be prevented at a reasonable cost;
4. existing or approved facilities and alternative 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
5. other documented reasons make it technically or financially unfeasible to place the equipment planned by the applicant on any of the existing or previously applied for or approved facilities and alternative structures.

H. Proof of Collocation Efforts. The applicant for a wireless telecommunications facility must provide evidence that written notice was sent, by pre-paid United States certified mail, return receipt requested, to all other tower and alternative tower structure owners and licensed wireless communication providers that could furnish service to the Town of Addison utilizing existing towers and alternative tower structures. The notice shall state the applicant's siting needs and include a request for all relevant information regarding the collocation 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 the return receipt requests that the notices were sent as required.

I. Allowing Collocation. Applicants for a conditional use permit for construction of a new wireless telecommunications facility or major modification of an existing facility shall provide a signed letter of intent, valid for the duration of the existence of the tower, that commits the facility owner and its successors in interest to: (a) respond in a timely, comprehensive manner to a request for information from a potential collocation applicant; (b) negotiate in good faith for shared use by third parties that have received a FCC license or permits; and (c) without discrimination to other telecommunications providers, allow shared use to rent or lease any and all available space for collocation

on the tower, provided an applicant agrees in writing to pay reasonable market-rate charges.

J. Repeaters. Applicant shall demonstrate with written documentation that they have analyzed the feasibility of repeaters in conjunction with all facility sites listed in compliance with this Ordinance to provide adequate coverage to the Town of Addison and reasonably concluded that the use of repeaters would not provide such adequate coverage. Radial or tiled coverage plots of all repeaters considered for use in conjunction with these facility sites shall be provided as part of the application.

K. Indirect Service. Applicant shall demonstrate which portion of a tower or structure and which antennas, if any, are to reduce or eliminate reliance on land-lines, or otherwise provide communications capability to the applicant, as opposed to providing direct service to customers. Such provision of indirect service may be considered if reasonable alternatives are not available and the incremental effect is consistent with the purposes set forth in Section 8(F) of this Ordinance.

L. Inventory of Applicant's Facilities. The applicant for a wireless telecommunications facility must provide an inventory of all the provider's applied for, existing and approved towers, antennae or sites within the Town of Addison and locations in communities within twenty (20) miles of Addison where wireless telecommunications are proposed to be utilized in conjunction with the facility proposed in the application, in addition to service area maps and network maps of the applicant's existing and proposed facilities in Washington County.

M. Contract with Provider. Applicants for a conditional use permit for a wireless telecommunications facility must be a telecommunications provider or must provide a copy of its lease or contract with an existing telecommunications provider. Pricing information in the lease or contract may be redacted from the copies provided as part of the permit application. A proposal to construct or modify such a facility must include evidence of a binding written commitment from a duly licensed carrier to utilize the tower to provide wireless communication services. A conditional use permit shall not be granted for a tower to be built on speculation.

N. Environmental Assessments. 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). 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 of Addison prior to the beginning of the Federal 30 day comment period and the Town of Addison process shall become part of the application requirements.

SECTION 9: STANDARDS OF APPLICATION REVIEW; CONDITIONS OF APPROVAL

Unless the following standards are waived by the Planning Board due to the special and unique circumstances of the application, they shall be conditions of approval of any wireless telecommunications facility and are ongoing requirements of a permitted facility. To be approved by the Planning Board, an application must meet all of the following standards, criteria, and requirements:

A. Compliance with Applicable Laws. The siting, approval, construction and operation of all wireless telecommunications facilities in the Town of Addison must be in accordance with all applicable standards and requirements in this Ordinance, other ordinances of the Town of Addison, be consistent with the Town of Addison's Comprehensive Plan and must comply with all Federal and State laws and regulations.

B. Location Priority and Prohibition. A new wireless communication facility must be located according to the priorities below. The applicant shall provide factual evidence when a facility cannot reasonably be placed in a higher priority.

