

2015

# Town of Arrowsic Maine Ordinances

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## **Education Committee Ordinance**

**Copied from *Arrowsic Maine Annual Report 2014*, pp. 106-107.**

**Art. 38.** To see if the Town will vote to enact an ordinance entitled “Education Committee Ordinance” as it appears below:

**Authority:** This Ordinance is enacted pursuant to 30-A M.R.S.A. §3001 *et seq.*

**Ordinance Purpose:** To establish an education committee for the Town of Arrowsic to address the diverse educational needs of Arrowsic residents.

### **Education Committee Composition:**

Five Appointed Members: The Select Board shall appoint five members to the Education Committee. The initial terms of office are one one-year position, two two-year positions and two three-year positions. All terms will be three years thereafter to provide rolling terms of office for members.

Vacancies in membership shall be filled in the same manner and for the balance of the term of the original appointment.

Officers of the Education Committee shall be a Chairperson and Secretary selected annually by the members of the Education Committee, on or about the Committee’s first meeting of each year.

The Chairperson, in addition to duties imposed by law, shall convene the committee on a regularly scheduled basis, preside over the meetings, and be an ex-officio member of all sub-committees.

The Secretary shall keep an accurate record of the proceedings, shall provide a copy to the Select Board and perform all other duties imposed by law.

A majority of the members of the Education Committee shall constitute a quorum and shall be sufficient to direct the activities and decisions of the committee. Sub-committees may be created by vote of the Committee and may be populated by non-Education Committee Arrowsic residents.

### **The Education Committee duties and responsibilities shall be to:**

Promote educational experiences that allow all students to develop their knowledge, skills and critical thinking in a way that results in their ability to fully participate in the global community of the 21st century.

Oversee Town interests as related to education of Town residents.

Render to the Select Board a summary of services received from the School Unit of which Arrowsic is a member.

Evaluate from time to time the performance of the School Unit of which Arrowsic is a member.

Facilitate communications among stakeholders of Arrowsic Education such as and not limited to the School Unit, parents, residents or taxpayers.

Perform other duties as allowed by law.

**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 portions of this Ordinance.

**Effective Date:** This Ordinance shall become effective twenty (20) days after enactment.



# TOWN OF ARROWSIC SUBDIVISION ORDINANCE

As Amended June 13, 2012

\$10.00

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Note: Dates in parentheses indicate when the section was last amended.

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## 1.0 General

**1.1 Purpose:** The purpose of this Subdivision Ordinance shall be to assure the comfort, health, safety, and general welfare of the people, to protect the environment, and to provide for the orderly development of a sound and stable community. This Ordinance shall apply to all subdivisions as defined by Title 30, M.R.S.A: Section 4956 as amended from time to time, including residential, commercial and industrial uses.

**1.2 Basic Requirements:** The provisions of this Ordinance, in addition to the Zoning Ordinance, apply to all of the land areas of all proposed subdivisions located in the Town of Arrowsic.

**1.3 Effective Date:** The effective date of this Ordinance is June 29, 1989.

## 2.0 Review Criteria

The Planning Board shall approve, deny, or approve with conditions, all applications for a Subdivision. The applicant shall have the burden of proving that his or her application is in compliance with the requirements of this Ordinance. After submission of a complete application, the Planning Board must grant a permit if it makes a positive finding on each of the following factors, based upon the information the applicant presented to it, that the proposed use:

**2.1** Will not result in undue water or air pollution. In making this determination the Board shall at least consider: The elevation of land above sea level and its relation to the flood plains, the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; and the applicable state and local health and water resource regulations;

**2.2** Has sufficient water available for the reasonably foreseeable needs of the subdivision;

**2.3** Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;

**2.4** Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;

**2.5** Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public road existing or proposed;

**2.6** Will provide for adequate sewage waste disposal;

**2.7** Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;

**2.8** Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas;

**2.9** Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any; and

**2.10** The subdivider has adequate financial and technical capacity to meet the above stated standards.

**2.11** Whenever situated in whole or in part, within 250 feet of any pond, lake, river or tidal waters, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water.

**2.12** Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

A negative finding of any one of the above innumerable factors will result in denial of the application, or subject the application to being granted with conditions. The Planning Board may only impose conditions upon subdivisions which remedy the defect.



### 3.0 General Requirements

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

**3.2 Conformity with Comprehensive Plan:** Any proposed subdivision shall be in conformity with the Comprehensive Plan of the Town of Arrowsic and with the provisions of all pertinent state and local codes and ordinances.

**3.3 Impact on Community Services:** The Planning Board may request information regarding the subdivision's effect upon existing services and facilities; a list of construction items that will be completed by the developer prior to the sale of lots; and the list of construction and maintenance items that must be borne by the town which shall include, but not be limited to:

- Schools, including busing
- Road maintenance and snow removal
- Police and fire protection
- Solid waste disposal
- Town Hall

**3.4 Landscape Plan:** The Planning Board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees, the replacement of trees and vegetation, proposed contours, streams, and the preservation of scenic, historic, or environmentally desirable areas. The road and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as much as possible.

### 3.5 Retention of Proposed Public Sites and Open Spaces

3.5.1 Depending on the size and location of the subdivision, the Board may require the developer to provide up to ten (10) percent of the total area for recreation. Areas reserved for recreation shall be at least one acre in size and easily accessible from all lots within the subdivision.

3.5.2 Land reserved for park and/or recreational purposes shall be of a character, configuration and location suitable for the particular use intended. A site to be used for active recreation purposes, such as a playground or a playfield, should be relatively level and dry, have a total frontage on one or more roads of at least 200 feet, and have no major dimensions of less than 200 feet. Sites selected primarily for scenic or passive recreation purposes shall have such access, and sufficient areas for trails, lookouts, etc. as the Board may deem suitable, and shall have no less than twenty-five (25) feet of road frontage.

3.5.3 Where the proposed subdivision is located on a pond, river, or stream, a portion of the waterfront area shall be included in reserved land for use by property owners in the subdivision. It shall be a minimum of 200 feet plus ten (10) additional feet for each unit/lot.

3.5.4 Ownership shall be clearly indicated for all reservations of park and playground purposes on the Final Plan and shall be clearly established in a manner satisfactory to the town attorney so as to ensure the continuation of responsibility for owners' maintenance. The land or a part of it may be deeded to the Town of Arrowsic subject to the approval of the Town.

3.5.5 The Board may further require that the developer provide space for future municipal uses, in accordance with a Comprehensive Plan or policy statement, giving the Town first option on the property.

**3.6 Land Not Suitable for Development:** The Planning Board shall not approve building lots located totally on land below sea level, on land below the base flood elevation for the 100-year flood plain as designated on the Town of Arrowsic Federal Emergency Management Agency Flood Insurance Rate Maps, on land which must be filled or drained, on land created by diverting a watercourse, or on filled tidal land or filled or drained Great Ponds.

**3.7 Market Study:** The Board may require that a market study be prepared for a proposed subdivision.

**3.8 Traffic Impact:** The Board may require that a traffic study and/or a fiscal impact study be prepared for a proposed subdivision.

**3.9 Easements for Natural Drainage Ways:** Where a subdivision is traversed by a natural watercourse, drainage way, channel or stream, the Planning Board may require that a storm water easement or drainage right-of-way be provided which conforms substantially with the lines of such watercourse and is of such width as to assure that no flooding occurs and all storm water can be disposed of properly. Such easement or right-of-way shall be not less than thirty (30) feet in width.

**3.10 Net Residential Density:** The calculation of density for all residential subdivisions shall be based on the net residential area or acreage of the parcel as defined herein.

**3.11 Buildable Land:** In a new subdivision, only buildable land as defined herein shall be utilized in the creation of lots or building sites. Buildings, roads and septic systems shall be constructed only in those areas designated as buildable.

### **3.12 Utilities**

3.12.1 The size, type and location of public utilities, such as road lights, electricity and telephone transmission lines, and fire hydrants shall be approved by the Board and installed in accordance with the requirements of the Board.

3.12.2 Utilities shall be installed underground except as otherwise approved by the Board.

3.12.3 All public utilities and facilities, such as sewer, electrical and water systems shall be located and constructed to minimize or eliminate flood damage.

**3.13 Density Bonus:** A 20% density bonus shall be given to all subdivisions which provide, either within the proposed subdivision or in another location in town, at least 10% of the total lots or units proposed, be sold at a price which is affordable to low or moderate income individuals, as defined by the State.

**3.14 Required Improvements:** The following are required improvements: boundary monuments, road signs, roads, landscaping, and storm drainage, except where the Board may waive or vary such improvements in accordance with the provisions of these Standards.

**3.15 Covenants, Deeds, Leases, Etc.:** The Planning Board may request that the subdivider submit for review and approval copies of all proposed deeds; leases, restrictive covenants; easements; and other such documents pertaining to or governing the subdivision.

**3.16 Public Acceptance of Roads, Recreation Areas:** The approval by the Planning Board of a Subdivision Plan shall not be deemed to constitute or be evidence of any acceptance by the town of any road, easement, recreation area, or other open space shown on such plan.

**3.17 Maintenance:** The subdivider shall be required to maintain all improvements and provide for snow removal on roads and sidewalks until acceptance of said improvements by the town or occupant association.

**3.18 Trust Account Fee:** As a condition of approval of the Final Plan, the Planning Board may require, in addition to a performance bond or guarantee, a payment of two hundred dollars (\$200.00) for each lot, or for each dwelling unit. Payment shall be held in an escrow account by a trustee mutually agreeable to both the town and the developer.

The Planning Board may from time to time withdraw from the escrow account in order to make reasonable payment for costs, expenses and services incurred by the Planning Board at its sole discretion which relate directly to the review of the subdivision; or which relate directly to the efforts of the town to assure compliance with the Final Plan. Such services may include, but not be limited to, clerical costs, consulting engineering fees, architectural feed, attorney fees, recording fees, appraisal fees, and the trustees administration fee.

The trustee shall provide the subdivider with a periodic accounting and shall refund all of the remaining monies in the account upon the payment of all costs and services related to the subdivision upon the subdivision's completion and compliance with the Final Plan. The refund shall be accompanied by a final accounting.

The subdivider shall not be liable for costs incurred by or costs of services contracted for by the Planning Board which exceed the amount of the escrow account fee.

## **4.0 Design Standards**

### **4.1 Survey Monuments**

4.1.1 A Standard Boundary Survey which meets or exceeds the standards of the State Board of Registration for Land Surveyors for Category 1 Condition III shall be completed for all subdivisions submitted for review under this Ordinance.

4.1.2 Permanent monuments made from granite or iron rods drilled into ledge shall be set at all angle points in the perimeter of the subdivision. Permanent iron markers shall be set at all lot corners and at all angle points and points of curvature of all roads. The monuments and markers shall clearly show the registration number or temporary certificate number of the registered land surveyor responsible for the survey. Where installation of the required monument or marker at its correct location is impractical, it shall be permissible to set a reference monument close to that point.

4.1.3 Prior to the release of any performance guarantee on a subdivision, the inspecting engineer shall certify that all survey monuments required by this section are in place.

### **4.2 Water Supply**

4.2.1 The water supply system for each lot shall be designed, approved and installed in accordance with requirements of the Maine Department of Human Services.

4.2.2 Because they are difficult to maintain in a sanitary condition, dug wells shall be permitted only if it is not economically or technically feasible to develop other groundwater sources.

### **4.3 Sewage Disposal**

4.3.1 In no instance shall a septic disposal system be allowed in soil rated poor or very poor for such purpose by the Maine Plumbing Code.

4.3.2 An application for an individual septic system shall be completed by a licensed soil scientist or site evaluator in full compliance with the requirements of the State of Maine Plumbing Code.

4.3.3 Plans for Engineered Systems as defined in the Maine State Plumbing Code shall be designed by a professional civil engineer and approved by the Department of Human Services.

4.3.4 Regardless of the type of subsurface disposal system proposed, each building lot in a new subdivision shall pass a soils test for an individual subsurface disposal system.

### **4.4 Surface Drainage**

4.4.1 Where a subdivision is traversed by a watercourse, drainageway or future sewer line, or where the Board feels that surface water drainage to be created by the subdivision should be controlled for the protection of the subdivision and owners of property abutting it, there shall be provided an easement or drainage right-of-way and culverts, catch basins or other means of channelling surface water within such subdivision and over the property of owners abutting upon it, of such nature, width and location as the Board deems adequate.

4.4.2 The developer shall provide a statement from a civil engineer, registered in the State of Maine, that the proposed subdivision will not create erosion, drainage or runoff hazards either in the subdivision or in adjacent properties. The developer's surface drainage plan shall show ditching, culverts, easements and other proposed improvements.

4.4.3 Topsoil shall be considered part of the subdivision and shall not be removed from the site.

4.4.4 Except for normal thinning and landscaping, existing vegetation shall be left intact to prevent soil erosion. The Board shall require a developer to take measures to correct and prevent soil erosion in the proposed subdivision as detailed in a sedimentation and erosion plan.

4.4.5 To prevent soil erosion of shoreline areas, tree cutting on the shoreline shall conform to the Zoning Ordinance of the Town of Arrowsic, Maine.

## 4.5 Road Design and Construction

### 4.5.1 Classification

**4.5.1.1 Minor subdivision roads:** All roads in subdivisions serving fewer than 10 lots or dwelling units are classified as minor subdivision roads.

**4.5.1.2 Major subdivision roads:** All roads serving 10 or more lots or dwelling units either within or contiguous to a subdivision shall be major subdivision roads to the intersection with the public way.

**4.5.1.3 Town ways:** Roads accepted by the town, as a town way, and for which the town correspondingly acquires maintenance responsibility, are classified as town ways.

### 4.5.2 General Criteria

**4.5.2.1** Before a road will be considered for acceptance as a town way it must first meet the standards of a major subdivision road and be completed to the satisfaction of the Planning Board and Road Commission. On their written approval, major subdivision roads may be presented to the Town for acceptance.

**4.5.2.2** All roads in the subdivision shall be so designed that, in the opinion of the Planning Board, they will provide safe vehicular travel.

**4.5.2.3** If deemed necessary by the Planning Board, the subdivision may be required to provide at least two road connections with existing roads or roads on an approved Subdivision Plan for which a bond has been filed.

**4.5.2.4** Where private and public roads serve a subdivision or cluster development, the formation of a neighborhood association is required in order to guarantee and administer road maintenance. The property owners' obligations for road maintenance cost shall be included as a covenant in their deeds.

**4.5.2.5** If private roads are not properly maintained - including snow removal and sanding - the Town of Arrowsic may take corrective action and shall recover costs by means of a pro-rated assessment of all subdivision property owners without regard for lot size, configuration or location.

**4.5.2.6** All roads shall be named and posted with signs. Signs shall conform with the sign performance standards listed in Section 3.14 of the Arrowsic Zoning Ordinance, and be subject to Planning Board approval.

**4.5.2.7** Entrances, including proposed driveways and roads, onto existing State highways must be approved by the Maine Department of Transportation. Copies of such approvals shall be submitted to the Board at the time of final review. Entrances onto town ways must be approved by the Road Commission.

**4.5.2.8** All roads within a subdivision shall be completed prior to the sale of any lots.

**4.5.3 Construction Standards.** All roads within the subdivision, including access roads from the town way, all be constructed to the specifications herein (6-24-82)

**4.5.3.1 Preparations:** Before grading is started, the entire right-of-way shall be cleared of all stumps, roots, brush, and other objectionable materials and all trees not intended for preservation. Such material shall be removed from the road site and hauled away, buried, burned or chipped.

**4.5.3.2 Cuts:** Tree stumps, roots, and other organic materials shall be removed to a depth of two (2) feet below the subgrade. Rocks and boulders, when encountered, shall be removed to subgrade.

**4.5.3.3 Road Base:** The base of the road shall consist of at least eight inches of gravel as defined in Section 703.06 (a) Type C material of the State of Maine DOT Standard Specifications, Highways and Bridges, June 1981. Base gravel shall be placed and compacted as set forth in Section 304 of the above referenced specifications. The upper base shall consist of at least six inches of crushed gravel as defined in Section 703.11 of the State of Maine DOT Standard

Specifications, Highways and Bridges, June 1981. Surface gravel shall be placed and compacted as set forth in Section 304 of the above referenced specifications.

## 4.5.3.4 Description

## Road Dimensions

Right-of-way	50 feet
Maximum grade (note 1)	10%
Roadbed width	16 feet
Shoulder width (each side)	2 feet
Cleared width	28 feet
Minimum grade	0.5%
Road Crown (minimum)	1/4"/ft.
Minimum curve radius to road centerline	100 feet
Minimum angle of road intersection	60 degrees
Maximum grade within 50 ft. of intersection	3%

## Drainage

1) roadbed to ditch	3:1 slope
2) ditch to level grade	2:1 slope
3) minimum culvert size	15 inches
Design speed	25 MPH
Cul-de-sac radius at dead ends (note 2)	50 feet
Pavement requirement (note 3)	Minor subdivision roads: no Major subdivision roads: yes

## Notes:

- 1) No point on the road surface shall exceed the grade listed.
- 2) Cul-de-sacs shall be constructed at the end of all dead-end roads and shall be designed large enough to accommodate a school bus.
- 3) Pavement shall be applied using the following standards:

## Bituminous paving base coat

1 1/2" of Type B mix as defined in Section 703.09 of the State of Maine DOT Standard Specifications, Highways and Bridges, June 1981. Base coat paving shall be placed and compacted as set forth in Section 401 of the above referenced specifications.

## Surface coat

1" of Type D mix as defined in Section 703.09 of the State of Maine DOT Standard Specifications, Highways and Bridges, June 1981. Surface coat paving shall be placed and compacted as set forth in Section 401 of the referenced specifications.

4.5.3.5 Warning posts and/or guardrails shall be installed at dangerous areas.

4.5.3.6 Ditches shall be stabilized with suitable vegetation. In addition, ditches carrying a high volume of water, areas of steep slopes, and areas near culverts and/or ridges may require a stone, rip-rap or coarsely graded aggregate surface for stabilization.

**4.6 Buffer Strip (6-13-07)** A buffer strip shall be required within the subdivision between the subdivision and adjacent properties.

## 5.0 Performance Guarantees

**5.1** The subdivider shall file a performance guarantee with the Town prior to subdivision approval. A certified check payable to the Town of Arrowsic, a performance bond running to the Town of Arrowsic, an irrevocable letter of credit to cover the full cost of required improvements, or some other form of surety that is acceptable to the Selectmen, shall be provided. For the purposes of this section, required improvement shall mean all public and private roads, all drainage structures and ditches, all erosion

control measures, all utilities, all landscaping and all recreation facilities. Any such bond shall be satisfactory to the Selectmen and the municipal attorney as to form, sufficiency, manner of execution and surety.

**5.2** At the discretion of the Planning Board, the subdivider may be allowed to submit individual bonds for each phase of a project's development. If this option is chosen, prior to submission of each individual bond, the developer shall submit to the Town a written statement detailing completion dates for all roads and other public improvements planned for that phase.

**5.3** A period of one year (or such period as the Planning Board may determine appropriate, not to exceed three (3) years) shall be set forth in the bond time within which time required improvements must be completed.

#### **5.4 Inspection and Required Improvements**

5.4.1 At least fifteen (15) days prior to commencing construction of required improvements, the subdivider shall notify in writing the Code Enforcement Officer of the time when he proposes to commence construction of such improvements so that the Code Enforcement Officer can cause inspection to be made to assure that all specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board. Inspection shall be made of all required public improvements as defined above.

5.4.2 At least five (5) days prior to commencing construction of required improvements, the subdivider shall pay an inspection fee equal to the estimated cost of inspection by an engineer appointed by the Town, payable by check to the Town of Arrowsic stating the purpose of the fee. No building permits shall be issued on the project and no work begun until the inspection fee has been paid.

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

5.4.4 If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the inspector that unforeseen conditions make it necessary or preferable to modify the location or design of any required improvement, the inspector may, upon approval of the Code Enforcement Officer, authorize modifications, provided these modifications are within the spirit and intent of the Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The inspector shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Code Enforcement Officer.

5.4.5 Upon completion and final inspection of all required improvements, any funds remaining in a project's inspection fee account, after all inspection fees have been paid, shall be returned to the subdivider.

5.4.6 The subdivider or successor owners' association shall be required to maintain all improvements and provide for snow removal on roads and sidewalks.

#### **5.5 Release of Performance Guarantees**

5.5.1 The performance guarantee shall not be released by the Town Selectmen until:

5.5.1.1 The inspecting engineer has completed his final inspection of the project and has submitted a written report stating that all required public improvements as defined above and survey markers have been completed or placed in accordance with approved plans and specifications.



5.5.1.2 The Code Enforcement Officer has examined the site, has reviewed the inspecting engineer's report and concurs with his findings.

5.5.2 Performance guarantees collected on phased work segments shall be released in the same manner as outlined above, upon the completion of each phase.

## **6.0 Enforcement**

**6.1** No plan of a subdivision of land within the boundaries of the Town of Arrowsic which would constitute a subdivision as defined herein shall hereafter be filed or recorded in the Sagadahoc County Registry of Deeds until a Final Plan thereof shall have been approved by the Planning Board in accordance with all of the requirements, design standards and construction specifications set forth elsewhere in these Standards, nor until such approval shall have been entered on such Final Plan by the Board.

**6.2** No person, firm, corporation or other legal entity may convey, offer or agree to convey any land in a subdivision until the land is approved by the Planning Board, recorded in the Sagadahoc County Registry of Deeds, and the required improvements as described in Section 3.14 have been completed and approved.

**6.3** Any person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by this section shall be punished by a fine as set by the Selectmen for each such conveyance, offering or agreement. The Town of Arrowsic may institute proceedings to enjoin the violation of this section.

**6.4** No public utility of any kind shall be installed in a subdivision for which a Final Plan has not been approved by the Planning Board.

**6.5** Grading or construction of roads, grading of land or lots, or construction of buildings within a proposed subdivision is prohibited until such time as the original copy of the approved and endorsed Final Plan has been duly recorded in the Sagadahoc County Registry of Deeds.

**6.6** The invalidity of any section or provision of these Standards shall not be held to invalidate any other section or provision of these Standards.

## **7.0 Waivers and Legal Provisions**

**7.1** Where the Planning Board finds that undue hardship not self-imposed, will result from strict compliance with these standards, it may grant waivers, providing that such waivers will not have the effect of nullifying the intent and purpose of these Standards.

