

2018

Town of Belgrade Maine Ordinances

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<p style="text-align: center;">TOWN OF BELGRADE ADDRESSING ORDINANCE</p>
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SECTION 1: PURPOSE AND AUTHORITY

The purpose of this Ordinance is to establish an official street numbering method for the Town of Belgrade that will provide an actual physical location in conformity of address. It is intended for the easy and rapid location of properties for the delivery of public safety and emergency services, postal delivery, and business delivery.

This Ordinance is adopted under the Home Rule Authority of the Maine Constitution Article VIII, Part 2, Section 1, and Title 30A MRSA, Section 3001.

SECTION 2: AREA OF APPLICABILITY

This Ordinance shall apply to any building or vacant lot in the Town of Belgrade as recorded on the local property tax maps.

SECTION 3: ADMINISTRATION

This Ordinance shall be administered by the Belgrade Board of Selectpersons who shall approve road names and numbers to all properties on existing and proposed roads. The Board of Selectpersons shall, by majority vote, be the deciding factor should a conflict arise. The Board of Selectpersons shall be responsible for development, management, and maintenance of the street/road name program to include the following requirements:

a. A Belgrade map for official use showing road names and numbers shall be located at the Town Office and be available to the public during regular business hours.

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

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

d. Procurement, placement, and maintenance of street/road signs necessary to identify the named streets/roads established in accordance with this Ordinance.

SECTION 4: NAMING SYSTEM

All roads, streets, right of way, etc. in Belgrade that serve two or more improved properties shall be named regardless of whether the ownership is public or private. A road name approved by the Board of Selectpersons shall not constitute or imply acceptance of the road as a public way. The Following criteria shall govern the naming system:

a. Similar names - no two roads shall be given the same or similar-sounding names such as Beech and Peach, Pine Road and Pine Lane, etc.

b. Every effort should be made that each street/road shall have the same name throughout its entire length.

SECTION 5: NUMBERING SYSTEM

Numbers shall be assigned every fifty (50) feet along each street/road. The following criteria shall govern the numbering system:

a. All number origins shall begin from the designated center of Belgrade or that end of the road closest to the designated center (The designated center for Belgrade is at the intersection of Routes 27 and 135). For dead end roads, numbering shall originate at the entrance to the road and terminate at the dead end.

b. All properties located on the left side of the street/road from the numbering origin will be assigned an even number.

c. All properties located on the right side of the street/road from the numbering origin will be assigned an odd number.

d. All corner lots will be assigned a number for each street/road on which it borders. This will allow for a building or vacant lot to be numbered based on whichever road the front of the building faces.

e. The number assigned to each structure shall be that of the numbered interval falling closest to the front door or driveway of said structure.

f. Every structure with more than one principle use or occupancy shall have a separate number for each use or occupancy. (Example: duplexes will have two separate numbers)

g. Apartments, condominiums, shopping centers, and mobile home parks will be assigned one street or road number with an apartment, lot, or unit number as a secondary location indicator. (Example: 123 Oak Road, Apt. 1)

h. Each private road, camp road, or fire road shall have the same name throughout its entire length.

i. Cul-de-sacs and loop/circular streets and roads shall begin with the numbering sequence at the right entrance from the numbering origin with low odd numbers beginning on the right of the street/road and even on the left.

SECTION 6: COMPLIANCE

All owners of structures shall display and maintain, in a conspicuous place on said structures, the assigned numbers.

a. Number on the Structure or Residence. Where the residence or structure is clearly visible and within fifty (50) feet of the edge of the road right-of-way, the assigned number shall be displayed on the front of the residence/structure in the vicinity of the front door or entry , or on a post, fence, wall, or on some structure at the property line adjacent to the walk or access drive to the residence/structure. Numbers must be clearly visible during all seasons.

b. Numbers at the Street/Road Line. Where the residence or structure is over fifty (50) feet from the edge of the right-of-way, the assigned number shall be clearly visible on a post, fence, wall, or on some structure at the property line adjacent to the walk or access drive to the residence or structure. Numbers must be clearly visible during all seasons.

c. Size and Color of Number.

1. Only numbers are to be used, no alphabetical letters or fractions may be used.
2. All numbers shall be a minimum of three (3) inches in height.
3. Numbers should be plainly visible in contrasting colors.
4. It is recommended that the numbers be on a reflective material.

d. Unless otherwise stated in the written notice, the owner or occupant of any structure shall, within thirty (30) days after receiving said notice from the Town designating the number assigned, affix said number in a clearly visible location in accordance with this Ordinance.

e. Unless otherwise stated in the written notice, the owner or occupant of any seasonal property shall have thirty (30) days after the occupancy of the structure, to affix said number in a clearly visible location in accordance with this Ordinance.

Occupancy of a seasonal structure is defined as the first season following the enactment of this ordinance for an existing structure or after the first occupancy of a new seasonal structure.

f. Every person whose duty it is to display the assigned number shall remove any different number which might be mistaken for, or confused with, the number assigned in conformance with this Ordinance, for example, old street numbers or rural route numbers.

g. Should a person refuse or neglect to number the structure with the designated number from the Town, he/she shall be in violation of this Ordinance.

h. Interior location. All residents and other occupants are requested to post the assigned number and road name adjacent to each telephone for emergency reference.

SECTION 7: SUBDIVISIION AND NEW CONSTRUCTION

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

a. New Subdivision. Any prospective subdivisions shall show a proposed street/road name and lot numbering system based on this Ordinance on pre-application submission to the Planning Board. This pre-application must be submitted to the Board of Selectpersons for approval of all road names. On the final plan showing the proposed roads, the applicant shall mark on the plan, lines or dots, in the center of the streets every fifty (50) feet so as to aid in assignment of numbers to structures subsequently constructed.

b. New Construction. Whenever any residence or other structure is constructed that requires an assigned number, it shall be the duty of the new owner to procure an assigned number from the currently appointed municipal Code Enforcement Officer at the time of issuance of a building permit.

SECTION 8: VIOLATION OF ORDINANCE

Any person who violates any of the provisions of this Ordinance shall be subject to a fine of not less than \$100 nor more than \$2,500 and other penalties provided pursuant to 30-A MRSA, Section 4452.

SECTION 9: ENFORCEMENT OF ORDINANCE

This Ordinance shall be enforced by the Code Enforcement Officer or his/her designee, appointed by the Board of Selectpersons.

SECTION 10: APPEAL

Any person who shall deem himself/herself aggrieved by a decision of the official appointed to enforce this Ordinance, may appeal the decision to the Board of Selectpersons at any time within thirty (30) days of notification of the violation, by informing the Town Manager, in writing, of said appeal.

SECTION 11: VALIDITY, SEVERABILITY, AND CONFLICT WITH OTHER TOWN OF BELGRADE ORDINANCES

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

SECTION 12: EFFECTIVE DATE

This Ordinance shall become effective immediately upon adoption by the Town.

DATE ADOPTED: June 11, 1996

TOWN OF BELGRADE
ORDINANCE REGULATING
ADULT BUSINESS

Section 1. Findings.

There is convincing documented evidence that sexually oriented businesses, because of their very nature, have negative secondary effects on surrounding areas. Research and studies of municipalities throughout this country indicate that the presence of sexually oriented businesses is consistently and strongly associated with perceived decreases in value of both residential and commercial properties and the facilitation of illicit and undesirable activities. This evidence is relevant to issues facing the Town. It is recognized that sexually oriented businesses can adversely affect the character and quality of life of a town and can be incompatible with surrounding uses, particularly when the sexually oriented businesses are concentrated within a limited geographic area or are located in proximity to residences, day care centers, schools, houses of worship, public parks or recreational areas, summer camps for children, or another sexually oriented business. Data in municipalities throughout the country also indicates that certain designs of the interior space in sexually oriented businesses, especially “viewing booths” and similar private rooms or cubicles, are conducive to sexual activities which can result in the spread of sexually transmitted diseases, posing a risk to the patrons of the establishments and to the health of the community. An ordinance is a proper and reasonable means of controlling the negative secondary effects of sexually oriented businesses.

Section 2. Purpose.

The regulations of this Ordinance are not directed at the content of speech, but are directed at the negative secondary effects of sexually oriented businesses. The purpose of this Ordinance is to regulate the time, place and manner of operation of sexually oriented businesses. It is intended to regulate and to annually license sexually oriented businesses; and to prevent their location in proximity to residences, day care centers, schools, houses of worship, public parks or recreational areas, summer camps for children, or another sexually oriented business. Regulations of these uses are necessary to insure that the negative secondary effects will not contribute to the blighting or downgrading of the surrounding areas or the Town at large. The purpose of this Ordinance is not to prohibit sexually oriented businesses from operating in the Town, but to regulate their location and manner of operation, while providing a reasonable opportunity for such businesses to exist.

Section 3. Definitions.

The following terms as used in this Ordinance and for the purpose of this Ordinance have the meanings ascribed to them below:

- A. “Adult amusement store” means an establishment having as a substantial or significant portion of its sales or stock in trade, sexual devices or printed, recorded, or computerized material including pictures and photographs or films for sale or viewing on premises that are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” or an establishment with a portion of the premises devoted to the sale or display of such material, or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin-operated booths, the exclusion of minors from the establishment’s premises, or any other factors showing that the establishment’s primary purpose is to purvey such material.
- B. “Adult motion picture theater” means an enclosed building used regularly and routinely for presenting motion picture or video material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” for observation by patrons therein.
- C. “Adult entertainment cabaret” means a public or private establishment which:
 - 1. features topless dancers, strippers, or erotic dancers;
 - 2. features entertainers who display “specified anatomical areas”;
 - 3. features entertainers who by reason of their appearance or conduct perform in a manner which is designed primarily to appeal to the prurient interest of the patron or entertainers who engage in, or engage in explicit simulation of, “specified sexual activities;” or
 - 4. offers Sadoomasochistic acts or Bondage and discipline to patrons,” or
 - 5. features any visitors, employees, sub-contractors, waiters, waitresses, servers, or employees who display “specified anatomical areas.”
- D. “Adult spa” means an establishment or place primarily in the business of providing a steam bath or sauna, bathing or hot tub services, or “rub-down” or other massage services, and at which:
 - (1) a person’s specified anatomical areas are touched, rubbed, massaged or manipulated in any manner by another person with or without the aid of any instrument or device, or
 - (2) a person’s specified anatomical areas are exposed while that person touches, rubs, massages or manipulates any part of the body of another person, with or without the aid of any instrument or device, or
 - (3) specified sexual activities are permitted to occur.
- E. “Sexually oriented business” means Adult amusement stores, Adult movie theaters, Adult entertainment cabarets, or Adult spas, as defined herein, or any

business where specified sexual activities, or specified anatomical areas, are displayed, depicted, described or simulated as a regular and substantial part of its operation.

- F. “Erotic dance” means a form of dance, which seeks, through one or more dancers, to arouse or excite the sexual desire of a patron or patrons.
- G. “Residence” means any structure, which is principally used as a dwelling including, without limitation, a single family or multi-family house, an apartment, a condominium, or a mobile home.
- H. “Sadomasochistic acts” or “Bondage and discipline” means respectively, flagellation, torture or punishment by or upon a person clad in undergarments, a mask or costume, or the condition of being fettered, bound or otherwise physically restrained while so clothed or by a person so clothed.
- I. “Sexual device” means a device or object the primary purpose of which is to provide direct sexual stimulation to male or female genitals or anus.
- J. “Specified criminal activity” means a criminal conviction for any of the following offenses: prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution, or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; sexual assault; molestation of a child; or any similar sex-related offenses to those described above under the Maine Criminal Code or statutes of other states, the United States or any other nation or province, and for which:
 - (1) less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is for an offense punishable by a maximum term of imprisonment of less than one year;
 - (2) less than five (5) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is for an offense punishable by a maximum term of imprisonment of one year or more;
 - (3) less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement imposed for the last conviction, whichever is the later date, if the convictions are for two or more offenses or combination of offenses occurring within any twenty-four (24) hour period, and all such offenses are punishable by maximum term of imprisonment of less than one year.
- K. “Specified sexual activities” means:

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse, any sexual act or sexual contact as defined by Maine law, or sodomy;
- (3) Fondling or other touching of human genitals, pubic region, buttock or female breast.

L. “Specified anatomical areas” means:

- (1) Less than completely and opaquely covered: (a) human genitals, pubic region, (b) buttocks or (c) female breast below a point immediately above the top of the areola; and
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

M. “Opaquely covered” means that the specified anatomical area is completely concealed by a covering made of cloth or textile material, not including latex body paint or similar materials applied as a liquid.

Section 4. License required.

A person wishing to operate a sexually oriented business shall obtain an annual license (a) prior to opening the person’s establishment, (b) prior to expiration of the person’s current annual license, and, (c) prior to the expiration of the amortization period established in Section 14 of this Ordinance if a sexually oriented business is in existence on June 7th, 2011.

Section 5. Application: Investigation and issuance of license.

1. Application. An applicant for sexually oriented business license shall:

A. Complete and file an application prescribed by the Planning Board

B A processing fee of \$250.00 in advance with the Town Clerk.

C. Submit the completed application to the Planning Board, together with attested copies of the articles of incorporation and by-laws, if the applicant is a corporation, evidence of partnership, if a partnership, or articles of association and bylaws, if the applicant is an association, as well as a list of all officers and directors;

- D. File a sworn affidavit, which states the names of all owners, officers, managers or partners of the applicant, and their places of residence at the time of the application and for the immediately preceding three (3) years;
 - E. File the release authorized by 16 M.R.S.A. §620(6) (Criminal History Record Information Act) with the application, for the applicant and each officer, owner, manager or partner of the applicant;
 - F. Submit evidence of right, title or interest in the premises in which the sexually oriented business will be sited, along with the written consent of the owner of the premises for such use if applicant is not the owner;
 - G. State the date of initiation of the sexually oriented business and the nature of the business with a description of the nature of all products and services offered to customers.
 - H. Submit evidence of compliance with Section 10 of this Ordinance and evidence that there is no basis for denial of a license to applicant under the standards listed in Section 6 of this Ordinance.
2. Investigation of applicant, officers. Upon receipt of an application or notice of a change of the owners, officers, managers or partners of the applicant:
- A. The Town Clerk, upon receipt of a completed application, shall immediately send a copy of the complete application to the Town officials referenced in paragraphs B through D below. The Town Clerk shall also immediately consult with the Chairman of the Planning Board and then arrange for public notice of a public hearing on the application in a newspaper of general circulation and by mail to owners of lots within 1000 feet of the proposed location of the structure, at least ten days prior to the public hearing before the Planning Board.
The costs of publication, certified mail postage, and other expenses related to the hearing shall be paid from the processing fee. After receipt of required reports from Town officials, the Town Clerk shall forward the application and other documents to the Planning Board for public hearing and final decision. The hearing shall be held within forty-five (45) working days after receipt of a complete application by the Town Clerk and a decision shall be made within thirty (30) business days thereafter.
 - B. The Fire Chief_ and/or Fire Marshall's Office, within fifteen (15) working days of notice, shall inspect the location or proposed location of the business to determine if applicable State and fire and safety regulations have been satisfied and then report findings in writing to the Town Clerk and Planning Board.

- C. Select Persons shall order background check and formal investigation of applicant within thirty (30) working days of the notice as required under Section 5 (1)(E) and then report findings to the Town Clerk.
 - D. The Code Enforcement Officer, within fifteen (15) working days of notice, shall verify that the proposed premises of the establishment will comply with Section 10 and with all other applicable State and Town laws and land use codes of the Town and then report findings in writing to the Town Clerk.
3. Issuance of license. The Planning Board after notice and public hearing shall determine whether the application and documents submitted comply with all of the requirements of this Ordinance. The license shall be issued upon determination by the Selectpersons based upon the record, including evidence and testimony at the public hearing, that the application meets the requirements of this Ordinance. The license may not be transferred or assigned.

Section 6. Standards for denial.

An application for a sexually oriented business license shall be denied by the Planning Board in the following circumstances:

- A. the applicant is a corporation or other legal entity that is not authorized to do business in the State of Maine;
- B. the applicant is an individual who is less than 18 years of age;
- C. the applicant has submitted an incomplete application, knowingly made an incorrect statement of a material nature, or failed to supply additional information required by the Planning Board that is reasonably necessary to determine whether the license is issuable;
- D. the applicant, if an individual, or any person having an ownership or management interest, if a corporation or other legal entity, has been denied a sexually oriented business license for knowingly making an incorrect statement of a material nature within the immediately preceding five years;
- E. the applicant, if an individual, or any person having an ownership or management interest, if a corporation or other legal entity, has had a license granted pursuant to this Ordinance or a similar ordinance provision in any other municipality revoked for any reason during the immediately preceding five years;
- F. the applicant, if an individual, or any person having an ownership or management

interest, if a corporation or other legal entity, has committed any Specified Criminal Activity as defined herein;

- G. the site on which the sexually oriented business is proposed is a prohibited site under Section 10; or
- H. the application in any other way fails to meet the requirements of this Ordinance.

Section 7. Standards for suspension; Revocation.

A sexually oriented business license may be suspended or revoked by the Board of Select Persons after notice and hearing upon a finding that the licensee has violated any provision of this Ordinance.

Section 8. Age restriction.

No sexually oriented business may permit any person under the age of 18 years on the premises in which the sexually oriented business is located.

Section 9. Display of License; Prices charged and names of owners or officers to be prominently displayed.

A sexually oriented business licensee must display the sexually oriented business license at all times in an open and conspicuous place in the sexually oriented business for which the license has been issued. Sexually oriented business licensees must also display at all times in an open and conspicuous place in the sexually oriented business a complete list of the names of owners and officers of the sexually oriented business and a complete list of fees, prices and charges for all food, beverages, goods, wares, merchandise or services offered by the business.

Section 10. Prohibited sites, Site Requirements.

- 1. A sexually oriented business may not be sited within 1,000 feet of the lot lines of any of the following:
 - A. a church, synagogue, other house or place of religious worship;
 - B. a public or private elementary or secondary school;
 - C. a residence;
 - D. a day care facility;
 - E. a public park or public recreational facility;
 - F. another sexually oriented business
 - G. a summer camp for children

The distance cited in this section shall be measured between any structure used as a sexually oriented business and the lot line of the site of the use listed in (A) through (G) above at their closest points.

2. A sexually oriented business must have a separate driveway entrance, parking area and signage at least 200 feet from any driveway entrance or signage of any of the following:

- A. a church, synagogue or other house of religious worship;
- B. a public or private elementary or secondary school;
- C. a residence;
- D. a day care facility;
- E. a public park or public recreational facility;
- F. another sexually oriented business.
- G. a summer camp for children.

3. A lawful existing sexually oriented business, at the time of renewal of a not yet expired valid license, shall not be in violation of the site requirements of Section 10 by the subsequent location of a residence, day care center, school, house of worship, a summer camp for children, or public park or recreational area, at a site that would otherwise conflict with the site requirements of this Section.

Section 11. Interior Layout of Sexually Oriented Business.

1. Any sexually oriented business having available for customers, patrons or members, any booth, room or cubicle for any private viewing of any adult entertainment shall comply with the following requirements:

- A. Access. Each booth, room or cubicle shall be totally accessible to and from aisles and public areas of the sexually oriented business, and shall be unobstructed by any door, lock or other control-type device.
- B. Construction. Every booth, room or cubicle shall meet the following construction requirements:
 - (1) Each booth, room or cubicle shall be separated from adjacent booths, rooms and cubicles and any non-public areas by a wall.
 - (2) Each booth, room or cubicle must have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying the booth, room or cubicle.
 - (3) All walls shall be solid and without any openings, extended from

the floor to a height of not less than six feet and be light-colored, non-absorbent, smooth textured and easily cleanable.

(4) The floor must be light-colored, non-absorbent, smooth textured and easily cleanable.

(5) The lighting level of each booth, room or cubicle, when not in use shall be a minimum of ten foot candles at all times, as measured from the floor.

C. Occupants. No more than one individual shall occupy a booth, room or cubicle at any time. No occupant of a booth, room or cubicle shall engage in any type of sexual activity, cause any bodily discharge or litter while in the booth. No individual shall damage or deface any portion of the booth.

2. Any adult motion picture theater shall comply with the following requirements:

A. Aisle lights and overhead lights in the theater shall be kept on during business hours and shall illuminate to a minimum of ten-foot candles except when motion pictures are being shown;

B. No standing shall be allowed in the theater;

C. Signs shall be posted warning patrons that sexual activity is prohibited in the theater, and informing them of the presence of surveillance cameras if surveillance cameras are installed; and

D. Theater employees shall regularly patrol the theater during business hours and eject persons found to be engaged in sexual intercourse, a sexual act, sexual contact or any criminal activity. Incidents of sexual intercourse, sexual acts, sexual contact or criminal activity in the theater shall be immediately reported to a law enforcement officer.

3. Rest rooms must be individual rooms and shall not contain facilities for more than one person at a time. No more than one person may be in the rest room with the door closed at any time.

Section 12. Prohibited activities.

A. All acts of public indecency, as defined in 17-A M.R.S.A. §854, are prohibited in sexually oriented businesses.

- B. Dancers, performers, employees, owners or officers of a sexually oriented business shall not fondle or caress any patron or client, and patrons and clients shall not fondle or caress dancers, performers, employees, owners or officers of the sexually oriented business.
- C. Dancers, performers, employees, owners or officers of a sexually oriented business shall not commit or perform, or offer or agree to commit or perform, any specified sexual activity either alone or with each other or any patron or client of the sexually oriented business; and
- D. Patrons and clients of sexually oriented businesses shall not commit or perform, or offer or agree to commit or perform, any specified sexual activity either alone or with any dancer, performer, employee, owner, officer, patron or client of the sexually oriented business.

Section 13. Dancers and other performers.

A sexually oriented business must observe the following restrictions on dancers and the performers:

- (a) All dancing or other performances must occur on a platform intended for that purpose which is raised at least two feet from the level of the floor.
- (b) No dancing or other performance shall occur closer than ten feet from any patron, and no patron shall be allowed to be closer than ten feet from any dancer or other performer.

Section. 14. Enforcement.

A violation of this Ordinance is a civil violation. The civil penalty for any violation of this Ordinance shall be a minimum of \$100 and a maximum of \$2,500 . Each day a violation occurs or exists shall constitute a separate violation. In the event that the owner of the premises on or in which the sexually oriented business is located is not the licensee of the sexually oriented business, the owner is jointly and severally liable with the licensee for any violation of Sections 10 through 13. The Ordinance shall be enforced by the Code Enforcement Officer.

If court action is required to enforce this Ordinance, the Town shall be awarded its enforcement costs, including it's reasonable attorney's fees.

Section 16. Severability.

If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 17. Appeals.

An appeal from any final licensing, denial, suspension or revocation decision of the Appeals Board and may be taken by an aggrieved party to Superior Court in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure.

Effective Date: June 7, 2011

TOWN OF BELGRADE

ANIMAL CONTROL ORDINANCE

PURPOSE: The purpose of this ordinance is to adopt policies and procedures for the care, handling and disposal of animals belonging to citizens of Belgrade.

GENERAL PROVISIONS FOR DOGS: No dog under the control or care of any person shall be permitted to leave the property of that person unless it is led on a leash of suitable strength or is under the supervision and verbal control of any person. Any dog found not to be under the above controls may be impounded by the Animal Control Officer at the owner's expense, including the Animal Control Officer's fee. A dog that has been impounded by the Animal Control Officer may be destroyed within fourteen (14) days following impoundment if it is not claimed and impoundment fees paid by its owner.

LICENSING OF DOGS: Dogs shall be licensed annually as specified in Maine Statutes. Anyone possessing a dog that is over 6 months of age must license the dog annually. If a dog is not licensed by February 1st owner shall pay an extra fee as provided by current Maine Statutes.

BARKING DOGS: For the purpose of this section, the following terms shall have the meaning given herein:

Dog shall be intended to mean both male and female.

Owner shall be intended to mean any person or persons, firm, association or corporation owning, keeping, or harboring a dog.

1. It shall be unlawful for anyone owning, possessing or harboring a dog to cause or permit such dog to disturb the peace of any person. Any owner or keeper causing or permitting a dog to bark, howl, or yelp continuously for thirty (30) minutes or intermittently for one (1) hour or more shall be in violation of this section.

2. **Enforcement:**

Any person who observes a dog acting in violation of the ordinance must file and sign a written complaint. This complaint may be filed at the Town Office or with the Animal Control Officer or Local Law Enforcement. This complaint must specify the objectionable conduct of the dog(s), the date and time thereof, a description of the dog(s), and the name and residence, if known, of the owner or other person harboring said dog. Upon receipt of such complaint, the Animal Control Officer or Local Law Enforcement shall issue a warning to said owner or other person harboring said dog(s).

In the event a second complaint of such nature is received within one (1) month from the date of the initial complaint, the Animal Control Officer or the Local Law Enforcement shall cause the complaint to be filed before the District Court in the County where such owner keeper resides.

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Any owner who violates this section after the initial written warning commits a civil violation for which a civil penalty of not less than \$50.00 or more than \$250.00 shall be assessed. In addition violators will be responsible for any and all costs incurred regarding the civil complaint by the Town of Belgrade.

Waiver option:

Any owner who is charged with violating this Ordinance may choose to pay a waiver fee to the Town as an alternative to having the Town proceed with prosecution of the civil complaint in court. The waiver fee option shall only be available to an owner for a total of three violations. The waiver fee must be received at the Town Office within 30 days after issuance of the summons. Waiver fees that are tendered more than 30 days after issuance of the summons shall only be accepted by the Town upon payment of an additional sum of money equal to any expenses and fees that have been incurred by the Town in preparation for the court hearing. The waiver fee schedule is as follows:

Waiver Fees

First violation:	\$ 50.00
Second violation:	\$100.00
Third violation	\$250.00

DISPOSAL OF DEAD ANIMALS.

1.No person shall deposit, place or throw any dead, mortally ill or injured animal or part thereof in any public or private place other than the Sanitary Landfill or land of animal's owner.

2.When any animal is found dead or dying on the land or premises of any person not the owner or person responsible for the animal, the Animal Control will dispose of the animal. If the owner of a sick or dying animal cannot be determined immediately, the Animal Control Officer will take the animal to a veterinarian for treatment or disposal. If the owner of such an animal is known or can be determined, the owner shall immediately cause the animal to be treated or disposed of by a veterinarian. When the owner of a dead animal can be determined, the owner will be responsible for proper disposal of the animal.