1. Collocation on an existing wireless communication facility or other existing structure.
2. Location on vacant municipal property.
3. A new facility on private property.
4. Such facilities shall not be located in a Shoreland Zoning district or in areas designated as Residential/Home Business or Mixed Use on Map 12: Proposed Land Use of Addison's Comprehensive Plan, which are shown on the map attached and made a part of this Ordinance.

C. Height of Towers. New towers or heightened towers shall not exceed the minimum height necessary to provide adequate coverage for the telecommunications facilities proposed for use on the tower. Applicant may submit a request for additional height to accommodate future sharing, or to provide indirect service as described in Section 8(K) and shall provide design information and data to justify such additional height. In no case shall facility height exceed 199 feet, triggering the FAA and FCC rules and regulations regarding lighting of towers. Exceptions may be made in the case of wireless telecommunications service providers who shall adequately demonstrate, to the satisfaction of the Planning Board, in consultation with an independent qualified consultant (as specified by Section 7(B)), that denial of greater height would effectively prohibit service.

D. Setback Requirements. A new wireless telecommunications facility must meet all of the following setback requirements. Existing wireless telecommunication facilities that undergo major modifications must meet setback requirements.

1. 150% of the tower height from all property lines, from the edge of the right of way of public roads and from any occupied structure. This setback may be satisfied by

including areas outside the property boundaries if secured by an easement recorded or to be recorded in the Washington County Registry of Deeds. The easement must be for a minimum duration equal to the expected useful life of the facility and shall prohibit construction of any occupied structure within the easement area. The following exemptions may apply:

a. The setback may be changed by the Planning Board upon a showing by the applicant that: (i) The facility is designed to collapse in a manner that will not harm other property, and (ii) Ice build-up and discharge will not present a public safety hazard, and (iii) Guy wires or tower structure will not adversely affect public safety.

b. An antenna is exempt from the setback requirement if it extends no more than five (5) feet horizontally from the edge of the structure to which it is attached, and it does not encroach upon an abutting property.

2. 1,500 feet from any residential structure, existing or for which a building permit has been approved as of the date of the application for a wireless telecommunications facility.

3. 1,500 feet from the boundary line of any property located in an area designated as Residential/Home Business or Mixed Use on Map 12: Proposed Land Use of Addison's Comprehensive Plan. To comply with this setback requirement, the proposed wireless facility must be located a minimum of 2,000 feet from the edge of the right of way of Indian River Road (both sides), Basin Road (northern side only), East Side Road (eastern side only) and Wescogus Road (southern side only), as shown on the setback map attached and made a part of this Ordinance.

E. Balloon Test. The Planning Board may require a certified balloon test accurately simulating the height and location of the proposed wireless telecommunications facility. Public notice shall be given of the date and time of such test not less than ten (10) days prior thereto. The applicant shall provide photographs of such test from locations around the Town including those designated by the Planning Board within twenty (20) miles from which the balloon is visible.

F. Historic and Archaeological Properties. The proposed facility, to the greatest degree practicable, shall have no unreasonable adverse impact upon a historic district, site or structure, which is currently listed on, or eligible for listing on, the National Register of Historic Places. Any alteration made to an historic structure to accommodate a wireless telecommunications facility shall be fully reversible. Such facilities within a historic district 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. Receipt of a decision of no adverse effect after a Section 106 review under the National Historic Preservation Act of 1966 is a condition of approval of a facility under this Ordinance.

G. Lighting. A new wireless telecommunications facility may be illuminated only as necessary to comply with FAA or other applicable State or Federal requirements. Where

the FAA requires obstruction marking and/or lighting, the applicant shall show evidence of a request for the least visually obtrusive scheme to the FAA. Security lighting may also be used as long as it is shielded to be down-directional to retain light within boundaries of the site, to the maximum extent practicable and be shielded from abutting properties. Foot-candle measurements at the property line shall be 0.5 initial foot-candles above ambient light conditions.

H. Structural Standards. A new wireless telecommunications facility involving a tower must comply with the current Electronic Industries Association/ Telecommunications Industries Association. (EIA/TIA) 222 Revision. "Standards for Steel Antenna Towers and Antenna Supporting Structures."