**7.2** In granting waivers, the Planning Board shall utilize the following criteria in determining whether or not there is sufficient evidence to establish that the practical difficulties and unusual hardships are caused by special conditions peculiar to the particular property and not common to other property in the general area, and that such waivers can be granted without detriment to the general area.

Location, character and natural features.

Landscaping, topography, and natural drainage.

Vehicular access, circulation and parking.

Signs and lighting.

Public safety.

Violation of the basic criteria established in Section 2.1 through 2.12.

**7.3** The provisions of these Standards, not specifically required by M.R.S.A., Title 30, Section 4956, Chapter 454 shall not apply to any subdivision which has been approved by the Board and recorded in the Registry of Deeds of Sagadahoc Country prior to enactment of these Standards.

**7.4** These Standards are effective June 29, 1989, as adopted by the Town, and replaces all previous subdivision ordinances.

## **8.0 Procedures**

**8.1 Introduction:** There shall be three distinct steps in the review of all subdivision applications in the Town of Arrowsic. The first step shall be the submission of a pre-application sketch plan as outlined below. The second step shall be the submission of a preliminary plan and the third step shall be the submission of a final plan. An application for subdivision review will not be considered complete until all

items required under the preliminary plan submission have been received by the Board. An application will not be considered pending until the Board has completed its first substantive review of the complete preliminary submission.

## **8.2 Preapplication**

### **8.2.1 Procedure (6-13-07)**

8.2.1.1 At least 15 days before a regular meeting of the Planning Board, the subdivider shall submit a sketch plan of the proposed project to the Board for informal discussion at the regular meeting of the Board. This plan shall include the information listed below and any other data relative to the proposed subdivision which may be of assistance to the Board in understanding the scope of the project. Eight (8) copies of the Sketch Plan shall be submitted. Not less than 7 days before the meeting to receive the sketch plan, the Planning Board shall give written notice of the meeting to all property owners within 200 feet of the subdivider's property by sending the written notice via US first-class mail to the property owners at their addresses shown on the Town assessment records.

8.2.1.2 No binding commitments shall be made between the subdivider and the Board at this stage. The purpose of the preapplication meeting shall be to understand what is proposed, what is possible and what is acceptable.

8.2.1.3 At said meeting, the Planning Board and the Subdivider shall arrange for a joint inspection of the site with the Board or an individual appointed by the Chairman of the Board to act as the Board's representative for such inspection.

### **8.2.2 Submissions**

8.2.2.1 The sketch plan shall show, in simple sketch form, neatly done, the proposed layout of roads, lots, open space and other features in relation to existing conditions. The sketch plan shall include the data listed below:

- a. Boundary lines and total acreage of the parcel
- b. Easements - location, width and purpose
- c. Roads on and adjacent to the tract-name and right-of-way width and location
- d. Walks, curbs, ditches, culverts and other underground structures within the tract and immediately adjacent thereto.
- e. Existing structures on and adjacent to the tract.
- f. Existing utilities on and adjacent to the tract.
  - (1) Location and size of all proposed and existing sewer and water mains
  - (2) Location of fire hydrants, electric and telephone poles
  - (3) Road lights
  - (4) If proposed and/or existing water mains or sewers are not on or adjacent to the tract, indicate the distance to and size of nearest ones.
- g. Soil test data adequate to show that the subsurface soil conditions on the tract will accommodate the proposed development.
- h. Type of land use on and adjacent to the tract.
- i. Proposed name of the subdivision or identifying title. This name shall not duplicate or closely resemble the name of a subdivision already existing or proposed in the town.
- j. The date, north point, graphic map scale, name and address of record owner and subdivider, and the names of adjoining property owners.



8.2.2.2 General subdivision information shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawing required above. This information shall include:

- a. Data on existing covenants
- b. A medium intensity standard soil survey
- c. Available community facilities and utilities
- d. Information describing the subdivision proposal such as:
  - (1) Number of residential lots
  - (2) Typical lot width and depth
  - (3) Playgrounds, park areas and other public areas or open space
  - (4) Proposed protective covenants; and
  - (5) Proposed utilities and road improvements

### 8.3 Preliminary Plan

#### 8.3.1 Procedure (6-13-07)

8.3.1.1 Within six (6) months of the first pre-application sketch plan submission, the subdivider shall submit a preliminary plan for the subdivision. The preliminary plan documentation shall be submitted to the Town at least fifteen (15) days prior to the Planning Board meeting at which the subdivider wishes to be heard. Not less than 7 days before the meeting, the Planning Board shall give written notice of the meeting to all property owners within 200 feet of the subdivider's property by sending the written notice via US first-class mail to the property owners at their addresses shown on the Town assessment records. Failure to meet the above referenced six-month deadline shall require re-submission of the Sketch Plan to the Board for review. The Preliminary Plan shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Board.

8.3.1.2 The Preliminary Plan shall be accompanied by a fee as established in a Town Fee Schedule revised from time to time by the Board of Selectmen and payable by check to the Town of Arrowsic, Maine with a note indicating the specific purpose of the fee.

8.3.1.3 In addition, the Board shall require the owner or his authorized agent to deposit in escrow an amount of money sufficient to cover the costs of any professional review of the subdivision which the Board may feel is reasonably necessary to protect the general welfare of the Town.

8.3.1.4 The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the Preliminary Plan.

8.3.1.5 Within forty-five (45) days of receipt of a completed preliminary plan the Board shall take action to give preliminary approval, with or without modifications, or disapproval of such Preliminary Plan.

8.3.1.6 No Preliminary Plan shall be acted on by the Board until it has held a public hearing thereon. Not less than 7 days before the hearing, the Planning Board shall give written notice of the hearing to all property owners within 200 feet of the subdivider's property by sending the written notice via US first-class mail to the property owners at their addresses shown on the Town assessment records.

#### 8.3.2 Submissions (6-13-07)

8.3.2.1 **Location Map:** The Preliminary Plan shall be accompanied by a Location Map drawn at a scale of not over four hundred feet (400') to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The Location Map shall show:

- a. All the area within 2500 feet of any property line of the proposed subdivision showing:
  - (1) All existing subdivisions and approximate property lines of adjacent parcels.
  - (2) Location, widths and names of existing, filed or proposed roads, easements, building setback lines pertaining to the proposed subdivision and to the properties as designated in Section 8.3.1.6 above.
  - (3) The boundaries and designations of parks and other public spaces.
  - (4) An outline of the proposed subdivision together with its road system and an indication of the future probable road system of the remaining portion of the tract, if the Preliminary Plan submitted covers only part of the subdivider's entire holding.

**8.3.2.2 Preliminary Plan:** The Preliminary Subdivision Plan shall be submitted, with eight (8) copies of each map or drawing, together with eight (8) copies of any attachments required for approval. All dimensions shall be shown in feet or decimals of a foot and drawn to a scale of not more than 100 feet to the inch. The Preliminary Plan and accompanying materials shall show:

- a. All existing information provided as part of the Sketch Plan.
- b. Proposed lot lines with approximate dimensions, lot numbers, areas in square feet and suggested locations of buildings
- c. Watercourses and proposed easements.
- d. Contour lines at intervals of not more than two (2) feet except that in clustered subdivisions all land outside the developed area may be at intervals of five (5) feet.
- e. Typical cross sections of the proposed grading for roadways, sidewalks, etc. at all key locations and a road plan and profile which includes final grades, elevations and type of pavement.
- f. Connection with existing or proposed water supply or alternative means of providing water supply to the proposed subdivision.
- g. Connection with existing or proposed sanitary sewerage system or alternative means of treatment and disposal proposed.
- h. A high intensity soils map that encompasses the area to be subdivided including all common areas.
- i. If a private sewage disposal system is proposed, location and results of tests to ascertain subsurface soil ground water conditions and depths to maximum ground water level. A completed HHE 200 form must be submitted for multi-family subdivisions.
- j. A report from a hydrogeologist stating that septic runoff from the proposed development will not adversely affect adjacent property or private water supplies.
- k. Provisions for collecting and discharging storm drainage, in the form of a drainage plan prepared by a professional engineer, that demonstrates changes in hydrologic conditions will not cause off-site flood damage to public or private property. Changes in runoff shall be calculated by using the TR-55 method or subsequent approved methods developed by the U.S.D.A. Soil Conservation Service. The Board may require review and endorsement of the drainage plan by the Androscoggin Valley Soil and Water Conservation District.
- l. Preliminary designs of any bridges or culverts which may be required along with State approval if required.
- m. The location of temporary markers adequate to enable the Board to locate readily and appraise the basic layout in the field.
- n. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- o. The location of all natural features or site elements to be preserved.

p. A soil erosion and sediment control plan shall be prepared by a professional engineer or geologist. The Board may require review and endorsement of this plan by the Androscoggin Valley Soil and Water Conservation District.

q. Certification by a registered professional engineer or a registered land surveyor that all survey, deed and supporting information accurately reflects the true conditions existing on the proposed subdivision.

r. Flood hazard line as shown on the Town of Arrowsic Flood Zone Map.

s. A landscaping plan if required by the Board.

t. A market study if required by the Board.

u. A hydrogeologic assessment must be prepared by a certified geologist or licensed professional engineer, experienced in hydrogeologic assessments as to groundwater supply availability. The study shall include a survey of wells in the surrounding area, a recharge analysis and groundwater nitrate analysis.

The Board may require a more extensive hydrogeologic assessment in other cases such as when the subdivision is located over a sand and gravel aquifer or where the subdivision has an average density of more than one dwelling unit per 100,000 square feet or where site considerations or development design indicate greater potential of adverse impacts on groundwater quality. These cases include extensive areas of shallow to bedrock soils; or cluster developments in which the average density is less than one dwelling unit per 100,000 square feet but the density of the developed portion is in excess of one dwelling unit per 80,000 square feet; and proposed use of shared or common subsurface wastewater disposal systems. The more extensive hydrogeologic assessment shall be conducted in accordance with the provisions listed below.

#### A. Ground Water Quality

1. The assessment shall contain at least the following information:

- a. A map showing the basic soils types.
- b. The depth to the water table at representative points throughout the subdivision.
- c. Drainage conditions throughout the subdivision.
- d. Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.
- e. An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision, or at the subdivision boundaries; or at a distance of 1,000 feet from potential contamination sources, whichever is a shortest distance.
- f. A map showing the location of any subsurface waste water disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.

2. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).

3. No subdivision shall increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards. No subdivision shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.

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

5. If ground water contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.

6. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction

standards for drinking water wells or other measures to reduce ground water contamination and protect drinking water supplies are recommended in the assessment, those standards shall be included as a note on the final plan, and as restrictions in the deeds to the affected lots.

#### B. Ground Water Quantity

1. Ground water withdrawals by a proposed subdivision shall not lower the water table beyond the boundaries of the subdivision.
2. A proposed subdivision shall not result in a lowering of the water table at the subdivision boundary by increasing runoff with a corresponding decrease in infiltration of precipitation.

### 8.4 Final Plan

#### 8.4.1 Procedure (6-13-07)

8.4.1.1 The subdivider shall, within six (6) months after the approval of the Preliminary Plan, file a Final Subdivision Plan in the form described herein. The subdivider may be granted an extension by the Board if a letter is submitted explaining the need for additional time. If the Final Plan is not submitted to the Board within six (6) months after the approval of the Preliminary Plan, the Board may refuse, without prejudice, to act on the Final Plan and require re-submission of the Preliminary Plan. The Final Plan for subdivisions shall be accompanied by a fee payable by check to the Town of Arrowsic, Maine. (See Town Fee Schedule.) All required Final Plans shall be submitted to the Town Office at least fifteen (15) days prior to the Planning Board meeting at which the subdivider wishes to be heard. Not less than 7 days before the meeting, the Planning Board shall give written notice of the meeting to all property owners within 200 feet of the subdivider's property by sending the written notice via US first-class mail to the property owners at their addresses shown on the Town assessment records of the subdivision.

8.4.1.2 If the proposed subdivision in any way falls within the jurisdiction of the State of Maine Department of Environmental Protection, their approval shall be secured in writing before official submission of the Final Plan.

8.4.1.3 Water supply system proposals contained in the Subdivision Plan shall be approved in writing by a civil engineer registered in the State of Maine if individual wells serving each building site are to be used. The Board may also require the subdivider to submit the results of water quality tests as performed by the State of Maine Department of Human Services.

8.4.1.4 Sewage disposal system proposals contained in the Subdivision Plan shall be properly endorsed and approved in writing by the State of Maine Department of Human Services if a separate central sewage collection and treatment system is to be utilized, or the local Plumbing Inspector if individual septic tanks are to be installed by the builder. Such approval shall be secured before official submission of the Final Plan.

8.4.1.5 A public hearing may be held concerning the Final Plans as prescribed in Section 8.3.1.6.

#### 8.4.2 Submissions

8.4.2.1 The Final Plan shall be submitted with the mylar original, eight (8) copies and one reproducible print, of each map or drawing, together with eight (8) copies of any attachments required for approval. Space shall be reserved thereon for endorsement by all appropriate agencies.

The Final Plan shall show:

- a. All of the information presented on the Preliminary Plan, Location Map and any amendments thereto suggested or required by the Board
- b. The name, registration number and seal of the land surveyor or engineer who prepared the plan

- c. Road names and lines, pedestrian ways, lots, easements and areas to be reserved for or dedicated to public use
- d. Sufficient data to determine readily the location, bearing and length of every road line, lot line, boundary line, and to reproduce such lines upon the ground. Intersection lines of all lands adjoining the subdivision shall be shown
- e. The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearing for each road
- f. Lots within the subdivision numbered as prescribed by the Board
- g. By proper designation, all public open space for which offers of cession are made by the subdivider and those spaces to which title is reserved by him
- h. Location of permanent reference monuments shall be located and referenced upon the Final Plan
- i. The Plan shall indicate the proposed landscaping program of the subdivider, if required.

#### **8.4.3 Final Approval and Filing (6-13-12)**

8.4.3.1 The Board shall act on a Final Plan within thirty (30) days from the date of receipt of the completed Final Plan application unless the subdivider agrees to an extension of the period. No Plan shall be approved by the Board as long as the applicant is in violation of the provisions of a previously approved Plan within the Town.

8.4.3.2 Upon findings of fact and determination that all standards in Title 30-A M.R.S.A., §4404, and these regulations have been met, and upon voting to approve the subdivision, the Board shall sign the Final Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial. One copy of the signed Plan shall be retained by the Board as part of its permanent records and one copy of the Plan will be returned to the subdivider. One copy of the signed Plan shall be forwarded to the Tax Assessor and one copy to the Code Enforcement Officer. Any subdivision not recorded in the Registry of Deeds within ninety days of the date upon which the Plan is approved and signed by the Board shall become null and void.

8.4.3.3 At the time the Board grants Final Plan approval, it may permit the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to ensure the orderly development of the Plan. If any Town or quasi-Town department head notified of the proposed subdivision informs the Board that their department does not have adequate capital facilities to service the subdivision, the Board shall require the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to allow the orderly planning, financing and provision of public services to the subdivision. If the expansion, addition or purchase of the needed facilities is included in the Town's capital improvements program, the time period of the phasing shall be no longer than the time period contained in the capital improvements program for the expansion, addition or purchase.

8.4.3.4 No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Board and endorsed in writing on the Plan, unless a revised Final Plan is first submitted and the Board approves any modifications, in accordance with Article 8.4.4. The Board shall make findings that the revised Plan meets the criteria of Title 30-A M.R.S.A., §4404, and the standards of these regulations. In the event that a Plan is recorded without complying with this requirement, it shall be considered null and void, and the Board shall institute proceedings to have the Plan stricken from the records of the Registry of Deeds.

8.4.3.5 The approval by the Board of a Subdivision Plan shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, or other open space shown on such Plan. When a park, playground, or other recreation area shall have been shown on the Plan to be dedicated to the Town, approval of the Plan shall not constitute an acceptance by the municipality of such areas. The Board shall require the Plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the Town Selectmen covering future deed and title dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.

8.4.3.6 Except in the case of a phased development plan, failure to complete substantial construction of the subdivision within five years of the date of approval and signing of the Plan shall render the Plan null and void. Upon determining that a subdivision's approval has expired under this paragraph, the Board shall have a notice placed in the Registry of Deeds to that effect.

#### 8.4.4 Revisions to Approved Plans (6-13-12)

8.4.4.1 **Procedure:** An applicant for a revision to a previously approved Plan shall, at least 15 days prior to a scheduled meeting of the Board, request to be placed on the Board's agenda. If the revision involves the creation of additional lots or dwelling units, the procedures for Preliminary Plan approval shall be followed. If the revision involves only modifications of the approved Plan, without the creation of additional lots or dwelling units, the procedures for Final Plan approval shall be followed.

8.4.4.2 **Submissions:** The applicant shall submit a copy of the approved Plan as well as 8 copies of the proposed revisions. The application shall also include enough supporting information to allow the Board to make a determination that the proposed revisions meet the standards of these regulations and the criteria of the statute. The revised Plan shall indicate that it is the revision of a previously approved and recorded Plan and shall show the title of the subdivision and the book and page or cabinet and sheet on which the original Plan is recorded at the Registry of Deeds.

8.4.4.3 **Scope of Review:** The Board's scope of review shall be limited to those portions of the Plan which are proposed to be changed.

### 9.0 Administrative Requirements

**9.1 Administration:** The Planning Board for the Town of Arrowsic shall administer this Ordinance.

**9.2 Amendments:** This Ordinance may be amended by a majority vote of the Town Meeting. A copy of all amendments shall be filed with the Register of Deeds, according to the requirements of State Statute Title 33, MRSA, Section 622-A.

**9.3 Appeals:** An appeal may be taken, within 30 days from the Planning Board's decision on the Final Plan, by any party or person aggrieved to Superior Court in accordance with Rule 80B of the Rules of Civil Procedure.

### 10.0 Miscellaneous Provisions

**10.1 Validity:** The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision thereof.

**10.2 Enabling Legislation:** This Ordinance is adopted pursuant to and consistent with Title 30, MRSA, Section 4956.

**10.3 Conflict:** This Ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, bylaw, permit, or provision of law. Where this Ordinance imposes a higher standard for the promotion and protection of health and safety, the provisions of this Ordinance shall prevail.

#### 10.4 Filing

A certified copy of this Ordinance shall be filed with the Register of Deeds, according to the requirements of State Statute, Title 33, MRSA, Section 662-A.

#### 10.5 Repeal

All previously existing ordinances in conflict with this Ordinance are hereby repealed.



## DEFINITIONS ACCOMPANYING TOWN OF ARROWSIC ZONING AND SUBDIVISION ORDINANCES

**Access Road:** A road connecting a mobile home park or subdivision parcel to the public way.

**Accessory Structure or Use:** A use incidental or subordinate to those of the principal use or structure. Accessory structures when aggregated shall not dominate the use of the lot. Extensions to the principal structure which share a common wall or roof are 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 greenhouse products. Agriculture does not include forest management, timber-harvesting activities, and the incidental sale or lease of plant and animal products from operations primarily intended for home consumption.

**Antenna:** Antenna, including but not limited to radio antennae and satellite receiving dishes, are accessory structures as defined by this Ordinance and are regulated accordingly.

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

**Buffer Strip:** A continuous area of land unless otherwise specified shall not be less than 50 feet in width which shall contain no structures or roads. The first 25 feet shall contain either natural vegetation, evergreen shrubs, trees, fences, walls, or any combination which forms an effective visual barrier. Driveways shall be kept open to provide visibility for vehicles entering or leaving the lot.

**Buildable Land:** That land in a parcel which is left over after all deductions, except road deductions, required under the Net Residential Area or acreage calculations.

**Building:** A structure for the support, shelter or enclosure of persons, animals, goods or property of any kind.

**Campground:** Any premise established for overnight use for the purpose of temporary camping, and for which a fee is charged.

**Canopy:** The more or less continuous cover formed by tree crowns in a wooded area.

**Clearing:** The removal of timber to an extent greater than permitted by Section 3.2.3 of the Zoning Ordinance.

**Cluster Development:** A form of development that permits a reduction in lot area and other specified dimensional requirements, provided there is no increase in the number of lots or units permitted under conventional subdivision requirements and the resultant land is devoted to common space.

**Common Land:** Land within or part of a subdivision or planned unit, condominium or cluster development, owned by the unit or lot owners as tenants in common or jointly, or owned by an association or corporation comprised of unit or lot owners or shareholders, and controlled by the development's articles, by-laws, declarations or covenants.

**Common Space:** The residual land area which remains when a subdivision is clustered.

**Conditional Use:** A use permitted only after review and approval by the Planning Board or Code Enforcement Officer. A Conditional Use is a use that would not be appropriate without restriction but which if controlled under the provisions of the Zoning Ordinance, would promote the purposes of that Ordinance.

**Conditional Use Permit:** A permit authorized by the Planning Board or Code Enforcement Officer for a Conditional Use.

**Condominium:** As defined in Title 33 M.R.S.A., 1601-103(7).

**Conforming Use:** A use of buildings, structures or land which complies with all applicable provisions of the Zoning Ordinance.

**Constructed:** Includes built, erected, altered, reconstructed, relocated to, or any physical operations on the premises which are required for construction. Excavation, fill, drainage, and the like, shall be considered part of construction.

**Distance:** Measured horizontally, unless otherwise noted.

**District:** A specified portion of the town, delineated on the Official Zoning Map, within which certain regulations and requirements or various combinations thereof apply under the provisions of the Zoning Ordinance.

**Dwelling:** A place of abode, a structure occupied as a residence as distinct from a store, office, or other building.

**Single Dwelling:** A place of abode for a single family in one principal structure.

**Multiple Dwelling:** A place of abode for two or more families in one or more principal structures.

**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 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. New stairways used solely for gaining access to a residential structure need not be considered when determining a structure's setback, providing they are no wider than four feet.

**Expansion of Use:** The addition of weeks or months to a use's operating season, or more floor area or ground area devoted to a particular use.

**Filling:** Depositing or dumping any matter on or into the ground or water.

**Floor Area:** Sum of the horizontal area of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of structures such as porches and decks. Floor area with a ceiling height of six feet or less or non-living basement space shall be excluded from this calculation. (6-18-03)

**Forested Wetland:** A freshwater wetland dominated by woody vegetation that is six meters tall (approximately twenty feet tall) or taller.

**Foundation:** The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basement walls, slabs, frost walls, or other base consisting of concrete, block, brick or similar material.

**Frontage, Shore:** The horizontal distance, measured along the high water mark, or upland edge of a wetland/meadow/marsh between the intersections of the side lot lines.