3.A dead animal may be buried on land of the animal's owner or, with permission of the landowner, upon land of a friend of the animal's owner.

4.By arranging with the supervisor of the Town of Belgrade's Sanitary Landfill, the Town Animal Control Officer or the owner of an animal may bury the animal at the Sanitary Landfill.

LIVESTOCK AT LARGE: No owner or person having charge of any horse, cow, ox, beef cattle, swine, goat or other grazing animal shall turn loose or permit such livestock to roam at large. Livestock found to be at large may be impounded by the Animal Control Officer and a fee charged for its release.

IMPOUND: The Animal Control Officer shall have the authority to impound animals under this Ordinance. Any animals impounded under these provisions may be reclaimed by an owner upon payment of an impoundment fee established by the Selectpersons. The impoundment fee will be paid directly to the Humane Society, in the case of an impounded dog or cat, and to the Town Treasurer for other animals.

FINES AND FEES: All fines and fees collected under authority of this Ordinance, with dog license fees excepted, shall be deposited to the Animal Control Account in the Town's General Fund.

(This ordinance was amended at the annual Town Meeting held on March 19, 2011, to add in the additional language regarding barking dogs.)

CEMETERY ORDINANCE

COPY

THE PURPOSE OF THIS ORDINANCE IS:

TO PROVIDE RULES TO ALLOW FOR COST EFFICIENT APERPETUAL CARE AND MAINTENANCE OF ALL CEMETERIES OWNED BY THE TOWN OF BELGRADE TO PROTECT THE GRAVES AND MONUMENTS IN THESE CEMETERIES.

AUTHORITY FOR THIS ORDINANCE IS THE LEGISLATIVE BODY.

BE IT ORDAINED BY THE SELECTPERSONS OF THE TOWN OF BELGRADE, STATE OF MAINE.

Section 1. Short Title.

This Ordinance shall be known and shall be cited as the CEMETERY ORDINANCE for the Town of Belgrade.

Section 2. Definitions.

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein:

Cemetery Committee shall mean the collective group of FIVE volunteer citizens, appointed by the Board of Selectpersons.

Cremations shall mean the ashes that remain from a human body that has been cremated.

Flower Plants shall mean any of a variety of natural flower that possesses roots.

Flower Display shall mean any flower that is artificial whether in a container, bouquet or spray. Displays should not be disposed of in the woods of the cemetery.

Footstone is considered a flat marker

Lot shall mean a designated area in a Belgrade cemetery that consists of one through eight burial spaces, as depicted on the original surveys and layouts of each cemetery.

Monument/ Headstone are considered the same thing.

Assigned Person shall mean a person to whom a burial lot

in Town cemeteries, as identified in this Ordinance, has been assigned by the Town's Sexton.

Perimeter shall mean the strip of Town-owned land immediately surrounding each of the four cemeteries.

Perpetual Care shall mean the care and maintenance and the reasonable administration of those cemetery lots or spaces for which an assignee has paid for care and maintenance in perpetuity as specified in this ordinance.

Person is anyone having an interest in a burial lot in the identified Town cemeteries.

Service Dog A dog that has been individually trained to mitigate his or her partner's disability. This term is sometimes used to refer to dogs that are partnered with a physically disabled person.

Space shall mean a burial place for one casket remains or up to three cremations.

Town Sexton shall mean the Town employee hired by the Town Manager and approved by the Board of Selectpersons, to oversee the operations of all Town owned cemeteries.

Tree shall mean any bush or tree that has roots larger than two inches in diameter at its base and having a height in excess of four feet.

Section 3. Eligibility for and Assignment of a Burial Lot or Spaces.

1. Only residents of Belgrade are eligible for a burial lot or spaces in Belgrade cemeteries.
2. A resident can be assigned a lot or spaces for burial by paying the voter-approved cost for perpetual care..
3. Burial lots or spaces in Belgrade cemeteries remain Town property and do not become the property of the assignee.
4. A resident of Belgrade does not have a right to sell, trade, will, donate or otherwise dispose of burial spaces to a non-resident of Belgrade unless spaces are to be used by non-resident parents or children of the owner, their spouses or

children, or others that are approved by the Cemetery Committee and authorized by the Board of Selectpersons.

5. A resident who was assigned a burial lot in a Belgrade cemetery and has since become a non-resident can still use that lot or spaces for himself/herself, a spouse, children or parents of either spouse.

6. A resident or former resident who wishes to cancel his/her assignment of an unoccupied lot or spaces can inform the Town and receive a full refund of the money, less interest, paid to the Town for perpetual care unless the lot has been used to bury an eligible person. In this case, no refund will be made.

7. A non-resident may be assigned a single burial lot in the Town's Cemetery providing that he/she fulfills one of the following 3 (three) requirements:

1. A person must have been born in the community.
2. Have blood relatives who are either living in the community or who were buried in the cemetery.
3. A person who owns and has paid property taxes on real property in the Town of Belgrade for a period of not less than 20 years.

Prior to the assignment of the burial lot, the person or legal representative must first submit satisfactory evidence of his/her bond to the community which is subject to review by the Board of Selectpersons. Upon approval by the Board of Selectpersons, the Town Manager will direct the Sexton to assign the cemetery lot.

Section 4: Belgrade Cemetery Committee – MEMBERSHIP:

The Committee shall consist of five (5) voting members and all Members must be residents of Belgrade. All members will be appointed by the Board of Selectmen, for three year staggered terms. Three members will make a "quorum". The Sexton is automatically a non-voting member of the Committee who will attend all meetings and will make recommendations on the overall operations of all cemeteries located in Belgrade.

At the first meeting following the annual Town Meeting the Committee will elect a Chair and a Recording Secretary. The Recording Secretary is to give all recorded minutes to the Town Clerk. The Chair can call a meeting at any time during the year and is responsible for posting such notice and notifying all members and the Sexton of the date, time, and location of such meeting.

The Board of Selectpersons will fill any vacancies following Town policy.

Section 5 Responsibilities of the Belgrade Cemetery Committee.

The function of the Cemetery Committee is to:

- a. Hold periodic meetings.
- b. Make recommendations on present and future cemetery needs, with input from the Town Sexton, to the Board of Selectpersons.
- c. Develop recommendations for the use and maintenance of the cemeteries, with input from the Sexton and to make recommendations, subject to the review and approval of the Board of Selectpersons.
- d. Work with the Sexton on making recommendation on the maintenance and use of all the cemeteries.-
- e. Work with the Sexton, by providing input during the development of the cemetery budgets for town meeting.

Section 6 Rules for Town of Belgrade Cemeteries.

Lack of care and respect for graves in our cemeteries has required that the following regulations be established to assure proper management of our cemeteries and to show our respect for the deceased who are buried in them:

1. Flower plants may be set adjacent to a monument/stone on a gravesite and will not be removed by the Sexton unless they are poorly maintained or dead.
2. Flower displays may be placed adjacent to a monument/stone on a gravesite but will be removed by the Sexton when they become faded or after 30 days of display whichever comes first.
3. A small bush or shrub no higher than four feet may be planted on each side of a main monument, but each must be kept trimmed by the lot/space owner. The Sexton will remove bushes or shrubs that are not kept trimmed or exceed four feet in height.
4. No trees may be planted inside the perimeter of any Town cemetery, unless they are part of a design approved of by the Board of Selectpersons.
5. The flag of the United States and organizational flags may be flown on a gravesite. Any such flag that becomes torn or discolored will be removed and properly disposed of by the Town Sexton.

6. Cemeteries are quiet places providing opportunities for the living to pay their respects or mourn those who have died. No sports, games, or activity of any kind that interferes with the proper use of a cemetery is allowed.
7. Each burial space may contain one casket or up to three cremations. Both types of burials must be placed in an approved vault or liner.
8. Footstones and corner lot markers must be installed at ground level so mowing machines can pass over them without the possibility of damaging mowers and markers.
9. Perpetual care for a grave provides for grass mowing, trimming, monument cleaning and re-filling of sunken spaces. It does not provide for raised beds, monument, stone, corner marker relocation or repairs.
10. The Town of Belgrade prohibits any new above ground burials, interment in a mausoleum, tomb, columbarium, or crypt in any of the Belgrade Cemeteries.
11. No pets, except for service dogs are allowed in the town's cemeteries.
12. Only human remains may be buried in Belgrade cemeteries.
13. The Town of Belgrade assumes no responsibility for any damage that may occur during the perpetual care and maintenance of our cemeteries. The Town of Belgrade will not compensate anyone for any accidental damage that may occur to any flower plants, flower displays, shrubs, bushes, trees, or other items that are placed at burial sites.

Section 7 Cemeteries Appearance.

1. Erection of a monument on a grave, with the name of the owner thereon, is encouraged. An owner of a burial lot must consult with the Town Sexton to determine the best location for the placement or installation of any monument.
2. Removal of flower displays that have served their purpose, lost color, or are in temporary containers that have disintegrated is encouraged and will be appreciated. However, the Town Sexton will remove them if they are not voluntarily removed.
3. Vehicular traffic in our cemeteries, other than that necessary for the maintenance and proper care of the cemetery is not authorized during periods when the ground is soft and wet, or in any condition that will cause vehicles to leave the cemetery roads with ruts or muddy areas.

4. Owners of a lot or spaces must remove flower containers, dead flowers, wreaths, stands and other unessential items and keep the items or dispose of them at the transfer station as the owners choose.

If this is not done, the Town Sexton will remove them. The Town of Belgrade will not be responsible for the value of any item removed by the Town Sexton.

5. Garish displays on a lot or spaces by persons are discouraged and may be removed with the approval of the Town Sexton. They will be photographed and sent to the Selectpersons for approval of removal by the Town Sexton.

Section 8 Enforcement and Appeals.

1. The Belgrade Board of Selectpersons are responsible for enforcement of this Ordinance, with recommendations from the Cemetery Committee and the Town Sexton.

2. A person who believes that he/she has been aggrieved by provisions of this Ordinance or actions of the Town may appeal the action to the Town Manager in writing. If the grievant is still not satisfied, the grievant party may appeal to the Board of Selectpersons by informing the Town Manager in writing, providing the reason for an appeal and asking for a date and time to appear before the Board. The Town Manager will give the written request to the Board of Selectpersons to be placed on the next board agenda for their review.

Section 9 Severability. Upon adoption, this ordinance, will supersede any other ordinance, rule, policy, or Town warrant article in effect prior to March 15, 2008, If any subsection, sentence, clause, provision or part of this ordinance shall be held invalid for any reason, the remainder of this ordinance shall not be affected thereby, but shall remain in force and effect.

Section 10 Effective Date. This Ordinance is hereby declared to be necessary for proper management of Belgrade cemeteries and shall be in full force and effective from and after its passage and publication as provided by law.

Approved on this 19 day of March, 2010.

*Amended on March 19, 2010 by Referendum

*Amended on March 19, 2011 by Referendum

*Amended on November 7, 2011 by Referendum

*Amended on March 18, 2016 by Referendum

Signed this 5th day of April 2016

Signed by the Board of Select Persons:

Chair

V.Chair

[Signature]
[Signature]
[Signature]
Ernest Rice
Cheryl Cook

Attested by : Mary J Vogel, Deputy Town Clerk on
April 5, 2016

TOWN OF BELGRADE

**Commercial Development Review
Ordinance**

ENACTED BY REFERENDUM ON MARCH 2, 2001
AMENDED BY REFERENDUM ON NOVEMBER 6, 2001
AMENDED BY REFERENDUM ON JUNE 7, 2011
AMENDED BY REFERENDUM ON MARCH 17, 2017

CERTIFIED BY:

Signature

CERTIFIED BY:

Printed Name

Title Town Seal

Town of Belgrade
Commercial Development Review Ordinance
Enacted: March 2, 2001

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*Amendments: * November 6, 2001 (Remove this)*

Article 1: General Provisions

Section 1. TITLE

This Ordinance is known and cited as the Town of Belgrade Commercial Development Review Ordinance and will be referred to as “this Ordinance.”

Section 2. AUTHORITY

This Ordinance is adopted pursuant to the provisions of Title 30- A MRSA Section 3001.

Section 3. EFFECTIVE DATE

Amendments to this Ordinance take effect upon enactment by the Town Meeting. The effective date of the original ordinance is: March 2, 2001.

Section 4. RELATIONSHIP WITH OTHER ORDINANCES

Whenever a provision of this ordinance conflicts with, or is inconsistent with, another provision of this ordinance or any other ordinance, regulation or statute, the more restrictive provision shall control. All non-residential review applications are required to conform to all other applicable ordinances and regulations of the Town of Belgrade, such as but not limited to, Shoreland Zoning, Minimum Lot Size, Subdivisions and Floodplain Management.

Section 5. VALIDITY AND SEVERABILITY

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

Section 6. AMENDMENTS

Any amendment to this Ordinance shall be adopted by a majority vote of a Town Meeting.

Section 7. AVAILABILITY

A certified copy of this Ordinance shall be filed with the Town Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost to be charged to the person making the request.

Article 2: Purpose

SECTION 1. PURPOSE

The purpose of this Ordinance is to accomplish objectives outlined in the Town of Belgrade Comprehensive Plan, as revised June, 2014. In particular the following:

- A. To establish a procedure whereby the Planning Board may review new proposals to use or develop land and buildings for commercial, industrial, office, community and service uses, municipal, institutional, utility, and recreational uses.
- B. To establish a fair and reasonable set of standards for evaluating each development.
- C. To mitigate potential nuisances associated with development from having a negative impact upon the community.
- D. To address a wide range of environmental and planning issues associated with development including: noise, odors, stormwater, erosion, phosphorus, waterbody protection, traffic, parking, light and glare, scenic resources, groundwater, historic and archeological resources, significant wildlife and aquatic resources, and other natural resources.
- E. To reduce off- site impacts from development from negatively affecting municipal services and infrastructure.
- F. To protect the water quality of all the lakes, ponds, streams, brooks, and wetlands within the community.

Article 3: Applicability

SECTION 1. APPLICABILITY

Review and permitting is required prior to new construction or development of non-residential uses or the proposed expansion of existing non-residential uses as provided below:

- A. The construction or placement of any new building or structure for a non-residential use, including accessory buildings and structures, in excess of 1,200 square feet in footprint area;
- B. The expansion of an existing nonresidential building or structure, including accessory buildings and structures, that exceed either one of the following two criteria; 25 Percent of existing footprint area, or if greater than 1200 sqft footprint.
- C. The conversion of an existing building, in whole or in part, from a residential use to a non-residential use, where the area converted exceeds the square footage threshold established above.
- D. The establishment of a new nonresidential use, including but not limited to gravel pits, mining operations, cemeteries, golf courses, and telecommunication and wind power towers even if no buildings or structures are proposed.
- E. A change of use of an existing nonresidential use, in whole or in part, to another nonresidential use.
- F. The construction or expansion of paved areas or other impervious surfaces, including walkways, access drives, roads, rooftops, and parking lots involving more than 5,000 square feet of footprint area, *except that* paving or re- pavement of existing paved or impervious surfaces shall be exempt from review.
- G. Expansion of existing mineral extraction operations. These operations which result in the excavation, movement or processing of more than 200 cubic yards of material within any 2 year period or which result in non- vegetated areas in excess of 20,000 square feet in footprint area. Permits for mineral extraction are separate from commercial development permits and are covered in Article 7, Section 1 of this ordinance.
- H. Facilities for the storage of bulk fuel, chemicals or other flammable or hazardous substances that exceed 1,000 gallons.

SECTION 2. USES NOT REQUIRING REVIEW

The following uses and activities do not require review.

- A. The construction, alteration, enlargement or placement of a single family or two family dwelling, including accessory buildings or structures.

- B. Home occupations as defined by this Ordinance.
- C. Agricultural production, timber harvesting, and forest management activities.
- D. Subdivisions reviewed under the Town's Subdivision Ordinance and also any roads or driveways covered by that ordinance.
- E. Outdoor display of retail merchandise by an existing retail business on the premises of the business for fewer than ten (10) business days in any six (6) months.
- F. Seasonal Farm Stands operating for no more than 6 months per year.

Article 4: Administration and Enforcement

SECTION 1. ROLE OF THE PLANNING BOARD

The Planning Board shall have the following powers and duties:

- A. To administer this Ordinance.
- B. To hear and decide upon applications according to this Ordinance.
- C. To develop site review application forms.
- D. To provide the Code Enforcement Officer with a written decision of each application.

SECTION 2. ROLE OF THE CODE ENFORCEMENT OFFICER

The Code Enforcement Officer shall have the following powers and duties:

- A. To enforce the provisions of this Ordinance.
- B. To issue stop work orders and other appropriate notices of violation.
- C. To assist the Planning Board with the review process.
- D. To conduct site visits and to review applications as authorized by this Ordinance.
- E. To issue permits.

No work or other development shall be undertaken on any use or project that requires review until a permit has been issued by the Code Enforcement Officer. No work or other development shall be undertaken following issuance of a stop work order, except as necessary to stabilize a site or structure.

SECTION 3. NON-RESIDENTIAL DEVELOPMENT REVIEW PERMITS

3.1. CODE ENFORCEMENT PERMITS

The Code Enforcement Officer is authorized to issue permits for [non-residential](#) development which meets the following conditions:

- 1) The expansion of an existing non-residential building where the square feet in footprint area of expanded impervious surface does not exceed 2,500 square feet in footprint area or 35 percent of the existing footprint, whichever is less;
- 2) The change of use of an existing non-residential use into a new non-residential use, *except* where the new use is a retail, restaurant, or industrial use or is likely to increase traffic volume, or that will use or store flammable, combustible, or hazardous substances.

- 3) The expansion of paved or other impervious surfaces, where the impervious area does not exceed 7,500 square feet in footprint area.

Permitting from the Code Enforcement Officer shall follow the procedures in Section 5.2 of this Article.

3.2. PLANNING BOARD REVIEW

The Planning Board shall review and decide upon all permit applications not within the jurisdiction of the Code Enforcement Officer as provided in section 3.1, or when the Code Enforcement Officer has acted, in accordance with section 5.2.D. Permitting from the Planning Board shall follow the procedures in Section 5.3 of this Article.

SECTION 4. PERMIT ADMINISTRATION

4.1. EXPIRATION

Permits are valid for 12 months from the date of the Town's approval. A substantial start of construction must be completed within this 12 month time period. Upon request from the permittee, permit approval may be extended for a maximum of one (1) additional 12 month period. Permits that have expired shall become null and void and the applicant shall obtain another permit as required by this Ordinance by submitting another application to the Planning Board or code enforcement officer, as applicable.

4.2. TRANSFERABILITY

A permit is transferable to subsequent owners of the property, provided the permit has not expired.

4.3. RIGHTS NOT VESTED

The submittal of the application to the Code Enforcement Officer to review for a complete application shall not be considered the initiation of the review process for the purposes of bringing the application under the protection of Title 1, MRSA, Section 302. The formal review process shall begin upon notification to the applicant that a complete application has been received.

4.4. PERMIT FEE SCHEDULE

The Board of Selectmen shall adopt and from time to time amend a fee schedule for applications submitted under this ordinance. The fee schedule shall include conditions and procedures for assessments for additional information and studies as described in section 5.5 of this ordinance. Development initiated by the Town of

Belgrade or other governmental bodies or non-profit corporations registered by the Maine Secretary of State is exempt from permit fees.

SECTION 5. APPLICATION PROCEDURE

5.1. PREAPPLICATION

- A. A prospective applicant for a permit under this ordinance shall meet with the Code Enforcement Officer prior to submitting an application. The purpose of this meeting will be to provide information and assistance to the applicant concerning the permitting process.
- B. A prospective applicant for a permit that will require planning board review may request a meeting with the board in lieu of the CEO. This step is advisable if the applicant wishes to apply for a waiver of a submission requirement.
- C. At or prior to the preapplication meeting, the prospective applicant will provide the Code Enforcement Officer with a sketch of the development site and description of the proposed development, including proposed dimensions and uses.
- D. The Code Enforcement Officer shall make a determination at the preapplication meeting as to whether the application is a code enforcement permit or a planning board permit. The CEO may also provide the prospective applicant with a potential review timetable, requirements for state or federal permits, items that may need to be addressed during review, and possible waiver requests.

5.2. CODE ENFORCEMENT OFFICER REVIEW

- A. An applicant for a development qualifying for Code Enforcement Officer permit under section 3.1 of this article shall submit two (2) copies of the application to the Town of Belgrade. The application shall contain at least the following elements:
 - (i) A signed Town of Belgrade Application Form and certificate of compliance with the ordinance standards.
 - (ii) A Site Development Plan drawn to scale showing existing site features such as property boundaries, wetlands and water bodies, existing vegetative areas, existing infrastructure such as roads and rights-of-way, driveways, water lines, drainage ways and easements, proposed location of structures and buildings, proposed location of improvements such as driveways, clearing of vegetative screening, parking areas, sidewalks, landscaping, drainage structures, lighting, and signs. The Site Development Plan shall include a signature line for approval by the CEO.
 - (iii) Evidence of the applicant's right, title, or interest in the property;
 - (iv) Drawings and construction specifications for any proposed roads, driveways, parking areas, and drainage structures;

- (v) A stormwater management plan prepared by a Maine Professional Engineer, showing phosphorous control measures, unless the development will consist of less than 7,500 square feet of disturbed areas;
- (vi) Application fee.

- B. The Code Enforcement Officer shall make a determination that the application is complete within five (5) business days of its submittal. If the application is complete, the CEO or Delegate shall inform the applicant of its acceptance, and shall issue notice to the abutters that an application has been submitted. If the application is incomplete, the CEO shall inform the applicant of the materials needed to complete the application.
- C. The Code Enforcement Officer shall approve, deny, or approve with conditions the application within no less than five (5) but no more than fifteen (15) business days of finding it complete, and shall notify the applicant in writing of his or her decision. The CEO shall base his or her decision on conformance of the application with the criteria and standards of this ordinance.
- D. An applicant who has been denied or who has received conditional approval may request a review of the CEO's determination by the planning board. The CEO may also defer a decision to the planning board if he or she so chooses. The CEO shall place the review on the next available board agenda, and shall transmit all materials on file to the board for their review. The board shall review the application in accordance with the procedures of section 6 of this article, but may request that the applicant submit additional information before commencing review.

5.3. APPLICATION SUBMISSION FOR PLANNING BOARD REVIEW

- A. The applicant shall submit the Non-residential Development Review application to the Town of Belgrade. The Town shall issue a dated receipt to the applicant upon receiving the application and shall notify the Code Enforcement Officer of the application.
- B. Within ten (10) business days of receipt of the application, the Code Enforcement Officer shall make a determination whether the application is complete and notify the applicant of his or her determination. If the application contains a request for waiver of a submission requirement, the CEO shall forward it to the Planning Board for action on the request before making his or her determination, with the time deadline suspended until after the Planning Board meeting.
 - 1. If the application is not complete the Code Enforcement Officer shall notify the applicant of the specific materials needed to complete the application.

2. If the application is complete the Code Enforcement Officer shall notify the Planning Board that a complete site review application has been received and place the application on the Planning Board's agenda for review and consideration.
- C. Substantive review of the application shall not be deemed to have begun until the Code Enforcement Officer makes a finding that the application is complete.

5.4. SUBMISSION REQUIREMENTS

All Non-residential Development Review applications shall consist of eight (8) copies of the following materials and information, unless otherwise noted.

- A. Town of Belgrade Application containing general information as follows:
 - 1 Name, address and telephone number of the applicant and applicant's agent if applicable.
 - 2 Property location, including address, map and lot number.
 - 3 Estimated cost of the development.
 - 4 Anticipated schedule of construction including beginning and completion dates.
 - 5 A description of the project.
 - 6 Need for and status of any required state or federal permits.
- B. Application fee.
- C. Waiver Request Form if Applicable.
- D. Verification of the applicant's right, title or interest in the property, together with covenants, easements, or deed restrictions existing or proposed for the property.
- E. General location information including the following:
 - 1 A photocopy of the tax map showing the property and surrounding parcels.
 - 2 A copy of the Kennebec County soil map showing the property.
 - 3 A copy of the USGS Topographic map showing the property.
 - 4 A copy of the Town Shoreland Zoning Map showing the property if located in a Shoreland District.
 - 5 A copy of the Flood Insurance Rate Map (FIRM Map) showing the property if located in a designated floodplain.
 - 6 A copy of the National Wetlands Inventory Map showing the property.
- F. A Site Development Plan. The Site Development Plan may consist of several drawings and may be reduced in size for individual applications; however, at least one copy of all drawings shall be at a size of 24 x 36 inches. The plan shall be drawn to scale showing the following:
 1. North arrow and scale bar,
 2. Parcel boundaries and developed site,
 3. Location on the site and dimensions of all existing and proposed buildings and structures, including, but not limited to: drainage

- structures, signs, fencing, and lights.
4. Location and extent of disturbed area on the site, plus the layout and dimensions of impervious surfaces such as proposed parking areas, driveways and roads, areas to be used for outdoor storage of equipment, inventory, or other materials, utilities, drainage ways, easements and rights-of-way,
 5. Location of all floodplains, watercourses, waterbodies and wetlands,
 6. Location of any shoreland zoning districts affecting the property,
 7. Location of significant areas of existing vegetation and proposed new vegetation (landscaping),
 8. The location of all proposed wells or water supply facilities and any source water protection areas associated with licensed or proposed public drinking water systems.
 9. The location of subsurface waste water disposal systems or other wastewater disposal systems on the subject property and adjacent properties,
 10. All other significant natural and physical features,
 11. Name and address of owner and developer. Name, address and license number of professional engineer or surveyor who prepared the plan.
- G. Evidence that an adequate water supply is available to supply all the water needs of the proposal including fire suppression. (please note: the fire chief should be consulted to determine whether or not appropriate structures are required to supply a water source to handle a fire threat)
- H. Evidence that all other local permits have been obtained including, but not limited to: Shoreland Zoning, Floodplain Management.
- I. An erosion control plan as per the requirements of this Ordinance.
- J. Where the amount of impervious area for the project will exceed 7,500 square feet in footprint area, a storm water and phosphorous control plan as per the requirements of this Ordinance shall be submitted. If the amount of disturbed area exceeds 30,000 square feet in footprint area, the plan shall be prepared by a licensed professional engineer.
- K. The location of any site or structure listed on the National Register of Historic Places or any archeological site identified by the State Historic Preservation Commission.
- L. The location of any significant wildlife resources or natural areas.
- M. Traffic data for the site including an estimate of the amount of vehicular traffic to be generated on a daily basis.
- N. Any proposed areas or structures to be dedicated for public use.
- O. Detail drawings showing the construction specifications for all proposed drainage features such as ditches and culverts, roads, sidewalks, access points, driveways parking areas, fire control structures and other public improvements.