I. Performance and Design Standards. Towers must be of a type that will maximize potential collocation with other wireless telecommunications facilities and antennas. Applicant must demonstrate the future utility of such structure for expansion of service for the applicant and other future applicants.

J. Fencing and Signs. The area around the tower and communication equipment shelters shall be completely fenced for security to a height of six feet, gated and locked. A sign no greater than two (2) square feet indicating the name of the facility owner and a 24 hour emergency telephone number, either in-state or toll-free, shall be posted adjacent to the entry gate. In addition, No Trespassing or other warning signs, and the Federal tower registration plate, where applicable, may be posted on the fence or as required to meet Federal requirements.

K. Driveways. If available, or reasonably available through the purchase of a legal right of way, existing entrances and driveways to serve a wireless telecommunications facility shall be utilized, unless the applicant can demonstrate that a new entrance and driveway will result in less visual traffic and less environmental impact. The applicant shall obtain permission from the proper authority for any new driveway entrance. The traveled way of new driveways to serve such a facility shall not exceed twelve (12) feet in width. A gravel or crushed stone surface is required.

L. Advertising shall not be allowed on any wireless telecommunications facility.

M. Hazardous Waste. No hazardous waste shall be discharged on the site of any wireless communications facility. 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.

N. Noise. A wireless telecommunications facility shall not generate noise in excess of 65 dBm at peak at any of the property lines of the facility site.

O. Use of Repeaters. The use of repeaters to assure adequate coverage, or to fill holes

within areas of otherwise adequate coverage, while minimizing the number of required towers, is permitted and encouraged. Applicants shall detail the number, location, power output and coverage of any proposed repeaters in their systems and provide engineering data to justify their use. Applicants not willing to use repeaters in their systems must provide engineering data justifying their non-use.

P. Coverage Area. If primary coverage (greater than 50%) from the proposed telecommunications facility is outside Addison then the permit shall be denied unless the applicant can demonstrate an inability to locate within the Town which is primarily receiving service from the proposed facility.

Q. Alternative Tower Sites. If the proposed wireless telecommunications facility does not meet the standards of this Ordinance because of excessive height, or for other reasons making the consideration of alternative sites appropriate, then potential suitable alternative sites, where such facilities can meet the standards and provide adequate signal coverage, need to be inventoried and evaluated. More than one site each with a facility (that may be shorter than originally proposed) must be considered. If the applicant determines that there are no suitable alternative sites, the Town of Addison may hire at the applicant's expense a radio frequency engineer to independently assess if there are suitable alternative sites.

R. Antenna Installation. An antenna or antenna array may be located, without further approval, on any wireless telecommunications facility approved under the provisions of this Ordinance, provided that:

1. All carriers using the facility comply with provisions of this Ordinance including the requirements of collocation;
2. All carriers using the facility comply with the terms and conditions of approval of the facility by the Planning Board; and
3. There is no increase in the facility's height, carrier capacity, or area of the security barrier. Otherwise, site plan review and a conditional use permit are required.

S. Indemnity. The owner of the wireless telecommunications facility, as a condition of approval, shall execute an agreement that it will indemnify and hold the Town of Addison, 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 facility or any part thereof.

SECTION 10: FINDINGS FOR APPROVAL. The Addison Planning Board must, in consultation with its independent consultants, where such expert advice is reasonably necessary, make all of the following applicable findings before granting the conditional use permit:

- A. Applicant is not already providing adequate coverage and adequate capacity to the Town of Addison.
- B. Applicant is not able to use existing tower/facility sites, either with or without the use of repeaters, to provide adequate coverage and adequate capacity to the Town of Addison.
- C. Applicant has endeavored to provide adequate coverage and adequate capacity to the Town of Addison with the least number of towers and antennas technically and economically feasible.
- D. Applicant is not able to use "microcell PCS" or other reasonably available alternate technology in lieu of towers.
- E. Efforts have been made to locate new towers adjacent to existing towers.
- F. Applicant has agreed to rent or lease suitable available space on the tower, under the terms of a fair-market lease, with reasonable conditions and without discrimination to other telecommunications providers.
- G. The proposal complies with FCC Rules & Regulations and procedures outlined in FCC Bulletin 65 regarding exposure from electromagnetic radiation and that the required monitoring program (see Section 11 of this Ordinance) has been developed and shall be paid for by the applicant. Steps have been taken to prevent access to any areas in which exposure might exceed the FCC guidelines.
- H. Based upon the application submitted, the applicant has demonstrated compliance with all applicable requirements and conditions of this Ordinance.