**Frontage, Road:** The horizontal distance between the intersections of the side lot line with the front lot line.

**Functionally Water-Dependent Uses:** Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal and inland waters and which cannot be located away from these waters.

**Great Pond:** Any inland body of water which in a natural state has a surface area in excess of 10 acres and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland



body of water is completely surrounded by land held by a single owner. Sewell Pond is our only Great Pond.

**Height of 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, and similar appurtenances that have no floor area.

**High Water Line:** The upland edge of land 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. Along Sewell Pond, the elevation at which vegetation changes from predominantly aquatic to predominantly terrestrial; and along freshwater rivers and streams, the highest elevation of the bank of a channel at which the water has left a definite mark.

**Home Business:** A home business is an occupation or business which is carried on within a dwelling or accessory structure to the dwelling by a member of the family residing therein; is clearly incidental and secondary to the use of the dwelling unit for residential purposes; and does not involve any exterior alteration which would change the residential character of the premises. Permitted home businesses include: the production of goods, the sale of goods produced on site, the provision of services performed on site, the provision of goods and services off site for which the material and equipment are kept on site. A sales outlet is not a home business unless the item sold is a product of the labor of a person working in the business (i.e., manufactured, produced, created, caught, grown by the owner or an employee of the business). (6-23-93 and 6-15-05)

**Individual Private Campsite:** An area of land which is not associated with a campground but which is developed for repeated temporary camping not to exceed 130 days per year by only one group not to exceed ten individuals and which involves site improvements which may include but not be limited to gravel pads, parking areas, fireplaces or tent platforms.

**Junk Yard:** Any area used as a place of storage for:

1. Discarded, worn-out or junked plumbing, heating supplies, household appliances, furniture and automobiles, including salvage operations;
2. Discarded, scrap and junked lumber;
3. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber or plastic debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material; and
4. Private garbage dumps, waste dumps and sanitary fills.

**Lot:** A parcel of land having distinct and defined boundaries and described in a deed, plan. Parcels of land on opposite sides of a public way shall be considered separate lots.

**Manufactured Housing Unit:** Structure, designed for occupancy, transportable in one or more sections, which was constructed in a manufacturing facility and is transported to a building site and designed to be used as a dwelling when connected to the provided utility systems contained therein.

**Marina:** A shorefront commercial facility with provisions for one or more of the following: boat storage, boat launching, or the sale of supplies and services for watercraft and their equipment and accessories.

**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 which, within any twelve month period, removes more than 100 cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, ore, or other mineral material from its natural location and transports the product removed, away from the extraction site.

**Minimum Lot Width:** The closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

**Mobile Home Park:** A parcel of land under unified ownership, approved by the municipality, designed and/or used to accommodate three or more manufactured housing units of one or two sections.

**Multi-family Cluster Developments:** Multi-family development which includes apartments, condominiums and all other forms of multi-family construction.

**Net Residential Area:** Net residential area means the area of a parcel, which is suitable for development as determined by the Planning Board, calculated by subtracting the following from the gross acreage of a parcel.

- 1) Total acreage which is used for road, sidewalk rights-of-way and transmission of utilities.
- 2) Portions of the parcel containing slopes over 15%.
- 3) Portions of the parcel shown to be within the 100-year floodplain as designated on the Town of Arrowsic Flood Zone Map.
- 4) Portions of the parcel located in the Resource Protection District and Special Protection District.
- 5) Portions of the parcel which, based on current Soil Conservation Service data, are unsuitable for development in their natural state due to drainage or subsoil conditions, including, but not limited to:
  - a) Water table at or near the surface for all or part of the year
  - b) Unstable soils such as Scantic.
- 6) Portions of the parcel covered by surface water bodies.

**Net Residential Density:** Net residential density shall mean the number of dwelling units per acre of net residential area.

**Non-conforming Building or Use:** A building, structure, use of land, or portion thereof, existing at the effective date of adoption or amendment of the Zoning Ordinance which does not conform to all applicable provisions of that Ordinance.

**Non-conforming Lot:** A single lot of record existing at the effective date of the adoption of the Ordinance that does not meet the area, frontage or width requirements of the district within which it is located.

**Open Space Use:** A use not involving: a structure; earth-moving activity; or the removal or destruction of vegetative cover, spawning grounds, or fish, aquatic life, bird and other wildlife habitat.

**Parcel:** The gross land area which will be divided by a subdivision.

**Piers, Docks, Wharves, Ramps, Bridges and Other Structures and Uses Extending Over or Beyond the High Water Line or Within a Wetland:**

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

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

**Permitted Waterfront Uses:** Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal and inland waters and which cannot be located away from these waters.

**Planned Unit Development:** A development in which a unit owner owns both the interior and exterior of the unit and the lot on which it stands, with the remaining "common land" owned by an association or corporation.

**Principal Use:** The primary use to which the premises are devoted, and the main purpose for which the premises exist.

**Private Facilities Open to the Public:** Churches, schools, hospitals, and other facilities privately owned but open to the public.

**Public Facilities:** Any facilities including, but not limited to, buildings, property, recreation areas and roads which are owned, leased, or otherwise operated, or funded by a governmental or public entity.

**Public Utilities:** Those services furnishing gas, steam, electricity, waste disposal, communication facilities, transportation or water to the public.

**Publicly Owned Recreation Area:** An area owned by the Town of Arrowsic managed specifically for recreation purposes.

**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, camp trailer, tent 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.

**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.

**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.

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NOTE: The portion of a river that is subject to tidal action is a coastal wetland.

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**Salt Marsh:** Areas of a coastal wetland that support salt tolerant species, and where at average high tide during the growing season, the soil is regularly inundated by tidal waters. The predominant species is saltmarsh cordgrass (*Spartina alterniflora*). More open areas often support widgeon grass, eelgrass, and Sago pondweed.

**Salt Meadow:** Areas of a coastal wetland that support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (*Spartina patens*) and black rush; common threesquare occurs in fresher areas.

**Setback:** The nearest horizontal distance from a lot line or the 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.

**Shoreland Zone:** The land area located within two hundred and fifty (250) feet, horizontal distance, of the high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the high-water line of a stream.

**Shoreline:** The high-water line, or upland edge of a freshwater or coastal wetland.

**Sign:** Any painted, printed, or stenciled device either erected on a frame structure, mounted or painted on a building.

**Billboard:** A sign, structure or surface larger than 6 square feet which is available for advertising purposes for goods or services rendered off the premises, excluding directional signs.

**Commercial Sign:** A sign advertising or promoting a business enterprise of any kind.

**Directional Sign:** A sign conveying only directional information.

**Identification sign:** A sign identifying a professional service, church, fraternal organization, service club or public institution.

**Name Sign:** A sign naming the occupant of the premises.

**Temporary Sign:** A sign erected for private sales or other purposes in non-established business locations.

**Surface Area:** Determined as the product of maximum width and maximum height of the sign.

**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 or land clearing.

**Soil and Water Conservation Plan:** A plan, prepared by the Androscoggin Valley Soil and Water Conservation District or other recognized agency or by a private consultant acceptable to the Town of Arrowsic, covering the operations and facilities of an agricultural or timber harvesting operation for the purpose of minimizing soil erosion and pollution from manure or chemical runoff.

**Stream:** A free-flowing body of water from the outlet of a great pond or the confluence of two 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.

**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, boundary walls 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.

**Principal Structure (Building):** The structure in which the primary use of the lot is conducted.

**Accessory Structure:** A structure of a nature subordinate to that of the principal structure or the primary use to which the premises are devoted.

**Incidental Structure:** A structure which is of no consequence in achieving or maintaining the purposes and goals of the Ordinance. Structures which need not be considered as structures for purposes of meeting the shoreland setback standard are, for example, lawn furniture, picnic tables.

**Subdivision:** As defined in Title 30 MRSA, Section 4956.

**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.

**Tidal waters:** All waters affected by tidal action during the maximum spring tide.

**Timber Harvesting:** The cutting and removal of timber for the primary purpose of selling or processing forest products. Timber harvesting does not include the clearing of land for approved construction.

**Travel Trailer:** A manufactured housing unit not designed for permanent occupancy.

**Tributary Stream:** A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a stream bed devoid of topsoil containing water-borne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland. "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, Special Protection District and/or Resource Protection Districts of the receiving water body or wetland.

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

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**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 maximum spring tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) feet) tall or taller.

**Use:** The purpose for which land or a structure is arranged, designed, or intended, or for which land or a structure is or may be occupied.

**Variance:** An easing of the terms of the Zoning Ordinance, due to the peculiar and unique characteristics of the particular property in question, where literal enforcement would result in undue hardship, and such easing of the terms would not substantially depart from the intent of the Ordinance.

**Volume of a Structure:** The volume of all portions of a structure enclosed by a roof and fixed exterior walls as measured from the exterior faces of those walls and roof.

**Water Body:** Any great pond, river, or stream.

**Wetland:** A freshwater or coastal wetland.

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

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NOTE: All areas below the maximum spring 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.

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

- a) 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
- 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 including but not limited to those listed in Table II 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

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



**TOWN OF ARROWSIC  
WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE**

As Amended July 7, 2003

**1.0 TITLE**

This Ordinance shall be known and cited as the "Wireless Telecommunications Facilities Siting Ordinance" of the Town of Arrowsic, Maine, (hereinafter referred to as the "Ordinance").

**2.0 AUTHORITY**

This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution; the provisions of Title 30-A M.R.S.A. Section 3001 (Home Rule), and the provisions of the Planning and Land Use Regulations Act, Title 30-A M.R.S.A. Section 4312 *et seq.*

The procedures outlined in Article 4.2, Conditional Use Permits of the Zoning Ordinance of the Town of Arrowsic, Maine, shall govern in addition to this ordinance.

**3.0 PURPOSE**

The purpose of this ordinance is to provide a process and a set of standards for the construction of wireless telecommunications facilities. These standards are designed and intended to balance the interests of the residents of the Town of Arrowsic, wireless communications providers and wireless communication customers in the siting of wireless communications facilities within the town.

**3.1 Wireless Communication Facilities standards are also intended to:**

- 3.1.1 Implement a municipal policy concerning the provisions of wireless telecommunications services, and the siting of their facilities;
- 3.1.2 Establish clear guidelines, standards and time frames for the exercise of municipal authority to regulate wireless telecommunications facilities.
- 3.1.3 Ensure that all entities providing wireless communications facilities to the Town of Arrowsic comply with the ordinances of the Town of Arrowsic.
- 3.1.4 Permit the Town of Arrowsic to fairly and responsibly protect public health, safety and welfare;
- 3.1.5 Support the goals and policies of the Comprehensive Plan, especially the orderly development of the Town with minimal impacts on existing

uses:

- 3.1.6 Protect the Town of Arrowsic's environmental resources and scenic and visual character consistent with the goals and objectives of the Arrowsic Comprehensive Plan.
- 3.1.7 Encourage the siting of wireless communications facilities to co-locate, thus minimizing adverse visual impacts on the community.
- 3.1.8 Encourage providers of wireless communications facilities to configure them in a way that minimizes adverse impact through careful design, siting, landscape screening and innovative camouflaging techniques.
- 3.1.9 Provide for the removal of towers and associated structures that are no longer being used for wireless communications purposes; and
- 3.2.0 Minimize any potential adverse effect of Wireless Communication Facilities on property values.

#### 4.0 APPLICABILITY

This Ordinance shall apply to all construction and expansion of wireless telecommunications facilities, except as provided in Section 4.1.

##### 4.1 Exemptions

The following are exempt from the provisions of this ordinance:

- a. Amateur (Ham) Radio Stations. Amateur (ham) radio stations licensed by the Federal Communications Commission (FCC).
- b. Parabolic Antennae. Parabolic Antennae less than seven (7) feet in diameter, that are an accessory use of the property.
- c. Temporary Wireless Telecommunications Facility. Temporary Wireless Telecommunications Facility, in operation for one maximum period of one hundred eighty (180) days. Such temporary facilities shall be removed prior to 30 days following the maximum period.
- d. Antennae as Accessory Uses. An antenna that is an accessory use to a residential dwelling unit, provided that the WCF is not used for commercial purposes.

#### 5.0 REVIEW AND APPROVAL AUTHORITY

Construction, alteration, repair or change on any Wireless Communication Facility shall require written approval from the Arrowsic Code Enforcement Officer (CEO) and/or Planning Board as outlined below:

- a. Normal Maintenance, as defined in the Definitions accompanying this ordinance, is allowed without approval from the Planning Board.
- b. No construction, alteration, repair or change shall occur on any Wireless Communication Facility unless all required permits are obtained including but not limited to any federal or state permits.

**5.1** Planning Board review and approval is required for the following:

- a. Any WCF that does not exist as of the effective date of this Ordinance.
- b. Any additional antenna or antenna array(s) or increase in broadcast capacity in excess of the exemption standards contained in FCC OETC Bulletin #65 on the WCF not previously and specifically approved by the Planning Board.
- c. Any increase to the tower height not previously and specifically approved by the Planning Board.

**5.2** A building permit, in accordance with the standards established in the Town of Arrowsic Zoning Ordinance must be obtained from the CEO for the following:

- a. Construction of a new WCF or a co-location on an existing WCF.
- b. Any WCF application approved by the Planning Board.

**5.3** In accordance with Section 7 above, the CEO or Planning Board shall review applications for wireless communications facilities and make written findings on whether the proposed facility complies with this Ordinance.

**6.0 APPROVAL PROCESS**

The Planning Board shall have the authority to engage an independent radio frequency engineer or other expert to review any documentation, guidelines, performance standards or testimony provided by the applicant to the Planning Board to ensure that the requirements of this ordinance are met. The qualified third party shall, at the request of the Planning Board, verify the accuracy of the information presented by the applicant to the Board. The costs for any consultants or experts engaged by the Planning Board shall be borne by the applicant.

In all cases, the burden of proof shall be on the applicant to demonstrate to the Planning Board that the required standards have been met.

**6.1 Pre-Application Process**

All persons seeking approval under this ordinance shall meet with the CEO no less than thirty (30) days before filing a application. At this meeting the CEO shall explain to the applicant the ordinance provisions, application forms and submissions that will



be required under this ordinance.

## 6.2 Application

All persons seeking approval of the Planning Board under this ordinance shall submit an application for a Conditional Use Permit and shall provide the following additional information:

- 1) Names, addresses, phone numbers and other means of contacting owner, lessee, companies, and persons that will function as contacts for the required inspections and monitoring of the WCF.
- 2) Documentation of the applicant's right, title or interest in the property on which the facility is to be sited, including name and address of the property owner and the applicant.
- 3) Evidence of the need for wireless telecommunications improvements within the Town of Arrowbic and/or surrounding areas.
- 4) Evidence of a commitment from a duly licensed entity to utilize the tower to provide wireless communication services. All wireless communication entities that are contracted to locate on the tower must join as applicants.
- 5) Written approval by all applicable state and federal agencies, including but not limited to the FAA and FCC, including a description of any conditions or criteria for the approval, or a statement from the agency that no approval is required.
- 6) An inventory of all the provider's existing and approved towers, antennae or sites in surrounding communities where wireless telecommunications are proposed to be utilized in conjunction with the facility proposed in the application. Service area maps or network maps of the applicant's existing and proposed facilities in Sagadahoc, Lincoln and Cumberland counties.
- 7) Location map and elevation drawings of the proposed facility and any associated structures, proposed antennas, platforms, accessory equipment, fences, landscaping, showing color(s) and identifying structural materials.
- 8) Identification of any other telecommunication facilities existing or proposed on the site.
- 9) Details of all existing or proposed accessory structures including buildings, parking areas, utilities, gates, access roads, etc.
- 10) An applicant for approval under this ordinance shall pay all reasonable and customary fees incurred by the Town that are necessary to review the application, including, without limitation, independent engineering, planning,

legal or similar professional consulting services. Such review fee shall be assessed for review and shall be payable without regard to consultation results or the outcome of the application review. The review fee shall be paid in full prior to the issuance of any building permit.

### 6.3 Requirements for Tower

#### 6.3.1 Submission Requirements

In addition to the Conditional Use Permit application requirements all applicants shall provide the following information:

- 6.3.1.1 Evidence that written notice was sent, by pre-paid first class United States mail, to all other such tower and alternative tower structure owners and licensed wireless communication providers that could furnish service to the Town of Arrowsic utilizing existing towers and ATS's and to owners of such towers. This notice shall state the applicant's siting needs and include a request for information of the co-location capabilities of the existing or previously approved facilities. Evidence that this notice requirement has been fulfilled shall include a name and address list, copy of the notice that was sent, and a return receipt request that the notices were sent as required.
- 6.3.1.2 A letter of commitment, which shall be binding upon the tower owner and all successors in interest, to lease excess space on the tower to other potential users at reasonable rates, which shall be economically viable and not unduly burdensome. The letter of commitment shall be recorded prior to the issuance of a building permit.
- 6.3.1.3 Evidence that previously approved towers and alternative tower structures within the Town of Arrowsic cannot accommodate the communications equipment (antennae, cables, etc.) planned for the proposed tower. Such evidence shall include documentation from a qualified and licensed professional engineer that:
  - a. Planned necessary equipment would exceed the structural capacity of existing and approved towers and alternative tower structures, considering (1) the existing and planned use of those towers and alternative tower structures, and (2) the existing and approved towers cannot be reinforced or enlarged to accommodate planned or equivalent equipment at a reasonable cost;
  - b. Planned equipment will cause electromagnetic frequency interference with other existing or planned equipment for that tower or alternative tower structure, and the interference cannot be prevented at a reasonable cost;

- c. Existing or approved towers and alternative tower structures do not have space on which planned equipment can be placed so it can function effectively and at least in parity with other similar equipment in place or approved; or
  - d. Other documented reasons that make it technically or financially unfeasible to place the equipment planned by the applicant on existing and approved towers and alternative tower structures.
- 6.3.1.4 Evidence that the proposed tower cannot be co-located on existing or previously approved tower sites. Evidence should include an assessment of whether such tower sites could be changed to accommodate the proposed tower, and a general description of the projected cost of shared use of the existing or approved tower site.
- 6.3.1.5 A report from a Registered Professional Engineer that describes the tower, the technical reasons for the tower design, the structural integrity for the proposed use at the proposed location and the capacity of the tower, including the number(s), type(s), and volume(s) of antennae that it can accommodate and the basis for the calculation of capacity.
- 6.3.1.6 A letter of intent that commits the tower owner and his or her successors in interest to:
- a. Respond in a timely, comprehensive manner to a request for information from a potential co-location applicant;
  - b. Negotiate in good faith for shared use by third parties that have received an FCC license or permits; and,
  - c. Allow shared use if an applicant agrees in writing to pay reasonable charges.
- 6.3.1.7 Proof of financial capacity to build, maintain, and remove the proposed tower must be submitted.

6.3.2 A Site Plan:

- 6.3.2.1 Prepared and certified by a professional engineer registered in Maine indicating the location, type, and height of the proposed facility, Antenna capacity, on-site and abutting off-site land uses, means of access, setbacks from property lines and all applicable American National Standards Institute (ANSI) technical and structural codes;
- 6.3.2.2 Elevation drawings, cross sectional area or silhouette, of the facility, drawn to scale, and showing all measurements, both linear and

volumetric, showing front, sides and rear of the proposed facility including all fencing, supporting system for transmission cables running between the tower and accessory structures, control panels, antennae, and existing structures and trees. Reference any design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

6.3.2.3 Detail of the tower base or method of attachment to a structure. If the facility will be attached to an existing building or structure, provide measurements and elevations of the structure.

6.3.2.4 Certification by the applicant that the proposed facility complies with all FCC standards for radio emissions; and

6.3.2.5 A boundary survey for the project performed by a land surveyor licensed by the State of Maine.

6.3.3 A Scenic Assessment consisting of the following:

6.3.3.1 A landscaping plan indicating the proposed placement of the facility on the site; location of existing structures, trees, and other significant site features such as streams, marshes, etc.; existing plant materials to be retained and trees and shrubs to be removed; land uses on the proposed parcel and on abutting properties; the type and location of plants proposed to screen the facility; the method of fencing; the color of the structure, and the proposed lighting method.

6.3.3.2 Photo simulations of the proposed facility taken from perspectives determined by the Planning Board, or their designee, during the pre-application conference. Each photo must be labeled with the line of sight, elevation, and with the date taken imprinted on the photograph. The photos must show the color of the facility and method of screening.

6.3.3.3 A written analysis of the visual impact of the proposed facility, including tower and supporting structures, which may include photo montage, field mock up, or other techniques, that identify the potential visual impacts, at design capacity, of the proposed facility. Consideration shall be given to views from roads, public areas, private residences, significant scenic resources, historic resources, including historic districts and structures listed in the National Register of Historic Places, and archaeological resources. The analysis of the impact on historical and archaeological resources shall meet the requirements of the Maine State Historical Preservation Officer in his/her review capacity for the FCC.

The overall analysis shall assess the cumulative impacts of the

proposed facility and other existing communication facilities in the area.

#### 6.3.4 Location

6.3.4.1 No wireless communication facility shall be located so as to create a significant threat to the health or survival of rare, threatened or endangered plant or animal species, or to Resource Protection areas.

6.3.4.2 Wireless communication facilities shall not be sited in areas of high visibility as determined by the Planning Board unless the Planning Board finds that no other location is technically feasible.

#### 6.3.5 Tower Height

6.3.5.1 The maximum tower height shall be no more than necessary to provide for service and public safety, and in no case higher than one hundred twenty-five (125) feet. Factors to be considered are geography of the proposed site, technology to be used, the power to be transmitted, the proposed range of reception, number of expected users, number of expected carriers and the technology each will use.

6.3.5.2 The maximum number of towers per lot shall be one (1).

#### 6.3.6 Equipment Compound may be erected in connection with a tower provided:

6.3.6.1 It shall consist of no more than two thousand five hundred (2,500) sq. ft. in area.

6.3.6.2 It shall be situated behind any existing buildings, structures or terrain features that will help shield the compound from public view.

6.3.6.3 The maximum height of any building within the equipment compound shall be no taller than one story in height and shall be created to look like a building or facility typically found in the area

6.3.6.4 Equipment buildings, lockers, or cabinets shall be located within the equipment compound, which shall be enclosed within a solid wooden fence of at least seven (7) feet in height and no more than eight (8) feet in height as measured from the finished grade. The fence shall include a locking security gate.