- P. Any other material to show that the applicable performance standards or other requirements of this ordinance are followed.
- Q. The estimated quantities of flammable, combustible or hazardous substances to be stored or handled on site, and spill management plan if required by a state or federal agency
- R. Descriptions as required showing how the development will meet specific performance standards of Articles 6 and 7 of this ordinance, including but not limited to noise, outdoor lighting, vegetative buffers, waste management, and water quality.

5.5. ADDITIONAL INFORMATION AND STUDIES

- A. The Planning Board may require additional and supplementary information such as historical and archeological study, traffic analysis, light and noise studies, wellhead area or groundwater study, information on rare or endangered wildlife or habitat or natural areas. The Board's authority to request such additional information is limited to when that information is needed to enable the Board to make findings of fact regarding whether the ordinance's standards and review criteria will be satisfied. If the pre-application meeting identifies areas of possible concern, the applicant may request that the planning board identify the additional materials as part of the submission process. Failure of the applicant to supply this information may result in denial of the application or conditioning of the approval pending satisfactory review of the information.
- B. The Planning Board may at its discretion retain independent technical or legal expertise to assist in review or supplement the evidence presented by the applicant and received during the public hearing. The cost of such assistance shall be borne by the applicant according to the terms of an escrow account set-up at the time the application is submitted as listed in the Permit Fee Schedule established by the Board of Selectpersons.

SECTION 6 . PLANNING BOARD REVIEW PROCEDURE

6.1. TIMING OF REVIEW

The Planning Board shall make a final decision upon the application within sixty (60) business days of the date on which the application is determined to be complete. However, upon mutual consent of the applicant and the Planning Board, the final decision may be extended.

6.2. NOTICE AND MEETING REQUIREMENTS

- A Upon acceptance of an application as complete, the Town shall provide notice as follows:

- 1) All abutters and all other landowners within 500 feet of the lot upon which the project is proposed shall be notified by first-class mail, the cost of which shall be reimbursed by the applicant prior to any issuance of approval. The notice shall contain a brief description of the project being proposed and its location. The notice shall be mailed a minimum of seven (7) business days prior to the planning board meeting and shall include time and place of the meeting. The Belgrade Town Manager shall also be notified. Failure of a party to be notified to receive a notice shall not invalidate the public meeting, nor shall it require the Planning Board to schedule another meeting. Holding another meeting shall be at the discretion of the Planning Board under such circumstances.
 - 2) The Planning Board meeting at which the project will be considered will be posted according to legal posting procedures for public meetings. The application will be listed as an agenda item.
 - 3) If the location of the proposed project is within five hundred (500) feet of a town boundary, the clerk and Planning Board of the neighboring town will be notified.
 - 4) The time and location of the public meeting will be published at least once in a newspaper having general circulation within the Town. The date of the first publication shall be at least 7 business days before the meeting.
 - 5) If the proposed development is located within the source water protection area of a public drinking water system as mapped by the Drinking Water Program in the Maine Department of Health and Human Services, owners and operators of the system shall be notified in the same manner and time as the abutters.
- B The Planning Board shall conduct the review of the application in open, public meetings. The Chairman of the Board shall provide a period of time for public testimony and comment during review, but may at his or her discretion limit the time period for public comment.
- C The Planning Board is not required to make a decision at a single meeting. The board may continue its deliberations at any future time and location, subject to posting requirements and the 60 day review limitation.

6.3. DECISION

The Planning Board shall make a written finding of fact and conclusions of law and vote to approve the application, approve the application with conditions, or deny the application. The Planning Board shall submit its final decision in writing to the applicant and to the Code Enforcement Officer within 7 business days of the date of decision. Any conditions imposed upon the permit shall be listed in its final decision.

6.4 . CONDITIONAL APPROVAL

- A. The Planning Board may attach such conditions to the proposed application that it finds necessary to further the purposes of this Ordinance. A condition may not be

imposed to regulate any item not specifically addressed in this Ordinance. All conditions shall be listed in the approval and the permit. Conditions may be attached to commencement of construction, i.e., must be met before construction begins.

- B. The planning board shall attach as a condition of approval that the development will be constructed as approved.

6.5. SITE INSPECTION

The Code Enforcement Officer and/or the Planning Board may perform an on-site inspection of the proposed project to obtain knowledge about the site and the surrounding area. Any official Board visit shall be noticed and advertised as a public meeting.

6.6. BURDEN OF PROOF

The applicant shall have the burden of proof to show that the proposal meets the applicable review criteria and the standards contained in this Ordinance.

SECTION 7. WAIVERS

- 7.1. The Planning Board may vote to waive development standards or submission requirements in this Ordinance when it finds one of the following:
 - i Submission Requirement: One or more of the requirements are not applicable to the proposal due to the size of the project, circumstances of the site, design of the project, type of project, or unique features of the proposed use.
 - ii Development Standard: The applicant has submitted alternative designs which meet the criterion for which the standard is required under this ordinance.
- 7.2. The applicant shall submit information to support the waiver request with the application.
- 7.3. The Planning Board may only consider a waiver request when the applicant has submitted a written waiver request in the application. Requests for waiver of submission requirements shall be considered prior to the Code Enforcement Officer's determination of completeness. The Planning Board shall review the waiver request and if it meets the appropriate criteria shall approve the request and submit its decision in writing to the applicant and the Code Enforcement Officer. If the Planning Board finds that the waiver request does not meet the criteria, it shall deny the waiver and require the applicant to revise the application as necessary. The Planning

Board shall not commence substantive review of the application until the applicant supplies all the necessary information.

- 7.4. Consideration of a waiver for a development standard may take place at any time during substantive review but not before a determination of completeness. If a waiver is denied, review of the application shall be suspended until it can be revised accordingly. The applicant shall submit all required information to the Planning Board within 60 calendar business days of the denial of the waiver request. Failure to submit the information within this time will require that a new application be submitted for review. In no case shall the Planning Board make a final decision on the application until the applicant supplies additional information to the satisfaction of the Board.
- 7.5. All waivers approved by the Planning Board shall be documented during the review process.

SECTION 8. APPEALS

8.1. BOARD OF APPEALS

The Board of Appeals is authorized to hear administrative appeals and variance appeals arising from this Ordinance.

- A. Administrative Appeals: To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration of this Ordinance.
- B. Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance.

8.2. PERMISSABLE VARIANCES

- A. Variances may be granted only from dimensional requirements including but not limited to lot width, structure height, lot coverage and setback requirements.
- B. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
- C. Variances shall not be granted under this Ordinance for any dimensional standards required under any other ordinance, including but not limited to the Town of Belgrade Minimum Lot Size Ordinance or Shoreland Zoning Ordinance.
- D. The Board of Appeals shall not grant a variance unless it finds that the strict

application 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 the variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood.
 3. That the granting of a variance will not alter the essential character of the locality.
 4. That the hardship is not the result of action taken by the applicant or a prior owner.
- E. The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes and provisions of this ordinance to the greatest extent possible, and in doing so may impose such conditions to a variances it deems necessary. The party receiving the variance shall comply with any conditions imposed.

8.3. APPEAL PROCEDURE

- A. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board. Such appeal shall be taken within 30 business days of the date of the decision appealed from, and not otherwise, except that the Board of Appeals, upon a showing of good cause, may waive the 30 day requirement.
- B. Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes a concise written statement indicating what relief is requested and why it should be granted AND 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.
- C. Upon being notified of an appeal, The Code Enforcement Officer or the Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
- D. The Board of Appeals shall hold a public hearing on the appeal within 35 business days of its receipt of an appeal request.

8.4. DECISION

- A. A majority of the Board of Appeals shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.

- B. The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter, or to affect any variation in the application of this Ordinance from its stated terms. The Board of Appeals may reverse the decision, or failure to act of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act was clearly contrary to specific provisions of this Ordinance.
- C. The person filing the appeal shall have the burden of proof.
- D. The Board of Appeals shall decide all appeals within 35 business days after the close of the public hearing, and shall issue a written decision on all appeals.
- E. All decisions shall become part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefor, and the appropriate order, relief or denial thereof.
- 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 45 business days from the date of any decision of the Board of Appeals.
- G. The Board of Appeals may reconsider any decision within 30 business days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony.

SECTION 9. REVISIONS TO AN APPROVED PLAN

- 9.1. The Planning Board shall review and may approve a proposed change to any permit which it has issued in accordance with this Article, which involves any of the following conditions.
 - An increase in the number or footprint area of buildings on the site;
 - An increase in the area of impervious surface on the site;
 - An increase in storage capacity or use of toxic, flammable, combustible or hazardous substances;
 - A change to stormwater management or phosphorous control designs;
 - Changes to proposed screening or vegetative buffers;
 - The addition of activities or change in design which could increase noise levels;
 - A change of use of the property to a use which will generate a higher traffic demand; or
 - A change in location or design of any infrastructure that will be used by the general public, including but not limited to parking areas, driveway entrances, streetlights, roads, or sidewalks.

The board may follow notice and meeting requirements if it determines the change to be significant.

- 9.2. The Code Enforcement Officer shall review and may approve revisions to permits issued by him or her under section 5.2, above, and to Planning Board-issued permits that do not meet the criteria cited above.
- 9.3. If the Code Enforcement Officer reviews a change to a Planning Board-issued permit, he or she shall make a written record of the action and transmit the record to the chairman of the Planning Board for the file.
- 9.4. Review of proposed revisions shall be limited to the impacts of the proposed changes and shall not encompass nor burden the original approval.

SECTION 10 ENFORCEMENT AND PENALTIES

10.1. VIOLATIONS

- A. It shall be a violation of this ordinance to engage in any development activity, including, but not limited to, earth-moving, road-building, construction or occupancy of buildings or structures subject to this ordinance, without first obtaining a permit.
- B. It shall be a violation of this ordinance to engage in activities subject to a permit except in accordance with the plan submitted and terms and conditions of approval. Any changes to the site plan or development must be approved in accordance with the procedures in Section 9 of this article.

10.2. CODE ENFORCMENT OFFICER AUTHORITY

The Code Enforcement Officer shall keep a record of all enforcement actions and shall institute or cause to be instituted in the name of the Town any actions that might be appropriate for the enforcement of this Ordinance., including the use of administrative consent agreements.

10.3. PENALTIES

Any person, including but not limited to a landowner, landowner's agent, or contractor, who is responsible for a violation of this Ordinance is liable for the penalties in Title 30-A , MRSA, Section 4452.

Article 5: Review Criteria

An applicant for a non-residential development permit shall demonstrate that the proposed use or project meets the review criteria listed below. The Planning Board shall not approve an application unless it makes written findings that all of these criteria and corresponding standards in Articles 6 and 7 have been met.

- i. The application is complete and applicable review fee has been paid.
- ii. The proposal conforms to all the applicable provisions of this Ordinance.
- iii. The proposed activity will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that an unsound or unhealthy condition results.
- iv. The proposed activity will not have an adverse impact on freshwater wetlands or on any water body such as a lake, pond or stream.
- v. The proposed activity will provide for adequate storm water management.
- vi. The proposed activity will provide for adequate sewage disposal.
- vii. The proposed activity will not adversely impact any floodplain areas and will conform to applicable requirements of the Town of Belgrade Floodplain Management Ordinance.
- viii. The proposed activity will not result in air or water pollution.
- ix. The proposed activity has sufficient water available for the current and foreseeable needs of the development.
- x. The proposed activity will not, along or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.
- xi. The proposed activity will dispose of all solid waste in conformance with all local regulations and that the type and quantity of waste proposed to be sent to Town facilities will not exceed their capacity.
- xii. The applicant has sufficient right, title, or interest to undertake the development.
- xiii. The proposed activity will not have a significant detrimental effect on adjacent land uses or other properties, that might be affected by waste, noise, glare, fumes, smoke, dust, odors or their effects.

- xiv. The proposed activity will not have a significant detrimental effect on adjacent land uses or other properties, that might be affected by waste, noise, glare, fumes, smoke, dust, odors or their effects.
- xv. The proposed activity will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of highways or roads existing or proposed.
- xvi. The proposed activity to the maximum extent possible will not have an adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the Town of Belgrade, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
- xvii. The proposed activity shall conform to all the applicable requirements of the Town's Shoreland Zoning Ordinance, Minimum Lot Size Ordinance and all other local Ordinances.
- xviii. The proposed activity provides safe and adequate parking.

Article 6: Development Standards Generally

SECTION 1. AIR QUALITY

- A. No development is permitted which will cause emissions of dust, ash, smoke or other particulate matter likely to damage human or animal health, vegetation, or property, by reason of concentration or toxicity. Evidence that relevant state and federal regulatory requirements have been met shall be considered sufficient to meet this standard. This shall be considered sufficient to meet this standard. This shall not be construed to regulate dust or odors generated by agricultural practices conducted using accepted Best Management Practices. (BMP)

SECTION 2. ACCESS TO PUBLIC STREETS

A. Access to Town Ways

- 1. The number of access points shall be the minimum necessary to assure safe and proper vehicular access to the site. As a general rule, no more than two access points onto any single road will be allowed. Where more than one road abuts the development site, the Planning Board may require the developer to access the site from the road with less potential for congestion and traffic hazard.
- 2. All streets which can be expected to carry traffic to and from the development shall have sufficient capacity or be suitably improved to accommodate the amount and types of traffic generated by the development. No development shall increase the

volume to capacity ratio of any street above 0.8 nor reduce Level of Service to “D” or below on any street.

3. The developer shall plan or install direct access to adjoining properties with compatible uses where it will serve to reduce demand for vehicular movement on public roads.
4. In order to provide adequate visibility, all access points shall be kept free from visual obstructions, including signs, within a triangular area defined by legs of 25 feet measured along the driveway and street lines.
5. All access points shall be located to provide minimum sight distance of ten (10) feet for each mile per hour of posted speed limit in both directions. If the road does not have a posted speed limit, the minimum sight distance shall be three hundred fifty (350) feet outside of a village area, two hundred fifty (250) feet inside of a village area. Sight distance is measured from a point ten (10) feet behind the edge of the traveled way, with the height of the eye at 3.5 feet, to the top of an object 4.5 feet above the street surface.
6. Access points shall be of a design and have sufficient capacity to avoid the stopping and standing of vehicles attempting to enter the development from the street. Where necessary to ensure safety of drivers and pedestrians and to avoid congestion, the developer shall install turning lanes, traffic directional islands, frontage roads, signalization, or other traffic controls within public streets. All such installations shall conform to standards in the *Manual on Uniform Traffic Control devices* published by the American Traffic Safety Services Association.
7. Access points shall be designed and constructed to a standard consistent with their estimated volume as follows:
 - Low Volume:* Peak hour volume of six (6) or fewer vehicles
 - Medium Volume:* Any access that is not a low volume or high volume
 - High Volume:* Peak hour volume of one hundred (100) or more vehicles

a. Design Criteria

All portions of an access point within the right- of- way of the street shall be paved with a bituminous concrete pavement. Paving shall consist of a minimum thickness of three (3) inches of bituminous concrete over a compacted subbase of gravel of at least 24 inches in thickness.

All access points entering a curbed street shall be curbed to the full radius of the access point to a minimum distance of fifty (50) feet back from the edge of the existing curb line.

All access points shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 75 degrees.

The curb radius for two- way access points shall be at least 20 feet. The curb radius for one- way access points or access points with median islands shall be between five and 10 feet on the inside corner and at least 30 feet on the outside corner.

The width of a low volume access point shall be not exceed 20 feet (exclusive of curb radius). The width of a medium or high volume driveway may be between 20 and 26 feet (exclusive of curb radius); for entrances with a median island, the width shall apply to each side. Where truck traffic is a major element, the width may be increased to 30 feet. The width of individual, “right turn only” channels shall be no more than 20 feet.

From the edge of the traveled way, the access point should not exceed a grade of 2 percent for a minimum of 40 feet, or, where a traffic study has been done, for the full distance of the predicted queue of vehicles at the peak hour.

Medians or channelization island(s) are required for high volume access points and may also be required for medium volume access points at the discretion of the Planning Board. Median islands shall be between 6 feet and 10 feet in width and shall create a throat (entry lane) of adequate length based on the traffic study, but in no case less than 60 feet. All islands shall be curbed with sloped curbing, with proper signs installed to direct traffic.

b. Spacing Standards

No low or medium volume access point shall be located within one hundred (100) feet of any street intersection. No high volume access point shall be within two hundred fifty (250) feet of any intersection. Distance shall be measured from the point of tangency from the intersection curb radius to the point of tangency for the access point curb radius.

The minimum separation distance between two low volume access points or a low- and a medium- volume access point is fifty (50) feet. The minimum separation distance between two medium volume access points or a high- and a medium- volume access point is seventy- five (75) feet. The minimum separation distance between two high volume access points is one hundred fifty (150) feet.

No access point shall be located within ten (10) feet of a property line.

- c. Any access point which intersects an existing or planned sidewalk(s) shall incorporate ramped access curbing in accordance with the Americans with Disabilities Act.

B. Access to State Roads

State Roads in Belgrade include Route 27, Route 8, Route 11, Route 135, and the Castle Island Road.

1. When the development will access a state road, the applicant will provide a copy of the Entrance Permit or Access Permit from Maine DOT as evidence of meeting this criterion.

If the Maine DOT requires a Traffic Movement Permit, the applicant shall provide copies of any traffic engineering studies or plans required under that permit.

2. The planning board is authorized to impose additional requirements on the development if it identifies deficiencies or issues with traffic flow or safety not addressed by the Maine DOT.

SECTION 3 EROSION CONTROL

- A. All soil disturbance must be conducted in a manner which avoids sediment leaving the property. Development must employ best management practices (BMPs) for erosion control unless the applicant can demonstrate that the nature of the site poses very little risk of erosion. Erosion of soil and sedimentation of watercourses, including intermittent drainage swales, wetlands, and waterbodies shall be managed in accordance with an Erosion Control Plan conforming to *Maine Erosion & Sediment Control Best Management Practices* (Maine DEP, 2003 or as revised).
- B. All erosion controls must be inspected and repaired every week and before and after any significant rainfall events (0.5 inches or greater).
- C. After September 15, or if construction activities are to be suspended for more than 30 business days, additional stabilization measures must be installed which include seeding, and mulching (including securing of mulch), and water diversions necessary to minimize on site drainage contribution to erosion.
- D. The use of low-impact development practices, such as bio-retention and porous pavement surfaces, is highly encouraged.
- E. All contractors engaged in soil disturbance must be certified in Basic and Advanced Erosion Control Practices by Maine DEP.

SECTION 4. HISTORIC AND ARCHEOLOGICAL RESOURCES

If any portion of the site has been identified, or is found to contain historic or archaeological resources, the development plan shall include appropriate measures for protecting these resources, including, but not limited to, modification of the proposed building and site layout and design.

SECTION 5. MATERIALS STORAGE

- A. Outdoor storage areas, external machinery, and areas used for the storage or collection of motor vehicles, parts, metals or articles of salvage or refuse must have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets.

- B. All dumpsters or similar large collection receptacles for trash or other wastes must be located on level surfaces which are paved or graveled. Where the dumpster or receptacle is located in a yard which abuts a residential or institutional use or a public street, it must be screened by fencing or landscaping.
- C. Where a potential safety hazard to children is recognized by the planning board, a fence or other physical barrier sufficient to deter small children from entering the area shall be provided and maintained in good condition.
- D. No bulk storage of flammable, combustible, or explosive liquids, solids, or gases shall be permitted unless storage facilities are located at least seventy- five (75) feet from any property line if above- ground, or forty (40) feet if underground. All materials shall be stored in compliance with requirements of the Maine Department of Public Safety, Maine DEP, and other appropriate Federal, State, and local regulations. Propane gas tanks in two hundred (200) pound cylinders or smaller and heating fuel tanks of 330 gallons or smaller are not considered bulk storage for the purpose of these standards except where three or more are aggregated.
- E. All above- ground storage facilities for toxic, flammable, combustible, or explosive liquids shall be located on impervious surfaces and shall be completely enclosed by a dike high enough to contain the total capacity of the storage tank(s) plus the rain falling into the area during a twenty- five (25) year, 24- hour duration storm, or 150 percent of the volume of the storage facility, whichever is greater.
- F. All development proposing to store petroleum or which will use, store, or generate hazardous substances or waste, including waste oil, shall have demonstrated compliance with the siting, construction, and operating requirements of Maine DEP regulations governing Siting of Oil Storage Facilities (Chapter 692) or Siting of Facilities that pose a Significant Threat to Drinking Water (Chapter 700). This requirement applies, but is not limited, to above- and under-ground oil storage tanks and well as automobile maintenance and repair facilities, auto graveyards, dry cleaners, metal finishing facilities, and commercial hazardous waste processors. A copy of a Maine DEP variance to these requirements or letter indicating that they do not apply, will be accepted by the planning board to meet this standard.

SECTION 6. NATURAL RESOURCE PROTECTION

- A. Natural and Scenic Features
 - 1. Site development shall minimize, disturbance of natural features. This shall be done by designating on the site plan the limits on development- related clearing. Outside of the limits, there shall be no tree removal, water channelization, soil disturbance, or grading and filling.
 - 2. Any development to be placed on a lakeshore or a hilltop may be required to prepare a visual impact assessment to provide evidence that it will not significantly impact the quality of Belgrade's scenic resource.

B. Habitat Protection

1. If any portion of the parcel has been identified as a critical natural area, or as containing threatened or endangered species of plants and animals, the subject areas shall be located outside of the clearing limits. The Planning Board shall require the use of maps and data from the Maine Beginning with Habitat Program and may require a mitigation or management plan to be reviewed by the Maine Department of Inland Fisheries and Wildlife (IFW) or Natural Areas Program of the Department of Conservation as appropriate.
2. If any portion of the area to be developed includes areas mapped by the Maine IFW as Deer Wintering Areas, the developer shall consult with the Department on means to limit the impact of the development on the habitat, and incorporate those recommendations into the development plan insofar as practicable.
3. If any portion of the area to be developed includes wetland, as determined by the Town of Belgrade, The Maine DEP, or a certified soil scientist, the developer shall avoid, minimize, and mitigate impacts on the wetland both during and after construction.

SECTION 7. NOISE

- A. The maximum permissible noise from any continuous, regular, or frequent source of sound within a development shall be no more than 60 decibels between the hours of 7AM to 9:30 PM, and 45 decibels at other times, as measured at the property line, including lakeshores. These levels specified may be exceeded by 10dB for no more than 15 minutes per day.
- B. The applicant shall identify any activities which are likely to generate sound in excess of these standards and propose measures for buffering or modifying the sound. The board may require a monitoring and reporting program as a condition of approval.
- C. Noise shall be measured by a meter set on the A- weighted response scale, slow response. The meter shall meet the American National Standards Institute (ANSI S1.4-1961)"Specification for General Purpose Sound Level Meters". Sound levels shall be measured at least 4 feet above ground at the property boundary.
- D. Sounds emanating from safety signals, warning devices, emergency pressure relief valves, and other emergency or public safety devices are exempt from these provisions.
- E. On sites abutting a residential use, development construction shall be staged so that exterior activities are not conducted between the hours of 9:30 PM and 7 AM. The Planning Board may require additional measures for noise suppression.

SECTION 8 EXTERIOR LIGHTING:

Lighting may be used which serves security, safety and operational needs but which does not directly or indirectly produce deleterious effects on abutting properties or which would impair

the vision of a vehicle operator on adjacent roadways. In order to demonstrate compliance, the applicant may be required to produce a lighting plan for the development.

- A. Lighting fixtures must be shielded or hooded and downward facing so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings and so that they do not unnecessarily light the night sky. Direct or indirect illumination must not exceed 0.5 foot-candles upon abutting properties.
- B. Exterior lighting, except security lighting, should be turned off between 10 P.M. and 6 A.M. unless located on the site of a use which is open for business during that period.
- C. Building facades may be illuminated with soft lighting of low intensity that does not draw inordinate attention to the building. The light source for the building facade must be concealed, whenever possible. Building entrances may be illuminated using recessed lighting in overhangs and soffits, or by use of spotlighting focused on the building entrances with the light source concealed (e.g., in landscaped areas). Direct lighting of limited exterior building areas is permitted when necessary for security purposes.

SECTION 9. PARKING

No new or expanded development shall be permitted unless off street parking is provided in accordance with the following provisions.

1. Parking Lot Design Criteria

1. Setbacks from Lot Lines

All parking spaces and aisles shall be at least five (5) feet from any side or rear lot line. This shall not be construed to eliminate the requirement for screening, Subsection 10, below. Parking spaces will not be located within the right-of-way of the public road.

2. Interior Circulation

- a. The entry to the development shall be designed to allow continuous and uninterrupted traffic movement on the public road, through the provision of adequate throat length, deceleration lanes, or other measures.
- b. For parking lots exceeding one hundred (100) spaces, islands containing guardrails, curbs, fences, walls, bio-remediation, or landscaping shall be used to divide the lot into smaller units for the purpose of restricting driving movements diagonally across parking aisles and channeling stormwater flows. Islands shall be designed and placed so as not impede views of pedestrians and vehicles.
- c. No parking spaces shall be directly accessible from the public road, nor shall motorists be required to use the public road to enter or exit a space. All spaces shall be accessible from an aisle without the necessity of moving other vehicles.

- d. Parking aisles should be oriented perpendicular to stores or businesses for safer pedestrian access and visibility.
- e. Any layout that utilizes vehicular access service (“drive- up”) windows shall provide a minimum of five car lengths of queuing space on the incoming side of the primary window. The required queuing space shall be designed so that it does not interfere with parking and circulation on the remainder of the site.