SECTION 11: MONITORING AND EVALUATION OF COMPLIANCE

- A. Construction Commencement and Completion.** Construction shall commence within one (1) year from the date of issuance of the permit, otherwise the permit shall expire and the project shall be deemed to be abandoned. Construction shall be completed within one (1) year after start of construction. Upon written request of the applicant and the applicant's showing good cause, the Planning Board may extend the required start or completion dates.
- B. Notification of Continued Use.** Beginning twelve (12) months after completion of construction and continuing on an annual basis thereafter, the owner of a wireless telecommunications facility shall provide the Planning Board with a written, signed certification that the facility is being used to provide wireless services as defined, together with an annual renewal fee of \$100. Failure to comply with this requirement

shall constitute an admission that the wireless telecommunications facility is not in use and has been abandoned.

C. Discontinuance. At such time that the owner plans to temporarily or permanently discontinue operation of a wireless telecommunications facility, the owner will notify the Town of Addison by certified U. S. mail of the proposed date of temporary or permanent discontinuation of operations. Such notice shall be given no less than thirty (30) days prior to temporary or permanent discontinuation of operations. In the event that the owner fails to give notice of temporary discontinuance, the facility shall be considered permanently discontinued and abandoned upon the discontinuation of operation.

D. Maintenance. The owner of the facility shall maintain the facility 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.

E. Monitoring Protocol. A determination of the radio frequency exposure shall be conducted by a Planning Board selected independent radio frequency engineer to demonstrate compliance with FCC and NCRP (National Council on Radiation Protection and Measurements) guidelines. Unless preempted by Federal regulation, determination shall be by means of actual measurements, paid for by the applicant. The property owner and the owner of the wireless telecommunications facility shall agree that the Town and its appointed representatives may enter the subject property to obtain RFR measurements and to perform maintenance and safety inspections at the expense of the carrier. In the case of taking RFR measurements, the Town may enter without any advance notice to either the facility 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 inspections are conducted.

F. Excessive Exposure. Should the monitoring of a facility site reveal that the site exceeds the current FCC guidelines, the owners of all facilities utilizing that site shall be so notified. In accordance with FCC requirements, the owners must immediately reduce power or cease operation as necessary to protect persons having access to the site, tower or antennas. Additionally, the owners shall submit to the Addison Planning Board a plan for the correction of the situation that resulted in excessive exposure. Failure to act as described above shall result in revocation of the conditional use permit and violations are subject to penalties as provided by Section 13 of this Ordinance.

G. Tower Structural Integrity. The Planning Board shall arrange, at the owner's expense, for an independent consultant, a licensed professional structural engineer, to conduct inspections of the towers structural integrity and safety. Guyed towers shall be inspected every three years. Monopoles and non-guyed lattice towers shall be inspected every five years. A report of the inspection results shall be prepared by the

independent consultant and submitted to the Planning Board and Addison Code Enforcement Officer.

H. Building Code; Safety Standards. To ensure the structural integrity of wireless telecommunications facilities, the owner of the facility shall ensure that it is constructed and maintained in compliance with the standards contained in applicable local building codes and the applicable standards for such facilities that are published by the Electronics Industries Association, as amended from time to time. If, upon inspection, the Town concludes that such a facility 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 facility, the owner shall have thirty (30) days to bring such facility into compliance with such standards. If the owner fails to bring such facility into compliance within thirty (30) days, such action shall constitute abandonment and grounds for the removal of the facility as abandoned at the owners' expense through execution upon the posted security.