6.3.6.5 Sufficient anti-climbing measures and other security measures preventing access to the site shall be incorporated into the facility, as needed, to reduce the potential for trespass and injury.

#### 6.3.7 Buffer Requirements

6.3.7.1 Vegetative buffering must be provided to screen, at ground level, the tower and any accessory buildings and structures from adjacent land uses. The preservation of existing mature vegetation and natural land forms on the site shall be preserved to the greatest extent possible.

6.3.7.2 If existing vegetation at the time of application does not provide adequate buffering to minimize visual impact of the structure and if location out of public view is not possible, the Planning Board may require additional plantings in the buffer area(s) to enhance the quality and effectiveness of the buffer area to serve as a visual screen. In any case, a landscaped buffer of twenty (20) feet in width shall be provided around the compound to shield the facility from public view. The landscaped buffer shall include evergreen trees at least eight (8) feet in height at the time of planting and shall be planted in staggered double rows at fifteen (15) feet on center, or screening that will provide equivalent buffering - the size and quantity of plantings shall be subject to Planning Board approval. If any additional plantings within landscaped buffer area(s) do not survive a minimum of two (2) years, they must be replaced.

#### 6.3.8 Finish and Color:

Facilities installed according to these provisions shall be suitably finished and/or painted so as to minimize their visual impact on the landscape. Buildings and equipment that will be visible to the public should be designed in a manner and constructed of materials consistent with their surroundings. The tower and equipment associated with the antennas shall be of such a color or finish so as to blend with their surroundings. Whenever possible, and at the discretion of the Planning Board, the tower shall be camouflaged to blend in with its surroundings or natural features.

#### 6.3.9 Space and Bulk Requirements

Any Wireless Communication Facility not existing as of the effective date of this ordinance shall conform to the following standards:

6.3.9.1 Mounting and Dimensions : The mass and dimensions of antennae on a tower or alternative tower structure shall be governed by the following criteria:

- a. Whip Antennae - They shall not exceed twenty (20) feet in length for an individual antenna, and shall be limited to two (2) per mount, with no more than three (3) mounts at a given level.
- b. Panel Antennae - The horizontal centerline of all panel antennae of a single carrier must be aligned in the same horizontal plane, with each antenna not to exceed eight (8) feet in length, nor two (2) feet in width.



- c. Panel Antenna Mass Per Array - The mass of antennae, including required antenna support structures, on a tower shall not exceed five hundred (500) cubic feet per antenna array, with no one dimension exceeding fifteen (15) feet per array. The mass shall be determined by the appropriate volumetric calculations using the smallest regular rectilinear, cuboidal, conical, cylindrical, or pyramidal geometric shapes encompassing the perimeter of the entire array and all of its parts and attachments.

#### 6.3.9.2 Lot Area:

A new wireless communications tower shall not be constructed on a lot that does not conform to the minimum lot area required in the zoning district, even if such a lot is a lawful, non-conforming lot of record.

#### 6.3.9.3 Setbacks:

- a. The center of the tower base shall be set back from the property line by a distance of at least one hundred (100 %) percent of the total tower height. This provision shall apply to both leased and owned property. Equipment facilities, and other non-residential structures deemed functionally dependent by the Planning Board for the WCF, may be permitted within the required setback area if desired by the applicant. If guy wires are used, they shall meet the applicable building setback from the property line.
- b. Equipment facilities shall meet the required District setbacks.
- c. All telecommunication facilities shall maintain the required setbacks as undisturbed vegetated buffers, except for the access road.
- d. There shall be no setback requirements for antennae mounted on alternative tower structures. The standard District setbacks shall continue to apply for alternative tower structures and equipment facilities, where applicable.

#### 6.3.10 Co-Location

Co-location is strongly encouraged in order to avoid the construction of multiple towers. All wireless communication towers and equipment compounds shall be built so as to facilitate co-location with additional service providers provided that the height limits and other bulk restrictions of this ordinance are not exceeded.

## 7.0 PLANNING BOARD REVIEW GUIDELINES

ensure that other technically feasible sites have been investigated and the proposed facility has been located in order to minimize the effect of the location on visually sensitive areas such as residential use, historical areas, open space areas and marshes.

- 13) An inspection schedule acceptable to the Planning Board shall be established.
- 14) The Planning Board may require a performance guarantee in accordance with Section 9.1 of this ordinance. The applicant shall provide a removal guarantee as required by Section 9.2 of this ordinance.
- 15) The WCF shall not unreasonably or significantly affect or de-value neighboring property(s).

## **8.0 PERFORMANCE STANDARDS**

All applications requiring Planning Board review shall meet and maintain the following performance standards to the maximum extent possible as determined by the Planning Board.

### **8.1 Structural Design Standards**

- 8.1.1 Any new single-use tower shall be designed to structurally support a minimum of two (2) additional antenna arrays.
- 8.1.2 Communication towers shall be designed and installed in accordance with the most current standards of the Electronic Industries Association (EIA) Structural Standards for Steel Antenna Towers and Antenna Supporting Structures.
- 8.1.3 The applicant's engineer shall provide documentation showing that the proposed WCT meets or exceeds the most current standards of the American National Standards Institute for Sagadahoc County relative to wind and ice loads when the tower is fully loaded with antennae transmitters and other equipment as described in the submitted plan.
- 8.1.4 For towers or antennas placed on buildings or alternative tower structures, the applicant shall also provide written certification from a structural engineer that the building or ATS itself is structurally capable of safely supporting the tower, antennas, their accompanying equipment and ice and wind loads.
- 8.1.5 A proposal to construct a new co-located WCT at or below the maximum height allowable permitted for a single wireless communication service must include evidence that the tower can structurally support a minimum of two (2) antennae arrays for each anticipated co-locating entity.



The Planning Board may require that the applicant submit documentation, in writing, that the guidelines established below will be met and maintained. The Planning Board will be guided in its consideration of a WCF application by the following parameters:

- 1) In the Town of Arrowsic Zoning Ordinance, all standards contained in 4.2 Conditional Use Permits and all standards contained in 3.0 Performance Standards.
- 2) All standards contained in this Ordinance entitled Performance Standards.
- 3) The height of the proposed tower, alteration or other necessary structure does not exceed that which is essential for its intended use.
- 4) The proximity of the tower and impact to residential development shall be minimized.
- 5) The WCF shall minimize changes to the existing natural topography to the maximum extent feasible and shall take into consideration the surrounding topography.
- 6) The WCF shall utilize the surrounding tree coverage and foliage as a buffer. Removal of mature trees shall be strongly discouraged.
- 7) The design of the WCF including the tower, antenna, antenna array(s) and any functionally dependent structures shall have the effect of reducing or eliminating visual obtrusiveness.
- 8) The WCF shall minimize visual impacts on view sheds, ridge lines, and other areas of impacts by means of tower location, tree and foliage clearing and placement of incidental structures.
- 9) The proposed facility will not be constructed in such a manner as to result in unnecessary height, mass, and guy-wire supports, with documentation having been provided and reviewed regarding the design capacity and/or the remaining co-location capacity of the tower/facility.
- 10) Based on information submitted by the applicant, the Planning Board shall ensure that mitigation measures have been utilized to screen antennae and towers from view from public rights-of-way or scenic vistas, either via landscaping, fencing or other architectural screening.
- 11) Based on information submitted by the applicant, the Planning Board shall ensure that creative design measures have been employed to camouflage facilities by integrating them with existing buildings and among other uses.
- 12) Based on information submitted by the applicant, the Planning Board shall

## **8.2 Radiation Emission Standards**

The design, siting and operation of the tower and any related structures must assure that all potentially hazardous radiation is controlled or contained, and that radiation levels are at safe levels as determined by applicable State and Federal standards.

## **8.3 Aesthetics**

8.3.1 Except where otherwise dictated by Federal or State requirements, the Planning Board may require that a proposed tower be camouflaged or designed to blend with its surroundings. This may include, but is not limited to, having a galvanized finish, being painted flat blue gray or in a sky tone above the top of surrounding trees and earth tone below treetop level.

8.3.2 If lighting is required by State or Federal regulations, the Planning Board may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding properties and views.

8.3.3 Antenna arrays and microwave dishes located on an ATS shall be placed in such a manner as to be indistinguishable as possible from the current appearance of the existing structure as viewed from the ground level adjacent to the ATS. If, however, circumstances do not permit such placement, the antenna array and dishes shall be placed and colored to blend into the architectural detail and coloring of the host structure.

8.3.4 The Planning Board may require special design of the facilities where findings of particular sensitivity are made (e.g., proximity to historic or aesthetically significant structures, views and/or community features).

8.3.5 No advertising or signage shall be permitted on any tower or antenna except for safety or other signage that may be required by the F.C.C.

## **8.4 Access**

The operator shall keep the access to the facility free from snow and debris to ensure emergency access if required.

## **9.0 ADDITIONAL STANDARDS & CRITERIA**

Operators of wireless communications facilities and their successors and assigns shall, on an annual basis, provide to the Town of Arrowsic a letter certifying that the tower is still in use and that the tower and its component equipment have not been superseded by more modern and preferred technology, thus rendering their use obsolete.

## **9.1 Performance Guarantee**

Any application that requires Planning Board review and approval may require the posting of a performance guarantee for the development, construction, or modification to the WCF. The Planning Board shall determine whether or not a performance guarantee is required based on the Board's assessment of the potential of the project to cause the Town to incur expenses, such as to stabilize the site if the project is not completed.

The amount of the guarantee shall be sufficient to return the land to a condition as near to the original pre-construction condition as possible as determined by the Planning Board. The amount of the guarantee shall be determined by the Planning Board based on estimates from independent contractors. The type and form of guarantee shall be approved by the Board of Selectmen. The guarantee shall be released only as authorized by the Planning Board.

## 9.2 Guarantee for Removal of Abandoned Wireless Communication Facilities

Wireless communications facilities that are not in use for wireless communications purposes for six (6) consecutive months shall be removed by the facility owner or the contractually responsible party at its expense. Removal, including the removal of all components associated with the facility, shall occur within ninety (90) days of the end of such six-month period. Upon removal, the site shall be cleaned, restored and revegetated to blend with the surrounding vegetation at the time of abandonment, or to a condition as near to the original pre-construction condition as possible as determined by the Planning Board.

Should the specific use of these wireless communication facilities be superceded by more modern and preferred technology, thus rendering their use obsolete, the tower and associated equipment and components be dismantled and the site restored as required by this Section 9.2.

The applicant for a new tower shall, prior to issuance of any building permit required for a WCF or WCT hereunder, post a performance guarantee in the form of a continuous corporate surety bond, or an escrow account, for the benefit of the Town equal to one hundred twenty-five (125%) percent of the estimated demolition and removal cost of the tower and associated facilities and components if abandoned at any time by the applicant. Estimates of demolition and removal costs shall be provided by an independent contractor, and shall not be based on services being provided by town employees and town equipment.

The amount of the guarantee shall be approved by the Planning Board, and shall be sufficient to return the land to a condition as near to the original pre-construction condition as possible as determined by the Planning Board. Estimated removal costs shall include all above ground structures, equipment, foundations, guy anchors, utilities, fencing, access roads or driveways specifically constructed to service the tower, structures, equipment or utilities, and the land returned to a condition as near to the original pre-construction condition as possible.

The type and form of the guarantee shall be subject to review and approval by the Town Attorney and approved by the Board of Selectmen. The Board of Selectmen shall have the authority to require either a certified check payable to the Town of Arrowsic, a savings account passbook issued in the name of the Town, an irrevocable letter of credit from a financial institution authorized to do business in Maine in favor of the Town of Arrowsic, or a faithful performance bond running to the Town of Arrowsic and issued by a surety company authorized to do business in Maine and acceptable to the Board of Selectmen.

All performance guarantees shall be on a continuous basis, with any provision for cancellation to include that a minimum thirty day (30) prior notice of cancellation, or renewal, be sent by certified mail to the Town of Arrowsic. The performance guarantee covering such removal shall be for a minimum term of three (3) years. It shall contain a mechanism satisfactory to the Planning Board for review of the cost of removal of the structure every three (3) years, and a mechanism for increasing the amount of the guarantee, should the revised cost estimate so necessitate. The performance guarantee shall be released by the Planning Board only upon the tower owner or operator or landowner's completion of tower and facility removal and land restoration (as required by this Section 9.2) to the satisfaction of the Code Enforcement Officer.

### **9.3 Time Schedule**

The WCF must be completed for operational use by the end of a twelve (12)-month period after final approval.

### **9.4 Liability**

The Town of Arrowsic is excluded from any liability relating to the loss of life, personal injury or property damage as a result of the use of this wireless communications facility, its equipment and component thereof.

## **10.0 ALTERATIONS TO EXISTING FACILITIES**

### **10.1 Alterations to New or Existing Conforming Wireless Communication Towers.**

10.1.1 Normal maintenance and repairs of any Conforming Wireless Communications Tower and its related buildings may be performed without a permit from the CEO.

10.1.2 Planning Board review and approval in accordance with the standards of this Ordinance shall be required if any of the following changes are proposed:

- a. Any increase in the number or size of antenna(s)/antenna array(s) or broadcast capacity in excess of the exemption standards contained in FCC OET Bulletin #65.

- b. Any increase in tower height.
- c. Any change to tower lighting or existing buffering.
- d. Any change to the access road or the size (square feet or volume) of any structure on site.

## **11.0 BUILDING PERMIT REQUIREMENTS**

The CEO shall ensure that the following requirements are met prior to the issuance of a Building Permit for a WCF.

- 11.1 The CEO shall not issue a permit for the construction of a new Wireless Communication Facility, or any change to an existing Wireless Communication Facility that requires Planning Board review until the Planning Board has approved the facility and all applicable conditions have been met.
- 11.2 The CEO shall not issue a building permit for a WCF unless all required permits are obtained and filed with the Town including, but not limited to, any applicable Federal or State permits or licenses.
- 11.3 In the event that an applicant proposes to add capacity, or change component parts of the antenna the CEO may issue a permit for additional antenna(ae), antenna array (s) or broadcast capacity if the facility has been previously and specifically approved by the Planning Board for the requested changes. The Planning Board approval must specifically state that this capacity is allowed and establish a time period during which the CEO may issue a permit for the additional capacity. Any increase in broadcast capacity in excess of the exemption standards contained in FCC OET Bulletin #65 must be previously and specifically approved by the Planning Board.
- 11.4 The CEO shall have the authority to use professional and technical services to review proposed plans and to inspect the construction of an approved project. The applicant shall pay all costs incurred for these review and inspection services.
- 11.5 If inspections and/or proof of insurance are required by the Planning Board, all necessary forms and inspection schedule(s) shall be submitted.
- 11.6 If the Planning Board requires a performance guarantee and/or abandonment/removal bond for the proposed WCF, the amount and type of the bond(s) as required by the Planning Board shall be received and found acceptable by the CEO prior to the CEO taking action on any building permit application.

## **12.0 INSPECTIONS**

- 12.1 Inspections of towers by either a Registered Professional Engineer in the State of Maine, or a qualified third party mutually agreed upon by the applicant and the CEO/Town Engineer shall be performed to assess structural integrity. Such

inspections shall be performed as follows:

- 1) Monopole towers - at least once every six years following completion of construction. The inspection shall take place between the fifth and sixth year of the repeat sequence.
  - 2) Self-supporting towers - at least once every five years following completion of construction. The inspection shall take place between the fourth and fifth year of the repeat sequence.
  - 3) Guyed towers - at least once every three years following completion of construction. The inspection shall take place between the second and third year of the repeat sequence.
- 12.2 The inspection report shall be submitted to the CEO or designee within thirty (30) days of its receipt by the tower owner. Based upon the results of the inspection, the CEO, or upon recommendation by the CEO, the designee may require repair or demolition of the tower.
- 12.3 The cost of such inspections, reports, repairs or demolition required under this Section shall be borne entirely by the tower owner. Required repairs shall be completed within ninety (90) days, or less, as required by the CEO or designee for safety reasons.
- 12.4 Failure to provide required inspection reports in the required time schedule shall be deemed prima facie evidence of abandonment.

### **13.0 REMOVAL OF ABANDONED WIRELESS COMMUNICATION FACILITIES**

- 13.1 The owner of a WCF shall notify the Code Enforcement Officer of the date of cessation of use of the facility or any component(s) thereof within one month from the date of such cessation. If the owner fails to give the notice required by this paragraph, the Code Enforcement Officer shall make a determination of such date, which determination shall be conclusive.
- 13.2 Any WCF or component thereof that is not operated for a continuous period of six (6) months shall be considered abandoned. The owner of an abandoned WCF or component thereof shall remove it within ninety (90) days of receipt of notice from the CEO of determination of abandonment.

If the owner fails to remove the abandoned WCF or component thereof as required by the town, the Town shall utilize the removal guarantee and shall cause the removal of the abandoned equipment and any required site restoration.

- 13.3 If the operator or owner goes out of business or bankrupt the WCF shall be



considered abandoned. The operator or owner shall meet the removal and restoration requirements in Section 13.1 and 13.2 above.

- 13.3 The applicant shall be required to post a performance guarantee in accordance with standards established in Section 9 Additional Standards & Criteria.
- 13.4 If there are two or more users of a single tower or WCF, then this provision shall not apply until all users cease using the tower or WCF.
- 13.5 If all antennae above a manufactured connection on a tower are removed, the resulting unused portions of the tower shall subsequently be removed within three (3) months.
- 13.6 The replacement of all or portions of a WCF previously removed requires a new application and site plan approval as established in this Ordinance.

#### **14.0 WAIVER PROVISION**

The Planning Board may waive any of the submission requirements based upon a written request of the applicant submitted at the time of application. A waiver of any submission requirement may be granted only if the Planning Board finds in writing that due to special circumstances of the application, the information is not required to determine compliance with the standards of this Article. The Planning Board must additionally determine that such modification or waiver would not adversely affect properties in the vicinity or the general safety and welfare of the Town. The burden of proof regarding any such modification or waiver rests solely with the applicant and must be shown to be consistent with Federal and State law and with the purpose of this Ordinance.

#### **15.0 APPEALS**

Appeals shall be in accordance with the standards established in the Town of Arrowsic Zoning Ordinance, Section 4.4.

#### **16.0 CONFLICT AND SEVERABILITY**

##### **16.1 Conflict with Other Ordinances**

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

##### **16.2 Severability**

The invalidity of any part of this ordinance shall not invalidate any other part of this ordinance.

## 17.0 EFFECTIVE DATE

This Ordinance becomes effective upon Town Meeting approval.

### DEFINITIONS ACCOMPANYING TOWN OF ARROWSIC WIRELESS TELECOMMUNICATIONS FACILITIES ORDINANCE

In addition to those terms defined in the Town of Arrowsic Zoning and Subdivision Ordinances, the following terms are applicable for reviewing an application for a wireless communication facility and for ensuring that applicable standards are met.

**ATS (Alternative Tower Structure):** Clock towers, bell steeples, light poles, water towers, electrical transmission line towers, and similar alternative mounting structures that camouflage or conceal the presence of antennae or towers associated with a Wireless Communication Facility.

**Antenna/Antenna Array:**

- 1) A device used in communication that transmits or receives radio or electromagnetic frequency signals.
- 2) A system of one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency (RF) signals through electromagnetic energy.

These include, but are not limited to, omnidirectional antennae (whip or rod), directional antennae (panel) and parabolic antennae (dish or disc).

**Antenna Support Structure:** Any pole, telescoping mast, tower tripod, or other structure that attaches to a tower and supports one or more antenna(e).

**Co-location:** The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

**Equipment Facility:** Any structure used to contain ancillary equipment for a wireless communication facility, including cabinets, shelters, a build-out of an existing structure, pedestals and other similar structures.

**FAA:** Federal Aviation Administration, or its lawful successor.

**FCC:** Federal Communication Commission, or its lawful successor.

**Normal Maintenance:** The regular, routine maintenance of a WCF including but

not limited to changing light bulbs, plowing and maintaining the existing access road and gate, fence repair and maintenance, maintenance of the buffer, replacing an existing antenna with a functionally equivalent antenna, and changing or repairing electronic components that do not increase the broadcast capacity of the WCF in excess of the exemption standards contained in FCC Office of Engineering and Technology (OET) Bulletin #65. This definition specifically includes painting provided that the painting is done in accordance with the standards established in this ordinance. This definition specifically excludes widening an access road, increasing tower height, replacing light fixtures, and increasing the broadcast capacity of a WCF within the exemption standards contained in FCC OETC Bulletin #65.

**Parabolic Antenna:** (Also known as a satellite dish antenna) means an antenna which is bowl shaped, designed for the reception and or transmission of radio frequency communication signals in a specific directional pattern.

**Tower Height:** The vertical distance measured from the mean elevation of a 25' radius of a circle whose center is the base of the tower to the highest point of the tower or ATS, including the base pad, all antennae and other attachments. When towers are mounted upon buildings or other structures, the total vertical height is measured from the ground level as stated above.

**Wireless Communications:** Any personal wireless services as defined in the Federal Telecommunications Act of 1996 which includes FCC licensed commercial wireless telecommunications services including but not limited to telecommunications services, radio or television signals, or any other spectrum-based transmissions/receptions, cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, radio, television and similar services that currently exist or that may be developed in the future.

**WCF (Wireless Communication Facility) or Facility:** A facility that transmits, receives, distributes, provides or offers wireless communications. This includes the facility's associated antennae, microwave dishes, horns, cables, wires, conduits, ducts, lightning rods, electronics and other types of equipment for the transmission, receipt, distribution or offering of such signals, wireless communication towers, antenna support structures, and other structures supporting said equipment and any attachments to those structures including guy wires and anchors, equipment buildings, generators, parking areas, utility services, driveways and roads and other accessory features.

**Wireless Communication Towers - Co-Located:** A Wireless Telecommunications Tower or ATS supporting one or more antennae/antenna array(s) and owned or used by more than one public or private entity. A Co-Located Tower may include two (2) or more antenna array(s) serving the same company provided that the applicant can demonstrate to the Planning Board that separate levels are a practical necessity.

**WCT (Wireless Communication Tower) or Tower:** A structure designed and constructed specifically to support an antenna array that provides Wireless Communication. A tower may be a monopole, self-supporting (lattice) tower, guy-wire support tower or other similar structure, and includes all supporting lines, cables, wires, and braces.





# TOWN OF ARROWSIC ZONING ORDINANCE

Effective Date June 30, 1979

As Amended June 17, 2015

\$10.00

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Note: Dates in parentheses indicate when the section was last amended.