3. Layout of Parking Stalls and Aisles

- a. Parking spaces shall be a minimum of nine (9) feet in width by eighteen (18) feet in length. Spaces designated for handicapped use shall be a minimum of twelve (12) feet in width by eighteen (18) feet in length and marked appropriately. Spaces may be angled, provided aisles are designated one- way, and each stall contains the minimum rectangular dimensions. Stalls for parallel parking shall be no less than nine (9) feet in width by twenty- two (22) feet in length.
- b. In paved lots, the planning board may require painted stripes to delineate parking spaces. If required, stripes should be a minimum of four (4) inches in width. Where double lines are used, they should be separated a minimum of twelve (12) inches on center.
- c. Two- way aisles shall be a minimum of twenty- two (22) feet in width. One- way aisles shall be a minimum of sixteen (16) feet in width.
- d. Bumpers or wheel stops shall be provided where improperly parked cars might restrict traffic flow or pedestrian movement on adjacent walkways or damage landscape materials.
- e. Oversized parking spaces may be designated in areas that ordinarily serve such vehicles as recreational vehicles, travel trailers, delivery trucks or tractor- trailer trucks.

4. Standards for Number of Parking Spaces.

a. Basic Requirement for Parking Spaces

Adequate off- street parking shall be provided by the developer. The table below provides the basic standard required parking proposed land users, subject to adjustments in Subsection 5, following. For uses not listed, the publication *Parking Generations* (ITE, 1999 or most recent edition) shall be consulted. Within each development, at least one space, plus one additional space for every twenty- five (25) required, shall be designated as available for handicapped persons:

# of Spaces	Land Use Activity
Places of Residence or Accommodation- spaces per room or dwelling unit	
1/3	Dedicated Retirement Home, Nursing Care Facility
1	Overnight Accommodations
Places of Public Assembly- spaces per seat based on maximum seating capacity	
1/4	Theater, with fixed seating
1/3	Church
1/2	Restaurant (except snack bars), Convention Center, Meeting Hall, Grange, Bottle Club
Places of Commerce and Industry- spaces per 1,000 sq ft of gross floor area	
1	Warehousing, Inside sales of Motor Vehicles
1 ½	Industrial and Manufacturing Facilities, wholesaling
3	Grocery Stores over 5,000 sq.ft. Offices, professional and personal services, except as noted
3.5	Retail Sales except as noted
5	Banks, Medical and Dental Offices, Fitness Clubs, Child Care, snack bars
Public and Institutional Facilities- spaces per 1,000 sq.ft. of gross floor area	
2	Elementary Schools
4	Secondary School (classroom area only), Community Center, Municipal Office
5	College, Hospital
Miscellaneous- criteria as specified	
1 per 1,000 sf	Industrial and Manufacturing Facilities, wholesaling
1 per 4 seats, based on max seating capacity	Stadiums, Arenas, Racetracks, and other spectator sport venues
3 per hole	Golf course (clubhouse/restaurant calculated separately)
30 per acre	Mini-golf, Go-Carts, and other Outdoor Amusements
5 per lane	Bowling Alley
3 per service bay + 1 per 10 vehicles displayed	Motor Vehicle Sales and Service

5. Flexibility in Standards: The planning board is permitted to modify these standards as minimum requirements, under the following circumstances:

- a. By up to 10 percent, based upon a showing that similar uses under similar circumstances generate greater or less demand.
- b. In the Belgrade Lakes Village, as designated in the Belgrade Comprehensive Plan, the board may allow any use to meet its parking requirement through contributions to the development and maintenance of a municipal or public parking lot proportionate to the number of parking spaces that would be required. Alternatively, the Board may reduce the required parking by up to 30 percent, upon the condition that off- street parking not be restricted to patrons/tenants of the development.
- c. The following specified uses, because their peak hour/day varies from conventional parking demand, may meet up to 50 percent of their parking requirement through a shared- use agreement with another use: churches, clubs, restaurants, theaters, sports facilities.
- d. A development may include as a portion of its parking requirement the provision of parking spaces not located on the same lot provided a) that the spaces are located within 250 feet of the property, b) that a written agreement is in place for long- term use of the spaces, and c) that the spaces would not be among the minimum required for the use already existing on that lot.
- e. The provision of spaces for vehicles used in the ordinary conduct of the business, such as construction vehicles, tractor- trailers, and vehicles displayed for sale, shall not be included in the above calculations.
- f. The planning board may waive the installation of parking spaces provided that adequate provision is made for the development of these spaces as needed in the future, specified by conditions of the permit. Such conditions may require permanent set- aside of adequate space, and provision of construction plans along with specified conditions under which the installation will be triggered.

6. Impact on Physical and Environmental Resources.

- a. Parking lots shall not be excessively large, nor contain an impervious area more than 25 percent greater than the minimum set by these standards.
- b. The planning board may require the use of pervious pavement in order to aid in managing stormwater runoff from parking lots. Pervious pavement shall only be installed by a contractor certified in such installations and shall be installed and maintained according to the manufacturer's instructions.

7. Mixed Uses: Any portion of a building or lot with a use that is distinct from a principal use identified on the table above shall be considered as a separate use for the

purpose of calculating spaces, if it exceeds in area or seating capacity 25 percent of the overall extent of the development. If a mixed use consists of any residential use combined with any non-residential use, the planning board may waive or modify space requirements for the residential use to the extent that it does not conflict with the peak hour of the commercial use.

8. Loading bays shall be provided as necessary. Loading bays shall be a minimum dimension of twelve (12) feet by fifty- five (55) feet and be designed and delineated so as not to interfere with traffic flow or other parking spaces.

SECTION 10. Public Safety and Emergency Services

- A. Non-residential buildings covering an area of more than ten thousand (10,000) square feet in footprint area shall provide clear access for emergency vehicles on all sides of the building(s). Clear access consists of a minimum of twenty feet of unobstructed width with a surface level and firm enough to support fire equipment. The access shall be considered developed area and not included in any calculations for buffer areas.
- B. At a minimum, the requirements of the editions of NFPA – 1 and NFPA – 101 in use at the time of construction must be met for all construction, alteration, or demolition.
- C. Fire lanes and key box security systems shall be installed and maintained where required. The Fire Chief may require temporary fire lanes and/or building access routes during construction, alteration, or demolition work.
- D. The applicant must submit evidence that proposed fire protection measures are adequate, in the form of a written statement from the Fire Chief that the proposed development will not exceed the capacity of the department to provide adequate protection. The Fire Chief may recommend additional protective improvements, including but not limited to fire ponds, dry hydrants, fire lanes, separation of flammable wastes, or sprinkler systems.
- E. If the development will use or store items that because of their toxicity or flammability would require specialized training or equipment, the developer will be responsible for providing that training or equipment to the fire department.
- F. The development must be designed to provide security consistent with the capacity and practices of Kennebec County Sheriff. The applicant shall provide a written statement from the Sheriff approving any proposed security measures.

SECTION 11. SCREENING OF STRUCTURES, PARKING LOTS, AND OTHER Non-residential USES

A. Screening Standards for Public Roads

The following standards apply to non-residential uses fronting public roads . All non-residential uses shall be separated from a public road by a vegetative screen or buffer. The

screen shall be designed and maintained as follows., except as provided in subsection “C” below for Village areas identified in the 2014 Belgrade Comprehensive Plan:

All buffer areas shall maximize the retention and use of naturally occurring woodland and shrubs, with clearing limited to dead and hazardous trees. The Planning Board may require augmentation of naturally occurring vegetation with plantings to achieve a reasonable screen from public ways if a sufficient density of growth does not already exist.

1. Buffers shall be a minimum of thirty- five (35) feet in depth and extend along the entire frontage of the lot on public ways, except for access points or driveway lanes. The number and width of lanes shall be the minimum necessary to achieve safe and efficient passage of vehicles.
2. On sites which lack a previously established woodland, a planted buffer of a minimum of twenty-five (25) feet in width is required. The buffer shall consist of a mixture of native trees and shrubs. Trees shall be a minimum of 4 ½ feet in height at the time of planting and spaced no more than thirty (30) feet apart, with shrubs and understory trees filling in the gaps. All shrubby planted material shall be at least two(2) feet in height at time of planting and expected to grow to no less than five (5) feet at maturity.
3. From the point at which Route 27 crosses the railroad tracks in Belgrade Depot south to the Sidney town line, the width of the planted buffer may be reduced to twenty (20) feet.
4. A planted vegetative screen shall be completed prior to completion and occupation of buildings and outdoor operating areas. A plan shall be established and provided as part of the permit application for the maintenance of vegetation and replacement of dead vegetation.

B. Screening of Neighboring Properties

Screening of neighboring properties shall be required wherever a proposed non-residential use abuts a residential development, multi-family building or home and is not located within a Village District as shown in the 2014 Belgrade Comprehensive Plan, The Board may require screening in other instances where the Planning Board determines that adjacent uses are incompatible. The buffer shall be designed and maintained as follows:

1. Screening shall consist of a natural (preferred) or artificial visual buffer sufficient to ensure continuous year round screening. Screening shall be sufficient to minimize the impacts of large buildings, vehicle movements, outdoor storage areas, glare and errant lighting, and related non-residential activity. Planted areas shall be maintained and vegetation replaced as necessary within one growing season.
 - a. A fifty (50) foot minimum width will be required if the buffer will consist of natural woodland, provided that the planning board may require supplemental

plantings to achieve an effective visual screen.

Where a buffer must be planted, a twenty- five (25) foot minimum width will be required, consisting of a planting of native coniferous trees established in two or more alternating rows. Trees shall be a minimum of 4.5 feet in height at time of planting and shall be planted no more than twenty-five (25) feet apart.

- b. A planted vegetative screen shall be completed prior to completion and occupation of buildings and outdoor operating areas. A plan shall be established and submitted as part of the permit application for maintenance of vegetation and replacement of dead vegetation.
2. Where no vegetation can be maintained, or due to unusual site conditions, the planning board may approve a screen consisting of fences, walls, berms, or combinations thereof, provided that any structures are placed no closer than five (5) feet to the property line. Artificial screening should be of sufficient height and length to effectively screen buildings, vehicle movements, outdoor storage areas, glare and other non-residential activities from neighbors.

C. Exceptions to Public Road Screening Standards:

1. Within Village areas as depicted in the 2014 Comprehensive Plan, except for that portion of Route 27 between Route 135 and the Sahagian Road, the following screening standards shall apply:
 - a. Parking areas will be provided with screening along public roads consisting of walls, fences, berms, or a solid planted coniferous hedge extending a minimum of thirty-six (36) inches above the grade of the parking lot, or of sufficient height to intercept headlights in the parking area from shining onto the public road.
 - b. Between a non-residential use and the right-of-way of any public road, no less than two (2) existing full size trees per 100 feet of road frontage shall be retained. Full size trees to be retained are those that have or will have a minimum height of 50 feet at maturity. Trees are to be spaced 30 to 50 feet apart such that trees line the entire length of road frontage. Where no or insufficient full size trees exist, native deciduous or coniferous trees shall be planted to meet the above specifications. At planting, trees shall be a minimum of six (6) feet in height. Plantings that fail shall be promptly replaced. As existing road frontage trees die over time, they shall be replaced.

SECTION 12. SIGNS

The purpose of this section is to regulate the nature and location of advertising and informational signs so that they will not endanger the safety of individuals, or confuse,

mislead, or interfere with the travelling public, or otherwise endanger the public health, safety, and welfare.

A. Abandoned Signs

Any free- standing sign which advertises a business conducted, product sold, or activity no longer in existence, or which, through lack of maintenance or other reason, becomes a hazard shall be removed by the owner, agent, or person responsible for the lot upon on which the sign is located.

B. Illuminated Signs

1. Except where provided below, signs shall be illuminated externally only, by lights which are shielded or hooded so that the light source is not a nuisance to traffic or neighboring properties, and does not unnecessarily illuminate the night sky. Lighting shall be constant in color, location, and brightness. Signs shall not give off or reflect at an intensity greater than fifty (50) foot candles as measured one hundred (100) feet from the sign. Illuminated signs shall be turned off between the hours of 10PM and 6AM except when the business is open during those hours
2. Shielded or hooded internally lit signs are permitted only within Village areas identified in the 2014 Belgrade Comprehensive Plan and on US Route 27 southward from its intersection with ME Route 135 to the Sidney town line. Digital variable message signs shall be limited to text messages on a solid color background, and shall otherwise comply with the Maine Traveler Information Services Act (23 MRSA §1914 (11-A) regarding location and duration of change. All internally illuminated signs shall be no brighter than 50 foot candles as measured at 100 feet from the sign, and turned off between the hours of 10 PM and 6 AM except when the business is open during those hours.

D. Sign Area and Placement

1. No more than two signs, which in combination are not more than thirty-two (32) square feet in footprint area in size, shall be permitted per premise.
2. A sign may be placed in the front setback area but may not be located within thirty-three (33) feet of the centerline of a street, except within the village areas identified in the 2014 comprehensive plan.
3. All signs must be mounted on buildings or secured to the ground in such a manner as to prevent them being dislodged by strong winds. Within village areas identified in the comprehensive plan, “sandwich-board” style signs are permitted, but shall not be left outside beyond business hours.
4. Signs in the vicinity of an access point shall be placed so as not to obstruct driver vision.

SECTION 13. STORMWATER MANAGEMENT

- A. Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces.
- B. For any development which will exceed 7,500 square feet in footprint area of impervious surface, the applicant must submit a Stormwater Management Plan. If the disturbed area exceeds 30,000 square feet in footprint area, the plan must be developed by a professional engineer licensed to practice in the State of Maine.
- C. To the extent possible, the plan must retain stormwater on the site using the natural features of the site and must not have adverse impacts on abutting or downstream properties. Phosphorous management practices consistent with Section 15.B of this Article shall be shown on the plan.
- D. Stormwater runoff systems must detain or retain water such that the rate of flow from the site after development does not exceed the predevelopment rate. The applicant must demonstrate that on- and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to, flooding and erosion of shoreland areas, or that he/she will be responsible for whatever improvements are needed to provide the required increase in capacity and/or mitigation.
- E. Any project which requires a Stormwater Management Permit from the Maine Department of Environmental Protection must submit a copy of the approved permit at time of application.
- F. For projects which do not require a DEP Stormwater Management Permit, the use of Low Impact Development techniques, consistent with the publication *Stormwater Management for Maine*, (DEP, January 2006 or as revised) is highly encouraged.
- G. For projects involving structural treatments, a Stormwater Maintenance Agreement must be submitted at the time of application. The SMA must indicate how stormwater facilities will be maintained through the course of their projected life.
- H. The biological and chemical properties of receiving waters must not be degraded by stormwater runoff. The use of oil and grease traps in catch basins, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required.

SECTION 14. WASTES

A. Solid Waste

The development shall provide for the disposal of all solid wastes on a timely basis and in an environmentally safe manner. The development will not produce wastes that exceed the capability of the transfer station, in either volume or type of waste. Any toxic, hazardous, or special waste must be disposed of in compliance with state and federal regulation and in a

manner approved by the Planning Board.

B. Sanitary and Liquid Wastes

1. A completed site evaluation form (HHE- 200) which evidences adequate soil conditions for wastewater disposal shall be a prerequisite to approval.
2. At the time of application, the developer shall specify the amount and exact nature of all industrial or chemical wastes to be generated by the development, and a plan to discharge such wastes only and in such quantities and/or quality as to be able to be accepted into the disposal system or shipped to an approved facility off site. All such plans shall be conformance with applicable State and Federal regulations.

SECTION 15. WATER QUALITY

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quality, toxicity, or temperature that run into or mix with surface or ground waters so as to contaminate, pollute, or degrade such waters with objectionable shore deposits, floating, or submerged debris, oil, scum, color, odor, taste, or unsightliness, or be harmful to human, animal, plant or aquatic life.

A. Groundwater Protection

1. No development will affect groundwater availability beyond the boundaries of the property. The developer shall demonstrate that groundwater will not be diminished in quantity or quality as a result of the project. The planning board may require regular monitoring and reporting as a condition of approval.
 - a. No development shall increase any contaminant concentration in the groundwater to more than one half (1/2) of the Primary Drinking Water Standards, nor to an amount to exceed the Secondary Drinking Water Standards as established by the Maine Dept. of Human Services at the time of the permit issuance.
 - b. If existing groundwater contains contaminants in excess of the primary standards, the applicant shall demonstrate no significant further deterioration. If groundwater contains contaminants in excess of the secondary standards, the development shall not cause the concentration of the parameters in question to exceed one hundred fifty (150) percent of the pre- existing concentration.
 - c. Groundwater withdrawals or alteration of surface recharge characteristics by a proposed development shall not lower the water table beyond the boundaries of the development boundary by increasing runoff or decreasing infiltration.
2. The Planning Board shall require an assessment of the impact of a development on groundwater quality or quantity based on the proposed size or nature of the

development in cases where the development is projected to generate demand of more than two thousand (2,000) gallons per day from groundwater sources. This assessment shall be prepared by a Maine certified hydrologist or registered civil engineer with experience in groundwater, and shall contain at least the following information:

- i. a map showing the basic soil types, and the location of any subsurface wastewater disposal systems and drinking water wells within the development and within three hundred (300) feet of the development boundaries.
 - ii. depth to the water table at representative points throughout the development,
 - iii. data on the existing groundwater quantity and quality, either from test wells or from existing wells on neighboring properties.
 - iv. an evaluation of the effect of the development on groundwater, including a mitigation plan if the assessment shows that the project cannot meet the standard of subsection (1) above.
3. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the site plan submitted. If any measures to reduce groundwater contamination and protect drinking water supplies are proposed, those standards shall be included as a note on the Plan, and as restrictions in the deeds to the affected lots.
4. Within the area identified as Significant Sand and Gravel Aquifer by the Maine Geological Survey, no activity involving the production, use, or storage of hazardous or toxic chemicals or petroleum products shall be conducted except with a Spill Prevention, Control, and Countermeasure Plan developed in accordance with US Environmental Protection Agency regulations at the time of application and approved by the Planning Board

If the development will include a facility for storage of hazardous substances or petroleum, the application must include written documentation from the Maine Department of Environmental Protection that the development will comply with agency rules, chapters 692 and 700, in the form of a variance from the prohibition on location over a significant aquifer or a letter indicating the prohibition does not apply.

5. If the development will provide a public water supply, a source water protection plan will be prepared and submitted to the Planning Board along with documentation that the plan has been approved by the Maine Department of Health and Human Services.

B. Impact on Lake Water Quality

Any new or expanded development within the scope of this ordinance shall be designed to limit the post development phosphorus export consistent with the following standards and

practices.

1. Unless otherwise noted, methods and standards for review under this section will be the DEP manual *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, September 1992, or as revised. (hereinafter referred to as “ Phosphorus Control Method”).
2. Applicability: This section applies to
 - non-residential development resulting in more than 15,000 square feet in footprint area of disturbed area or 7,500 square feet in footprint area of impervious surface when completed.
 - the creation of new roads/driveways in excess of 250 feet.
 - a. Projects which have received approval of a Stormwater Management Permit under the state Maine Stormwater Management Law (38 MRSA § 420- D) shall be considered to comply with the phosphorus control portion of this ordinance.

Unless receiving approval under subsection (a), above, all development shall demonstrate that phosphorous export in stormwater runoff will be limited to the figures listed in the Table below.

TABLE: Water Quality Categories and Phosphorus Export Established for Belgrade Lakes

LAKE	Water Quality Category (Maine DEP)	Permitted Phosphorus Export/Acre in pounds*
Long Pond- North	Moderate-stable good	0.055
Long Pond- South		0.067
Salmon Lake	Moderate-sensitive	0.08
McGrath Pond	Moderate-sensitive	0.049
Messalonskee Lake	<u>Moderate-sensitive</u>	0.068
Great Pond	Moderate- sensitive	0.088
Hamilton Pond*	Moderate-sensitive	0.055
Stuart Pond*	Moderate-sensitive	0.055
Chamberlain Pond*	Moderate-sensitive	0.024
Penney Pond*	Moderate-sensitive	0.071
Joe Pond*	Moderate-sensitive	0.033
Wellman Pond*	Moderate-sensitive	0.049

- * Within the starred watersheds, if a proposed development will cover more than five acres within these watersheds, the allowable phosphorus export per acre must be adjusted using Appendix F of the DEP manual *Phosphorus Control in Lake Watershed: A Technical Guide for Evaluating New Development*, (September 1992 or as revised).

watershed and estimated phosphorus load of developments approved under this ordinance.

5. This Ordinance provides for two options in controlling phosphorous export from development as follows:

- a. Simplified Phosphorous Method. This method shall apply to non-residential developments which result in total disturbed area of 30,000 square feet in footprint area or less, including building, parking, driveway, lawn, subsurface wastewater disposal systems, and infiltration areas and new or upgraded roads and streets not exceeding three hundred fifty (350) linear feet.

The simplified phosphorous method requires the provision of a permanent, vegetative buffer located downhill from the developed portion of the lot(s) as provided below. Natural buffers must be left in place down gradient of developed areas such that runoff from as much of the lot's buildings, driveway, parking and lawn area as possible drain to the buffer in overland, unchannelized flow. The width (length of fall line through the buffer) of these buffer areas should be as follows:

If the watershed phosphorous budget is 0.05 lb/acre/yr or less (McGrath Pond, Chamberlain Pond, Joe Pond, Wellman Pond)

Wooded buffer= 75 feet

Non- wooded buffer- 125 feet

If the watershed phosphorous budget is greater than 0.05 lb/acre/yr

Wooded buffer= 50 feet

Non- wooded buffer= 100 feet

Buffers must be clearly identified on the site plan and will be maintained in accordance with the DEP Phosphorous Control standards through a maintenance agreement, deed covenant restriction and/or conservation easement

Driveways and parking areas must be designed and constructed using best management practices such as swales, ditch turnouts, water bars, broad based drainage dips, and proper grading of gravel drives to prevent runoff from concentrating in the driveway and to divert it into buffer areas as quickly as feasible. Roof runoff must be distributed over stable, well vegetated areas or be infiltrated into the soil using dry wells or other infiltration systems constructed using Best Management Practices.

- b. Development which exceeds the thresholds of the "Simplified Phosphorous Method" above shall be designed by a licensed professional engineer using the procedures and standards in the DEP manual *Phosphorus Control in Lake*

Watershed: A technical Guide for Evaluating New Development (September 1992, or as revised) to demonstrate that the development will not produce phosphorous in excess of the Permitted Phosphorous Export in the Table in subsection 4 above.

6. Where the planning board finds that, due to unavoidable features or the unique nature of the development, the Phosphorous Control Method does not contain adequate or relevant design standards to meet the intent of this section, the board may require alternative phosphorous control measures to the extent it deems feasible.

7. Phosphorous Export from New Roads:

For new or significantly upgraded permanent roads longer than 500 feet and not otherwise covered by phosphorus control standards of this ordinance, the following standards shall apply.

- a. Roads and ditches must be designed and constructed so that a) runoff is quickly shed to protected buffer areas and b) disruption of natural drainage patterns is minimized .
 - b. BMP's such as swales, ditch turnouts, water bars, broad based drainage dips, and proper grading of gravel drives and roads should be used to prevent runoff from concentrating in the road and to get it into buffer areas as quickly and feasible.
 - c. All new roads must be constructed and maintained using Maine Erosion and Sediment Control BMP's (Maine DEP, May 1992 or as revised).
8. Maintenance and Use Restrictions for Phosphorus Control Measures Provisions for monitoring, inspections, and maintenance of phosphorus control measures, including buffer strips and infiltration systems shall be established according to *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development* (Maine DEP, September, 1992 or as revised).

Article 7: Development Standards for Specific Activities

SECTION 1. MINERAL EXTRACTION AND PROCESSING OPERATIONS

Prior to land clearing and development, new mineral extraction and processing operations shall submit a full application for Planning Board approval in accordance with Article 4, Section 5, including for the addition of a material processing operation to an existing mineral extraction site. New operations shall meet the review criteria and standards in Articles 5 and 6 as well as those in this section. Existing mineral extraction operations are only required to obtain a permit from the Planning Board in accordance with the requirements outlined below in this section.

A. Special Permit Requirements

Because of the constantly-expanding nature of mineral extraction, all commercial development permits for this use will expire after five (5) years from the date of the Planning Board's prior approval. . Five-year renewals will be reviewed using the procedures of Article 4, Section 9 of this Ordinance "Revisions to an Approved Plan."

B. Supplemental Application Requirements for extraction operations

1. The site plan shall include the following features:
 - a. topography with contour intervals no greater than ten (10) foot, based on USGS data;
 - b. the location and slope of grades existing and proposed upon completion of the extraction operation;
 - c. proposed petroleum storage and equipment fueling areas, fencing, buffer strips, signs, lighting, parking and loading areas, entrances and exits.
2. A written statement of the proposed operating procedure and working hours.
3. A five- year plan, showing new areas to be mined, and old areas to be reclaimed, together with estimates of volumes to be extracted, and detailed plans for reclamation of completed excavation.
4. The planning board may require a hydrogeologic study to determine the effects of the proposed activity on groundwater movement and quality in the vicinity;

C. Development Standards

1. No part of any extraction or processing operation shall be permitted within fifty (50) feet of a public road or any property boundary where the abutting property is not owned by the operator unless agreed to in writing by the abutting land owner. Drainage ways to reduce run- off into or from the extraction area may be allowed provided suitable erosion control measures are in place. Natural vegetation shall be left and maintained on the undisturbed land.
2. No slopes steeper than 2 feet horizontal to 1 foot vertical (2:1) shall be permitted at any extraction site unless provisions are made to limit access to such locations.
3. The sides and bottom of cuts, fills, channels, and artificial water courses shall be constructed and stabilized to prevent erosion or failure. Such structures are to be designed and built according to accepted Best Management Practices for erosion control.
4. Lagooning shall be conducted in such a manner as to avoid creation of fish trap conditions. The developer shall obtain written approval from the Maine Department of Environmental Protection, and/or the Department of Inland Fisheries and Wildlife, as applicable.
5. The hours of operation shall be limited, if necessary to ensure compatibility with neighboring residences.
6. All driveways from the site to public roads shall be treated with suitable materials to reduce dust and mud for a distance of at least one hundred (100) feet back from such public roads.
7. The reclamation plan shall show that within twelve (12) months following the completion of extraction or processing operations at a site, ground levels and grades shall be established so that the restored drainage exits the site resembling pre- development volumes and locations. "Completion" means when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period.
8. Topsoil removed during the extraction operation will be stockpiled on the site and used during reclamation. Debris, stumps, boulders, and similar materials shall be removed and disposed of on the property in an approved location, or, in the case of inorganic material, buried and covered with a minimum of two (2) feet of soil. Only materials generated on- site may be buried or covered.
9. Final slopes shall not exceed two feet horizontal to one vertical (2:1). All areas shall be properly restored to a stable condition adequate to meet the provisions of the Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, published by the Cumberland County Soil and Water Conservation District, 1991, or most recent edition. Any temporary shelters or structures erected for operations and equipment shall be removed within thirty (30) business days following completion of extraction operations.
10. All stationary petroleum storage tanks and fueling areas shall be constructed and operated in accordance with Maine Department of Environmental Protection Standards

in Chapter 378 of the Department's regulations for petroleum storage associated with aggregate mining operations.