I. Unsafe Structure. Should the inspection of any tower reveal any structural defect which, in the opinion of the independent consultant, renders that tower unsafe, the following actions must be taken. The owner of the tower shall submit a plan to remediate the structural defect. The Planning Board and Addison Code Enforcement Officer shall determine a schedule to accomplish complete remediation of structural defects. Failure to accomplish this remediation of structural defects within the specified time frame shall be a violation of the conditional use permit and subject to penalties as specified in Section 13 of this Ordinance.

J. Certificate of Insurance. The applicant shall submit annually to the Town of Addison a Certificate of Insurance showing public liability insurance coverage of not less than \$2 million Combined Single Limit.

SECTION 12: ABANDONMENT; REMOVAL REQUIREMENTS

Any telecommunications facility that ceases to operate for a period of three years shall be removed. "Cease to operate" is defined as not performing the permitted functions associated with the telecommunications facility and its equipment on a continuous and ongoing basis for a period of five years. At the time of removal, the facility site shall be remediated such that all telecommunications facility improvements which have ceased to be utilized are removed. If all facilities on a tower have ceased to operate, the tower shall also be removed, and the site shall be re-vegetated. Applicant shall provide a bank letter of credit for the cost of 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 this Section 12. The amount of the security shall be based upon the removal cost plus fifteen percent (15%) as certified by a professional civil engineer licensed in Maine. No

conditional use permit may be issued until the applicant has deposited the just described 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.

A. Failure to Remove. If the owner of the facility does not remove the facility upon the Planning Board's order, then the Addison Selectboard 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. If the abandoned facility is not removed within ninety (90) days, the Town of Addison may execute on the security to pay for such removal.

B. Failure to Maintain. If the owner of the facility fails to maintain the facility in accordance with the directions of the Addison Planning Board or Selectboard pursuant to this Ordinance, then the Addison Selectboard 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. If the abandoned facility is not removed within ninety (90) days, the Town of Addison may execute on the security to pay for such removal.

SECTION 13: ADMINISTRATION AND ENFORCEMENT; PENALTIES.

A. Administration and Enforcement. The Addison Planning Board and the Addison Selectboard, through the Code Enforcement Officer, shall administer and enforce this Ordinance.

B. Penalties. Whoever violates this Ordinance is subject to all of the penalties and remedies described under 30-A M.R.S.A. 4452 and by a fine of not less than \$100 nor more than \$2,500 per offense. Each day on which such violation continues after the date of a written notice of violation is issued by the Town's Code Enforcement Officer shall constitute a separate offense. When actions taken to enforce the Ordinance under Sections 11 or 12 do not result in the correction or abatement of the violation or nuisance condition, the Addison Selectboard, upon notice from the Code Enforcement Officer, shall institute or cause to be instituted any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town of Addison. There is a twenty-five thousand dollar (\$25,000.00) maximum fine per offense upon the second conviction within two (2) years of prior violations under this Ordinance.

SECTION 14: APPEALS; 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 where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made, or failure to act, in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this Ordinance is not appealable to the Board of Appeals.

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

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

B. Appeal Procedures.

1. Making an Appeal.

a. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement related matters. Such an appeal shall be taken within thirty (30) days after the date of the final written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may extend the thirty (30) day appeals period.

b. Appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes a concise written statement indicating what relief is requested and why the appeal or variance should be granted.

c. Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

d. The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.

2. Decision by Board of Appeals. A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal. The person filing the appeal shall have the burden of proof. The Board shall decide all administrative appeals and variance appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals. 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. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the Selectmen.

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

D. 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, 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.

SECTION 15: CONFLICT WITH OTHER ORDINANCES; SEVERABILITY. Whenever a provision of this Ordinance conflicts with or is inconsistent with other provisions of this Ordinance, or of any other Ordinance, regulation, or standard, the more restrictive provision shall apply. The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision hereof.

SECTION 16: DEFINITIONS.