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## 1.0 General

**1.1 Purpose:** The purpose of this zoning ordinance is to promote the health, safety, and welfare of the town residents through implementation of the Comprehensive Plan; provision of relief from fire, flooding and other dangers; provision of adequate light and air; lessened street congestion; prevention of the over-crowding of land, provision of adequate water, sewer, school, recreation and other public facilities; and the fulfillment of the desires of each citizen for an orderly and amenable community.

**1.2 Basic Requirements:** All buildings or structures hereinafter constructed, enlarged, or moved, and subsequent uses of land and buildings in the Town of Arrowsic shall be in conformity with the provisions of this Ordinance.

**1.3 Non-conformance:** 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 shall be allowed to continue, subject to the requirements set forth in this section and its amendments. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming. (6-17-09)

### 1.3.1 General

**1.3.1.1 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.

**1.3.1.2 Repair and Maintenance:** This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which 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.

### 1.3.2 Non-conforming Structures

**1.3.2.1 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. For purposes of this requirement, there is no increase in nonconformity with the setback requirement 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 and irregular shapes may be in-filled.

Further Limitations within Shoreland Districts:

- a) No structure which is less than the required setback from the high water line of a water body, tributary stream or upland edge of a wetland shall be expanded toward the water body, tributary stream, or wetland.
- b) After January 1, 1989, if any portion of a structure is less than the required setback from the high water line of a water body, tributary stream or upland edge of a wetland, that portion of the structure shall not be expanded 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 1.3.2.3, 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. (6-17-09)

- c) 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 1.3.2.2 Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 1.3.2.1.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. (6-17-09)

**1.3.2.2 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 CEO, or, in the Shoreland District as determined by the Planning Board and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules, 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 CEO or the Planning Board 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: (6-17-09)

- 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. (6-17-09)

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. (6-17-09)

- 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. (6-17-09)

**1.3.2.3 Reconstruction or Replacement (6-16-10)**

- a) Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or upland edge of a wetland, or from a road or lot line and which is removed, or damaged or destroyed, regardless of 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

- i) within eighteen (18) months of said damage, destruction or removal, and prior to the start of any reconstruction or replacement, the owner obtains a Conditional Use Permit from the CEO, or in the Shoreland District from the Planning Board, and a Building Permit from the CEO, and
- ii) such reconstruction is in compliance with the water body, tributary stream or wetland setback requirements to the greatest practical extent as determined by the CEO or by the Planning Board 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 1.3.2.1 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. In applying this sub-paragraph 1.3.2.3(a)(ii) to non-conforming structures located in the Shoreland or Special Protection Districts which have been damaged or destroyed, the required setback shall be the greater of the existing location of the structure or 75 feet, provided the damage or destruction was not intentional on the part of the persons with an actual or contingent interest in the property. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 1.3.2.2 above.(6-16-10)
- b) Any non-conforming structure which is located less than the required setback from a water body, tributary stream or wetland and which is removed, damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place provided that a Building Permit is obtained from the CEO within one year of such damage, destruction or removal.
- c) In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent, the CEO or the Planning Board shall consider, in addition to the criteria in Section 1.3.2.2 above, the physical condition and type of foundation present, if any.

#### 1.3.2.4 **Change of Use** of a Non-conforming Structure (6-17-09)

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 a water body, tributary stream or wetland, or on the subject or adjacent properties and resources than the existing use. For other non-conforming uses of a structure, application for permit may be made to the CEO. The determination of no greater impact shall be made according to the criteria of Section 4.2.

### 1.3.3 **Non-conforming Uses**

**1.3.3.1 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 as allowed in Section 1.3.2.1. (6-17-09)

**1.3.3.2 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 use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five-year period.

**1.3.3.3 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.

**1.3.3.4 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 a water body or wetland, or on the subject or adjacent properties and resources than the existing use. For other non-conforming uses of a structure, application for permit may be made to the CEO. The determination of no greater impact shall be made according to the criteria of Section 4.2.3.

#### **1.3.4 Non-conforming Lots**

**1.3.4.1 Non-conforming Lots:** A non-conforming lot of record which has not been built on as of the effective date of this Ordinance, or of any amendment thereto which creates a non-conformity, may not be built upon.

**1.3.4.2 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.

**1.4 Effective Date:** The effective date of this Ordinance is June 30, 1979.

## **2.0 Zoning Districts**

### **2.1 Establishment and Zoning Map (6-16-10)**

**2.1.1 General:** The Town is hereby divided into zoning districts as described herein: Rural Residential 1, Rural Residential 2 (6-25-87). In addition, there are the following zoning overlay districts: the Shoreland Zone, which includes Shoreland District, Special Protection District and Resource Protection District, and the Mobile Home Park Overlay. Rural Residential 1, Rural Residential 2 and the Shoreland Zoning Overlay Districts are shown on the Town of Arrowsic Zoning Map, as amended June 16, 2010, on file with the Town Clerk and recorded at the Sagadahoc County Registry of Deeds. Wherever the Rural Residential Districts are overlaid by other Districts, the most restrictive requirements shall apply. (6-16-10)

**2.1.2 District Boundaries:** Unless otherwise set forth on the Zoning Map, district boundary lines are property lines, the centerlines of roads and rights of way, and the boundaries of the zoning 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. Where the map conflicts with the written description of a district, the Ordinance wording shall govern. (6-17-09)

**2.1.3 Scale of Map:** The Zoning Map shall be printed 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. (6-17-09)

**2.1.4 Certification of the Map:** The Zoning Map shall be certified by the attested signature of the Town Clerk and shall be located in the municipal office. (6-17-09)

**2.1.5 Changes to Shoreland Zoning on the Zoning Map:** If amendments are made in the district boundaries or other matter portrayed on the Zoning Map, such changes shall be made on the



Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection. (6-17-09)

**2.1.6 Permitted and Conditional Uses** in each District shall conform to all dimensional requirements and other applicable requirements of this Ordinance. A plumbing permit and Building and/or Conditional Use Permit shall be required for all buildings, conditional uses and sanitary facilities, according to the provisions of this Ordinance.

## **2.2 Zoning Districts**

### **2.2.1 Rural Residential 1 District**

**2.2.1.1 General:** The purpose of this district is to provide for the public health and safety, environmental quality, and economic well-being of the community. The boundaries of the Rural Residential 1 District are as designated on the official Town of Arrowsic Zoning Map.

**2.2.1.2 Permitted, Conditional and Prohibited Uses:** The permitted, conditional and prohibited uses in this district are shown in Table I. Conditional uses may be allowed only upon issuance of a Conditional Use Permit by the Code Enforcement Officer or the Planning Board in accordance with Section 4 of this Ordinance.

**2.2.1.3 Performance Standards:** Permitted uses and conditional uses shall conform to the following performance standards as described in Section 3, Table I and related performance standards.

### **2.2.2 Rural Residential 2 District (6-25-87)**

**2.2.2.1 General:** The purpose of this District is to provide for the public health and safety, environmental quality and economic well-being of the community and to preserve open space. The boundaries of the Rural Residential 2 District are as designated on the official Town of Arrowsic Zoning Map.

**2.2.2.2 Permitted, Conditional and Prohibited Uses:** The permitted, conditional and prohibited uses in this district are shown in Table I. Conditional uses may be allowed only upon issuance of a Conditional Use Permit by the Code Enforcement Officer or the Planning Board in accordance with Section 4 of this Ordinance.

**2.2.2.3 Performance Standards:** Permitted Uses and Conditional uses shall conform to the following performance standards as described in Section 3, Table I and related performance standards.

## **2.3 Zoning Overlay Districts (6-17-09)**

### **2.3.1 Shoreland Zoning Overlay Districts (6-17-09)**

#### **2.3.1.1 General**

a) **Applicability:** These Districts shall include all land within 250 feet, horizontal distance, of the

i) high-water line of any great pond or river,

ii) upland edge of a coastal wetland, including all areas affected by tidal action, or

iii) upland edge of a freshwater wetland,

and all land areas within 75 feet, horizontal distance, of the 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 high-water line of a water body or within a wetland.

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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.

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- a) District Divisions: Shoreland Zoning includes the following districts as shown on the Zoning Map that is made a part of this Ordinance
- i) Shoreland District
  - ii) Special Protection District
  - iii) Resource Protection District

**Coordination with the Underlying Zone:** The provisions of these districts supplement the provisions of the underlying Rural Residential zoning district. Where the specific provisions of the overlay district vary from the requirements of the underlying zone, the more restrictive provisions shall govern.

**Amendments requiring DEP approval:** Copies of amendments relating to Shoreland Zoning, 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.

- b) **Purposes:** The purposes of these districts are:
- i) to further the maintenance of safe and healthful conditions;
  - ii) to prevent and control water pollution;
  - iii) to protect fish spawning grounds, aquatic life, bird and other wildlife habitat;
  - iv) to protect buildings and lands from flooding and accelerated erosion;
  - v) to protect archaeological and historic resources;
  - vi) to protect commercial fishing and maritime industries;
  - vii) to protect freshwater and coastal wetlands;
  - viii) to control building sites, placement of structures and land uses;
  - ix) to conserve shore cover, and visual as well as actual points of access to inland and coastal waters;
  - x) to conserve natural beauty and open space;
  - xi) and to anticipate and respond to the impacts of development in shoreland areas.

- c) **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.).
- d) **Permitted, Conditional and Prohibited Uses:** The permitted, conditional and prohibited uses in these districts are shown in Table I. Conditional uses may be allowed only upon the issuance of a Conditional Use Permit by the Code Enforcement Officer or Planning Board in accordance with Section 4 of this Ordinance.
- e) **Performance Standards:** Permitted uses and conditional uses shall conform to the following performance standards as described in Section 3, Table I and related performance standards.

**2.3.1.2 Shoreland District:** This District shall include all land, other than land in the Special Protection District and the Resource Protection District, within 250 feet, horizontal distance, of the (6-17-09)

- a) high-water line of any great pond or river,
- b) upland edge of a coastal wetland, including all areas affected by tidal action, or
- c) upland edge of a freshwater wetland,

**2.3.1.3 Special Protection District:** This District includes (6-17-09)

- a) all upland within 250 feet horizontal distance of the upland edge of salt meadows and salt marshes each greater than 2 acres, not in the Resource Protection District
- b) all upland within 250 feet horizontal distance of areas described in Section 2.3.1.4 d) Resource Protection District.

The burden of proof is on the landowner for determining the upland edge of the wetland.

**2.3.1.4 Resource Protection District:** The Resource Protection District includes areas in which development would be more likely to adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas within the limits of the shoreland zone. (6-17-09)

- a) Areas within 250 feet, horizontal distance, of the upland edge of, salt marshes and salt meadows, which are rated "moderate" or "high" value by the Maine Department of Inland Fisheries and Wildlife as of January 1, 1973, and 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 of Environmental Protection 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 high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river.

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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".

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- b) Floodplains along rivers defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps. This district

shall also include 100 year floodplains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

- c) Areas of two (2) or more contiguous acres with sustained slopes of 20% or greater.
- d) Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficially connected to a water body during the period of high water.

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NOTE: All land within 250 feet horizontal distance of the upland edge of areas described above (2.3.1.4 (d)) is included in the Special Protection District. These areas usually consist of forested wetlands abutting water bodies and non-forested wetlands.

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- e) Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement, and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.
- f) This District shall include areas within:
  - i) 100 feet of the high water line of Sewell Pond
  - ii) 250 feet of the high water line on the Mill Pond
  - iii) 250 feet of the high water line on the Back River below Mill Pond

## 2.3.2 Mobile Home Park Overlay District

**2.3.2.1 General:** The purpose of this district is to provide for the health and safety, environmental quality and economic well-being of the community, and to provide affordable housing.

**2.3.2.2 Applicability:** This district shall include the area in the Rural Residential 1 District which has direct access to Route 127 and is not in the Shoreland, Special Protection District or Resource Protection Districts, or the Flood Plain Zone. (6-17-09)

**2.3.2.3 Permitted, Conditional and Prohibited Uses:** The conditional use permitted in this district is mobile home parks, per Section 3.19 of the Town of Arrowsic Zoning Ordinance. All other permitted, conditional and prohibited uses are shown in Table I, column 3 of the Zoning Ordinance.

**2.3.2.4 Performance Standards:** See Section 3.19 of the Town of Arrowsic Zoning Ordinance.

**2.4 Zoning Map** (dated 6-29-89; adopted 6-24-92 for Zoning Districts) (dated 4-22-09 adopted 6-16-10 for Shoreland Overlay Districts). The map is posted at the Town Hall.

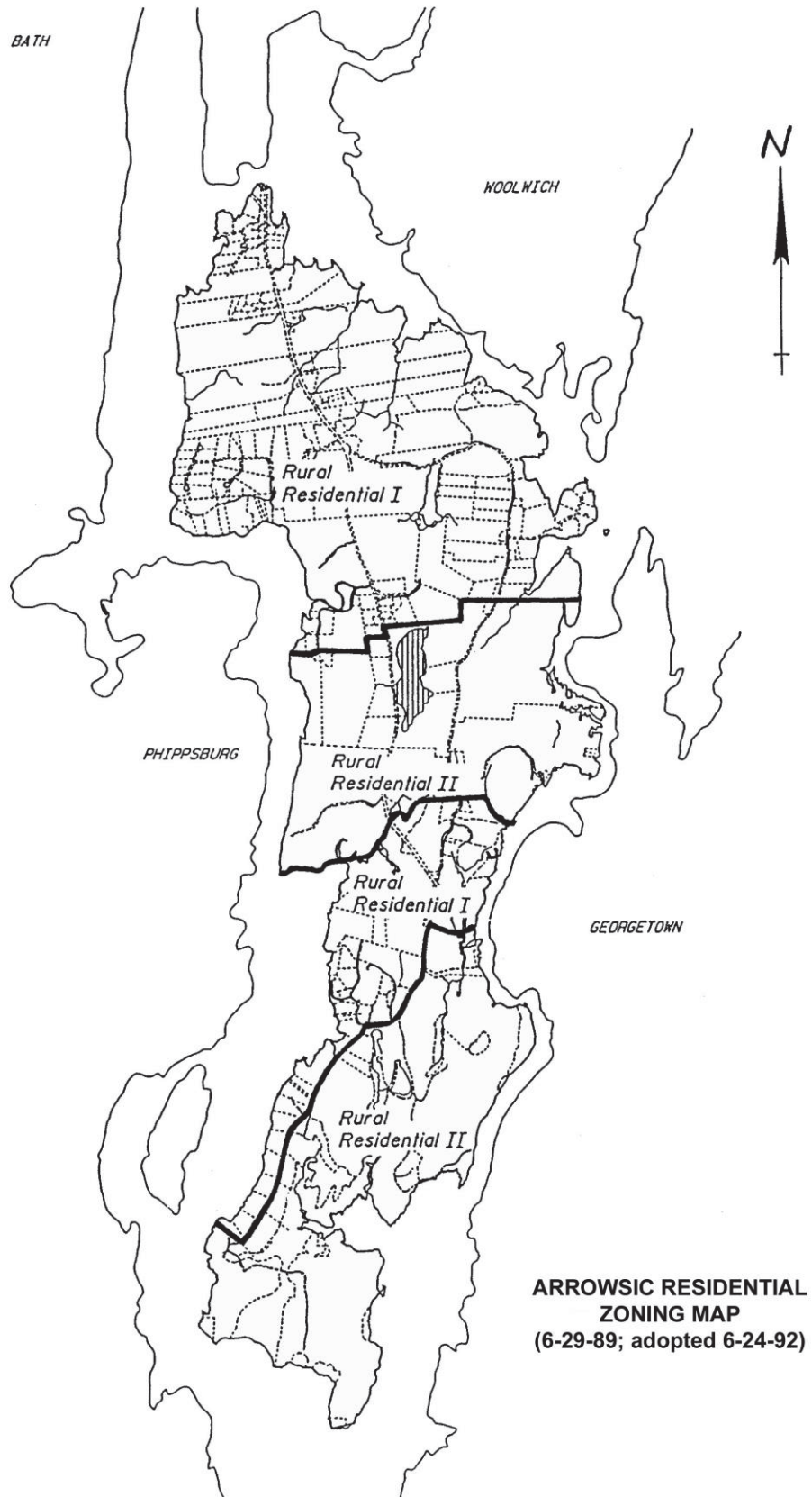


TABLE I: USES BY DISTRICT (6-17-09)

	Land Use	DISTRICTS			
		Resource Protection, Special Protection	Shoreland District	Rural Residential 1	Rural Residential 2
1*	Non-intensive recreational uses not requiring structures	P	P	P	P
2*	Timber harvesting & clearing or removal of vegetation	C/CEO	C/CEO	P	P
3*	Mineral and mining exploration	X	X	C/CEO	C/CEO
	Mineral Extraction (6-17-09)	X	X	C/PB	C/PB
4	Harvesting of wild crops & fishing	P	P	P	P
5*	Agriculture	P	P	P	P
6*	Structures:				
	Residential dwelling units	B&C/CEO	B&C/CEO	B	B
	Commercial, industrial	X	X	X	X
	Accessory structures greater than 200 sq.ft.	B&C/CEO	B&C/CEO	B	B
	Accessory structures 200 sq.ft. and under	B&C/CEO	B&C/CEO	P	P
	Additions greater than 100 sq.ft.	B&C/CEO	B&C/CEO	B	B
	Additions 100 sq.ft. and under	B&C/CEO	B&C/CEO	P	P
	Reconstruction Replacement:				
	More than 50% with less than required setback	B&C/PB	B&C/PB	B&C/CEO	B&C/CEO
	Less than 50% with less than required setback (6-17-99 & 6-15-05)	B&C/CEO	B&C/CEO	B&C/CEO	B&C/CEO
	Replacement greater than 200 sq.ft.	B&C/CEO	B&C/CEO	P	P
7*	Home business	HBP	HBP	HBP	HBP
8*	Road and driveway construction	C/PB	C/PB	C/CEO	C/CEO
9*	Individual private campsites	C/CEO	C/CEO	C/CEO	C/CEO
10	Campgrounds	X	X	X	X
11*	Piers, docks, wharves, breakwaters, causeways, bridges and other structures and uses projecting over or beyond the high water line or within a wetland:				
	Temporary, new or replacement	B&C/PB	B&C/CEO	N/A	N/A
	Permanent, new	X	B&C/PB	N/A	N/A
	Permanent, replacement	B&C/PB	B&C/PB	N/A	N/A
12*	Private sewage disposal systems	PP	PP	PP	PP
13*	Public utilities, public facilities, and private facilities open to the public	C/PB	C/PB	C/PB	C/PB
14*	Signs	P	P	P	P

Table I continued on next page



TABLE I: USES BY DISTRICT (6-17-09) continued

	Land Use	DISTRICTS			
		Resource Protection, Special Protection	Shoreland District	Rural Residential 1	Rural Residential 2
15*	Filling, grading or other earth-moving activities				
	- of less than 25 cu.yds./yr.	C/CEO	C/CEO	P	P
	- of equal to or > 25 cu.yds./yr.	C/PB	C/PB	C/CEO	C/CEO
16**	Motorized recreational vehicular traffic on existing roads and trails	Town of Arrowsic Code, Chapter 12, Article II Recreational Vehicle Use Ordinance			
17*	Cluster development	X	P	P	R
18*	Junk yards	X	X	X	X
19**	Mobile home parks	X	X	C/PB	X
20	Land clearing for development	See Timber Harvesting (#2)			
21*	Conversion of seasonal residences to year-round	C/CEO/PP	C/CEO/PP	C/CEO/PP	C/CEO/PP
22	Public and private parks and recreational areas involving minimal structural development	C/PB	C/PB	C/PB	C/PB
23	Erosion and sedimentation Control	P	P	P	P
24	Essential Services:				
	Roadside distribution lines (34.5k or less) (6-17-09)	P/CEO	P/CEO	P/CEO	P/CEO
	Other essential services (6-17-09)	P/PB	P/PB	P/PB	P/PB
25	Uses similar to allowed uses or CEO uses	C/CEO	C/CEO	C/CEO	C/CEO
26	Uses similar to uses requiring Planning Board permit	C/PB	C/PB	C/PB	C/PB

Table I Key

Symbol	Meaning
X	Prohibited Use
C/PB	Conditional Use Permit from Planning Board
C/CEO	Conditional Use Permit from Code Enforcement Officer
P	Permitted use as regulated herein
P/CEO	Permit from CEO (6-17-09)
P/PB	Permit from Planning Board (6-17-09)
N/A	Not applicable for this district
B	Building permit from Code Enforcement Officer
PP	Plumbing permit from Town Plumbing Inspector
R	Required for all subdivisions of 5 or more units or lots
HBP	Home Business Permit from Planning Board
*	Performance standard included in Performance Standard Section
**	See Section 2.3.2 and 3.19

TABLE II a: VEGETATION AND SOIL TYPES

Wetlands Vegetation	Uplands Vegetation
Sphagnum Moss	Arbutus (Epigaea)
Bull Rushes (Scirpus)	Checkerberry (Gaultheria)
Spike Rushes (Eleocharis, Juncus)	Hawthorne (Crataegus)
Cattails (Typha)	Sumac (Rhus)
Burr Reeds (Sparganium)	Viburnum (Viburnum)
Sweet Flag (Acorus)	Oak (Quercus)
Blue Flag (Iris versicolor)	Aspens (Populus)
Sedges (Carex)Arbutus (Epigaea)	Low Blueberries (Vaccinium)
Cord Grasses (Spartina)	White Ash (Fraxinus americana)
Manna Grasses (Glyceria)	White Pine (Pinus strobus)
Smartweeds (Polygonum)	White Spruce (Picea alba)
Saltmarsh Aster (Aster)	Common Milkweed (Asclepias)
Glasswort (Salicornia)	Dogbane (Apocynum)
Loosestrife (Lythrum)	Queen Anne's Lace
(Gerardia)	Yarrow (Achillea)
Arrowheads (Sagittaria)	Sarsaparilla (Arabia)
Water Plantains (Alisma)	Juniper (Juniperus)
Sea Lavender (Limonium)	
Alders (Alnus)	
Willows (Salix) (Paucus)	
Cedar (Thuja)	
Swamp Maple (Acer)	
Alderberries (Ilex)	
Swamp Bayberry (Myrica)	
Cranberry (Vaccinium)	

TABLE II b: WETLAND SOILS

Symbol	Name
Bo	Biddeford silt loam
Ck	Coastal beach
Du	Dune land
Lk	Limerick silt loam
Pa	Peat and muck
Sa	Saco silt loam
ScA	Scantic silt loam, 0-3% slopes
So	Scarboro fine sandy loam
Tn	Tidal marsh

TABLE III DIMENSIONAL REQUIREMENTS (6-17-09)

District	Minimum Lot Size or Land Per Dwelling Unit <sup>(1)</sup>	Minimum Shore Frontage	Minimum Road Frontage	Minimum Lot Depth	Minimum Front and Rt. 127 Setback	Minimum Side and Rear Setback	Minimum High Water Line/Upland Edge Wetland Setback
<b>Resource Protection District and Special Protection District</b>	2 acres and all lots shall be of such dimension as to contain within their boundaries a circle having a diameter of 200'.	200' measured along the upland edge of wetland, meadow, marsh and high water line of waterbodies.	Equal to the width of the principal access to the lot but not less than 50'.	200' measured from the high water line or upland edge of wetland/marsh, whichever is more restrictive.	50' from the frontage lot lines along Rt. 127. 75' from the center of the traveled way for all other locations. <sup>(3)</sup>	20' from property line or 36' from center line of a traveled way abutting the side or rear property line or traversing a property.	(see next page) The tributary stream setback is 75'.
<b>Shoreland District</b>	2 acres and all lots shall be of such dimension as to contain within their boundaries a circle having a diameter of 200'.	200' measured along the high water line of water bodies or along the upland edge of a wetland.	Equal to the width of the principal access to the lot but not less than 50'.	200' measured from the high water line or upland edge of wetland/marsh, whichever is the more restrictive.	50' from the frontage lot lines along Rt. 127. 75' from the center of the traveled way for all other locations. <sup>(3)</sup>	20' from property line or 36' from center line of a traveled way abutting the side or rear property line or traversing a property.	100' The tributary stream setback is 75'.