SECTION 2 OVERNIGHT ACCOMMODATIONS

- A. Hotels, motels, rental cottages, and inns designed and constructed without individual kitchen facilities (except for Bed and Breakfast) are subject to the following requirements:
 - 1. Except within the village areas identified in the 2014 Belgrade Comprehensive Plan, no part of any building shall be closer than fifty (50) feet to the front lot line, rear lot line, or either side line of such lot.
 - 2. Each rental room shall be equipped with an approved, hardwired smoke detector and carbon monoxide detector.
- B. Bed & Breakfast facilities shall comply with the standards of Article 6 and the following:
 - 1. The application for permit shall include a scale drawing of the lot showing the location of: existing buildings, existing and proposed parking, and existing and proposed sewage disposal systems.
 - 2. In addition to parking required by Section 6.9 of this Ordinance, two spaces shall be provided for the owners or operators of the business.
 - 3. There shall be at least one bathroom provided for the rental rooms, in addition to the bathroom for the dwelling unit.
 - 4. Each rental room shall be equipped with an approved, hardwired smoke detector.
- C. Hotel, motel, or cottage units with self-contained kitchen and toilet facilities otherwise designed as housekeeping accommodations are considered to be dwelling units and may be subject to review under the Town of Belgrade Subdivision Ordinance.

SECTION 3 TELECOMMUNICATIONS TOWERS

Telecommunication towers shall comply with the standards of Article 6 as well as the following:

- A. Location

Consideration shall be given to serving new communication service demands by use of existing towers (co-location) wherever practicable. Applicants for permits for new facilities shall demonstrate why location on an existing tower is not feasible. The planning board may require space on proposed towers for co-location of other services, if feasible.
- B. Design and Construction
 - 1. No tower shall exceed 195 feet in height, as measured from the tip to the ground surface, including extensions and attachments.

2. New towers shall be of a monopole design.
3. A new or expanded tower shall be placed on a lot owned by the operator of the facility or leased for a period of not less than ten (10) years, and shall be set back from all lot lines a minimum horizontal distance equivalent to the height of the tower, but in no case less than required setbacks for the district in which it is located.
4. New towers shall be constructed with materials and colors that match or blend in with the surrounding natural or built environment to the maximum extent practicable. The planning board may require a visual impact assessment as provided in Article 6, section 6.A of this ordinance.
5. All towers and supporting structures must comply with structural standards established by the Electronic Industries Association/Telecommunication Industries Association. Compliance with these standards shall be certified by a registered professional engineer.
6. Any communication tower that is unused or out of service for a period of eighteen (18) continuous months shall be considered abandoned and shall be removed as soon as practicable. The Town of Belgrade is hereby authorized to contract removal of the tower and assess the cost of said removal as a lien against the property.

SECTION 4 WIND ENERGY FACILITIES

Wind Energy Facilities shall comply with the standards of Article 6 as well as the following:

A. Design and Construction

1. Wind turbines shall be set back a horizontal distance equivalent to 150% of the turbine's height from property boundaries, public and private rights-of-way and overhead utility lines that are not part of the proposed generating facility.
2. Each wind turbine shall be equipped with an over speed control system that: 1) includes both an aerodynamic control such as stall regulation, variable blade pitch, or other similar system, and a mechanical brake that operates in fail safe mode; or 2) has been designed by the manufacturer or a licensed civil engineer
3. All ground-mounted electrical and control equipment and all access doors to a wind turbine shall be labeled and secured to prevent unauthorized access. A wind tower shall not be climbable up to a minimum of fifteen (15) feet above ground surface.
4. The minimum distance between the ground and all blades of a horizontal axis wind turbine shall be 25 feet as measured at the lowest arc of the blades.

5. With the exception of Meteorological (MET) Towers, towers shall be monopoles with no guy wires. This requirement may be waived if the applicant demonstrates to the satisfaction of the Town that there is no practicable alternative. Bird flight diverters must be installed on any guy wires that are permitted.
6. Any wind energy tower that is unused or out of service for a period of eighteen (18) continuous months shall be considered abandoned and shall be removed as soon as practicable. The Town of Belgrade is hereby authorized to contract removal of the tower and assess the cost of said removal as a lien against the property.

B. Environmental Standards

1. A wind energy facility shall not have an unreasonable adverse effect on rare, threatened, or endangered wildlife, significant wildlife habitat, rare, threatened or endangered plants and rare and exemplary plant communities. The planning board may ask for additional study and analysis of the impact of the facility on wildlife movements and migrations.
2. To the extent practicable, the creation of artificial habitat for raptors or raptor prey shall be minimized. In making its determination under this subsection the planning board shall consider comments and recommendations, if any, provided by the Maine Department of Inland Fisheries and Wildlife.
3. Each wind turbine shall be located to maximize the effectiveness of existing vegetation, structures and topographic features in screening views of the wind turbine from occupied buildings and scenic resources.
4. If a turbine tower will exceed 100 feet in height, the developer shall provide a visual impact assessment that will allow the planning board to determine whether the facility would have an adverse effect on scenic views from lakes or public places within the municipality.
5. Wind energy facilities shall be designed to avoid unreasonable adverse shadow flicker effect at any occupied building located on an abutting landowner's property.

C. Impact on Public Services

1. The Applicant shall identify all state and local public roads to be used within the Town to transport equipment and parts for construction, operation or maintenance. Any road damage caused by the Applicant or its contractors shall be promptly repaired at the Applicant's expense. The Town shall engage a qualified third-party engineer reasonably acceptable to the Applicant and paid for by the Applicant, who shall document road conditions prior to construction.

2. The Applicant shall cooperate with emergency service providers to develop and coordinate implementation of an emergency response plan.
3. A wind turbine shall be equipped with an appropriate fire suppression system to address fires within the nacelle portion of the turbine or shall otherwise address the issue of fire safety to the satisfaction of the Town.

D. Liability Insurance

The operator of the facility shall maintain a current general liability policy for the wind energy facility that covers bodily injury and property damage with limits in an amount commensurate with the scope and scale of the facility. The Applicant or its designee shall make certificates of insurance available to the Town.

Article 8: Definitions

The following words and phrases, as used in this ordinance, have the meanings specified below. Any words not defined below are assumed to have their normal dictionary meaning.

Abutter: Any lot which is physically contiguous with the lot in question even if only at a point and any lot which is located directly across the public or private street from the lot in question.

Accessory building, accessory structure or use: A detached, subordinate building or structure, the use of which is clearly incidental and related to that of the principal building or structure and which is located on the same lot as that of the principal building, structure or use.

Adult Business: Any commercial enterprise, including but not limited to bookstores, amusement centers, and theaters, which as a substantial or significant portion of its enterprise rents, sells, or keeps for display books, videos, motion pictures or any other form of representation of sexually explicit material or activities. Sexually explicit means the depiction of display of human sex organs.

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 (Agricultural Production): 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 ornamentals and green house products.

Applicant: A person, group of people, business or corporation applying for a permit under this Ordinance.

Authorized agent: A person having written authorization to act on behalf of an applicant, signed by the person with legal interest in the property.

Belgrade Lakes Village (*also* all “village areas”): An area described in the Town of Belgrade Comprehensive Plan and depicted in the Land Use Map as part of that plan.

Building: Any structure having a roof supported by columns or walls intended for sheltering or housing people, animals, business processes or activities, equipment, goods or materials of any kind or nature.

Building footprint: The area covered by a building measured from the exterior surface of the exterior walls at grade level exclusive of cantilevered portions of the building. Where the building is elevated above the grade level on post or similar devices, the building footprint is the area the building would cover if it were located at ground level.

Campground: A plot of ground upon which 2 or more campsites are located, established, or maintained for occupancy by camping units of the general public as temporary living

quarters for recreation, education, or vacation purposes including erection of tents, trailers, lean- to, overnight cabins, or similar structures and parking facilities.

Change of Use: A change in the function of property from residential to non—residential or from a low-intensity use, such as warehousing or storage to a high-intensity one, such as manufacturing or business office. All non-residential uses that are changed into retail or restaurant are considered changes of use. Where a question exists as to whether there has been a change of use, the intensity of use shall be measured as the volume of traffic predicted for the use.

Critical Natural Area: Any area identified and listed by the Natural Areas program of the Maine Department of Conservation as containing rare or unique botanical features or habitat for rare, threatened, or endangered plant species or rare and unique natural communities.

Development: Any man- made changes to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations.

Developed Area: Any area on which a site improvement of change is made, including buildings, landscaping, drainage improvements, parking areas and driveways.

Disturbed Area: Area on a site that is to be cleared of vegetation, covered with fill, stripped of soil, graded, excavated, or covered with structures, including parking and outdoor storage areas.

Essential Services: The construction, alteration and maintenance of gas, electric, communication facilities, steam, fuel, or water transmission, distribution, collection supply or disposal systems. Such systems may include towers, poles, wires, mains, call boxes, traffic signals, hydrants, and similar accessories, but shall not include buildings which are necessary for the furnishing of such services.

Expansion: In relation to a building, an expansion shall mean the enlargement of the floor area or building enclosure. In relation to a use, the addition of weeks or months to a operating season, the addition of hours to a business day, the utilization of more floor area, or the provision of additional seating capacity. In relation to land clearing or mineral extraction, the addition of surface area over that which was previously included in an approved site plan.

Farm Stand: A retail operation in which exclusively farm produce or food products produced within the State of Maine are offered for sale.

Forest Management: timber cruising, forest resource evaluation, pesticide or fertilizer application, timber stand improvement, pruning, regeneration, and similar or associated activities.

Floor Area: The sum, in square feet in footprint area, of all roofed portions of a building or structure, as measured from the exterior faces of the outer walls. “Net” floor area is the portion of total floor area used for the specific purpose for which the measurement is taken.

Historic or Archeological Resource: Areas identified by a governmental agency such as the Maine Historic preservation Commission as having significant value as an historic or

archaeological resource as well as areas identified in the Town of Belgrade Comprehensive Plan.

Home Occupation: An occupation or profession which is carried on in an dwelling unit or accessory building, which is clearly incidental and secondary to the residential use of the dwelling; carried on by a member of the family residing in the dwelling unit; includes no more than 2 outside employees not residing in the dwelling unit; and, which does not alter the residential character of the neighborhood.

Impervious surface: The area covered by buildings and associated constructed facilities, areas which have been or will be covered by a low permeability material, such as asphalt or concrete and areas such as gravel roads and unpaved parking areas, which have been or will be compacted through design or use to reduce their permeability.

Lot: A parcel of land occupied or capable of being occupied by a building or uses, and which is bounded in such a way as to be described on a deed. The “lot area” of a lot is the sum in square feet in footprint area of the lot, exclusive of rights-of-way, wetland areas, or areas below the high-water line of a water body.

Manufacturing: The making of goods and articles by hand or machine. A manufacturing use shall include assembling, fabricating, finishing, packaging, warehousing, commercial power generation, waste disposal, and other functions associated with the primary activity.

Material (Mineral) Extraction or Processing Operation: The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of more than 1,000 cubic yards of product or overburden from the earth within 12 successive calendar months; any activity or process that involves the extraction or removal of the product or overburden; or the preparation, washing, cleaning, crushing or other treatment of that product so as to make it suitable for commercial, industrial or construction use. All concrete and asphalt batching facilities are considered processing facilities. The term shall not include the excavation or grading associated with a construction project.

Non-residential Use (Development): Use of property for other than residential occupancy or unimproved uses. The term shall include all uses commonly described as commercial, industrial, office, service, institutional, utility, and recreational uses. A use which is a mixture of residential and non-residential use shall be subject to this ordinance to the extent that its non-residential floor area or impervious surfaces meet the applicability criteria in Article 3.

Overnight Accommodation: A building or buildings in which lodging is offered to the general public for compensation and in which there are no separate kitchen facilities other than associated with common eating areas or owner’s quarters. The term is independent of length of stay and includes renting of rooms as well as establishments commonly referred to as hotels, motels, inns, bed and breakfast, and guest houses, but does not include housekeeping units.

Peak Hour Volume: The highest number of vehicles found to be passing over a section of a lane or roadway during any 60 consecutive minutes. Typically there is a peak hour condition in the AM and a peak hour condition in the PM for which the roadway or intersection is analyzed for capacity and level of service.

Restaurant (eating or drinking establishment): An establishment in which food or beverages are prepared and served to the general public for immediate consumption in exchange for compensation. The sale of pre-packaged food items does not constitute a restaurant operation.

Right, Title, or Interest: A showing that an applicant has the lawful right to engage in the use or activity being applied for, as demonstrated by a document showing present or future ownership or long-term lease. Suitable documents include warranty or quitclaim deed, signed sales contract or option to purchase, or a property lease of no less than ten years. Right, title, or interest is insufficient if there are easements, covenants, restrictions or lease provisions effectively preventing the proposed land use.

Sight Distance: The visible distance available to a motorist at an access point to a public road, sufficient to allow a vehicle to enter the road without inhibiting the progress of other vehicles, for the purpose of calculation, sight distance is measured from the height of a hypothetical driver 3 ½ feet above the driveway at a point of ten (10) feet behind the street line, to an object 4 ½ feet above the street.

Sign: An advertising message, graphic illustration, or insignia erected or inscribed for public view for the purpose of promoting the interests of the occupant of the premises or owner of the sign.

Sign Area: The surface area of that portion of the sign containing the advertising matter. Signs which have no separate sign surface shall be measured by taking the smallest area of a rectangle or circle which encloses the advertising matter. For two-sided signs, only one side of the sign shall be counted towards sign area.

Sign, building-mounted: A sign that is attached to the building wall or a part of or attached to an awning, canopy, or protective cover over a door, entrance, window or outdoor service area..

Snack Bar: A restaurant in which all or the majority of the food prepared is consumed outside of the building where the preparation is conducted and where ordering or pickup of food may take place from a motor vehicle. The term includes businesses commonly referred to as food trucks, dairy bars, coffee shacks, and drive-ins.

Structure: Anything constructed or erected on the ground or which is attached to something located on the ground.

Street, Public (*also* Road): An existing state, county, or town way; or one dedicated for public use and shown upon a plan approved by the Planning Board and recorded in the County Registry of Deeds.

Substantial Start: The completion of 30% of a permitted structure or use measured as a percentage of estimated total cost.

Telecommunication Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers and monopoles, for the purpose of transmitting or relaying radio frequency

signals, including, but not limited to radio, television, cellular, and personal communication service frequencies. Towers established for personal use such as citizen band and ham radio operations, and which are less than 50 feet in height, shall not be included in this definition.

Water body or water course: Any river, stream, brook, pond, or lake.

Wetland: An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetland includes swamps, marshes, bogs, certain forest areas and similar areas.

Wind Energy Facility: A facility that uses one or more wind turbines to convert wind energy to electrical energy for the purpose of exporting the energy. The term does not include wind turbines whose primary purpose is to supply residential or non-residential uses on the site where it is located. A Wind Energy Facility includes both the generating facilities and associated power converters or substations.

Article 9: Definitions

The following words and phrases, as used in this ordinance, have the meanings specified below. Any words not defined below are assumed to have their normal dictionary meaning

Abutter: Any lot which is physically contiguous with the lot in question even if only at a point and any lot which is located directly across the public or private street from the lot in question.

Accessory building, accessory structure or use: A detached, subordinate building or structure, the use of which is clearly incidental and related to that of the principal building or structure and which is located on the same lot as that of the principal building, structure or use.

Adult Business: Any commercial enterprise, including but not limited to bookstores, amusement centers, and theaters, which as a substantial or significant portion of its enterprise rents, sells, or keeps for display books, videos, motion pictures or any other form of representation of sexually explicit material or activities. Sexually explicit means the depiction of display of human sex organs.

***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 (Agricultural Production): 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 ornamentals and green house products.

Applicant: A person, group of people , business or corporation applying for a permit under this Ordinance.

Belgrade Lakes Village: An area described in the Town of Belgrade Comprehensive Plan and depicted in the map.

Building: Any structure having a roof supported bu columns or walls intended for sheltering or housing people, animals, business processes or activities, equipment, goods or materials of any kind or nature.

Building footprint: The area covered by a building measured from the exterior surface of the exterior walls at grade level exclusive of cantilevered portions of the building. Where the building is elevated above the grade level on post or similar devices, the building footprint is the area the building would cover if it where located at ground level.

Campground: A plot of ground upon which 2 or more campsites are located , established, or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education, or vacation purposes including erection of tents, trailers, lean-to, overnight cabins, or similar structures and parking facilities.

*AMENDED NOVEMBER 6, 2001

Critical Natural Area: Any area identified and listed by the Natural Areas program of the Maine Department of Conservation as containing rare or unique botanical features or habitat for rare, threatened, or endangered plant species or rare and unique natural communities.

Development: Any man-made changes to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations.

Developed Area or disturbed area: Any area on which a site improvement or change is made, including buildings, landscaping, parking areas and streets.

Essential Service: The construction, alteration and maintenance of gas, electric , communication facilities, steam, fuel, or water transmission, distribution, collection supply or disposal systems. Such systems may include towers, poles, wires, mains, call boxes, traffic signals, hydrants, and similar accessories, but shall not include buildings which are necessary for the furnishing of such services.

Historic or Archeological Resource: Areas identified by a governmental agency such as the Maine Historic preservation Commission as having significant value as an historic or archeological resource as well as areas identified in the Town of Belgrade Comprehensive Plan.

Home Occupation: An occupation or profession which is carried on in an dwelling unit or accessory building, which is clearly incidental and secondary to the residential use of the dwelling; carried on by a member of the family residing in the dwelling unit; includes no more than 2 outside employees not residing in the dwelling unit; and, which does not alter the residential character of the neighborhood.

Impervious surface: The area covered by buildings and associated constructed facilities, areas which have been or will be covered by a low permeability material, such as asphalt or concrete and areas such as gravel roads and unpaved parking areas, which have been or will be compacted through design or use to reduce their permeability.

Level of Service; A term used by traffic engineers, indicating a scale of “A” to “F”, measuring the volume of vehicular traffic in relation to the capacity of an intersection or road segment. Levels of service “E” to “F” describe road situations with severe problems attributable to traffic congestion.

Material (Mineral) Extraction Operation: The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of more than 1,000 cubic yards of product or overburden from the earth within 12 successive calendar months; any activity or process that for the extraction or removal of the product or overburden; and the preparation, washing, cleaning or other treatment of that product so as to make it suitable for commercial, industrial or construction use, but it shall not include the excavation or grading preliminary to a construction project.

Overnight Accommodation: A building or buildings in which lodging or meals and lodging are offered to the general public for compensation and in which there are no separate kitchen facilities other than associated with common eating areas or owner’s quarters. The term includes establishments commonly referred to as hotels, motels, inns , bed and breakfast, and guest houses, but does not include housekeeping units.

Peak Hour Volume: The highest number of vehicles found to be passing over a section of a lane or roadway during any 60 consecutive minutes. Typically there is a peak hour condition in the A.M. and a peak hour condition in the P.M. for which the roadway or intersection is analyzed for capacity and level of service.

***AMENDED BY REFERENDUM NOVEMBER 6, 2001**

Sight Distance: The visible distance available to a motorist at an access point to a public road, sufficient to allow a vehicle to enter the road without inhibiting the progress of other vehicles. for the purpose of calculation, sight distance is measured from the height of a hypothetical driver 3 ½ feet above the driveway at a point ten (10) feet behind the street line, to an object 4 ½ feet above the street.

Sign: An advertising message, graphic illustration, or insignia erected or inscribed for public view for the purpose of promoting the interests of the occupant of the premises or owner of the sign.

Sign Area: The surface area of that portion of the sign containing the advertising matter. Signs which have no separate sign surface shall be measured by taking the smallest area of a rectangle or circle which encloses the advertising matter. For two-sided signs, only one side of the sign shall be counted towards sign area.

Sign, freestanding: A sign that is directly and permanently supported, and physically separated for any other structure.

Sign, canopy or projecting: A sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structure protective cover over a door, entrance, window or outdoor service area. It also means a sign that is attached to the building wall and extends more than 6 inches from the face of such wall.

Structure: Anything constructed or erected on the ground or which is attached to something located on the ground.

Street, Public: An existing state, county, or town way; dedicated for public use and shown upon a plan approved by the Planning Board and recorded in the County Registry of Deeds.

Arterial Street: State Route 27

Collector Street : the following streets shall be considered collectors: State Routes 8, 11, and 135.

Substantial Start: The completion of 30% of a permitted structure or use measured as a percentage of estimated total cost.

Telecommunication Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self supporting lattice towers, guyed towers and monopoles. for the purpose of transmitting or relaying radio frequency signals, including, but not limited to radio, television, cellular, and personal communication service frequencies. Towers established for personal use such as citizen band and ham radio operations, and which are less than 50 feet in height, shall not be included in this definition.

Water body or water course: Any river, stream, brook, pond, lake or wetland.

Wetland: An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. wetland includes swamps, marshes, bogs, certain forest areas and similar areas.

*AMENDED BY REFERENDUM NOVEMBER 6, 2001

*AMENDED BY REFERENDUM NOVEMBER 6, 2001

Article 7: Development Standards Generally

SECTION 1. AIR QUALITY

- A. No development is permitted which will cause emissions of dust, ash, smoke, or other particulate matter likely to damage human or animal health, vegetation, or property, by reason of concentration or toxicity. Evidence that relevant state and federal regulatory requirements have been met shall be considered sufficient to meet this standard. This shall not be construed to regulate dust or odors generated by agricultural practices conducted using accepted Best Management Practices (BMP).

SECTION 2. ACCESS TO PUBLIC STREETS

This section shall apply to all development requiring a permit that directly access streets classified Arterial or Collector. Compliance with this section shall not relieve the applicant of the need for permitting under State Access Management Regulation.

A. General Provisions.

1. The number of access points shall be the minimum necessary to assure safe and proper vehicular access to the site. As a general rule, no more than two access points onto any single road will be allowed. Where more than one road abuts the development site, the Planning Board may require the developer to access the site from the road with less potential for congestion and traffic hazard.
2. All streets which can be expected to carry traffic to and from the development shall have sufficient capacity or be suitably improved to accommodate the amount and types of traffic generated by the development. No development shall increase the volume to capacity ratio of any street above 0.8 nor reduce Level of Service to "D" or below on any street.
3. Access points shall be of a design and have sufficient capacity to avoid the stopping or standing of vehicles attempting to enter the development from the street. Where necessary to ensure safety of drivers and pedestrians and to avoid congestion, the developer shall install turning lanes, traffic directional islands, frontage roads, signalization, or other traffic controls within public streets. All such installations shall conform to standards in the *Manual on Uniform Traffic Control Devices* published by the American Traffic Safety Services Association.
4. The Planning Board may require the developer to plan or install direct access to adjoining properties where it will serve to reduce demand for vehicular movement on public roads.
6. In order to provide adequate visibility, all access points shall be kept free from visual obstructions, including signs, within a triangular area defined by legs of 25 feet measured along the driveway and street lines.

B. Location and Design of Access Points

1. Sight Distances: All access points shall be located to provide minimum sight distance of ten (10) feet for each mile per hour of posted speed limit in both directions. Sight

distance is measured from a point ten (10) feet behind the edge of the traveled way, with the height of the eye at 3.5 feet, to the top of an object 4.5 feet above the street surface.

2. Access points shall be designed and constructed to a standard consistent with their estimated volume as follows:

Low Volume: Peak hour volume of six (6) or fewer vehicles.

Medium Volume: Any access that is not a low volume or high volume.

High Volume: Peak hour volume of one hundred (100) or more vehicles.

- a. Design Criteria.

All portions of an access point within the right-of-way of the street shall be paved with a bituminous concrete pavement. Paving shall consist of a minimum thickness of three (3) inches of bituminous concrete over a compacted subbase of gravel of at least 24 inches in thickness.

All access points entering a curbed street shall be curbed to the full radius of the access point to a minimum distance of fifty (50) feet back from the edge of the existing curbline

All access points shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 75 degrees.

The curb radius for two-way access points shall be at least 20 feet. The curb radius for one-way access points or access points with median islands shall be between five and 10 feet on the inside corner and at least 30 feet on the outside corner.

The width of a low volume driveway shall be no more than 20 feet. The width of a medium or high volume driveway may be between 20 and 26 feet; For driveways with a median island, the width shall apply to each side. Where truck traffic is a major element, the width may be increased to 30 feet. The width of individual, "right turn only" channels shall be no more than 20 feet.

From the edge of the traveled way, the access point should not exceed a grade of 2 percent for a minimum of 40 feet, or, where a traffic study has been done, for the full distance of the predicted queue of vehicles at the peak hour.

- b. Median and Channelization Islands

Medians or channelization island(s) are required for high volume access points and may also be required for medium volume access points at the discretion of the Planning Board. Median islands shall be between 6 feet and 10 feet in width and shall create a throat (entry lane) of adequate length based on the traffic study, but in no case less than 60 feet. All islands shall be curbed with sloped curbing, with proper signs installed to direct traffic.

- c. Spacing Standards

No low or medium volume access point shall be located within one hundred (100) feet of

any street intersection. No high volume access point shall be within two hundred fifty (250) feet of any intersection. Distance shall be measured from the point of tangency for the intersection curb radius to the point of tangency for the access point curb radius.