ADEQUATE COVERAGE - Coverage is considered to be "adequate" within that area

surrounding a base station where the predicted or measured median field strength of the transmitted signal is such that the majority of the time, transceivers properly installed and operated will be able to communicate with the base station without objectionable noise (or excessive bit-error-rate for digital) and without calls being dropped. In the case of cellular communications in a rural environment like Addison, this would be a signal strength of at least - 90dbm. It is acceptable for there to be holes within the area of adequate coverage as long as the signal regains its strength further away from the base station. For the limited purpose of determining whether the use of a repeater is necessary or desirable, there shall be deemed not to be adequate coverage within said holes. The outer boundary of the area of adequate coverage, however, is that location past which the signal does not regain.

ADEQUATE CAPACITY - Capacity is considered to be "adequate" if the grade of service (see definition) is p.05 or better for at least 50% of the days in a preceding month, prior to the date of application, as measured using direct traffic measurement of the telecommunication facility in question, where the call blocking is due to frequency contention at the antenna(s).

ADEQUATE SIGNAL COVERAGE- Coverage is "adequate" within that area surrounding a base station where the predicted or measured median field strength of the transmitted signal is such that the majority of time, transceivers properly installed and operated will be able to communicate with the base station without objectionable noise (or excessive bit-error-rate for digital) and without calls being dropped. In the case of cellular or Personal Communications Services (PCS) communications in a rural or non-urban environment, this would be a signal strength of at least – 92dBm. It is acceptable for there to be holes within the area of adequate coverage as long as the signal regains its strength further away from the base station. The outer boundary of the area of adequate coverage, however, is that location past which the signal does not regain.

ANTENNA - A device which is attached to a wireless telecommunications facility or other structure for transmitting and receiving wireless radio signals.

AVAILABLE SPACE - The space on a tower or structure to which antennas of a telecommunications provider are structurally to be attached.

BASE STATION - The primary sending and receiving site in a wireless telecommunications network. More than one base station and/ or more than one variety of telecommunications provider can be located on a single tower or structure.

BOARD OF APPEALS - The Board of Appeals of the Town of Addison.

BULLETIN 65 - Published by the FCC Office of Engineering and Technology specifying radiofrequency radiation exposure levels and methods to determine compliance.

CARRIER - A company that provides personal wireless services also sometimes referred to as a provider.

CHANNEL - The segment of the radiation spectrum from an antenna that carries one signal. An antenna may radiate on many channels simultaneously.

COLLOCATION - The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

dBm - Unit of measure of the power level of a signal expressed in decibels above 1 milliwatt.

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.

FACILITY SITE - A property, or any part thereof, which is owned or leased by one or more telecommunications providers and upon which one or more telecommunications facility(s) are located. See Personal Wireless Service Facility.

FCC - Federal Communications Commission. The government agency responsible for regulating telecommunications in the United States.

GRADE OF SERVICE - A measure of the percentage of calls which are able to connect to the base station, during the busiest hour of the day. Grade of service is expressed as a number, such as p.05 - which means that 95% of callers will connect on their first try. A lower number (p.04) indicates a better grade of service.

GUYED TOWER - A monopole or lattice tower that is secured to the ground or other surface by diagonal cables for lateral support.

HEIGHT - The height above ground level (AGL) from the natural grade of a site to the highest point of a structure.

LATTICE TOWER - A type of mount with multiple legs and structural cross-bracing between the legs that is self-supporting and freestanding.

LOCATION - References to site location as the exact longitude and latitude, to the nearest tenth of a second with bearing or orientation referenced to true North.

MAJOR MODIFICATION OF AN EXISTING FACILITY - A major amendment as defined in Subsection 7.H of this Ordinance.

MONOPOLE - A thicker type of mount than a mast that is self-supporting with a single shaft of wood, steel, galvanized metal, concrete or other unpainted or painted material that is designed for the placement of antennas and arrays along the shaft.

MICROCELL PCS - A wireless personal communication service which uses a cable television system, and no towers, to provide cellular service.