(1) In the Shoreland Zone, if more than one residential dwelling unit, principal governmental 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.

Table III, continued on next page

TABLE III DIMENSIONAL REQUIREMENTS (6-17-09) continued

District	Minimum Lot Size or Land Per Dwelling Unit <sup>(5)</sup>	Minimum Shore Frontage	Minimum Road Frontage	Minimum Lot Depth	Minimum Front and Rear Setback	Minimum Side and Rear Setback <sup>(4)</sup>	Minimum Shoreland Setback	Minimum Resource Protection District and Special Protection District Setback
<b>Rural Residential 1 District</b>	2 acres and all lots shall be of such dimension as to contain within their boundaries a circle having a diameter of 200'.	200' measured along the high water line or upland edge of wetland, meadow, marsh and high water line of waterbodies.	Equal to the width of the principal access to the lot but not less than 50'.	200' measured from the high water line or upland edge of wetland/marsh, whichever is more restrictive.	50' from the frontage lot lines along Rt. 127. 75' from the center of the traveled way for all other locations. <sup>(3)</sup>	20' from property line or 36' from center line of a traveled way abutting the side or rear property line or traversing a property.	100' from high water line.	Setback=300' - 1/2 (upland edge frontage). In no case shall the setback be less than 150' from the upland edge of the wetland. <sup>(2)</sup>
<b>Rural Residential 2 District</b>	5 acres and all lots shall be of such dimension as to contain within their boundaries a circle having a diameter of 300'.	300' measured along the high water line or upland edge of wetland, meadow, marsh and high water line of waterbodies.	Equal to the width of the principal access to the lot but not less than 50'.	300' measured from the high water line or upland edge of wetland/marsh, whichever is the more restrictive.	50' from the frontage lot lines along Rt. 127. 75' from the center of the traveled way for all other locations. <sup>(3)</sup>	50' from property line or 66' from center line of a traveled way abutting the side or rear property line or traversing a property.	150' from high water line.	Setback=400' - 1/2 (upland edge frontage). In no case shall the setback be less than 150' from the upland edge of the wetland. <sup>(2)</sup>

(2) For lots having Resource Protection, Special Protection or Shoreland frontage, the aggregate frontage may be used for structure setback.

(3) If a property has more than one road frontage, the "Front Setback" applies to the road specified in the E911 address for the property and all locations along Rt. 127.

(4) In subdivisions, setbacks in areas that have buffer strips shall be measured from the property line and shall not be less than the width of the buffer strip (6-13-07)

(5) The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the 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.

**TABLE IV NON-NATIVE INVASIVE PLANTS (6-12-13)**

<b>Trees</b>	
Norway Maple	<i>Acer platanoides</i>
Common Buckthorn	<i>Rhamnus cathartica</i>
Glossy Buckthorn	<i>Rhamnus frangula</i>
Autumn Olive	<i>Elaeagnus umbellata</i>
Russian Olive	<i>Elaeagnus angustifolia</i>
<b>Shrubs</b>	
Japanese Barberry	<i>Berberis thunbergii</i>
Burning Bush	<i>Euonymus alatus</i>
Tatarian Honeysuckle	<i>Lonicera tartarica</i>
Morrow's Honeysuckle	<i>Lonicera morrowii</i>
Japanese Honeysuckle	<i>Lonicera japonica</i>
Bittersweet (vine)	<i>Celastrus orbiculatus</i>
Multiflora Rose	<i>Rosa multiflora</i>
Rugosa Rose	<i>Rosa rugosa</i>
<b>Perennials</b>	
Purple Loosestrife	<i>Lythrum salicaria</i>
Yellowflag Iris	<i>Iris pseudacorus</i>
Garlic Mustard	<i>Alliaria petiolata</i>
Giant Hogweed	<i>Heracleum mantegazzianum</i>
Black Swallow-wort	<i>Vincetoxicum nigrum</i>
Pale Swallow-wort	<i>Vincetoxicum hirundinaria</i>
Japanese Knotweed	<i>Fallopia japonica</i>
Phragmites	<i>Phragmites australis</i> (non-native form)

### 3.0 Performance Standards

**3.1 Non-intensive recreational** uses not requiring structures are permitted in all districts.

### 3.2 Timber Harvesting and the Clearing or Removal of Vegetation (6-17-09)

**3.2.1 In the Resource Protection District** there shall be no timber harvesting or clearing of vegetation except: (6-17-09)

- a) to remove storm damaged, diseased, unsafe or dead trees. 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 within one year.
- b) where necessary for uses expressly authorized in this district and for which appropriate permits have been obtained.

**3.2.2 In Shoreland Zoning Overlay Districts**, except in areas as described in Section 3.2.1, above, and except to allow for the development of permitted uses, within a strip of land (buffer strip) extending one-hundred (100) feet, horizontal distance, inland from the high-water line of any water body or the upland edge of a wetland greater than two acres, and seventy-five (75) feet, horizontal distance, from any tributary stream, a buffer strip of vegetation shall be preserved as follows (6-17-09):

- 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 this section, a "well-distributed stand of trees" adjacent to any water body, tributary stream or wetland greater than two acres shall be defined as maintaining a rating score of 16 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 4½' above ground level	Points
2 to <4 inches	1 point
4 to <8 inches	2 points
8 to <12 inches	4 points
12 inches or greater	8 points

NOTE: As an example, if a 25-foot x 50-foot plot contains four (4) trees between 2 and 4 inches in diameter, two (2) trees between 4 and 8 inches in diameter, three (3) trees between 8 and 12 inches in diameter, and one trees over 12 inches in diameter, the rating score is:

$$(4 \times 1) + (2 \times 2) + (3 \times 4) + (1 \times 8) = 28 \text{ points}$$

Thus, the 25-foot by 50-foot plot contains trees worth 28 points.

Trees totaling 12 points (28-16 =12) may be removed from the plot provided that no cleared openings are created.



The following shall govern in applying this point system:

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

For the purposes of Section 3.2.2(b) "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

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

- c) In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 3.2.2 and 3.2.2(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.

**3.2.3 In Shoreland Zoning Overlay Districts at distances greater than one hundred (100) feet,** horizontal distance from any water body or the upland edge of a wetland greater than two acres and seventy-five (75) feet, horizontal distance, from the 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 (6-17-09).

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.

**3.2.4 Legally existing nonconforming** cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance. (6-17-09)

**3.2.5 Fields and other cleared openings** which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 3.2. (6-17-09)

**3.2.6 Timber harvesting and the clearing or removal of vegetation** shall conform to the following provisions: (6-17-09)

- 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.
- d) No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the 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 high-water line of a water body or tributary stream shall be removed.

**3.2.7 Within fifty (50) feet of a town way**, except to provide access for an approved use and/or for maintaining existing pastures and croplands, selective cutting of vegetation is permitted, provided that a well distributed stand of trees remains. A well distributed stand of trees is defined as maintaining a rating score of 16 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the rating system described in Section 3.2.2(b), above. No accumulation of slash shall be left within 50 feet of a town way (6-17-09).

**3.2.8 Non-native invasive vegetation species**, as listed in Table IV, may be removed in the Shoreland Zone or within fifty (50) feet of a town way or in any location where the removal may otherwise be restricted by the Ordinance only after obtaining a permit granted by the Code Enforcement Officer.

- a) When the removal of non-native invasive vegetation species results in the creation of cleared area that would otherwise be prohibited, the area affected shall be replanted with native species which at their maturity will be of similar size and bulk. A detailed replanting plan must be submitted with the permit application for approval by the Code Enforcement Officer. The plan shall include the following:
  - i) the species, size, quantity and locations of the vegetation to be planted.
  - ii) a schedule for replanting beginning as soon as possible within a growing season, and a completion date.
  - iii) a maintenance plan for replacing dead or dying replanted vegetation.

A list of native species is available in "The Buffer Handbook Plant List" available from the Maine Department of Environmental Protection.

- b) The CEO may consult with the Arrowsic Conservation Commission to determine if the vegetation proposed to be removed is a non-native invasive species and if the replacement vegetation is suitable to meet the buffer and/or vegetation standards for the area. Certification by a qualified professional plant expert may also be required at the landowner's expense (6-13-12).

### 3.3 Mining and Mineral Exploration

3.3.1 **Mineral exploration and extraction** are prohibited in the Shoreland Zone (6-17-09)

3.3.2 **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 (6-17-09).

3.3.3 **Mineral extraction** may be permitted under the following conditions: (6-17-09)

- a) A reclamation plan shall be filed with, and approved, by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 3.3.2 (4) below.
- b) No part of any extraction operation, including drainage and runoff control features, shall be permitted within seventy five (75) feet, horizontal distance, of the high-water line of a tributary stream. 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.
- c) 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:
  - i) 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.

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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.

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

### 3.4 Harvesting of wild crops and fishing are permitted in all districts.

### 3.5 Agriculture

3.5.1 **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). (6-17-09)

3.5.2 **Manure** shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond or a river flowing to a great pond, 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. (6-17-09)

3.5.3 **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. (6-17-09)

3.5.4 **There shall be no new tilling of soil** within one-hundred (100) feet, horizontal distance, of the high-water line of a great pond; within seventy-five (75) feet, horizontal distance, from other water bodies and coastal wetlands; nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained. (6-17-09)

3.5.5 **Newly established livestock grazing** areas shall not be permitted within one hundred (100) feet, horizontal distance, of the high-water line of a great pond; within seventy-five (75) feet, horizontal distance, of other water bodies and coastal wetlands, nor; within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan. (6-17-09)

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NOTE: Assistance in preparing a Conservation Plan may be available through the local Soil and Water Conservation District office. (6-17-09)

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### 3.6 Structures

#### 3.6.1 General

3.6.1.1 Structures existing on June 30, 1979 shall not be affected by this standard unless public health or safety is threatened.

3.6.1.2 No owner or occupant of land shall permit fire or other building ruins to remain but shall repair or remove the same within nine months.

3.6.1.3 Structures are prohibited in the floodplain and in Resource Protection District areas of steep slope (Section 2.3.1.4).

3.6.1.4 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. (6-17-09)

3.6.1.5 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. (6-17-09)

3.6.1.6 All new principal and accessory structures shall be set back at least seventy-five (75) feet from tributary streams in the Shoreland Zone. A tributary stream may be perennial or intermittent. (6-17-09)

3.6.1.7 For principal structures, water and wetland setback measurements shall be taken from the top of a coastal bluff that has been identified on Coastal Bluff maps as being “highly unstable” or “unstable” by the Maine Geological Survey pursuant to its “Classification of Coastal Bluffs” and published on the most recent Coastal Bluff map. If the applicant and the permitting official(s) are in disagreement as to the specific location of a “highly unstable” or “unstable” bluff, or where the top of the bluff is located, the applicant may at his or her expense, employ a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, a Maine State Geologist, or other qualified individual to make a determination. If agreement is still not reached, the applicant may appeal the matter to the board of appeals. The Coast Bluff Map is included as Appendix A of the Arrowsic Zoning Map. (6-17-09)

3.6.1.8 On a non-conforming lot of record on which only a residential structure exists, and on which 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 conditional use and building permits 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. (6-12-13)

### 3.6.2 Construction Standards

3.6.2.1 No dwelling shall be permitted that will enclose an area of less than 400 square feet of living space. Living space shall mean actual enclosed space suitable for year-round occupancy and shall not include porches, patios and similar areas whether or not enclosed.

3.6.2.2 Sewage and plumbing systems for all buildings must comply with regulations of the Maine Internal Plumbing Code and Subsurface Wastewater Disposal Rules.

3.6.2.3 Dwellings, including manufactured housing units, shall be erected on a frost-proof masonry foundation, slab or pillars. An occupied manufactured housing unit or travel trailer may be allowed to remain without a foundation for a period not to exceed one year if the manufactured housing unit or travel trailer is being used as temporary housing on the same lot as a permanent dwelling under construction.

3.6.2.4 No structures shall exceed 40 feet in height (6-25-87), except for antennas erected by Federal Communication Commission licensed amateur radio operators in conformance with Federal Communication Commission regulations. In the Shoreland Zone, no structure shall exceed 35 feet in height, except for transmission towers, antennas and similar structures having no floor area. (6-17-09)

3.6.2.5 Structures are prohibited in areas of steep slope as defined in 2.3.1.4.

3.6.2.6 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 feet in width; that the structure does not extend below or over the high water line of a water body or upland edge of a wetland; and that the applicant demonstrates that no reasonable access alternative exists on the property.

3.6.2.7 **Retaining walls** that are not necessary for erosion control shall meet the structure setback requirements, except for low retaining walls and associated fill provided all of the following conditions are met. (6-17-09)

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 high-water line of a water body, tributary stream, or upland edge of a wetland;
- c) The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
- d) The total height of the wall(s), in the aggregate, are no more than 24 inches;
- e) Retaining walls are located outside of the 100-year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps.
- 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 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 high-water line or upland edge of a wetland;
  - v) A footpath not to exceed the standards in Section 3.2.2 (a) may traverse the buffer;

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

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### 3.6.3 Parking

3.6.3.1 Off-street parking shall be provided in the amount of 300 square feet per dwelling unit. This may be accomplished by driveway space, garage space or parking lot space. Parking areas shall meet the shoreline setback requirements for structures for the District in which such areas are located.

3.6.3.2 Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located (6-17-09).

### 3.6.4 Dimensional Requirements: See Table III

## 3.7 Home Business

3.7.1 **Arrowsic has no commercial zone.** A home business, as defined herein, may be conducted within a residential zone only after a "Home Business Permit" has been issued by the Planning Board.

- a) A home business is an occupation or business which is carried on within a dwelling or accessory structure to the dwelling by a member of the family residing therein; is clearly



incidental and secondary to the use of the dwelling unit for residential purposes; and does not involve any exterior alteration which would change the residential character of the premises. Permitted home businesses include: the production of goods, the sale of goods produced on site, the provision of services performed on site, the provision of goods and services off site for which the material and equipment are kept on site. A sales outlet is not a home business unless the item sold is a product of the labor of a person working in the business (i.e., manufactured, produced, created, caught, grown by the owner or an employee of the business).

- b) If the proposed home business employs more than one person not residing in the dwelling, or if the proposed business use causes the premises to be in any way distinguishable from a single-family residence, the Planning Board may require a Conditional Use Permit, as described in Section 4.2 herein. (6-24-82, 6-15-05)

**3.7.2 The owner of a home business** must reside in the dwelling where the business is conducted. A home business shall not have more than six (6-23-93) non-family members working on the premises.

**3.7.3 The Planning Board** shall be satisfied that the existing character of the neighborhood will not be adversely affected by the business, and may require protection for abutters, including, but not limited to, screening of outdoor parking and storage areas.

**3.7.4 No nuisance**, excessive traffic, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, or radiation shall be generated.

**3.7.5 Adequate off-street parking** as determined by the Planning Board shall be provided.

**3.7.6 Home businesses employing persons** other than the family residing in the dwelling shall not be conducted on lots of less than two acres.

**3.7.7 All agricultural activities and businesses** in existence on or before July 1, 1982, are exempt from these performance standards. Thereafter, any business that is abandoned for a period of at least 12 consecutive months shall become subject to these performance standards upon renewal of operation. For purposes of this subsection, a property's legal, non-conforming use shall be presumed to be voluntarily abandoned if the use has been discontinued for 12 consecutive months. Expansion of any existing business shall be in conformance with these standards.

### **3.8 Road and Driveway Construction**

**3.8.1 All road and driveway construction requires a permit** (see Table I). (6-17-09)

- a) All roads and driveways shall be located, constructed, and maintained in such a manner that minimal erosion results. At all times, during and after construction, provision shall be made to prevent soil erosion and sedimentation of surface waters.
- b) All roads within approved subdivisions and cluster developments shall be constructed in accordance with these road standards and the road standards section of the Arrowsic Subdivision Ordinance.
- c) The Planning Board shall be the permitting authority if any part of the road or driveway is in the Shoreland Zone.

**3.8.2 The following standards** shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features. (6-17-09)

- a) Road crossings of watercourses shall be kept to the minimum number necessary.

- b) All cuts, fills, and other areas of exposed soils shall be revegetated as soon as possible.
- c) Bridges or culverts of adequate size and design shall be provided for all road crossings of watercourses which are to be used when surface waters are unfrozen.
- d) Roads and driveways shall be set back at least one-hundred (100) feet, horizontal distance, from the high-water line of Sewall Pond, 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 3.8.2 (d) 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 3.8.2(d) except for that portion of the road or driveway necessary for direct access to the structure.

- e) 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.
- f) New roads and driveways are prohibited in a Resource or Special 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 or Special 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 or Special Protection District the road and/or driveway shall be set back as far as practicable from the high-water line of a water body, tributary stream, or upland edge of a wetland.
- g) 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 3.23.
- h) Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.
- i) 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 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.
- j) 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:

- i) 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

- ii) Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.
- iii) 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.
- iv) 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.
- v) Bottoms of culverts shall be installed at streambed elevation.
- k) 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.

3.8.3 See Section 3.23: Erosion and Sedimentation Control.

### 3.9 Individual Private Campsites

Individual, private campsites are permitted provided the following conditions are met:

3.9.1 There shall be only one campsite per lot, the lot size must meet current Ordinance lot size or be an existing lot on the effective date of this Ordinance.

3.9.2 Campsite shall meet the setback requirements of the zone within which the lot is located.

3.9.3 Only one recreational vehicle shall be allowed on a campsite. Recreational vehicles shall not be located on any type of permanent foundation except a gravel pad, and no structure(s) except canopies shall be attached to the recreational vehicle. (6-17-09)

3.9.4 Any necessary clearing of vegetation shall be conducted in conformance with the timber harvesting and/or land clearing provisions of the ordinance. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet. (6-17-09)

3.9.5 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.

3.9.6 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. (6-17-09)

**3.10 Campgrounds are not permitted in the Town of Arrowsic.****3.11 Piers, Docks, Wharves, Ramps, Bridges and Other Structures and Uses Extending Over or Beyond the High Water Line of a Water body or Within a Wetland.**

3.11.1 Permanent piers and docks are prohibited in the Resource Protection District and the Special Protection District. In other than the Resource Protection District and Special Protection District, piers, docks, ramps and other structures requiring direct access to the water for a functionally water dependent use require a permit; see Table I. Necessary permits from the Department of Environmental Protection and the U. S. Army Corps of Engineers shall be obtained prior to applying to the Town. (6-17-09)

3.11.2 Where access to a structure requires a Conditional use Permit, it shall be obtained in conjunction with the permit for the structure.

3.11.3 No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the 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. (6-17-09)

3.11.4 Failure to remove a temporary structure for a period of five months or more in any consecutive 12 month period shall be cause for permanently revoking the Conditional Use Permit.

3.11.5 The facility shall be no larger than necessary to carry on the activity and be consistent with the surrounding character and use of the area. A temporary pier, dock or wharf in non-tidal waters shall not be wider than six feet. (6-17-09)

3.11.6 A ramp for launching boats, floats, etc. is considered a structure, either temporary or permanent, and requires a Building Permit and Conditional Use Permit.

3.11.7 Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion. (6-17-09)

3.11.8 No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district. (6-17-09)

3.11.9 New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act. (6-17-09)

3.11.10 Structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the 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. (6-17-09)

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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. (6-17-09)

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**3.12 Private Sewage Disposal Systems**

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 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. A

plumbing permit issued by the Plumbing Inspector shall be obtained for all new residences, changes in use, and replacement disposal systems. (6-17-09)

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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 high-water line of a perennial water body. The minimum setback distance for a new subsurface disposal system may not be reduced by variance. (6-17-09)

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### **3.13 Public Utilities, Public Facilities, and Private Facilities Open to the Public.**

3.13.1 Public facilities and private facilities open to the public shall be permitted only after approval by the Planning Board.

3.13.2 Where feasible, the installation of public utilities shall be limited to existing public ways and existing service corridors.

3.13.3 The installation of public utilities is not permitted in the Resource Protection District, except to provide services for an approved use within said district for which a permit has been issued, or except where the applicant demonstrates to the Planning Board that no reasonable alternative exists. Where permitted, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

3.13.4 A public utility, water district, sanitary district or any utility company of any kind may not install services to any new structure 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. (6-17-09)

### **3.14 Signs**

3.14.1 **Purpose:** It is the purpose of this standard to provide for the safety of motorists and pedestrians by regulating the location and use of road signs while permitting directional information to travelers as well as reasonable opportunities for the advertisement of goods, services and other attractions in the town and to conserve the natural beauty of the shorelines by regulating signs along the shore.

3.14.2 **The following provisions** shall apply to signs and billboards in all districts where permitted.