The minimum separation distance between two low volume access points or a low- and a medium-volume access point is fifty (50) feet. The minimum separation distance between two medium volume access points or a high- and a medium-volume access point is seventy-five (75) feet. The minimum separation distance between two high volume access points is one hundred fifty (150) feet.

No access point shall be located within ten (10) feet of a property line.

- d. Any access point which intersects an existing or planned sidewalks shall incorporate ramped access curbing in accordance with the Americans with Disabilities Act.

SECTION 3. EROSION CONTROL

- A. All soil disturbance must be conducted in a manner which avoids sediment leaving the property. Development must employ best management practices (BMPs) for erosion control unless the Code Enforcement Officer certifies in writing that the nature of the site poses very little risk of erosion. Erosion of soil and sedimentation of watercourses, including intermittent drainage swales, and waterbodies shall be avoided by employing BMP's as established in "Maine Erosion & Sediment Control Handbook for Construction-Best Management Practices" Cumberland County SWCD & MDEP-March 1991.
- B. The least possible amount of disturbance will occur during construction in regard to tree removal, de-vegetation, and soil disturbance. In particular, strips of naturally vegetated areas existing on the down slope side of the construction site shall be maintained as undisturbed buffer areas.
- C. Exposed soils on slopes 10% or greater will be initially stabilized (i.e., mulched, covered, or reseeded) within two working days of disturbance. All exposed soils on slopes less than 10% shall be stabilized within 15 days of disturbance.
- D. All watercourses, waterbodies and wetlands will be protected from sedimentation by the installation of silt fence barriers or other appropriate means. Such barriers shall be installed before digging, soil removal, the stripping of vegetation, scarification, or soil disturbance of any kind occurs within 500 feet of a watercourse, waterbody or wetland or on slopes greater than 10%. The barriers shall be installed at all points immediately down slope of soil exposing activities.

Hay bale barriers are not to be used as primary means of erosion control, but may be used as reinforcement or back-up to silt fencing or other effective primary erosion control. Erosion control mix placed as a berm may be used in lieu of silt fencing as a sediment barrier, especially on frozen ground.

- E. All erosion controls must be inspected and repaired every week and before and after any significant rainfall events (0.5 inches or greater).
- F. Ditches or swales with slopes from 0-3% need to be vegetated, those at 3-5% require a geotextile mat and appropriate seeding, and those at 5% or greater require stone lining with an appropriate

geotextile underlayment. All ditches not stabilized by vegetation before Oct. 15 shall be stone lined.

- G. Areas within 500 feet of waterbodies must receive final stabilization within 5 days of final grading. Other disturbed areas must have final stabilizing measures in place within 10 days of final grading.
- H. After September 15, or if construction activities are to be suspended for more than 30 days, additional stabilization measures must be installed which include seeding, and mulching (including securing of mulch), and water diversions necessary to minimize on site drainage contribution to erosion.
- I. Whenever any portion of the designed impervious area falls within 500 feet of a watercourse, waterbody or wetland larger than one acre and the designed impervious area exceeds 10,000 sq. ft. in area, or whenever the Planning Board initiates a review in conjunction with the DEP, or other qualified water quality experts and it is determined that because of the slope, soil erodibility, designed impervious area, and site location there is a demonstrated need, temporary or permanent sedimentation control mechanisms shall be utilized by which sediment in run-off water shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable methods as determined by the Planning Board, and in accordance with the current "Maine Erosion & Sediment Control Handbook for Construction-Best Management Practices" Cumberland County SWCD & MDEP-March 1991.
- J. The top of a cut or the bottom of a fill section shall not be closer than ten feet to an adjoining property, except in the case of material extraction operations as provided in Section 8.2 of this ordinance..

SECTION 4. HISTORIC AND ARCHEOLOGICAL RESOURCES

If any portion of the site has been identified, or is found to contain historic or archaeological resources, the development plan shall include appropriate measures for protecting these resources, including, but not limited to, modification of the proposed building and site layout and design.

SECTION 5. MATERIALS STORAGE

- A. All outdoor storage areas, including areas used for the storage or collection of solid waste, automobiles, auto parts, building materials, machinery, or other such items, shall have screening sufficient to minimize impact on roads, and neighboring and other properties in the area. Walls, fencing, dense plant material, or a combination of techniques can be used to achieve this intent. A dense evergreen hedge six (6) feet or more in height at the time of planting shall be the preferred means of attaining this standard.
- B. Where a potential safety hazard to children is recognized by the planning board, a physical barrier sufficient to deter small children from entering the area shall be provided and maintained in good condition.
- C. No bulk storage of flammable or explosive liquids, solids, or gases shall be permitted unless storage facilities are located at least seventy-five (75) feet from any property line if above-ground,

or forty (40) feet if underground. All materials shall be stored in compliance with requirements of the Maine Department of Public Safety and other appropriate Federal, State, and local regulations.

Propane gas tanks in two hundred (200) pound cylinders or smaller and heating fuel tanks of 330 gallons or smaller are not considered bulk storage for the purpose of these standards except where three or more are aggregated.

All above-ground storage facilities for toxic, flammable, or explosive liquids shall be located on impervious surfaces and shall be completely enclosed by a dike high enough to contain the total capacity of the storage tank(s) plus the rain falling into the area during a twenty-five (25) year, 24-hour duration storm, or 150 percent of the volume of the storage facility, whichever is greater.

SECTION 6. NATURAL RESOURCE PROTECTION

A. Natural Features

Site development shall minimize, insofar as possible, disturbance of natural features. This shall be done by designating on the site plan the limits on development-related clearing. Outside of the limits, there shall be no tree removal, water channelization, soil disturbance, or grading and filling.

B. Habitat Protection

1. If any portion of the parcel has been identified as a critical natural area, or as containing threatened or endangered species of plants or animals, the subject areas shall be located outside of the clearing limits. The Planning Board may require a mitigation or management plan to be reviewed by the Maine Department of Inland Fisheries and Wildlife (IFW) or Natural Areas Program of the Department of Conservation as appropriate.
2. If any portion of the area to be developed includes areas mapped by the Maine IFW as Deer Wintering Areas, the developer shall consult with the Department on means to limit the impact of the development on the habitat, and incorporate those recommendations into the development plan insofar as practicable.
3. If any portion of the area to be developed includes wetland, as determined by the Town of Belgrade, The Maine DEP, or a certified soil scientist, the developer shall avoid, minimize, and mitigate impacts on the wetland both during and after construction.

C. Groundwater Protection

1. Any development which will generate a demand of 2,000 gallons per day or greater out of groundwater supplies shall not affect groundwater availability beyond the boundaries of the property. The developer shall demonstrate that groundwater will not be diminished in quantity or quality as a result of the project.
2. Within the area identified as Significant Sand and Gravel Aquifer by the Maine Geological Survey, no activity involving the production, use, or storage of hazardous or toxic chemicals or petroleum products shall be conducted except in accordance with a Spill Prevention and Management Plan developed at the time of application and approved by the Town of Belgrade.

SECTION 7. NOISE

- A. The maximum permissible noise from any continuous, regular, or frequent source of sound within a development shall be no more than 55 decibels between the hours of 7 AM to 9:30 PM, and 45 decibels at other times. These levels specified may be exceeded by 10 dB for no more than 15 minutes per day.
- B. Noise shall be measured by a meter set on the A-weighted response scale, slow response. The meter shall meet the American National Standards Institute (ANSI S1.4-1961) "Specification for General Purpose Sound Level Meters". Sound levels shall be measured at least 4 feet above ground at the property boundary.
- C. Sounds emanating from safety signals, warning devices, emergency pressure relief valves, and other emergency or public safety devices are exempt from these provisions.
- D. On sites abutting a residential use, development construction shall be staged so that exterior activities are not conducted between the hours of 9:30 p.m. and 7 a.m. The Planning Board may require additional measures for noise suppression.

SECTION 8. OUTDOOR LIGHTING

A development may employ outdoor lighting which serves security, safety, and operational needs to the extent that it does not impair the vision of vehicle operators on adjacent streets or infringe on the enjoyment of neighboring properties. Lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings. Intensity should not exceed one (1) footcandle at the property line, and under no circumstances be located or directed so as to create a nuisance to abutting residential properties.

SECTION 9. PARKING

A. General

No new or expanded development shall be permitted unless off street parking is provided in accordance with the following provisions.

B. Parking Lot Design Criteria

1. Location

All parking spaces and aisles shall be at least five (5) feet from any side or rear lot line. This shall not be construed to eliminate the requirement for screening, Subsection 10, below. Aisles and parking spaces will not be located within the right-of-way of the public road.

2. Interior Circulation

- a. The entry lane(s) should be designed to allow continuous and uninterrupted traffic movement on the public road, through the provision of adequate throat length, deceleration lanes, or other measures. The entry lane shall not provide direct access to parking spaces.
- b. Islands containing guardrails, curbs, fences, walls, or landscaping should be used to identify circulation patterns of parking areas and restrict driving movements diagonally across parking aisles, but shall be designed and placed so as not impede views of pedestrians and vehicles.

- c. No parking spaces shall be directly accessible from the public road, nor shall motorists be required to use the public road to enter or exit a space. All spaces shall be accessible from an aisle without the necessity of moving other vehicles.
 - d. Parking aisles should be oriented perpendicular to stores or businesses for safer pedestrian access and visibility.
 - e. Any layout that utilizes vehicular access service (“drive-up”) windows shall provide a minimum of five car lengths of queuing space on the incoming side of the first window. The required queuing space shall be designed so that it shall not interfere with parking and circulation on the remainder of the site.
3. Layout of Parking Stalls and Aisles
- a. Parking stalls shall be a minimum of nine (9) feet in width by eighteen (18) feet in length. Stalls designated for handicapped use shall be a minimum of twelve (12) feet in width by eighteen (18) feet in length and marked appropriately. Stalls may be angled, provided aisles are designated one-way, and each stall contains the minimum rectangular dimensions. Stalls for parallel parking shall be no less than nine (9) feet in width by twenty-two (22) feet in length.
 - b. In paved lots, the planning board may require painted stripes to delineate parking stalls. If required, stripes should be a minimum of four (4) inches in width. Where double lines are used, they should be separated a minimum of twelve (12) inches on center.
 - c. Two-way aisles shall be a minimum of twenty-two (22) feet in width. One-way aisles shall be a minimum of eighteen (18) feet in width.
 - d. Bumpers or wheel stops shall be provided where improperly parked cars might restrict traffic flow or pedestrian movement on adjacent walkways, or damage landscape materials.
 - e. Oversized parking spaces may be designated in areas that ordinarily serve such vehicles as recreational vehicles, travel trailers, delivery trucks or tractor-trailer trucks.

C. Standards for Number of Parking Spaces

1. Basic Requirements for Parking Space

Adequate off-street parking shall be provided by the developer. The table below shall be interpreted as a guide, subject to adjustments in Subsection 2, following. For uses not listed, the publication *Parking Demand* (ITE, 1987 or most recent edition) shall be consulted. Within each development, at least one space, plus one additional space for every twenty-five (25) required, shall be designated as available for handicapped persons:

# of Spaces	Land Use Activity
<i>Places of Residence or Accommodation</i> -- spaces per room or dwelling unit	
1/3	Dedicated Retirement Home, Nursing Care Facility
1	Overnight accommodations

2	Multifamily buildings
<i>Places of Public Assembly</i> -- spaces per seat based on maximum seating capacity	
1/4	Theater, with fixed seating
1/3	Church
1/2	Restaurant, Convention Center, Meeting Hall, Grange, Bottle Club
<i>Places of Commerce and Industry</i> -- spaces per 1,000 sq.ft. of gross floor area.	
1	Warehousing, Inside sales of motor vehicles
1 1/2	Industrial and Manufacturing Facilities, wholesaling
3	Grocery Stores over 5,000 sq.ft., Offices, professional, and personal services, except as noted.
4	Retail Sales except as noted
5	Banks, Medical and Dental Offices, Fitness Clubs, Child Care
<i>Public and Institutional Facilities</i> -- spaces per 1,000 sq.ft. of gross floor area	
2	Elementary Schools
4	Secondary School, Community Center, Municipal Office.
6	College, Hospital
<i>Miscellaneous</i> -- criteria as specified	
1 per 1,000 sf	Indoor Sports Facility (Tennis, Fitness, etc.) -- no spectators
1 per 4 seats, based on max seating capacity	Stadiums, Arenas, Racetracks, and other spectator sport venues
30 per acre	Mini-golf, Go-Carts, and other Outdoor Amusements
5 per lane	Bowling Alley
3 per service bay + 1 per 10 vehicles displayed	Motor Vehicle Sales and Service

2. Flexibility in Standards: The planning board is permitted to modify these standards as minimum requirements, under the following circumstances:
 - a. By up to 10 percent, based upon a showing that similar uses under similar circumstances generate greater or less demand.
 - b. In the Belgrade Lakes Village, as designated in the Belgrade Comprehensive Plan, the board may allow any use to meet its parking requirement through contributions to the development and maintenance of a municipal or public parking lot. Alternatively, the Board may reduce the required parking by up to 30 percent, upon the condition that provided off-street parking not be restricted to patrons/tenants of the development.

- c. The following specified uses, because their peak hour/day varies from conventional parking demand, may meet up to 50 percent of their parking requirement through a shared-use agreement with another use: churches, clubs, restaurants, theaters, sports facilities.
 - d. A development may include as a portion of its parking requirement the provision of parking spaces not located on the same lot provided a) that the spaces are located within 250 feet of the property, b) that a written agreement is in place for long-term use of the spaces, and c) that the spaces would not be among the minimum required for the use already existing on that lot.
 - e. The provision of spaces for vehicles used in the ordinary conduct of the business, such as construction vehicles, tractor-trailers, and vehicles displayed for sale, shall not be included in the above calculations.
 - f. The planning board may waive the installation of parking spaces provided that adequate provision is made for the development of these spaces as needed in the future, specified by conditions of the permit. Such conditions may require permanent set-aside of adequate space, and provision of construction plans along with specified conditions under which the installation will be triggered.
3. Impact on Physical and Environmental Resources. Parking lots shall not be excessively large, nor contain an area more than 25 percent greater than the minimum set by these standards.
- The planning board may require use of pervious or semi-pervious materials as an alternative to pavement in order to reduce quantity or improve quality of stormwater runoff.
4. Mixed Uses: Any portion of a building or lot with a use that is distinct from a principal use identified on the table above shall be considered as a separate use for the purpose of calculating spaces, if it exceeds in area or seating capacity 25 percent of the overall extent of the development. If a mixed use consists of any residential use combined with any commercial use, the planning board may waive or modify space requirements for the residential use unless it consists of more than 67 percent of the total floor space.
5. Loading bays shall be provided as necessary. Loading bays shall be a minimum dimension of twelve (12) feet by fifty-five (55) feet and be designed and delineated so as not to interfere with traffic flow or other parking spaces.

SECTION 10. SCREENING OF STRUCTURES, PARKING LOTS, AND OTHER COMMERCIAL USES

A. Screening for Structures and Parking Lots.

Except in the Belgrade Lakes Village area, new commercial and multi-family developments shall be separated from the street by a vegetative screen. The buffer shall include a mixture of native shrubs and trees selected for adaptability to roadside conditions. The owner shall be responsible for maintenance of the buffer planting, and shall replace deceased plant material within one growing season. The buffer shall be designed as follows:

2. All buffer areas shall maximize the retention and use of naturally occurring woodland and shrubs, with minimal clearing, unless required by the planning board to be replaced or augmented with plantings to achieve reasonable visual screening from public ways.
3. Buffers shall be a minimum of thirty-five (35) feet in depth and extend along the entire frontage of the lot on public ways, except for access points or driveway lanes. The number and width of lanes shall be the minimum necessary to achieve safe and efficient passage of vehicles.

B. In cases where a parking lot exceeds one hundred fifty (150) spaces, additional landscaping shall be placed within the lot, sufficient to divide the lot into two (2) or more smaller units of no more than 100 spaces each. Landscaped islands shall consist of fifteen (15) feet planted width, except that a pedestrian walkway may be placed within the area, provided that it occupies no more than one-half the width.

C. Screening of Adjacent Properties

Screening shall be required wherever a proposed commercial use abuts a residential development or pre-existing home, and in other instances where the Planning Board determines uses may be incompatible.

1. Screening shall consist of a natural (preferred) or artificial visual buffer sufficient to ensure continuous year round screening. Screening shall be sufficient to minimize the impacts of large buildings, vehicle movements, outdoor storage areas, glare, and related commercial activity. Areas shall be maintained and vegetation replaced as necessary. The following is intended as a guide:
 - a. A fifty (50) foot minimum will be required if the buffer will consist of natural woodland, provided that the planning board may require supplemental plantings to achieve an effective visual screen.
 - b. A twenty-five (25) foot minimum will be required if the buffer will consist primarily of dense planting of native coniferous trees.
2. Where no vegetation can be maintained, or due to unusual site conditions, the planning board may approve a screen consisting of fences, walls, berms, or combinations thereof.

SECTION 11. SIGNS

A. Purpose

The purpose of this section is to allow advertising and informational signs that will not, by their nature and location, endanger the safety of individuals, or confuse, mislead, or obstruct the vision necessary for traffic safety, or otherwise endanger the public health, safety, and welfare.

B. Abandoned Signs

Any free-standing sign which advertises a business conducted, product sold, or activity no longer in existence, or which, through lack of maintenance or other reason, becomes a hazard shall be removed by the owner, agent, or person responsible for the lot upon on which the sign is located.

C. Illuminated Signs

Signs may be illuminated internally or externally by lights which are shielded or hooded so that the light source is not a nuisance to traffic or neighboring properties. Lighting shall be constant in color, location, and brightness. Signs shall not give off or reflect light at an intensity greater than fifty (50) foot candles as measured one hundred (100) feet from the sign.

D. Sign Area and Placement

No more than two signs, projecting or free-standing, which in combination are not more than 32 square feet in size, shall be permitted per premise.

A sign may be placed in the front setback area but may not protrude beyond the property line. All signs must be mounted on buildings or secured to the ground in such a manner as to prevent them being dislodged by strong winds. Signs in the vicinity of an access point shall be placed so as not to obstruct driver vision. Such signs shall comply with standards in Subsection 2.B.1.

SECTION 12. STORMWATER MANAGEMENT

- A. All new construction and development shall be designed to reflect or resemble, as nearly as possible, natural runoff conditions in terms of volume, velocity, and location of runoff. All systems shall be designed so as to have no significant adverse effect on neighboring properties, downstream water quality, soil stability, or the public drainage system. Where possible, existing natural features, such as berms, swales, terraces, and wooded areas shall be retained in order to control runoff and encourage infiltration of storm water.
- B. Storm water drainage systems shall be designed to minimize the volume and rate of outflow from the development, including engineered measures and off-site improvements such that the downstream system can accommodate any additional runoff. The storm water management system shall be designed to accommodate the peak discharge of two (2) year, ten(10) year, and twenty-five (25) year frequency, twenty-four (24) hour duration storms.
 - 1. Stormwater practices shall be as described in *Stormwater Management for Maine, Best Management Practices*, Maine DEP, 1995 or most recent edition.
 - 2. A stormwater control plan prepared according to the requirements of DEP Regulation chapter 500, "Stormwater Management" and Chapter 502 "Direct Watersheds of Waterbodies most at Risk From New Development" shall be deemed suitable to meet these standards.
- C. Within lake watersheds, stormwater systems shall include runoff from roof drains and camp roads to encourage infiltration and minimize phosphorus loading.
- D. Stormwater systems shall be maintained as necessary to ensure proper functioning.

SECTION 13. WASTES

A. Solid Waste

The development shall provide for the disposal of all solid wastes on a timely basis and in an environmentally safe manner. The development will not produce wastes that exceed the capability of the transfer station, in either volume or type of waste. Any toxic, hazardous, or special waste must be disposed of in compliance with state and federal regulation and in a manner approved by

the Planning Board.

B. Sanitary and Liquid Wastes

1. A completed site evaluation form (HHE-200) which evidences adequate soil conditions for wastewater disposal shall be a prerequisite to approval.
2. At the time of application, the developer shall specify the amount and exact nature of all industrial or chemical wastes to be generated by the development, and a plan to discharge such wastes only and in such quantities and/or quality as to be able to be accepted into the disposal system or shipped to an approved facility off site. All such plans shall be in conformance with applicable State and Federal regulations.

SECTION 14: WATER QUALITY

A. General Standard

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quality, toxicity, or temperature that run into or mix with surface or ground waters so as to contaminate, pollute, or degrade such waters with objectionable shore deposits, floating or submerged debris, oil, scum, color, odor, taste, or unsightliness, or be harmful to human, animal, plant, or aquatic life.

B. Impact on Groundwater.

1. The Planning Board shall require an assessment of the impact of a development on groundwater quality or quantity based on the proposed size or nature of the development in cases where the development is projected to generate demand of more than two thousand (2,000) gallons per day from groundwater sources. This assessment shall contain at least the following information:
 - i. a map showing the basic soils types, and the location of any subsurface wastewater disposal systems and drinking water wells within the development and within three hundred (300) feet of the development boundaries.
 - ii. depth to the water table at representative points throughout the development,
 - iii. data on the existing groundwater quantity and quality, either from test wells or from existing wells on neighboring properties.
 - iv. an evaluation of the effect of the development on groundwater. This evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within one thousand (1,000) feet from potential contamination sources.
2. The assessment shall demonstrate that the development will comply with the following standards:
 - a. No development shall increase any contaminant concentration in the groundwater to more than one half ($\frac{1}{2}$) of the Primary Drinking Water Standards, nor to an amount to exceed the Secondary Drinking Water Standards as established by the Maine Dept. of Human Services at the time of the permit issuance.

- b. If existing groundwater contains contaminants in excess of the primary standards, the applicant shall demonstrate no significant further deterioration. If groundwater contains contaminants in excess of the secondary standards, the development shall not cause the concentration of the parameters in question to exceed one hundred fifty (150) percent of the pre-existing concentration.
 - c. Groundwater withdrawals or alteration of surface recharge characteristics by a proposed development shall not lower the water table beyond the boundaries of the development. No proposed development shall result in a lowering of the water table at the development boundary by increasing runoff or decreasing infiltration.
3. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If any measures to reduce groundwater contamination and protect drinking water supplies are recommended in the assessment, those standards shall be included as a note on the Plan, and as restrictions in the deeds to the affected lots.

C. Impact on Lake Water Quality

Any new or expanded development within the scope of this ordinance shall be designed to limit the post development phosphorus export consistent with the following standards and practices.

5. Unless otherwise noted, methods and standards for review under this section will be the DEP manual Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development, revised May 1992 (hereinafter referred to as "Phosphorus Control Method").
6. Applicability: This section applies to
 - a. commercial development resulting in more than 10,000 square feet of disturbed area
 - b. the creation of new roads/driveways in excess of 250 feet.
7. For the purposes of this section, "disturbed area" is any developed area resulting in new impervious surface, roads, or the permanent conversion of forest or predominantly shrub cover to lawn, gravel or other similar surface. Areas of lots converted from natural cover, or shrub/grassland, to disturbed area within the last five (5) years prior to applying for a permit under this section will be considered as part of the projects total disturbed area.
8. In the following watersheds, projects which have received approval for phosphorus and stormwater control under the state Maine Stormwater Management Law (38 MRSA § 420-D) and its accompanying regulations (DEP Chapter 500) shall be considered to comply with the phosphorus control portion of this ordinance: Great Pond, Messalonskee Lake (Snow Pond), Salmon Lake (Ellis Pond), McGrath Pond.

TABLE: Water Quality Categories and Phosphorous Export Established for Belgrade Lakes

Lake	Water Quality Category As defined by the Maine DEP	Allowable Phosphorus Export/Acre in pounds*
Long Pond - North	Moderate-stable	0.055

Lake	Water Quality Category As defined by the Maine DEP	Allowable Phosphorus Export/Acre in pounds*
Long Pond - South	good	0.067
Salmon Lake	moderate-sensitive	0.08
McGrath Pond	moderate-sensitive	0.049
Messalonskee Lake	moderate-sensitive	0.068
Great Pond	moderate-sensitive	0.088
Hamilton Pond	moderate-sensitive	0.055
Stuart Pond	moderate-sensitive	0.055
Chamberlain Pond	moderate-sensitive	0.024
Penney Pond	moderate-sensitive	0.071
Joe Pond	moderate-sensitive	0.033
Wellman Pond	moderate-sensitive	0.049

* If the proposed development is greater than twenty-five (25) percent of the projected area of watershed development, the allowable phosphorus export per acre must be adjusted using Appendix F of the DEP manual *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, revised May 1992.

- The Code Enforcement Officer shall keep an accurate record of permits issued by watershed and estimated phosphorus load of developments covered under this ordinance.
5. This Ordinance provides for two options in controlling phosphorous export from development as follows:
 - a. Standard Method: This method is the primary standard outlined in the “Phosphorous Control Method” cited above. The standard method applies to all commercial development except:
 - 9) Those specified in (b) below, (Simplified Phosphorous Method).
 - 10) Where the planning board finds that, due to unavoidable features or the unique nature of the development, the Phosphorous Control Method does not contain adequate or relevant design standards to meet the intent of this section. In these instances, the planning board may require alternative phosphorous control measures to the extent it deems feasible.
 - b. Simplified Phosphorus Method. This method shall apply to commercial developments which result in total disturbed area of 30,000 square feet or less, including building, parking, driveway, lawn, subsurface wastewater disposal systems, and infiltration areas and new or upgraded roads and streets not exceeding three hundred fifty (350) linear feet.

The simplified phosphorous method assumes that the provision of a permanent, vegetative buffer located downhill from the developed portion of the lot(s) will meet the necessary standards for smaller developments.

A proposed development which creates lots which could be further divided such that five (5) or more lots may result shall be subject to the Standard Phosphorous Method unless there are deed restrictions prohibiting future divisions of the lots.

New developments which fall into either of these categories may meet their phosphorus control obligations by incorporating, to the maximum extent reasonably feasible given lot limitations, the following phosphorus control measures; and by maintaining these measures permanently.