MONITORING - The measurement, by the use of instruments in the field, of non-ionizing radiation exposure at a site as a whole, or from individual telecommunications facilities, towers, antennas or repeaters.

MONITORING PROTOCOL - The testing protocol used to determine compliance with the National Council on Radiation Protection and Measurements guidelines, related to exposure from existing and new telecommunications facilities upon adoption of this Ordinance.

OCCUPIED STRUCTURE - Any structure which people may enter or use.

PLANNING BOARD - The Planning Board of the Town of Addison.

RADIAL PLOTS - Radial plots are the result of drawing equally-spaced lines (radials) from the point of the antenna, calculating the expected signal and indicating this graphically on a map. The relative signal strength may be indicated by varying the size or color at each point being studied along the radial; a threshold plot uses a mark to indicate whether that point is strong enough to provide adequate coverage - i.e., the points meeting the threshold of adequate coverage. The drawback is the concentration of points close to the antenna and the divergence of points far from the site near the ends of the radials.

RADIATED-SIGNAL PROPAGATION STUDIES OR COVERAGE PLOTS - Computer generated estimates of the signal emanating, and prediction of coverage, from antennas or repeaters sited on a specific tower or structure. The height above ground, power input and output, frequency output, type of antenna, antenna gain, topography of the site and its surroundings are all taken into account to create these simulations. They are the primary tools for determining whether a site will provide adequate coverage for the telecommunications facility proposed for that site.

RADIO FREQUENCY (RF) ENGINEER - An engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

RADIO FREQUENCY RADIATION (RFR) - The emissions from wireless telecommunications facilities.

REPEATER - A small receiver/relay transmitter of relatively low power output designed to provide service to areas that are not able to receive adequate coverage directly from a base or primary station.

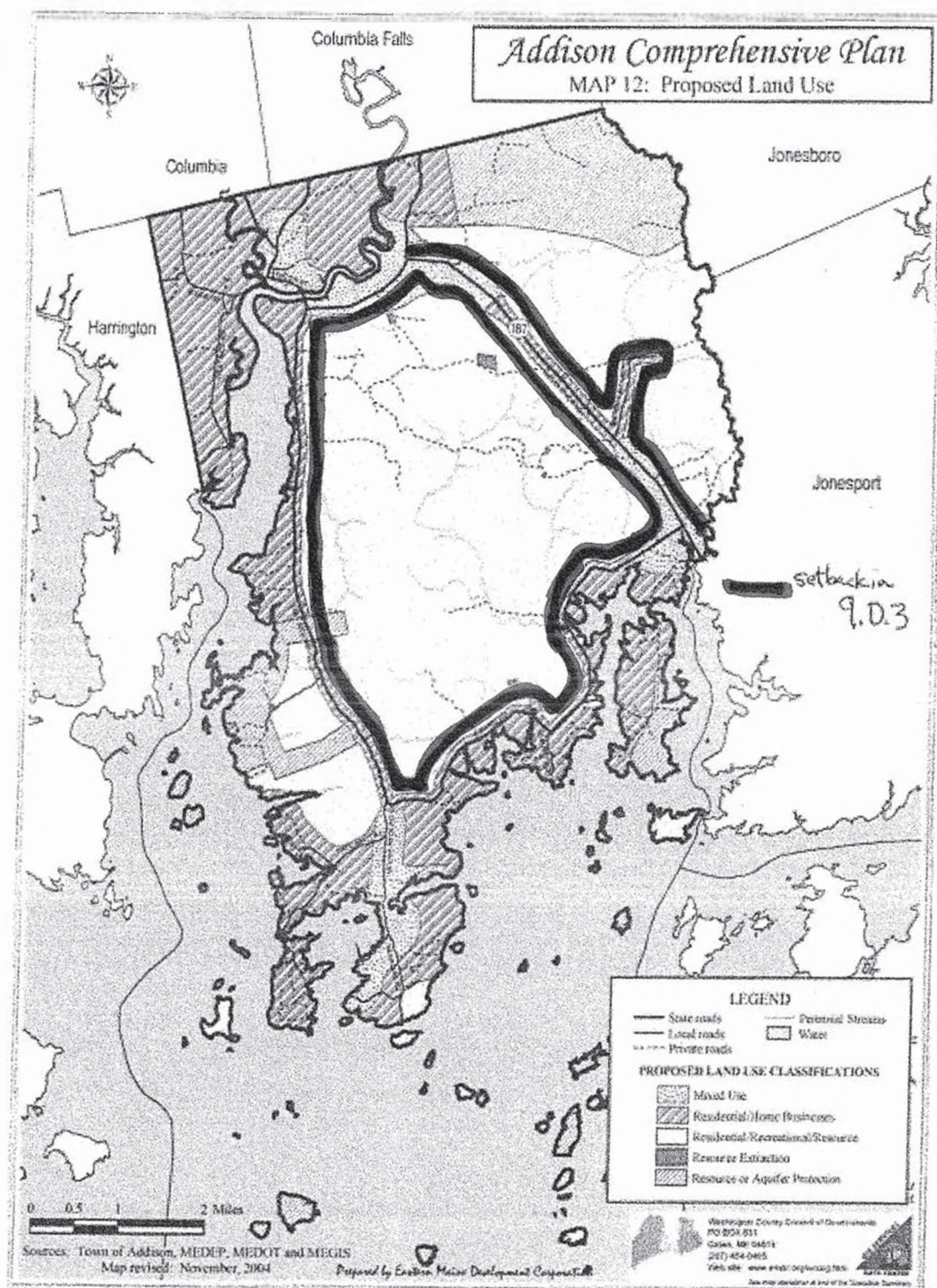
STRUCTURALLY ABLE - The determination that a tower or structure is capable of carrying the load imposed by the proposed new antennas under all reasonably predictable conditions as determined by professional structure engineering analysis.