3.14.2.1 With the exception of directional signs, all signs and sign structures shall be located only on the premises where the business advertised is conducted or the organization identified is located.

3.14.2.2 Unless otherwise approved by the Planning Board, all directional signs shall be limited to four feet in length and one foot in width, having white letters on a dark background.

3.14.2.3 Signs shall not be located where they obstruct vision of any public or private way nor create any unsafe conditions. Signs other than directional signs shall be located on the premises at least 33 feet from the center of the right-of-way, except that where existing buildings on the premises are closer to the road than permitted by this Ordinance, this distance may be proportionately reduced. Name signs shall be permitted, provided such signs shall not exceed two signs per premises and shall not exceed twelve (12) square feet in the aggregate. (6-17-09)

3.14.2.4 There shall be a maximum of three commercial or identification signs allowed per premises. The combined surface area of all signs including border and trim but excluding supports shall not exceed 32 square feet. Any individual sign shall not exceed 20 square feet. Where both sides of a sign are displayed, it shall be considered as two signs.

3.14.2.5 Signs relating to trespassing and hunting shall be permitted without restriction as to quantity. Each such sign shall be limited to one and one-half square feet.

3.14.2.6 Signs shall not be placed higher than 16 feet from the ground level at their location, measured to the highest point.

3.14.2.7 Signs may be illuminated only by non-flashing lights shielded so as to illuminate only the sign itself. Animated signs or moving devices such as, but not limited to, promotional flags and flashing lights, are prohibited.

3.14.2.8 Temporary signs shall be limited to a quantity of two at a maximum of four square feet each and shall not be displayed for more than 30 days per year, except that signs advertising the sale of real estate may remain until the property is sold (6-13-12).

3.14.2.9 In the Shoreland, Resource Protection and Special Protection Districts, signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. Signs relating to goods or services not sold or rendered on the premises shall be prohibited. (6-17-09)

3.14.2.10 Non-conforming signs in existence at the effective date of this Ordinance may not be altered, enlarged, or rebuilt unless they are made to conform with this Ordinance. Normal maintenance and repairs are permitted.

3.14.2.11 No signs identifying subdivisions, mobile home parks, or cluster developments shall be permitted. (6-13-07)

### 3.14.3 Other Statutory Requirements (6-17-09)

Nothing permitted or outlined herein shall be construed as relieving a sign owner from statutory licensing or permit requirements of the State of Maine Department of Transportation prior to erection of any sign permitted under this Ordinance and in accordance with these provisions. Signs relating to public safety shall be allowed without restriction.

## 3.15 Filling, Grading or Other Earth-moving Activity

3.15.1 **General:** The following provisions shall apply to filling, grading, and earth moving activities other than mining and mineral exploration. Such activities, when resulting in erosion, sedimentation, or impairment of water quality or fish and aquatic life are prohibited.

3.15.2 **Filling, grading** and other earth moving activity must meet all the standards under section 3.23 of this Ordinance, Erosion and Sedimentation Control. (June 15, 2011)

3.15.3 **Earth-moving Not Requiring a Conditional Use Permit:** The following earth-moving activity shall be allowed without a Conditional Use Permit:

3.15.3.1 The removal or filling of less than 25 cubic yards of material from or onto any lot in any one year; except in the Resource Protection, Special Protection and Shoreland Districts; (6-17-09)

3.15.3.2 The removal or filling of material incidental to approved construction, alteration or repair of a building or in the grading and landscaping incidental thereto; and

3.15.3.3 The removal, filling, or transfer of material incidental to alteration or repair of a public or private way or essential services.

3.15.3.4 All other earth-moving, processing and storage shall require a Conditional Use Permit authorized by the Code Enforcement Officer or the Planning Board.



3.15.4 **Topsoil:** Removal of topsoil for sale is prohibited in all zoning districts.

**3.16 Motorized Recreational Vehicular Traffic on Existing Roads and Trails:** Refer to Table I—Uses by District.

### 3.17 Cluster Development

#### 3.17.1 Single Family Cluster Developments

3.17.1.1 **Purpose:** Development under this provision is intended to promote imaginative, well designed subdivisions which preserve open space, respect the physical qualities of the land, and reduce the overall development costs.

3.17.1.2 **Location:** All single family developments of five or more lots in the Rural Residential 2 District shall be clustered developments and shall conform to the following conditions. Single family developments in the Rural Residential 1 District and developments of less than five lots in the Rural Residential 2 District may utilize a clustered concept design which shall conform to the following standards. A 20% density bonus shall be given to all single family developments in the Rural Residential 1 District which utilize a clustered concept.

#### 3.17.1.3 Dimensional Requirements:

- a) There shall be no minimum parcel size for clustered developments.
- b) Allowable density shall be based on net residential density and shall be calculated in the following manner:
  - i) Determine the net residential acreage of the parcel.
  - ii) Divide the net residential acreage by the minimum lot size required in the district to obtain the maximum allowable number of lots. After the maximum allowable number of lots is determined, individual lot size shall be reduced, if cluster development is proposed, to the following standards:

Requirement	Rural Residential 1	Rural Residential 2
Minimum Lot Size	40,000 sq.ft.	1 acre (43,560 sq.ft)
Maximum Lot size	60,000 sq.ft.	2 acres (87,120 sq.ft.)
Shape	All lots must contain within their boundaries a circle having a diameter of 100 ft.	All lots must contain within their boundaries a circle having a diameter of 125 ft.
Road Frontage	As shown in Table III	As shown in Table III

The residual area accumulated by modifying dimensional requirements and the areas which are subtracted from gross area to calculate net residential area shall be designated as common space.

- c) Minimum front setbacks in the Rural Residential 1 and Rural Residential 2 districts shall be reduced to 60 feet from the centerline of the traveled way.
- d) Minimum side and rear setbacks in the Rural Residential 2 district shall be reduced to 20 feet. All other setback requirements shall remain as specified in Table III.
- e) A buffer strip of at least 50 feet shall be required along the entire parcel perimeter. Access for lots bordering an existing road shall be limited to the interior road system. A maximum of two entrances from a public way for the interior road system shall be permitted through the perimeter buffer strip.

- f) A buffer strip of at least 250 feet shall be required for lots bordering a river, great pond, salt water body, wetlands, salt meadows and salt marshes greater than two acres or in any other area with shoreline frontage.
- g) Where a single family cluster development abuts a water body, a portion of shoreline as well as reasonable access to it, shall be part of the common land.

### 3.17.2 Multi-family Cluster Developments

**3.17.2.1 Purpose:** These provisions are intended to promote a unified development which will be in harmony with surrounding uses and which will preserve open space. Multi-family cluster developments are considered to be the same as multi-family developments or condominium developments and all must conform to the standards set forth below.

**3.17.2.2 Location:** Multi-family clustered developments are permitted in the Rural Residential 1 and the Rural Residential 2 districts.

#### 3.17.2.3 Dimensional Requirements:

- a) There shall be no minimum parcel size for multi-family clustered subdivisions.
- b) Allowable density shall be based on net residential density and shall be calculated in the following manner:
  - i) Determine the net residential acreage of the parcel.
  - ii) Divide the net residential acreage by the minimum lot size required in the zoning district to obtain the maximum allowable number of units.
- c) Where a multi-family cluster development abuts a water body, a portion of the shoreline, as well as reasonable access to it, shall be part of the common land.
- d) Minimum front setbacks in the Rural Residential 1 and the Rural Residential 2 districts shall be reduced to 60 feet from the centerline of the traveled way.
- e) Minimum side and rear setbacks in the Rural Residential 2 district shall be reduced to 20 feet.
- f) A maximum of two entrances from a public way for the interior road system shall be permitted through the perimeter buffer strip. Access to the subdivision shall be limited to the interior road system.
- g) A buffer strip of at least 50 feet shall be required along the entire parcel perimeter.
- h) A buffer strip of at least 250 feet shall be required for subdivisions bordering a lake, great pond, salt water body, wetlands, salt meadows and salt marshes greater than two acres or in any other area with shoreline frontage.
- i) Distances between principal adjacent buildings shall be a minimum of the height of the taller building. All other dimensional requirements listed in Table III shall be maintained.

### 3.17.3 Recreation and Common space: Requirements for Single Family Cluster Developments and Multi-family Cluster Developments.

**3.17.3.1** Common spaces shall be shown on the subdivision plan and with appropriate notation that it shall not be further subdivided for any other use.

3.17.3.2 Common space shall be either dedicated to public use through agreement of the Town of Arrowsic, given to a land trust, or shall be reserved for the use of residents and guests of the subdivision. It shall not be used for commercial recreation or for private clubs whose membership is different from the Homeowners' Association.

3.17.3.3 Common areas shall be contiguous, where possible.

3.17.3.4 Depending on the size and location of the subdivision, the Planning Board may require the developer to provide up to 10 percent of the total area for recreation. Areas reserved for recreation shall be at least one acre in size and easily accessible from all lots or units within the subdivision.

3.17.3.5 When reviewing the site design of the proposed type of common area, the Planning Board shall consider the following criteria:

- a) Individual lots, building, roads, parking areas shall be designed and situated to minimize alteration of natural site features to be preserved.
- b) The usability of common area intended for recreation for common use shall be determined by the size, shape, topographic and location requirements of the particular purpose proposed for the site.
- c) Common area shall include irreplaceable natural features located on the tract (such as, but not limited to, stream beds, significant stands of trees, individual trees of significant size, and rock outcroppings).
- d) Common area intended for recreation or common use shall be easily accessible to pedestrians.
- e) The suitability of common areas intended for scenic value and purposes shall be determined by their visibility from a significant number of units or buildings or length of roads.
- f) Diversity and originality in lot layout and individual building design shall be encouraged to achieve the best possible relationship between development and the land.
- g) Individual lots, buildings, and units shall be arranged and situated to relate to surrounding properties, to improve the view from and the view of buildings, and to lessen areas devoted to motor vehicle access.
- h) Individual lots, buildings, units, and parking areas shall be situated to avoid the adverse effects of shadows, noise, and traffic on the residents of the site.

**3.17.3.6 Ownership and Maintenance**

- a) **Ownership:** Common area which is not deeded to the Town of Arrowsic after approval by the Town or given to a land trust shall be owned in common by all owners of lots in a single family cluster subdivision or by all owners of units in multi-family developments. Ownership percentages shall be apportioned among all owners and shall be recorded in their deeds. A listing of ownership percentages shall be filed with the Town Assessor before the first unit is sold. Each owner shall be assessed a percentage of the property tax levied on the common area and shall be responsible for its payment.
- b) **Maintenance:** Maintenance of common area not deeded to the Town of Arrowsic or to a land trust, shall be the responsibility of all owners of lots and/or units. A Homeowners Association shall be organized, one of whose purposes shall be the maintenance of common areas. Membership shall be compulsory and assessments, sufficient to provide for adequate maintenance, shall be levied. All relevant legal papers shall be submitted to the Planning

Board for review and approval before the subdivision is approved. Until 51 percent of all lots and/or units have been sold, and a Homeowners' Association organized, the developers shall be responsible for maintenance of the common open areas. Owner(s) of multi-family rental developments are responsible for maintenance.

**3.17.4 Waivers:** Where the Planning Board finds that extraordinary and unnecessary hardships, not self imposed, may result from strict compliance with these standards, it may grant waivers provided that such relaxation will not have the effect of nullifying the intent and purpose of the Comprehensive Plan or these Standards. Such waivers may be granted in accordance with the requirements for a variance established in the Zoning Ordinance, Appeals Section.

### 3.18 Junk Yards

Junk yards are prohibited in the Town of Arrowsic. (6-24-82)

### 3.19 Mobile Home Parks

Except as stipulated below, mobile home parks shall meet all the requirements for a residential subdivision, and shall conform to all applicable Federal and State laws, and local ordinances or regulations. Where the provisions of this section conflict with specific provisions of the Arrowsic Subdivision Ordinance, the provisions of this section shall prevail.

**3.19.1 Lot Area and Lot Width Requirements:** Notwithstanding the Dimensional Requirements Table III of this Ordinance, lots in a mobile home park shall meet the following lot area and lot width requirements.

- a) Lots served by public sewer:
  - Min. lot area: 6,500 square feet
  - Min. lot width: 50 feet
- b) Lots served by individual subsurface waste water disposal systems approved by the Maine Department of Human Services:
  - Min. lot area: 20,000 square feet
  - Min. lot width: 100 feet
- c) Lots served by a central subsurface waste water disposal system approved by the Maine Department of Human Services:
  - Min. lot area: 12,000 square feet
  - Min. lot width: 75 feet
- d) The overall density of any park served by any subsurface wastewater disposal system shall not exceed one dwelling unit per 20,000 square feet of buildable land.
- e) Lots located within any Shoreland zoning district shall meet the lot area, lot width and shore frontage requirements for that district.

#### 3.19.2 Unit Setback Requirements

- a) A. On lots 6,500 square feet in area or larger, structures shall not be located less than 15 feet from any boundary lines of an individual lot.
- b) B. On lots which abut a public way either within the park or adjacent to the park, or on lots which are located within a Shoreland zoning district, structures shall meet the front setback and setback from high water mark requirements in Table III of this Ordinance.

### 3.19.3 Buffering

If a park is proposed with a residential density of at least twice the density of adjacent development in existence, or at least twice the density permitted in the zoning district in which the park is located if the neighboring land is undeveloped, the park shall be designed with buffer strips.

### 3.19.4 Open Space Reservation

An area no less than 10% of the total area of those lots with a lot area of 6,500 square feet or less shall be reserved as open space. The area reserved as open space shall be suitable to be used for recreational purposes. Generally, the reserved open space shall have slopes less than 5%, shall not be located on poorly or very poorly drained soils, and shall be accessible directly from roads within the park. The Planning Board may waive the requirement for open space when the park is located within one-half mile of a publicly owned recreation area.

All developed open space shall be designed and landscaped for the use and enjoyment of the park residents and shall be maintained for their long term use. Plans for these areas shall be submitted by the developer.

**3.19.5 Road Design, Circulation, and Traffic Impacts:** Roads within a park shall be designed by a Professional Civil Engineer, registered in the State of Maine.

- a) Roads which the applicant wishes to offer to the community for acceptance as town ways shall be designed, constructed, and proposed to the Town Meeting, in accordance with Section 4.5 of the Arrowsic Subdivision Ordinance.
- b) Roads which the applicant proposes to remain private ways shall meet the following geometric design standards.
  - i) Minimum right-of-way width within park: 23 feet
  - ii) Minimum width of traveled way: 20 feet
  - iii) Cul-de-sac radius at dead ends: 50 feet
  - iv) Minimum right-of-way for access roads: 50 feet
- c) Mobile home park access shall be limited to Route 127. Any mobile home park expected to generate average daily traffic of 200 trips per day or more shall have at least two road connections with Route 127 for safety and site circulation. Any road within a park with an average daily traffic of 200 trips per day or more shall have at least two road connections leading to other roads within the park.
- d) No individual lot within a park shall have direct vehicular access onto an existing public road.
- e) The intersection of any road within a park and an existing public road shall meet the following standards.
  - i) Angle of intersection: The desired angle of intersection shall be 90 degrees. The minimum angle of intersection shall be 75 degrees.
  - ii) Maximum grade of intersection: The maximum grade of intersection within 75 feet of the intersection shall be two percent.
  - iii) Minimum sight distance: A minimum sight distance of 10 feet for every mile per hour of posted speed limit or observed speed, whichever is higher, on the existing road shall be

provided. Sight distances shall be measured from the driver's seat of a vehicle that is 10 feet behind the curb or edge of shoulder line with the height of the eye three and one-half feet above the pavement and the height of the object four and one-quarter feet.

- iv) Distance from other intersections: The centerline of any road within a park intersecting an existing public road shall be no less than 125 feet from the centerline of any other road intersecting that public road.
- f) The application shall contain an estimate of the average daily traffic to be generated by the park. Estimates of traffic generation shall be based on the Trip Generation Manual, 1987 Edition, published by the Institute of Transportation Engineers. If the park is projected to generate more than 400 vehicle trips per day, the application shall also include a traffic impact analysis done by a registered professional engineer with experience in transportation engineering.
- g) For each mobile home lot there shall be provided and maintained at least two off-street parking spaces. Each parking space shall contain a minimum area of 200 square feet with minimum dimensions of 10 feet by 20 feet.

In addition to occupant parking, off-street guest and service parking shall be provided within the boundaries of the park at a ratio of one space for each four mobile home lots. The spaces shall be reserved for that sole use.

#### 3.19.6 Groundwater Impacts

- a) Assessments submitted: Accompanying the application for approval of any mobile home park which is not served by a public sewer shall be an analysis of the impacts of the proposed mobile home park on groundwater quality. The hydrogeologic assessment shall be prepared by a Certified Geologist or Registered Professional Engineer experienced in hydrogeology, and shall contain at least the following information.
  - i) A map showing basic soils types.
  - ii) The depth to the water table at representative points throughout the mobile home park.
  - iii) Drainage conditions throughout the mobile home park.
  - iv) Data on existing groundwater quality, either from test wells in the mobile home park or from existing wells on neighboring properties.
  - v) An analysis and evaluation of the effect of the mobile home park on groundwater systems. The evaluation shall, at a minimum, include a projection of post-development nitrate-nitrogen concentrations at any wells within the mobile home park, at the mobile home park boundaries, and at a distance of 1,000 feet from potential contamination sources, whichever is a shorter distance. For mobile home parks within the watershed of Sewell Pond and/or the watershed of the Resource Protection District, projections of the development's impact on groundwater phosphate concentrations shall also be provided.
  - vi) A map showing the location of any subsurface waste water disposal systems and drinking water wells within the mobile home park and within 200 feet of the mobile home park boundaries.
- b) Standards for Acceptable Groundwater Impacts.
  - i) Projections of groundwater quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).



- ii) No mobile home park shall increase any contaminant concentration in the groundwater to more than one-half of the Primary Drinking Water Standards. No mobile home park shall increase any contaminant concentration in the groundwater to more than the Secondary Drinking Water Standards.
- iii) If groundwater contains contaminants in excess of the primary standards, and the mobile home park is to be served by on-site groundwater supplies, the applicant shall demonstrate how water quality will be improved or treated.
- iv) If groundwater contains contaminants in excess of the secondary standards, the mobile home park shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.
- c) Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the Plan.

#### **3.19.7 Conversion to Another Use**

No development or subdivision which is approved under this section as a mobile home park may be converted to another use without the approval of the Planning Board, and must meet the appropriate lot size, lot width, setback and other requirements. The plan to be recorded at the Registry of Deeds and filed with the municipality shall include the following restrictions as well as any other notes or conditions of approval.

- a) The land within the park shall remain in a unified ownership and the fee to lots or portions of lots shall not be transferred.
- b) No dwelling unit other than a manufactured housing unit shall be located within the park.

#### **3.20 Land Clearing for Development**

Must be in conformance with Section 3.2 of the Ordinance.

#### **3.21 Conversion of Seasonal Residences to Year-Round**

Refer to Table I—Uses by District.

#### **3.22 Public and Private Parks and Recreational Areas Involving Minimal Structural Development**

Refer to Table I—Uses by District.

#### **3.23 Erosion and Sedimentation Control**

3.23.1 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: (6-17-09)

- 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 riprap.

3.23.2 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 should be avoided wherever possible, and natural contours shall be followed as closely as possible.

3.23.3 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.

3.23.4 Any exposed ground area shall be temporarily or permanently stabilized within one 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 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 bale per five hundred 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.

3.23.5 Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty-five year storm or greater, and shall be stabilized with vegetation or lined with riprap. Roads and driveways shall be designed and constructed to withstand a 100-year storm.

### **3.24 Storm Water Runoff (6-17-09)**

- a) 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.
- b) Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

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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 with one acre or more of disturbed area but less than 1 acre impervious area 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.

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### **3.25 Essential Services (6-17-09)**

- a) Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.
- b) The installation of essential services, other than road-side distribution lines, is not allowed in a Resource 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.
- c) Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

**3.26 Soils (6-17-09)**

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.

**3.27 Water Quality (6-17-09)**

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.

**4.0 Administration****4.1 Building and Plumbing Permits**

4.1.1 All applications for Building Permits shall be submitted in writing to the Code Enforcement Officer and shall be signed by the owner or designee.

4.1.2 An application for a Building Permit shall be approved or denied by the Code Enforcement Officer within 14 days of receipt. The decision shall be in writing.

4.1.3 An application for a Building Permit shall be accompanied by the following:

- a) A plan showing the shape and dimensions of the lot to be built upon, location and size of existing buildings or structures, and the location and size of buildings to be constructed
- b) Location of existing and proposed waste disposal facilities
- c) Statement as to present and intended use of buildings
- d) Plumbing permit

The application shall be on a form provided by the Code Enforcement Officer.

4.1.4 Building Permit applications, supporting material, and copies of the Code Enforcement Officer's decisions shall be maintained as a permanent record by the Town Clerk.

4.1.5 A Building Permit secured under the provisions of this Ordinance shall expire if the work or change is not commenced within one year of the date on which the permit is granted, and if the work or change is not substantially complete within two years of the date on which the permit is granted.

4.1.6 No Building Permit shall be issued for any structure or use involving the construction, installation or alteration of plumbing facilities unless a valid Septic Permit has been secured by the applicant in conformance with the sanitary provisions of this Ordinance.

4.1.7 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 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.

## 4.2 Conditional Use Permits

4.2.1 All applications for Conditional Use Permits shall be submitted in writing to either the Code Enforcement Officer or Planning Board as specified in Table I: Uses By District, on forms provided for that purpose. Applications to the Planning Board must be received 15 days before the regular meeting of the Board. (6-17-09)

Applications for Conditional Use Permits shall be approved, approved with conditions, or denied by the Code Enforcement Officer or Planning Board in accordance with the provisions of this Ordinance.

4.2.2 Any application for a Conditional Use Permit shall be accompanied by the following as applicable: (6-17-09)

- a) A plan showing the shape and dimensions of the lot, location and size of existing buildings or structures, and the location and dimensions of the activity requiring a Conditional Use Permit.
- b) Statement as to present and intended use of buildings and lot.
- c) Distances of existing buildings and proposed activities from lot lines and high water line.
- d) All permits needed from the State Government (DEP, etc.) and Federal Government (Army Corp of Engineers, etc.).