6. Buffers.

- a. Natural buffers must be left in place down gradient of developed areas such that runoff from as much of the lot's buildings, driveway, parking and lawn area as possible drain to the buffer in overland, unchannelized flow. The width (length of fall line through the buffer) of these buffer areas should be as follows:

If the watershed phosphorus budget is 0.05 lb/acre/yr or less,

Wooded buffer = 75 feet

Non-wooded buffer = 125 feet

If the watershed phosphorus budget is greater than 0.05 lb/acre/yr,

Wooded buffer = 50 feet

Non-wooded buffer = 100 feet

* The maximum lot area draining to a buffer may not exceed four (4) times the total buffer area.

- b. Buffers must be clearly identified on a site plan of the lot and should be maintained in accordance with the DEP Phosphorus Control standards. Deed covenants and restrictions and/or conservation easements must be incorporated to insure long term protection of the buffer.
- c. Driveways and parking areas must be designed and constructed so that (a) runoff is quickly shed from these areas to protected buffer areas (to the maximum extent reasonably feasible given lot limitations) and (b) disruption of natural drainage patterns is minimized. BMPs such as swales, ditch turnouts, water bars, broad based drainage dips, and proper grading of gravel drives should be used to prevent runoff from concentrating in the driveway and to divert it into buffer areas as quickly as feasible. These requirements must be incorporated into the lot's deed covenants and restrictions.
- d. Roof runoff must be distributed over stable, well vegetated areas or be infiltrated into

the soil using dry wells or other infiltration systems. These requirements must be incorporated into the lot's deed covenants and restrictions.

7. Mitigation Fee Option for small Commercial Development: Commercial development resulting in less than 40,000 square feet of disturbed area and less than 20,000 square feet of new impervious area which cannot meet the phosphorus export standards of this ordinance may request to use the mitigation fee option.

This option allows the developer of a new or expanded commercial project to offset a portion of the phosphorus reduction required for the project to meet its phosphorus budget by paying a compensation fee to the Town. The Town shall accumulate compensation fee funds in a dedicated account and will use these funds to provide long term solutions to priority chronic phosphorus sources within Belgrades's lake watersheds. The compensation rate is \$10,000 per pound of algal available phosphorus.

(For example, this means that if a project's phosphorus budget was 0.5 lb P/yr and, after application of reasonable Best Management Practices (BMP's), the project export could only be reduced to 1.0 lb P/yr, the remaining 0.5 lb reduction required to meet the project's budget could be offset by a compensation fee payment of \$5,000 (0.5 lb x \$10,000 /lb).

Use of the compensation fee may only be used if the project's phosphorus export has been reduced by at least 50% through treatment using appropriate BMPs.

8. New Roads:

- a. For new or significantly upgraded permanent roads longer than 500 feet and not otherwise covered by phosphorus control standards of this ordinance, the following standards shall apply.

Roads and ditches must be designed and constructed so that a) runoff is quickly shed to protected buffer areas and b) disruption of natural drainage patterns is minimized. BMPs such as swales, ditch turnouts, waterbars, broad based drainage dips, and proper grading of gravel drives and roads should be used to prevent runoff from concentrating in the road and to get it into buffer areas as quickly and feasible.

- b. All new roads must be constructed and maintained using Best Management Practices for Sediment and Erosion Control. (Cumberland County SWCD, 1991, or most recent edition)

9. Maintenance and Use Restrictions for Phosphorus Control Measures

Provisions for monitoring, inspections, and maintenance of phosphorus control measures, including buffer strips and infiltration systems shall be established according to *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, published by the Maine DEP, revised May, 1992.

Article 8: Development Standards for Specific Activities

SECTION 1. ADULT BUSINESS

The purpose of this section is to permit the establishment of adult businesses, as defined, in such manner and location as will protect the general welfare and preserve the community standard.

- A. Physical Separation: Adult businesses shall not be located within 250 feet of existing residences, nor within 500 feet of an existing educational or religious use.
- B. Signs: In addition to the provisions of Section 7.11 of this ordinance, signs for adult business shall not depict the human figure in any unclothed or suggestive manner. No sexually explicit message, materials, or activity shall be visible outside the building.

SECTION 2. MATERIAL EXTRACTION OPERATIONS

A. Special Permit Requirements

Applications to the planning board for the five-year permit shall include the following elements:

- 1. A site plan including the following features:
 - 1. topography indicating not greater than ten (10) foot contour intervals, based on USGS data;
 - 2. the location and slope of grades existing and proposed upon completion of the extraction operation;
 - 3. proposed fencing, buffer strips, signs, lighting, parking and loading areas, entrances and exits.
- 2. A written statement of the proposed operating procedure and working hours.
- 3. A five-year plan, showing new areas to be mined, and old areas to be reclaimed, together with estimates of volumes to be extracted, and detailed plans for reclamation of completed excavation.
- 4. The planning board may require a hydrogeologic study to determine the effects of the proposed activity on groundwater movement and quality in the vicinity;

B. Development Standards

- 1. No part of any extraction operation shall be permitted within fifty (50) feet of any property or street line, except
 - a. drainage ways to reduce run-off into or from the extraction area may be allowed provided suitable erosion control measures are in place. Natural vegetation shall be left and maintained on the undisturbed land.

- b. As agreed to by abutting property owners.
- 2. *No slopes steeper than 2 feet horizontal to 1 foot vertical (2:1) shall be permitted at any extraction site unless provisions are made to limit access to such locations.
- 3. The sides and bottom of cuts, fills, channels, and artificial water courses shall be constructed and stabilized to prevent erosion or failure. Such structures are to be designed and built according to accepted Best Management Practices.
- 4. Lagooning shall be conducted in such a manner as to avoid creation of fish trap conditions. The developer shall obtain written approval from the Maine Department of Environmental Protection, and/or the Department of Inland Fisheries and Wildlife, as applicable.
- 5. The hours of operation at any extraction site shall be limited, if necessary to ensure operational compatibility with neighboring residences.
- 6. All access points from the extraction site to public roads shall be treated with suitable materials to reduce dust and mud for a distance of at least 100 feet from such public roads.
- 7. The five-year reclamation plan shall show that within twelve (12) months following the completion of extraction operations at a site, ground levels and grades shall be established so that the restored drainage exits the site resembling pre-development volumes and locations. "Completion" means when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period. Debris, stumps, boulders, and similar materials shall be removed and disposed of on the property in an approved location or, in the case of inorganic material, buried and covered with a minimum of two (2) feet of soil. Only materials generated on-site may be buried or covered.

*Final slopes shall not exceed two feet horizontal to one vertical (2:1). All areas shall be properly restored to a stable condition adequate to meet the provisions of the *Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices*, published by the Cumberland County Soil and Water Conservation District, 1991, or most recent edition. Any temporary shelters or structures erected for operations and equipment shall be removed within thirty (30) days following completion of extraction operations.

C. Existing Operations not Grandfathered

Any mineral extraction process in lawful operation as of the effective date of this Ordinance, must comply with the provisions for a permit within five (5) years. Within ninety (90) days of the enactment of this Ordinance, the Code Enforcement Officer shall notify, by certified mail, return receipt requested, the owners of all property which, to the best of his or her knowledge, contain existing operations, informing them of the requirements of this Section.

Discontinuation of any existing operation for a period of more than two (2) years shall result in the loss of grandfathered status for that operation. Discontinuation is defined as the excavation, processing, or movement of less than two hundred (200) cubic yards of material within any two (2)

year period.

SECTION 3. OVERNIGHT ACCOMMODATIONS

- A. Hotels, motels, rental cottages, and inns designed and constructed without individual kitchen facilities (except for Bed and Breakfast) are subject to the following requirements:
 - 1. Except within the Belgrade Lakes Village, no part of any building shall be closer than fifty (50) feet to the front lot line, rear lot line, or either side line of such lot.
 - 2. Each rental room shall be equipped with an approved, hardwired smoke detector.
- B. Bed & Breakfast facilities shall comply with the following:
 - 1. The application for permit shall include a scale drawing of the lot showing the location of: existing buildings, existing and proposed parking, and existing and proposed sewage disposal systems.
 - 2. In addition to parking required by Section 7.9 of this Ordinance, two spaces shall be provided for the owners or operators of the business.
 - 3. There shall be at least one bathroom provided for the rental rooms, in addition to the bathroom for the dwelling unit.
 - 4. Each rental room shall be equipped with an approved, hardwired smoke detector.
- C. Hotel, motel, or cottage units with self-contained kitchen and toilet facilities or otherwise designated as housekeeping accommodations are considered to be dwelling units and shall meet all applicable standards. In addition, the creation of three or more units may be subject to review under the Town of Belgrade Subdivision Ordinance.

SECTION 4. TELECOMMUNICATIONS TOWERS

A. Location

Consideration shall be given to serving new communication service demands by use of existing towers (co-location) wherever practicable. Applicants for permits for new facilities shall demonstrate why location on an existing tower is not feasible. The planning board may condition new permits to require co-location of other new facilities which may be proposed, if feasible, and to ensure designs which facilitate co-location.

B. Design and Construction

- 1. No tower shall exceed 195 feet in height, as measured from the tip to the ground surface, including extensions and attachments.
- 2. New towers shall be designed in such a way as to facilitate co-location.
- 3. A new or expanded tower shall be placed on a lot owned by the operator of the facility or leased for a period of not less than ten (10) years, and shall be set back from all lot lines a minimum horizontal distance equivalent to the height of the tower, but in no case less than required setbacks for the district in which it is located.

4. New towers shall be constructed with materials and colors that match or blend in with the surrounding natural or built environment to the maximum extent practicable.
5. All towers and supporting structures must comply with structural standards established by the Electronic Industries Association/Telecommunication Industries Association. Compliance with these standards shall be certified by a registered professional engineer.
6. Any communication tower that is unused or out of service for a period of eighteen (18) continuous months shall be considered abandoned and shall be removed as soon as practicable. The Town of Belgrade is hereby authorized to contract for removal of the tower and assess the cost of said removal as a lien against the property.



Town of Belgrade
990 Augusta Road
Belgrade, ME 04917

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APPLICATION FOR CODE ENFORCEMENT OFFICER PERMIT BELGRADE COMMERCIAL DEVELOPMENT REVIEW ORDINANCE

General Instructions

This permit application is **ONLY** for permits issued by the Belgrade Code Enforcement Officer (CEO). These include the following:

1. Expansion of an existing non-residential building by less than 2,500 sq. ft. or an expansion of 35% of the original footprint, whichever is smaller;
2. A change of use of an existing non-residential use to a different non-residential use **except** where the new use will be industrial, retail or a restaurant, or another use that will increase traffic volume or store flammable, combustible or hazardous substances¹; and
3. The expansion of existing paved or other impervious surfaces to a maximum total footprint of 7,500 sq. ft. Impervious surfaces include the total area covered by buildings, parking, roads, driveways, walkways if constructed of asphalt, concrete or compacted gravel.

If your proposed project does not meet any of the above criteria and falls under the Commercial Development Review Ordinance, you must apply to the Planning Board for a permit. Request a Planning Board permit application form at the Town office or download from the Town website.

This application package includes the following:

- General instructions
- Application form and list of required attachments
- Certification of Compliance with the performance standards of the ordinance.

The key to navigating the Town permitting process successfully and in the shortest possible time is good planning of your project, choosing a suitable site and submitting a complete application.

It is recommended that you review the application form and the required supporting materials for your specific proposal and site. Feel free to schedule a pre-application

¹ The most common proposed development or change of use where combustible, flammable or hazardous substances (e.g. waste oil, waste gasoline, degreasers, acetone, solvents) are used or stored include auto repair and body shops. These do not qualify for a CEO permit. You must apply to the Planning Board.

meeting with the CEO to go over your proposal, identify possible pitfalls, and get answers to your questions. The Code Enforcement Officer, Gary Fuller, is available Thursday evenings at the Town office from 5PM to 7PM.

Complete the attached application according to the directions provided as you proceed. Some questions you may not need to complete depending on what uses or development you are proposing. The burden of proof to demonstrate that your development or change of use meets the performance standards of the ordinance rests with the applicant. You must also complete the certificate of compliance which is an attachment to the application.

Once an application has been determined to be complete, the CEO or his delegate will inform the designated contact person of such. At that time the CEO shall also notify abutting property owners of the permit application. The CEO has 15 business days to make a decision to approve, approve with conditions or deny an application. The applicant will be notified in writing of the Code Enforcement Officer's decision.

An applicant who has been denied or who has received conditional approval may request a review of the CEO's decision by the Planning Board. Please notify the CEO in writing if you wish to go before the Planning Board and it will be placed on the agenda of the next available Planning Board meeting. Please note that the Code Enforcement Officer may defer the review of your application and the decision to the Planning Board. The Planning Board may request additional information before reaching a decision and is allowed additional time to consider the application.

Submit the following as part of your permit application to: Code Enforcement Officer, Town of Belgrade, 990 Augusta Rd., Belgrade, Maine 04917

1. One (1) 24"x36" to-scale site plan with detail drawings, plus one (1) set reduced to fit on a 11"x17" page;
2. Two (2) copies of the completed application form with required attachments, including the Certificate of Compliance;
3. A non-refundable processing fee is required to be paid at the time of application submission. The application fees established by the Board of Selectmen are as follows:
 - Applications involving only land and no structures (e.g. mining) - \$50.00
 - All other applications - \$100.00

**TOWN OF BELGRADE
COMMERCIAL DEVELOPMENT REVIEW ORDINANCE
CODE ENFORCEMENT OFFICER PERMIT APPLICATION**

Return fully completed application with required attachments to:
Code Enforcement Officer, Town of Belgrade, 990 Augusta Rd., Belgrade, Maine 04917

To be completed by Town Code Enforcement Officer upon application receipt:

Project Name: _____
Date Received: _____ Application Number : _____
Check One: CEO permit _____ Planning Board permit _____
Application Fee \$ _____ Date paid: _____

Applicant Information

1. Proposed name of development or new use: _____

2. Property owner:

Name: _____

Address: _____

Telephone No.: _____

Email: _____

3. Applicant:

☐ Same as property owner (go to question 5)

Name: _____

Address: _____

Telephone No.: _____

Email: _____

4. Applicant representing self? _____ Yes (go to 6) _____ No (complete 5)

5. Applicant's authorized agent (must provide authorization letter from applicant):

Name: _____

Address: _____

Telephone: _____

Email: _____

6. Person to receive all communications regarding this application:

7. What legal interest does the applicant have in the property for which a permit is requested (ownership, option, purchase and sales contract, lease, etc.)?

8. Provide proof of title right and interest in the project property, such as a copy of the deed, purchase option, sales agreement or lease. Attach to your application.

Location and Existing Uses:

9. Location of the property being developed or for which permit is requested:

Belgrade Tax Map _____ Lot(s) _____

10. Street(s) on which the development or proposed use is located:

11. Total acreage of the parcel(s): _____ acres

12. Is any portion of the property within a shoreland zone, as depicted on Town of Belgrade Shoreland Zoning Map? ____Yes ____No

13. Is any portion of the property within a special flood hazard area, as depicted on Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps? ____Yes ____No

14. Is the property part of an approved subdivision? ____Yes ____No

Note: *If applicable, provide copies Shoreland Zoning, Subdivision and Flood Plain Ordinance approvals as attachments to application*

15. Describe existing structures (number, footprint, etc.) and their current uses:

16. What is the current use of the land parcel? ____ Residential ____ Non-residential
____ Both

17. Current estimated peak daily vehicle traffic : _____

Current estimated peak hourly traffic volume: _____

Proposed Development/ Land Use Application Overview:

18. Provide a brief description of the development or proposed change in use (size and number of structures, proposed future uses, etc.)

19. Are you proposing an expansion of an existing non-residential building?
____ Yes ____ No If "yes", provide the total footprint in square feet ____ sq. ft.
and the square foot increase as a percentage of the footprint of existing buildings
____ %

20. Are you proposing any one of the following uses?
____ Retail ____ Restaurant ____ Industrial ____ Other

21. Provide estimated peak daily vehicle traffic to be generated: _____

Provide estimated peak hourly traffic volume: _____

22. Will the new use or development be storing, using or handling flammable, combustible or hazardous substances, (including waste oil, antifreeze, degreasers, etc.) other than heating oil or propane for on-site building heating?
____ Yes ____ No

If "yes", describe types of substances and quantities: _____

23. What will be the total footprint area of impervious surfaces? _____ sq. ft.

Note: Impervious surfaces include the footprint area of buildings, other structures, and parking, roads, driveways and walkways constructed of low permeability materials including concrete, asphalt and compacted gravel or other materials.

24. Provide the proposed total footprint area of disturbed area on the parcel following development, expansion or change in use:
_____ sq. ft.

Note: Disturbed area includes the area cleared of vegetation, covered with fill, stripped of soil, graded, excavated, or covered by structures including parking areas, walkways, driveways and roads.

25. Have you obtained all other applicable State, Federal and Town of Belgrade required permits, including but not limited to MDOT Highway Entrance Permit and Traffic Movement Permit, Maine Dept. of Environmental Protection permits, and Belgrade Minimum Lot Size, Shoreland Zoning, Flood Plain and Subdivision approvals? ____ Yes ____ No ____ None required If "no", specify which are required and their status: _____

26. Provide one (1) 24x36" Site Development Plan drawn to scale showing at minimum the following: scale, north arrow, parcel boundaries, location and dimensions of existing and proposed buildings, infrastructure and structures, drainage structures, signs, fencing, exterior lights, location and extent of disturbed area, layout and dimensions of impervious surfaces, parking, driveways, roads, outdoor storage areas of equipment/inventory/dumpsters/other materials, location of bulk storage of petroleum/hazardous substances/propane, utilities, drainage ways, easements, rights of way, location of flood hazard areas/water courses/ water

bodies/wetlands, Shoreland Zoning districts, location of existing vegetation to be retained, location of vegetated buffers/screening along public roads & property lines and around outdoor storage areas, landscaping, location of wells & source water protection area if public drinking water supply, location of soil test pits and subsurface waste water disposal system(s), other significant natural/physical features, name/address of owner/applicant, and name/address/license number/stamp of professional engineer/surveyor who prepared site plan. Site Plan is to also provide a signature line for the Code Enforcement Officer and the date of signature.

27. Provide to-scale detailed drawings and specifications for any proposed roads, driveways, vehicle access points from roads, parking areas and drainage structures, including storm water control devices.
28. If the total area of impervious surfaces is 7,500 sq. ft. or greater, provide a phosphorous control plan prepared by a Maine registered professional engineer in accordance with the requirements of the water quality protection standard, Article 6, Section 15(B) of the ordinance.
29. All applicants for a Code Enforcement Officer permit under the Commercial Development Review Ordinance must include a signed certificate of compliance (see attached) with the ordinance's performance standards.

PLEASE READ AND SIGN:

I certify that to the best of my knowledge the information submitted in this application and the attached materials are true, correct and accurate. I understand that before this application can be determined to be complete by the Town of Belgrade; all requested information must be submitted. Furthermore, I also understand that any changes to this proposed development or use as approved, must be submitted to the Belgrade Code Enforcement Officer in writing and must be approved prior to implementation. Failure to do so may result in enforcement action and/or the removal of the unapproved changes to the activity.

(Name of Applicant - printed)

(Signature of Applicant)

(Date)

***Submit this form, site plan and required attachments to the Town of Belgrade
Code Enforcement Officer***

APPLICANT CERTIFICATION OF COMPLIANCE
Town of Belgrade Commercial Development Review Ordinance
Code Enforcement Officer Permit Application

I, _____
(Printed name of applicant)

have read and understand the performance standards in Articles 6 and 7 of the Town of Belgrade Commercial Development Review Ordinance. I also agree to comply with those performance standards which apply to my proposed development or use. I fully understand that I can be subject to enforcement action, including a stop work order, upon my failure to comply with the performance standards. I authorize the Belgrade Code Enforcement Officer and other official representatives of the Town of Belgrade to access the project site for the purpose of determining compliance with the standards.

Signature of Applicant: _____

Date: _____

Town of Belgrade



Town of Belgrade
990 Augusta Road
Belgrade, ME 04917

Phone: (207) 495-2258
Fax: (207) 495-2742

PLANNING BOARD PERMIT APPLICATION BELGRADE COMMERCIAL DEVELOPMENT REVIEW ORDINANCE

General Instructions

This permit application is **ONLY** for permits issued by the Belgrade Planning Board. Small projects or expansions may only require a permit from the Belgrade Code Enforcement Officer. These include:

1. Expansion of an existing non-residential building of less than 2,500 sq. ft. or an expansion of 35% of the original footprint, whichever is smaller;
2. A change of use of an existing non-residential use to a different non-residential use except where the new use will be industrial, retail or a restaurant, or another use that will increase traffic volume or store flammable, combustible or hazardous substances; and
3. The expansion of existing paved or other impervious surfaces to a maximum total footprint of 7,500 sq. ft. Impervious surfaces include the total area covered by buildings, parking, roads, driveways, walkways if constructed of asphalt, concrete or compacted gravel.

If your proposed project meets one of the above criteria, ask for a Code Enforcement Officer permit application form at the Town office or download from the Town website, submitting the completed application and necessary attachments to the Code Enforcement Officer.

All other proposed developments or changes of use require Planning Board approval and require this application to be completed and the required attachments and other supporting materials provided. These include renewal of a 5 year operating permit for existing gravel mining operations.

This application package includes the following:

- General instructions
- List of publicly available sources of required information and maps
- Application form
- List of attachments required of all applications and available sources of information and maps (*Note: additional attachments and submissions may be required depending on the specifics of your proposed development and site*)
- A checklist used by the CEO and Planning Board to determine if your application is complete

The key to navigating the Town permitting process successfully and in the shortest possible time is good planning of your project, choosing a suitable site and submitting a complete application.

The Planning Board recommends that you review the application form and the required supporting materials for your specific proposal and site, and schedule a pre-application meeting with the Code Enforcement to go over your proposal, identify possible pitfalls, and get answers to your questions. The Code Enforcement Officer, Gary Fuller, is available Thursday evenings at the Town office from 5PM to 7PM. The Planning Board may also be consulted by requesting a time slot on the Board's meeting agenda one week in advance of a scheduled meeting. The Planning Board meets on the first and third Thursday of the month from 7-9pm. Meetings are also listed on the calendar of events on Town's website.

Complete the attached application according to the directions provided as you proceed. Some questions you may not need to complete depending on what uses or development you are proposing. The character of your site, the size of your development and the degree it may impact neighbors, the Town or sensitive natural resources will also determine the amount of information required by the ordinance. The burden of proof to demonstrate that your development or change of use meets the performance standards of the ordinance rests with the applicant. Property owners within 500' of your property will be notified by mail of your proposal and permit application by the Code Enforcement Officer. Additional public notices may also be required depending on whether you plan to store, handle or use oil or hazardous substances, or are located on the boundary of another municipality.

Once an application has been determined to be complete, the Planning Board has 60 business days to make a decision to approve, approve with conditions or deny an application. The Board will issue its decision in the form of Findings of Fact and Law, which will include any conditions placed on your permit. All permits are issued with two standard conditions. The first states that your approval is only for that for which you specifically applied. Future changes or expansions require you to submit a permit amendment. The second, states that you are responsible for complying with all the standards of the ordinance unless you requested and received a waiver from the Board for specific standards.

Submit the following as part of your permit application to: Code Enforcement Officer, Town of Belgrade, 990 Augusta Rd., Belgrade, Maine 04917

1. One (1) 24"x36" to-scale site plan with detail drawings
2. Eight (8) copies of the completed application form, required attachments, and to-scale plan drawings reduced to fit on 11" x 17" pages.

[Type text]

3. A non-refundable processing fee is required to be paid at the time of application submission. The application fees established by the Board of Selectmen are as follows:
 - Applications involving only land and no structures (e.g. mining) - \$50.00
 - All other applications - \$100.00

[Type text]

TOWN OF BELGRADE COMMERCIAL DEVELOPMENT REVIEW ORDINANCE PERMIT APPLICATION

Return fully completed application with required attachments to:
Code Enforcement Officer, Town of Belgrade, 990 Augusta Rd., Belgrade, Maine 04917

To be completed by Town Code Enforcement Officer upon application receipt:

Project Name: _____ Date _____

Received: _____ Application Number : _____

Check One: CEO permit _____ Planning Board permit _____

Application Fee \$ _____ Date paid: _____

Technical Review Fee \$ _____ (if applicable) Date Paid _____

Applicant Information

1. Proposed name of development or new use: _____

2. Property owner:

Name: _____

Address: _____

Telephone No.: _____

Email: _____

3. Applicant:

☐ Same as property owner (go to question 5)

Name: _____

Address: _____

Telephone No.: _____

Email: _____

4. Applicant representing self? ____ Yes (go to 6) ____ No (complete 5)

[Type text]

5. Applicant's authorized agent (must provide authorization letter from applicant):

Name: _____

Address: _____

Telephone: _____

Email: _____

6. Person to receive all communications regarding this application:

7. What legal interest does the applicant have in the property for which a permit is requested (ownership, option, purchase and sales contract, lease, etc.)?

Note: Must provide documentation of title, right and interest with this application

Does the deed contain any deed restrictions or covenants? ____ Yes ____ No

If "yes", please list:

Land and Location Information:

8. Location of the property being developed or for which permit is requested:

Belgrade Tax Map _____ Lot(s) _____

9. Street(s) on which the development or proposed use is located:

10. Total acreage of the parcel(s): _____ acres

11. Existing conditions on parcel:

Structures (no./dimensions/uses): _____

[Type text]

Other existing uses of land: _____

12. Is any portion of the property within a shoreland zone, as depicted on Town of Belgrade Shoreland Zoning Map? ____Yes ____No

13. Is any portion of the property within a special flood hazard area, as depicted on Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps? ____Yes ____No

14. Is the property part of an approved subdivision? ____Yes ____No

Note: If applicable, provide copies Shoreland Zoning, Subdivision and Flood Plain Ordinance approvals as attachments to application

15. Is the property to be developed located within 500 feet of a municipal boundary?
____Yes ____No
If yes, which municipality? _____

Note: If within 500' of a town boundary, the other municipality will be notified of this application.

Proposed Development/ Land Use Application Overview:

16. Provide a brief description of the development or proposal (size and number of structures, proposed uses, etc.)

17. Are any waivers of the application submission requirements or ordinance performance standards being requested with this submission? ____Yes ____No.