TELECOMMUNICATIONS PROVIDER - An entity licensed by the FCC to provide telecommunications services to individuals or institutions.

TOWER - A lattice structure or framework, either self-supporting or guyed, (and including the guy wires and their anchor points) or monopole, that is designed to support telecommunications transmission, receiving and/or relaying antennas and/ or equipment.

TOWN - The Town of Addison.

WIRELESS TELECOMMUNICATIONS FACILITY (WIRELESS FACILITY)- Any structure, antenna, tower, or other device which provides personal wireless services as defined by the Telecommunications Act of 1996, as amended, including radio/television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), common carrier wireless exchange access services, and personal communications service (PCS) or pager services--and also including any antennas, mounts, equipment shelters, guy wires and other related equipment, but not including access roads or any facilities exempted by Section 5 of this Ordinance.

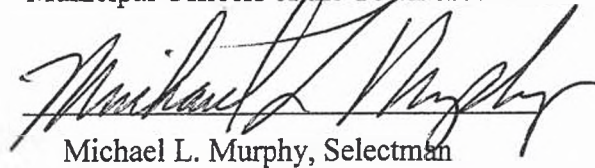


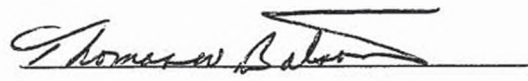


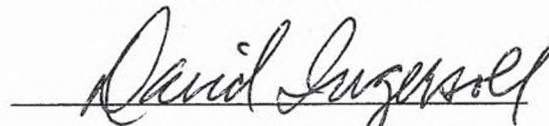
This certifies to the Municipal Clerk of the Town of Addison that the within ordinance is a true copy of an ordinance entitled "Wireless Telecommunications Facilities Ordinance" to be acted upon by the voters at a Town Meeting to be held on November 30, 2015.

Dated: Nov. 9, 2015

Municipal Officers of the Town of Addison


Michael L. Murphy, Selectman


Thomas Batson, Selectman


David Ingersoll, Selectman

Attested: A true copy of an ordinance entitled "Wireless Telecommunications Facilities Ordinance" for the Town of Addison as certified to me by the municipal officers of Addison on the 10th day of November, 2015.

Signature Alice Tucker
Town Clerk