4.2.3 The Planning Board or Code Enforcement Officer shall approve, deny, or approve with conditions, all applications for a Conditional Use Permit. The applicant shall have the burden of proving that his or her application is in compliance with the requirements of this Ordinance. After submission of a complete application, the Planning Board or Code Enforcement Officer must grant a permit if it/he makes a positive finding on each of the following factors, based upon the information the applicant presented to it/him, that the proposed use:

Will not result in unsafe or unhealthy conditions;

Will not result in erosion or sedimentation;

Will not result in water pollution;

Will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;

Will conserve shoreland vegetation;

Will conserve the visual points of access to waters as viewed from public facilities;

Will conserve actual points of public access to water;

Will conserve natural beauty;

Will avoid problems associated with flood plain development and use; and

Is in conformance with the provisions of Section 3.0 Performance Standards.

A negative finding of any one of the above enumerated factors will result in denial of the application, or subject the application to being granted with conditions. The Planning Board or Code Enforcement Officer may only impose conditions upon Conditional Use Permits which remedy the defect.

**4.2.4 Conditional Use Permit Procedure: Code Enforcement Officer**

An application for a Conditional Use Permit requiring Code Enforcement Officer approval shall be approved or denied by the Code Enforcement Officer within 14 days of receipt. The decisions shall be in writing.

**4.2.5 Conditional Use Permit Procedure: Planning Board**

Within 30 days following the receipt of an application requiring its approval, the Planning Board shall hold a public hearing on the application. The Planning Board shall publish a notice of the hearing at least seven days in advance in a newspaper of general circulation in the area.

Not less than 7 days before the public hearing, the Planning Board shall give written notice of the public hearing to all property owners within 200 feet of the applicant's property by sending the written notice via US first-class mail to the property owners at their addresses shown on the Town assessment records. (6-13-07)

Within 20 days after the public hearing, the Planning Board shall reach a decision on a conditional use and shall inform, in writing, the applicant and the Code Enforcement Officer of the decision and its reasons therefore.

4.2.6 The Planning Board or Code Enforcement Officer may attach conditions, in addition to those required elsewhere in this Ordinance, that it finds necessary to carry out the purposes of this Ordinance. Violation of any of these conditions shall be a violation of this Ordinance.

4.2.7 Conditional Use Permit applications, supporting material, and Code Enforcement Officer and Planning Board decisions shall be maintained as a permanent record by the Town Clerk.

4.2.8 A Conditional Use Permit secured under the provisions of this Ordinance shall expire if the work or change is not commenced within one year of the date on which the permit is granted, and if the work or change is not substantially complete within two years of the date on which the permit is granted. (6-17-99)

**4.3 Fees**

4.3.1 No Building Permit, Plumbing Permit or Conditional use Permit shall be issued without payment of a fee according to a schedule determined by the Selectmen. (6-17-09)

4.3.2 Pursuant to the Maine State Internal Plumbing Code and as provided in the Maine Subsurface Waste Disposal Rules, a re-inspection fee shall be required in those instances when work has been found to be incomplete at a prearranged inspection, when work is found to be unsatisfactory or when access cannot be obtained at a prearranged date and time.

**4.4 Appeals****4.4.1 Board of Appeals**

4.4.1.1 **Establishment:** Pursuant to Title 30, MRSA, Section 2691, the Town of Arrowsic, Maine, hereby established the Arrowsic Board of Appeals.

4.4.1.2 **Appointment and Composition:** The Board of Appeals shall be appointed by the Selectmen and shall consist of five members and two alternates, all of whom shall be residents or property owners of the Town of voting age. Members shall serve staggered five-year terms. A town officer may not serve as a member. The Board shall choose a chairman and secretary from its membership. The secretary shall keep the minutes of the proceedings of the Board of Appeals, which shall show the vote of each member upon each question. All minutes of the Board shall be a public record. A quorum shall consist of three (3) members or designated

alternate members. The Board shall act by a majority of those present and voting. In the absence of a regular member, the chair shall designate an alternate member to act. (6-19-09)

#### 4.4.2 Powers and Duties of the Board of Appeals (6-17-09)

##### 4.4.2.1 The Board of Appeals shall have the following powers: (6-17-09)

- 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.

##### 4.4.2.2 Variance Appeals: Variances may be granted only under the following conditions: (6-17-09)

- 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 the Zoning Ordinance 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:
    - (1) That the land in question cannot yield a reasonable return unless a variance is granted;
    - (2) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
    - (3) That the granting of a variance will not alter the essential character of the locality; and
    - (4) That the hardship is not the result of action taken by the applicant or a prior owner.
- d) Notwithstanding Section 4.4.2.2 (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 in the shoreland zone, 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.

#### 4.4.2.3 Administrative Appeals (6-17-09)

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 of Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings are inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

#### 4.4.3 Appeal Procedure (6-17-09)

##### 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 4.4.2.1 (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:
  - (1) A concise written statement indicating what relief is requested and why the appeal or variance should be granted.
  - (2) 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 if the variance is within the Shoreland Zone within seven (7) days of the Board's decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.

**4.4.4 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. (6-17-09)

**4.4.5 Reconsideration:** In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony. (6-17-09)

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

**4.5 Enforcement**

**4.5.1** This Ordinance shall be enforced by the Selectmen, who shall appoint a Code Enforcement Officer (CEO)/Local Plumbing Inspector (LPI) for this purpose.

**4.5.2** An Alternate Code Enforcement Officer and a Alternate Local Plumbing Inspector may be appointed by the Selectmen. The duties of the Alternate Local Code Enforcement Officer and the Alternate Local Plumbing Inspector shall be to assist the regular Code Enforcement Officer and regular Local Plumbing Inspector in the performance of his or her duties as directed by the Code Enforcement Officer and Local Plumbing Inspector. In the event that the Code Enforcement Officer or the Local Plumbing Inspector are absent or otherwise unavailable, the Alternate is authorized to act on his or her behalf. (6-17-09)

**4.5.3** Any violation of this Ordinance shall be deemed a nuisance.

**4.5.4** Duties of the Code Enforcement Officer (6-17-09)

- 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 selectmen 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 the Shoreland record shall be submitted to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection.

#### 4.6 Legal Actions (6-16-04)

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Selectmen are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunction 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, including but not limited to enforcement through the use of a Land Use Citation and Complaint filed in the name of the Town of Arrowsic. The Selectmen 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 in accordance with Title 30-A, Maine Revised Statutes Annotated, Section 4452.

#### 4.7 Fines (6-17-09)

Any person who continues to violate any provision of this Ordinance after receiving written notice of such violation by the Code Enforcement Officer, shall be guilty of a civil violation subject to a fine of up to \$2500.00 for each violation. Each day such a violation is continued is a separate offense. However, in the Resource Protection District the maximum penalty is increased to \$5,000 (38 M.R.S.A. Section 4452).

#### 4.8 Planning Board

**4.8.1 Establishment:** Pursuant to MRSA Const. Art. VIII-A and Title 30, MRSA, Section 1917, the Town of Arrowsic, Maine hereby establishes the Arrowsic Planning Board.

**4.8.2 Appointment and Composition:** The Planning Board and its Chairman shall be appointed by the Selectmen. The Board shall consist of five members and two alternates, all of whom shall be residents or property owners of the town of voting age. Members shall serve staggered terms of five years. A town officer may not serve as a member. The Board shall choose a secretary from its membership. The secretary shall keep the minutes of the proceedings of the Planning Board, which shall show the vote of each member upon each question. All minutes of the Board shall be public record. A quorum shall consist of three members or designated alternate members. The Board shall act by a majority of those present and voting. In the absence of a regular member, the chair shall designate an alternate member to act. (6-17-09)

**4.8.3 Powers and Duties:** (6-14-06) The Board shall have the following duties:

- a) The Board shall perform such duties and exercise such powers as are provided by Arrowsic ordinances and the laws of the State of Maine.
- b) The Board may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose and in accordance with town purchasing procedure.

## **5.0 Miscellaneous Provisions**

**5.1 Enabling Legislation:** Authority to enact the provisions of this Ordinance is contained in one or more of the following statutes:

Title 38, M.R.S.A., Section 435-448

Title 30A, M.R.S.A., Chapter 239, Section 4351-4355

**5.2 Validity:** The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision thereof.

**5.3 Precedence:** In the case of any difference of meaning or implication between the text of this ordinance and any map or illustration, the text shall control.

**5.4 Amendments:** This Ordinance may be amended by majority vote of the town meeting. The Department of Environmental Protection shall be notified by the Town Clerk of amendments to this Ordinance within 30 days after the effective date of such amendments. The County Registry of Deeds shall also be notified by the Town Clerk of any amendments, in accordance with State Statute Title 33, MRSA, Section 662-A.

Copies of amendments affecting the Shoreland Zone attested and signed by the Municipal Clerk, shall be submitted to the Board of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Board of Environmental Protection. If the Board of Environmental Protection fails to act on any amendment within forty-five (45) days of the Board's 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.

**5.5 Filing:** Upon passage by the town meeting, a copy of this Ordinance, as revised, shall be filed with the County Registry of Deeds, in accordance with State Statute, Title 33, M.R.S.A., Section 662-A.

**5.6 Repeal:** All previously existing ordinances in conflict with this Ordinance are hereby repealed.

**5.7 Conflicts between Ordinance Provisions:** In cases where ordinance provisions are in conflict, the more restrictive provision shall govern. (6-15-05)

**5.8 Cell Tower Ordinance:** Printed under separate cover.

**5.9 Floodplain Management Ordinance:** Printed under separate cover.

**Note:** 3.6.1.3 Structures are prohibited in the floodplain and in Resource Protection District areas of steep slope (Section 2.3.1.4).

## DEFINITIONS ACCOMPANYING TOWN OF ARROWSIC ZONING AND SUBDIVISION ORDINANCES

**Access Road:** A road connecting a mobile home park or subdivision parcel to the public way.

**Accessory Structure or Use:** A use incidental or subordinate to those of the principal use or structure. Accessory structures when aggregated shall not dominate the use of the lot. Extensions to the principal structure which share a common wall or roof are 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 greenhouse products. Agriculture does not include forest management, timber-harvesting activities, and the incidental sale or lease of plant and animal products from operations primarily intended for home consumption.

**Antenna:** Antenna, including but not limited to radio antennae and satellite receiving dishes, are accessory structures as defined by this Ordinance and are regulated accordingly.

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

**Buffer Strip:** A continuous area of land unless otherwise specified shall not be less than 50 feet in width which shall contain no structures or roads. The first 25 feet shall contain either natural vegetation, evergreen shrubs, trees, fences, walls, or any combination which forms an effective visual barrier. Driveways shall be kept open to provide visibility for vehicles entering or leaving the lot.

**Buildable Land:** That land in a parcel which is left over after all deductions, except road deductions, required under the Net Residential Area or acreage calculations.

**Building:** A structure for the support, shelter or enclosure of persons, animals, goods or property of any kind.

**Campground:** Any premise established for overnight use for the purpose of temporary camping, and for which a fee is charged.

**Canopy:** The more or less continuous cover formed by tree crowns in a wooded area.

**Clearing:** The removal of timber to an extent greater than permitted by Section 3.2.3 of the Zoning Ordinance.

**Cluster Development:** A form of development that permits a reduction in lot area and other specified dimensional requirements, provided there is no increase in the number of lots or units permitted under conventional subdivision requirements and the resultant land is devoted to common space.

**Common Land:** Land within or part of a subdivision or planned unit, condominium or cluster development, owned by the unit or lot owners as tenants in common or jointly, or owned by an association or corporation comprised of unit or lot owners or shareholders, and controlled by the development's articles, by-laws, declarations or covenants.

**Common Space:** The residual land area which remains when a subdivision is clustered.

**Conditional Use:** A use permitted only after review and approval by the Planning Board or Code Enforcement Officer. A Conditional Use is a use that would not be appropriate without restriction but which if controlled under the provisions of the Zoning Ordinance, would promote the purposes of that Ordinance.

**Conditional Use Permit:** A permit authorized by the Planning Board or Code Enforcement Officer for a Conditional Use.

**Condominium:** As defined in Title 33 M.R.S.A., 1601-103(7).

**Conforming Use:** A use of buildings, structures or land which complies with all applicable provisions of the Zoning Ordinance.

**Constructed:** Includes built, erected, altered, reconstructed, relocated to, or any physical operations on the premises which are required for construction. Excavation, fill, drainage, and the like, shall be considered part of construction.

**Distance:** Measured horizontally, unless otherwise noted.

**District:** A specified portion of the town, delineated on the Official Zoning Map, within which certain regulations and requirements or various combinations thereof apply under the provisions of the Zoning Ordinance.

**Dwelling:** A place of abode, a structure occupied as a residence as distinct from a store, office, or other building.

**Single Dwelling:** A place of abode for a single family in one principal structure.

**Multiple Dwelling:** A place of abode for two or more families in one or more principal structures.

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NOTE. Refer to the definition of "Residential Dwelling Unit".

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**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 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. New stairways used solely for gaining access to a residential structure need not be considered when determining a structure's setback, providing they are no wider than four feet.

**Expansion of Use:** The addition of weeks or months to a use's operating season, or more floor area or ground area devoted to a particular use.

**Filling:** Depositing or dumping any matter on or into the ground or water.

**Floor Area:** Sum of the horizontal area of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of structures such as porches and decks. Floor area with a ceiling height of six feet or less or non-living basement space shall be excluded from this calculation. (6-18-03)



**Forested Wetland:** A freshwater wetland dominated by woody vegetation that is six meters tall (approximately twenty feet tall) or taller.

**Foundation:** The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basement walls, slabs, frost walls, or other base consisting of concrete, block, brick or similar material.

**Frontage, Shore:** The horizontal distance, measured along the high water mark, or upland edge of a wetland/meadow/marsh between the intersections of the side lot lines.

**Frontage, Road:** The horizontal distance between the intersections of the side lot line with the front lot line.

**Functionally Water-Dependent Uses:** Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal and inland waters and which cannot be located away from these waters.

**Great Pond:** Any inland body of water which in a natural state has a surface area in excess of 10 acres and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner. Sewell Pond is our only Great Pond.

**Height of 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, and similar appurtenances that have no floor area.

**High Water Line:** The upland edge of land 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. Along Sewell Pond, the elevation at which vegetation changes from predominantly aquatic to predominantly terrestrial; and along freshwater rivers and streams, the highest elevation of the bank of a channel at which the water has left a definite mark.

**Home Business:** A home business is an occupation or business which is carried on within a dwelling or accessory structure to the dwelling by a member of the family residing therein; is clearly incidental and secondary to the use of the dwelling unit for residential purposes; and does not involve any exterior alteration which would change the residential character of the premises. Permitted home businesses include: the production of goods, the sale of goods produced on site, the provision of services performed on site, the provision of goods and services off site for which the material and equipment are kept on site. A sales outlet is not a home business unless the item sold is a product of the labor of a person working in the business (i.e., manufactured, produced, created, caught, grown by the owner or an employee of the business). (6-23-93 and 6-15-05)

**Individual Private Campsite:** An area of land which is not associated with a campground but which is developed for repeated temporary camping not to exceed 130 days per year by only one group not to exceed ten individuals and which involves site improvements which may include but not be limited to gravel pads, parking areas, fireplaces or tent platforms.

**Junk Yard:** Any area used as a place of storage for:

1. Discarded, worn-out or junked plumbing, heating supplies, household appliances, furniture and automobiles, including salvage operations;
2. Discarded, scrap and junked lumber;
3. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber or plastic debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material; and

4. Private garbage dumps, waste dumps and sanitary fills.

**Lot:** A parcel of land having distinct and defined boundaries and described in a deed, plan. Parcels of land on opposite sides of a public way shall be considered separate lots.

**Manufactured Housing Unit:** Structure, designed for occupancy, transportable in one or more sections, which was constructed in a manufacturing facility and is transported to a building site and designed to be used as a dwelling when connected to the provided utility systems contained therein.

**Marina:** A shorefront commercial facility with provisions for one or more of the following: boat storage, boat launching, or the sale of supplies and services for watercraft and their equipment and accessories.

**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 which, within any twelve month period, removes more than 100 cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, ore, or other mineral material from its natural location and transports the product removed, away from the extraction site.

**Minimum Lot Width:** The closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

**Mobile Home Park:** A parcel of land under unified ownership, approved by the municipality, designed and/or used to accommodate three or more manufactured housing units of one or two sections.

**Multi-family Cluster Developments:** Multi-family development which includes apartments, condominiums and all other forms of multi-family construction.

**Net Residential Area:** Net residential area means the area of a parcel, which is suitable for development as determined by the Planning Board, calculated by subtracting the following from the gross acreage of a parcel.

- 1) Total acreage which is used for road, sidewalk rights-of-way and transmission of utilities.
- 2) Portions of the parcel containing slopes over 15%.
- 3) Portions of the parcel shown to be within the 100-year floodplain as designated on the Town of Arrowsic Flood Zone Map.
- 4) Portions of the parcel located in the Resource Protection District and Special Protection District.
- 5) Portions of the parcel which, based on current Soil Conservation Service data, are unsuitable for development in their natural state due to drainage or subsoil conditions, including, but not limited to:
  - a) Water table at or near the surface for all or part of the year
  - b) Unstable soils such as Scantic.
- 6) Portions of the parcel covered by surface water bodies.

**Net Residential Density:** Net residential density shall mean the number of dwelling units per acre of net residential area.

**Non-conforming Building or Use:** A building, structure, use of land, or portion thereof, existing at the effective date of adoption or amendment of the Zoning Ordinance which does not conform to all applicable provisions of that Ordinance.

**Non-conforming Lot:** A single lot of record existing at the effective date of the adoption of the Ordinance that does not meet the area, frontage or width requirements of the district within which it is located.

**Open Space Use:** A use not involving: a structure; earth-moving activity; or the removal or destruction of vegetative cover, spawning grounds, or fish, aquatic life, bird and other wildlife habitat.

**Parcel:** The gross land area which will be divided by a subdivision.

**Piers, Docks, Wharves, Ramps, Bridges and Other Structures and Uses Extending Over or Beyond the High Water Line or Within a Wetland:**

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

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

**Permitted Waterfront Uses:** Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal and inland waters and which cannot be located away from these waters.

**Planned Unit Development:** A development in which a unit owner owns both the interior and exterior of the unit and the lot on which it stands, with the remaining "common land" owned by an association or corporation.

**Principal Use:** The primary use to which the premises are devoted, and the main purpose for which the premises exist.

**Private Facilities Open to the Public:** Churches, schools, hospitals, and other facilities privately owned but open to the public.

**Public Facilities:** Any facilities including, but not limited to, buildings, property, recreation areas and roads which are owned, leased, or otherwise operated, or funded by a governmental or public entity.

**Public Utilities:** Those services furnishing gas, steam, electricity, waste disposal, communication facilities, transportation or water to the public.

**Publicly Owned Recreation Area:** An area owned by the Town of Arrowsic managed specifically for recreation purposes.

**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, camp trailer, tent 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.

**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.

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NOTE. Refer to the definition of "Dwelling".

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**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.

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NOTE: The portion of a river that is subject to tidal action is a coastal wetland.

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**Salt Marsh:** Areas of a coastal wetland that support salt tolerant species, and where at average high tide during the growing season, the soil is regularly inundated by tidal waters. The predominant species is saltmarsh cordgrass (*Spartina alterniflora*). More open areas often support widgeon grass, eelgrass, and Sago pondweed.

**Salt Meadow:** Areas of a coastal wetland that support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (*Spartina patens*) and black rush; common threesquare occurs in fresher areas.

**Setback:** The nearest horizontal distance from a lot line or the 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.

**Shoreland Zone:** The land area located within two hundred and fifty (250) feet, horizontal distance, of the high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the high-water line of a stream.

**Shoreline:** The high-water line, or upland edge of a freshwater or coastal wetland.

**Sign:** Any painted, printed, or stenciled device either erected on a frame structure, mounted or painted on a building.

**Billboard:** A sign, structure or surface larger than 6 square feet which is available for advertising purposes for goods or services rendered off the premises, excluding directional signs.

**Commercial Sign:** A sign advertising or promoting a business enterprise of any kind.

**Directional Sign:** A sign conveying only directional information.

**Identification sign:** A sign identifying a professional service, church, fraternal organization, service club or public institution.

**Name Sign:** A sign naming the occupant of the premises.

**Temporary Sign:** A sign erected for private sales or other purposes in non-established business locations.

**Surface Area:** Determined as the product of maximum width and maximum height of the sign.

**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 or land clearing.

**Soil and Water Conservation Plan:** A plan, prepared by the Androscoggin Valley Soil and Water Conservation District or other recognized agency or by a private consultant acceptable to the Town of Arrowsic, covering the operations and facilities of an agricultural or timber harvesting operation for the purpose of minimizing soil erosion and pollution from manure or chemical runoff.

**Stream:** A free-flowing body of water from the outlet of a great pond or the confluence of two 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.

**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, boundary walls 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.

**Principal Structure (Building):** The structure in which the primary use of the lot is conducted.

**Accessory Structure:** A structure of a nature subordinate to that of the principal structure or the primary use to which the premises are devoted.

**Incidental Structure:** A structure which is of no consequence in achieving or maintaining the purposes and goals of the Ordinance. Structures which need not be considered as structures for purposes of meeting the shoreland setback standard are, for example, lawn furniture, picnic tables.

**Subdivision:** As defined in Title 30 MRSA, Section 4956.

**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.

**Tidal waters:** All waters affected by tidal action during the maximum spring tide.

**Timber Harvesting:** The cutting and removal of timber for the primary purpose of selling or processing forest products. Timber harvesting does not include the clearing of land for approved construction.

**Travel Trailer:** A manufactured housing unit not designed for permanent occupancy.

**Tributary Stream:** A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a stream bed devoid of topsoil containing water-borne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland. "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, Special Protection District and/or Resource Protection Districts of the receiving water body or wetland.

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

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**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 maximum spring tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) feet) tall or taller.

**Use:** The purpose for which land or a structure is arranged, designed, or intended, or for which land or a structure is or may be occupied.

**Variance:** An easing of the terms of the Zoning Ordinance, due to the peculiar and unique characteristics of the particular property in question, where literal enforcement would result in undue hardship, and such easing of the terms would not substantially depart from the intent of the Ordinance.

**Volume of a Structure:** The volume of all portions of a structure enclosed by a roof and fixed exterior walls as measured from the exterior faces of those walls and roof.

**Water Body:** Any great pond, river, or stream.

**Wetland:** A freshwater or coastal wetland.

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

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NOTE: All areas below the maximum spring 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.

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

- a) 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
- 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 including but not limited to those listed in Table II 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

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