If yes, please list each here and attach as part of this application a detailed written request and justification for each submission or standard to which a waiver is required:

[Type text]

18. Application Fee required to be submitted: Amount attached \$ _____

If required by the Planning Board, the Technical Review Fee¹ required: Amount attached \$ _____

19. Does this development or change of use propose or require extension or expansion of any of the following public infrastructure? ____ Yes ____ No

If yes, check all that apply.

____ Roads ____ Storm Drains ____ Sidewalks
____ Other (please specify) _____

20. Provide an estimate of cost of the proposed development: \$ _____

21. Provide anticipated start and completion construction dates:

Start date _____ Completion date _____

22. Will any portion of the land parcel or a structure be dedicated to a public use?

____ Yes ____ No If yes, describe:

23. Identify method of water supply:

____ On-site ground water well
____ Other, (please specify) _____

Is water supply to be used for fire suppression?

____ Yes ____ No

What other water uses will the project include? Please specify.

¹ The Technical Review fee is a fee paid into an escrow account to cover the cost of the Planning Board hiring a technical consultant to assist it with its review of application submissions. This fee is only required when needed and at the discretion of the Planning Board.

What is the projected total water demand of the development or use?

☐ Less than 2,000 gallons per day

☐ 2,000 gallons per day or more

Will the water supply meet the State definition of a public drinking water supply system? ☐ Yes ☐ No. If yes, will it be a transient, community or non-transient non-community water system (specify): _____

Note: If a community or non-transient non-community drinking water system, attach to application a copy of your Maine Drinking Water Program approved source water protection plan.

Is water supply adequate for proposed uses and projected demand?

☐ Yes ☐ No.

Note: Provide evidence to support (e.g. letter from local well driller or geologist on anticipated well yields)

24. Identify method of sewage disposal for the proposed development or use.

☐ Individual subsurface disposal system (e.g. septic system)

☐ Central on-site disposal

☐ Other, please state _____

25. What Federal or State government permits or approvals are required by this proposed development or use?

Maine Department of Transportation ☐ Yes ☐ No.

If yes, permit type(s): _____

Did MDOT require a Traffic Movement Permit? ☐ Yes ☐ No

Note: If vehicle access is to a State highway or the Castle Island Road, attach a copy of the MDOT Entrance or Access Permit. If MDOT requires a Traffic Movement Permit, the associated traffic engineering study or plan is to be provided as part of this application.

Maine State Fire Marshal ☐ Yes ☐ No. If yes, permit type: _____

Maine Dept. of Environmental Protection ☐ Yes ☐ No

[Type text]

If yes, permit type(s): _____

Maine DHHS Drinking Water Program approval of a public drinking water system?

____ Yes ____ No

US Army Corps of Engineers ____ Yes ____ No. If yes, permit type: _____

Other: ____ Yes ____ No

If yes, specify permit type : _____

26. Are you applying exclusively for approval to mine an existing sand and gravel pit for the next 5 years? ____ Yes ____ No

If "yes", skip to question 63

If "not", proceed to question 27.

Information Needed to Assess Compliance with General Development Standards:

27. How will development or proposed use control emissions of dust, ash, smoke, particulate matter or other air pollutants? _____

Does proposal meet applicable Federal and State air quality regulatory requirements? ____ Yes ____ No

Note: Documentation that the development or land use meets Federal and State air quality regulatory requirements will be sufficient to demonstrate proposal meets ordinance's air quality standard.

28. Estimated peak daily vehicle traffic to be generated: _____

Estimated peak hourly traffic volume: _____

How were these figures estimated? Explain or cite methodology used.

[Type text]

29. How many vehicle access points are to be provided from a road? _____

What is the posted speed limit of the road from which vehicles access the proposed development or use? _____ mph

30. Name(s) of contractor(s) responsible for earth work or any soil disturbance and their respective Maine Dept. of Environmental Protection Basic and Advanced Erosion Control Certification No. :

31. Is a site or structure located on the parcel listed on the National Register of Historic Places? ____Yes ____No
If yes, provide name and describe: _____

How will impact on above historical site/structure be prevented or mitigated?

Are any archeological sites identified by the Maine State Historic Preservation Commission present on the parcel?
____Yes ____No. If yes, provide name and description:

How will impact on above archeological site(s) be prevented or mitigated?

32. Will equipment, machinery, inventory, parts, salvage, waste collection containers, dumpsters or other materials associated with the proposed use be stored outdoors?
____Yes ____No

If yes, please describe the types of items to be stored outside and what

[Type text]

measures will be taken to prevent children from accessing.

How will dumpster(s) be screened from view from neighbors and public roads?

33. Does any portion of the parcel include critical natural areas or significant wildlife habitat, including deer wintering areas, as identified and mapped by the Maine Beginning with Habitat Program? ____Yes ____No

Note: Show areas on site plan or provide copy of Beginning with Habitat maps with parcel boundaries indicated as attachment to application.

If yes, describe how impact to those areas and habitats will be avoided or mitigated consistent with recommendations from IFW and Critical Areas Program:

Note:

The Natural Areas Program in the Maine Dept. of Agriculture, Forestry and Conservation offers technical reviews and advice on critical plant communities to developers. See following for more information:

<http://www.maine.gov/dacf/mnap/assistance/review.htm>

If the parcel includes critical natural areas or significant wildlife habitat, contact the Critical Natural Areas Program and/or Maine IF&W regional biologist for written mitigation recommendations for inclusion in your application at time of its submission. Not including will delay review of your application until such time as the Planning Board is able to contact these State agencies and obtain recommendations.

[Type text]

34. If parcel includes wetlands identified on the National Wetlands Inventory Map, describe how impact to the wetlands will be avoided or mitigated?

Note: Show wetland areas on site plan or provide copy of wetland map with parcel boundaries indicated as attachment to application.

35. Is development or change of use located on a hilltop or the lake shore? ____ Yes
____ No

Note: If “yes”, the Planning Board may require a visual impact assessment to provide evidence that the proposal will not significantly impact the quality of Belgrade’s scenic resources in accordance with Article 6, Section 6A.

36. Other than from safety signals and other emergency warning devices, will maximum noise levels produced by the proposed use exceed 60 decibels between 7am and 9:30pm, or 45 decibels between 9:30pm to 7am, at the property lines or the lake shore? ____ Yes ____ No

Will these noise standards be exceeded at any time during the course of a single day for more than 15 minutes? ____ Yes ____ No

Identify which activities are likely to generate sound in excess of the above standards. Please list and describe:

What noise monitoring, suppression and mitigation/buffering measures are proposed ? Please describe:

Note: The Planning Board may require as a condition of approval noise monitoring to

[Type text]

ensure compliance with the ordinance's noise standards

37. Will outdoor development construction activities be conducted between the hours of 9:30pm and 7:00am? ____Yes ____No

Are residential uses present on abutting land parcels? ____Yes ____No. If yes to both, what noise suppression measures will be implemented? List and describe:

38. Provide the number, design, location and illumination intensity of outdoor lighting fixtures: _____

Will light illumination from the development or use beyond any property line exceed 0.5 foot candles?

____Yes ____No

Note: If yes, attach a lighting plan to reduce errant lighting onto abutting properties to meet this standard.

Note: The Town may require monitoring of illumination levels following development to determine compliance with the ordinance's lighting standard.

39. Describe off-street parking to be provided for the development/use, including number of general use parking spaces, handicapped spaces and over size vehicle spaces to be provided:

How often and where will delivery trucks be unloaded and loaded?

Will vehicles loading/unloading protrude into a public road?

____Yes ____No

[Type text]

Will delivery vehicles need to back into unloading/loading areas from public road?
____ Yes ____ No

How many loading bays will be provided as part of off-street parking:

40. Describe measures to be provided for security and fire protection for the proposed development or use.

Is the footprint of any building greater than 10,000 sq. ft.? ____ Yes ____ No

If yes, describe access to be provided to all sides of the building for emergency vehicles: _____

Will development or use exceed the capabilities of the Belgrade Fire Department?
____ Yes ____ No

Note: Provide a written statement from the Belgrade Fire Chief regarding whether development or use will exceed the capabilities of the Town Fire Department with any recommendations for additional fire protection improvements. If special training or equipment is required by Fire Department because of the use or storage of toxic or flammable materials or other reasons, the developer/owner is responsible for this cost to the Town.

Will development or use depend upon the Kennebec County Sheriff's Department for security services? ____ Yes ____ No

Note: If yes, provide letter from Kennebec County Sheriff that Sheriff is able to provide requested security services.

41. Is the proposed development or use located within a "Village District" as shown in the Belgrade 2014 Comprehensive Plan land use district map (available at Town office): ____ Yes ____ No

Note: Vegetative screening and sign standards differ in the Village District from elsewhere in Belgrade.

[Type text]

42. Describe vegetative screening to be provided and maintained along all public roads (e.g. depth, length, vegetation composition) (also show on site plan):

43. Describe vegetative screening to be provided and maintained along property line with abutting residential properties (e.g. depth, length, vegetation composition) (also show on site plan):

44. Provide number, size (sq ft), location, anchoring and height off ground level of each proposed advertising or informational sign (also show location on site plan):

45. Will any exterior signs be illuminated? ____Yes ____No

If yes, will sign(s) be externally or internally illuminated: ____Exterior lighting
____Internal lighting

Describe shielding to be provided to illuminated signs: _____

Provide hours of operation for illuminated signs: _____

Will sign illumination be brighter than 50 foot candles as measured 100 feet from the sign? ____Yes ____No

Note: The Planning Board may require monitoring illumination brightness as condition of approval

[Type text]

46. Is any sign to be an electronically (digitally) changeable sign? ____ Yes ____ No

If yes, provide the minimum time duration a message will be displayed before changing to the next message:

47. Describe solid waste to be generated, including types of waste:

Estimated volume per year to be generated (cu. yd/year): _____

Method/location of disposal for solid waste: _____

48. Will oil, petroleum or propane be stored or handled on-site (other than during project construction, a heating oil tank smaller than 330 gallons or a propane tank 200 gallons or smaller) ?

____ Yes ____ No

If yes, describe types and volumes of products:

How will be stored on-site? Check all that apply. ____ Underground tanks ____ Above ground tanks ____ Drums ____ Other

(describe): _____

Which State or Federal permits, registrations, notifications or approvals are required to store or handle oil, petroleum or propane associated with this proposal?

If an underground oil storage facility is proposed, provide the Maine DEP registration number: _____

[Type text]

If a Maine State Fire Marshal permit is required for construction of above ground oil storage tank(s), provide permit number: _____

Is a U.S. Environmental Protection Agency Spill Prevention Control and Countermeasure (SPCC) Plan required? ____Yes ____No

Note: If yes, attach copy of current SPCC plan to application.

List all other applicable license, permit or registration numbers for oil, petroleum or propane storage, including but not limited to Maine Fuel Board:

49. Will hazardous substances be stored on-site or used? ____ Yes ____No

If yes, specify types and quantities:

50. Will hazardous, special or universal wastes (including waste oil and waste antifreeze) be generated by the project or use?

____Yes____ No. If yes, provide the following information.

Describe type, characteristics and estimated quantity of waste:

How will these wastes be properly stored and handled on-site?

How/where will these wastes be disposed? Describe:

[Type text]

Which State or Federal permits, registrations, notifications or approvals are required to generate, store, handle or dispose of these wastes? List all applicable and provide license, permit or registrations numbers:

51. If you answered "yes" to any of questions 48-50, provide the following information:

Will any portion of your development or use be located on a significant sand and gravel aquifer as mapped by the Maine Geological Survey? ____Yes ____No.

Note: Show the location of the proposed development or use on a Maine Geological Survey Significant Sand and Gravel Aquifer map. Attach to this application.

Will any portion of your project or use be within 300 feet of a private drinking water well, 1,000 feet of a public drinking water supply well, or within the source water protection area of a public drinking well as mapped by the Maine Drinking Water Program? ____Yes ____No

Note: If the development or proposed use will involve the production, use, handling or storage of hazardous substances, oil or petroleum (not propane), and is located on a Significant Sand and Gravel Aquifer or within the source water protection area of a public drinking water system, within 1000' of a public well, or within 300' of a private well, the application must include written documentation from the Maine Dept. of Environmental Protection that the development or use will comply with agency regulations, Chapters 692 and 700, in the form of a variance from those rules or a letter indicating the prohibitions on location over aquifers or near public and private drinking water supplies does not apply

52. Will the proposed activity discharge pollutants to any surface waterbodies or ground water, including by way of subsurface waste water disposal system? ____Yes ____No

If yes, describe discharge and its physical, chemical and biological characteristics:

Note: If a subsurface waste water discharge system (e.g. septic system) is proposed, show location on the site plan and provide a copy of the Maine Department of Health and Human Services HHE-200 form prepared and signed by a Maine licensed Soil Site Evaluator, including a map of the location of all soil test pits, and any permit from the Maine Department of Environmental Protection or the Dept. of Health and Human Services Plumbing Program.

53. Will any ground water discharge result in any ground water quality measure exceed one-half of a Federal primary drinking water standard or State maximum exposure drinking water guideline? ____Yes ____No

Will ground water exceed any Federal secondary drinking water standard?
____Yes ____No

54. Will ground water withdrawal, including for a drinking water supply or alterations to site surface water recharge characteristics lower the ground water table beyond the property line? ____Yes ____No

Note: If ground water withdrawal is projected to exceed 2,000 gallons per day, a written assessment is required of the impact on ground water quality and quantity to be prepared by a Maine certified geologist or registered professional engineer with experience in ground water. This assessment must meet the requirements of Article 6, Section 15.A.2. Provide copy of ground water assessment as part of this application.

55. Provide the total area (sq. feet) of impervious area of the development or use, including but not limited to the footprint area of all structures, as well as paved and gravel parking, roads, walkways, etc. ____ sq. ft.

56. Provide the total square feet of disturbed area of the development or change of use: ____ sq. ft.. Disturbed area includes the total area cleared of native vegetation, covered with fill, stripped of soil, graded, excavated, or covered by structures, walkways, parking or outdoor storage.

57. How many linear feet of new road or driveway is proposed? ____ ft.

58. In which lake watershed(s) is the proposed development located? Please specify: _____

[Type text]

59. What is the allowed phosphorous export in pounds per acre as established by Article 6(B) of the ordinance's (see table of permitted phosphorous export)?
_____ pounds/acre

Note: If a development is located in the watershed of more than one lake, the lower phosphorous standard shall apply.

60. Has this development received a Stormwater Management Permit from the Maine Dept. of Environmental Protection under the Maine Stormwater Management Law? ____Yes ____No

If yes, provide a copy of this permit as part of this application. Receipt of this permit shall demonstrate that the development meets the phosphorous control standard of the ordinance.

Note: If your response to question 60 is "No", AND the development as proposed will exceed 15,000 sq. ft. of disturbed area, OR exceed 7,500 sq. ft. of impervious surfaces, OR will include more than 250 feet of new road or driveway; phosphorous export from the development must be controlled in accordance with the requirements of Article 6(B), including a stormwater and phosphorous control plan must be submitted as part of this application, with its control features shown on the site plan.

If the total disturbed area will exceed 30,000 sq. ft. OR the linear length of proposed roads or driveways exceed 350 ft., the stormwater and phosphorous control plan must be prepared and the control features designed by a Maine registered professional engineer in accordance with the Maine Dept. of Environmental Protection's manual *Phosphorous Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, Sept. 1992 or as revised. The plan and stormwater/phosphorous control features on the site plan must be signed and stamped by the Maine professional engineer responsible for their design and development.

If the development includes 30,000 or less square feet of disturbed area AND 350 linear feet or less of new road or driveway, stormwater and phosphorous export may be controlled utilizing the ordinance's *Simplified Phosphorous Control Method*, relying upon vegetated buffers to infiltrate runoff and of dimensions prescribed in Article 6(B) of the ordinance.

61. Describe here or in your storm water and phosphorous control plan provisions for monitoring and inspection, maintenance and use restrictions for stormwater/phosphorous control measures, including buffer strips and infiltration systems:

[Type text]

62. Is the development or change of use to include (check applicable):

____ New mineral extraction or a processing facility. Provide supplemental information requested by questions 64.

____ Overnight accommodations (other than a bed and breakfast) Provide supplemental information requested by question 65.

____ Bed and breakfast. Provide the supplemental information requested by question 66.

____ Telecommunication tower. Provide supplemental information requested by question 67.

____ Wind energy facility. Provide supplemental information requested by question 68.

63. For existing gravel, sand or other mining operations (only), seeking operating approval for an additional 5 years, provide the following information:

Will there be an increase in the number or footprint of on-site buildings?

___Yes ___No If "yes" describe and show on site plan:

Will there be an increase in the footprint area of impervious surfaces?

___Yes ___No If "yes", describe and show on site plan:

[Type text]

Will there be an increase in the volume of toxic, flammable, combustible or hazardous substances to be used or stored? ____Yes ____No If "yes" provide details of the materials and how they will be stored and used:

Is any change in existing stormwater or phosphorous control designs or vegetated infiltration buffers proposed? ____Yes ____No Describe in detail and show on site plan:

Will there be any changes to vegetative screening or buffers to neighbors or public roads? ____Yes ____No If "yes", show on site plan and describe in detail:

Will there be an addition of activities or changes in design which may increase noise levels? ____Yes ____No Describe new activities and changes:

Will rock crushing, a concrete plant, an asphalt batch plant or other mineral processing of be added in the next 5 years?
____Yes ____No

[Type text]

Note: If “yes”, a full application is required for Planning Board review and approval under Articles 4, 5 and 6 in addition to Article 7 of the ordinance.

Is a change of use proposed that will generate higher traffic to or from the site?
____ Yes ____ No If “yes”, describe: _____

Is there a proposed change in location or design of any infrastructure used by the general public, including but not limited to roads, sidewalks, street lights, driveway entrances, or parking areas? ____ Yes ____ No If “yes”, describe and show on site plan:

Note: If the Planning Board determines that proposed changes to an existing mining operation are significant, the Board may notify the public in accordance with the notification requirements of the ordinance and provide the public an opportunity to comment.

64. For new and existing mining operations, the following information is required in addition to a site plan:

Describe the proposed operating procedures and hours: _____

Provide detailed plans for reclamation of completed areas of excavation or mining (show on site plan and provide a narrative description): _____

Will a 50' vegetated buffer be maintained between any mining or processing operations and public roads and abutting property lines? ☐ Yes ☐ No

Note: Less than a 50' vegetated buffer from an abutter's property line is permitted only if a written agreement to that affect is reached with that landowner, and a copy is provided as part of the application.

What is the steepest side slope proposed in areas of active mining?
_____ (e.g. 2:1, 3:1, etc.)

Will unauthorized access to the mining operation be controlled? ☐ Yes
☐ No How?

Describe how dust and mud will be controlled on a minimum of the first 100' of the access driveway:

Are stationary petroleum storage tanks and an equipment fueling area proposed?

☐ Yes ☐ No

If "yes", will petroleum storage and fueling facilities be designed and operated in accordance with Maine DEP regulations for petroleum storage associated with aggregate mining operations (Chapter 378)? ☐ Yes ☐ No Please provide documentation of such or describe design and operating procedures, including spill prevention, reporting and clean-up. _____

[Type text]

65. If proposing an overnight accommodation, including a hotel, motel, rental cottages, or inn (but not a bed and breakfast), provide the following supplemental information in addition to that previously required elsewhere in this application:

Will this facility be located within a Village District as shown in the Belgrade 2014 Comprehensive Plan's land use map? ____Yes ____No

Will any portion of a building be closer than 50 feet to a property line?
____Yes ____No

Will each rental room be equipped with a hardwired smoke and carbon monoxide detector? ____Yes ____No

Note: Hotel, motel or cottage rentals with self-contained kitchen and bathrooms designed as house keeping accommodations are considered dwelling units and may be subject to review under the Belgrade Subdivision Ordinance.

66. If proposing a bed and breakfast facility for overnight accommodations, provide the following supplemental information in addition to that previously required elsewhere in this application:

How many parking spaces will be provided for guests? ____

How many additional parking spaces will be provided for the owner or operator?

Will each rental room have its own bathroom? ____Yes ____No

Will each rental room have a hardwired smoke detector? ____Yes ____No

67. If developing a telecommunications tower, provide the following supplemental information in addition to that required elsewhere in this application:

Will tower be co-located on existing tower or same parcel as existing tower?
____Yes ____No If "no", demonstrate why locating on existing tower or on
parcel with existing tower is not feasible: _____

What will be the height of the tower above the ground surface to its maximum elevation, including attachments and extensions? ____ feet

[Type text]

What horizontal distance will the tower be setback from property lot lines? (provide details and show on site plan):

Will the tower be a monopole design? ☐ Yes ☐ No

Is the lot upon which the tower will be located owned by the tower's operator?
☐ Yes ☐ No If "no", what is the period of the lease? years

Describe the materials and colors of which the tower will be constructed:

Will the tower be located either on a hilltop or on the shore of a lake? ☐ Yes
☐ No

Note: If "yes", the Planning Board may require a visual impact assessment to provide evidence that the proposal will not significantly impact the quality of Belgrade's scenic resources in accordance with Article 6, Section 6A.

Will the tower be designed and constructed in accordance with the Electronic Industries Association/Telecommunications Industries Association standards?
☐ Yes ☐ No

Note: As part of this application provide written certification by a Maine registered professional engineer that the tower will be constructed in accordance with the above national industry standards

68. If developing a non-residential wind energy facility, provide the following supplemental information in addition to that required elsewhere in this application:

Will turbine(s) be designed by (check): ☐ Manufacturer ☐ Maine registered professional engineer

Provide the maximum height off the ground surface for each turbine:

Note: If the height of a turbine is greater than 100' off the ground surface, a visual impact assessment shall be required as part of this application to determine whether the facility will have an adverse impact on scenic views from a lake or public places within Belgrade.

Provide the setback in horizontal distance for each turbine from property lines, public and private rights-of-way and overhead utility lines:

Will all turbines be provided with an over speed control system? ____Yes ____No
Describe system safety features: _____

Describe safety features of facility to prevent unauthorized access to tower and ground mounted electrical and control equipment: _____

What is the minimum distance from ground level to the lowest arc of the tip of the blades? _____ ft.

Will the tower be a monopole design? ____Yes ____No

What impact will the facility have on wildlife movements and migration? Describe:

Note: The Planning Board may request a study of potential impacts of the facility on

[Type text]

wildlife movements and migrations.

Describe design features and other efforts to minimize the creation of artificial habitat for raptors or their prey: _____

Describe how the facility will be located to maximize screening views of the turbines by utilizing by utilizing existing vegetation, structures, and topographic features:

Describe how the facility will be designed to avoid unreasonable adverse shadow flicker effect on occupied building on abutting properties:

Identify all State and municipal public roads in Belgrade to be used in the transport of equipment and parts for construction, operation or maintenance of the facility:

Note: The Town of Belgrade will engage a qualified third party Maine registered professional engineer reasonably acceptable to the applicant to document the condition of these roads prior to and after their use to transport equipment associated with this development to document any resulting damage. The applicant is responsible for the cost of any road repairs for which they or their

[Type text]

contractors are responsible.

Provide an emergency response plan developed in cooperation with Belgrade Fire and Rescue Department, as well as Kennebec County Sheriff's Department and Maine State police addressing notification to those agencies and coordination with emergency services during the transport of equipment:

Describe the fire suppression system and fire safety measures to be part of the turbines:

Describe the current general liability insurance covering the facility for bodily injury and property damage, including the dollar amount of coverage:

Note: As part of this application, the applicant is to provide a certificate of insurance.

[Type text]

PLEASE READ AND SIGN:

I certify that to the best of my knowledge the information submitted in this application and the attached materials are true, correct and accurate. I understand that before this application can be determined to be complete by the Town of Belgrade; all requested information must be submitted.

(Name of Applicant - printed)

(Signature of Applicant)

(Date)

*Submit this form, site plan and required attachments to the Town of
Belgrade Code Enforcement Officer*

MINIMUM REQUIRED APPLICATION ATTACHMENTS²

Attachment	Sources of Information
Copy of deed, option, sales agreement, lease or other documentation of title right or interest	*****
Copy of tax map of property	Town office
Copy Kennebec County soil map of property	https://websoilsurvey.nrcs.usda.gov/app/
Copy of USGS topographical map showing property location	https://www.usgs.gov/products/maps/topo-maps Also available for purchase from: Maine Geological Survey 93 State House Station Augusta, Maine 04333 Phone: (207) 287-2801
Copy of Belgrade Shoreland Zoning map showing property	Town office
Copy of FEMA Flood Insurance map showing property	Town office
Copy of National Wetland Inventory map showing property	https://www.fws.gov/wetlands/
Beginning with Habitat & Natural Areas map showing property	https://webapps2.cgis-solutions.com/beginningwithhabitat/map2/
Copies of other required Federal, State or local permits	*****
24x36" to scale site plan w/ detail drawings	*****
8 copies of the completed application form, required attachments, and to-scale plan drawings reduced to fit on 11" x 17" pages.	*****
Evidence of water supply adequacy	Obtain from your well driller or Maine certified geologist
Soil erosion control plan	*****
MDEP certified contractor name & no.	Obtain from your earth moving contractor or http://www.maine.gov/dep/land/training/cccec.html
National Register of Historic Places listing of historic sites on property	https://www.nps.gov/nr/about.htm
Maine Historic Preservation Commission listing of any archeological sites on property	http://www.state.me.us/mhpc/project_review/index.html

² Other attachments may be required by ordinance depending on nature of proposed development and use along with site conditions. The attachments listed here are those required at a minimum of all applications.

[Type text]

Subsurface waste water disposal site evaluation form (HHE-200)	From your soil site evaluator and designer of your septic system
Exterior lighting plan & specifications for fixtures	*****
To-scale profile (face-on) view of proposed signs	*****
Stormwater management plan	*****
Phosphorous export control plan	*****

[Type text]

BELGRADE COMMERCIAL DEVELOPMENT REVIEW ORDINANCE APPLICATION SUBMISSIONS CHECKLIST

(To be completed by Planning Board chair during review of all applications with exception of Special Permit for 5 year renewals of existing mining operations. Checklist may serve as useful guidance to applicants to ensure application includes all needed maps and attachments to be found complete)

Applicant Name: _____

Development Name: _____

Fee paid: _____ \$50.00 (land only) _____ \$100.00 (buildings & land)

_____ Notice provided by CEO to land owners within 500'

_____ Notice provided by CEO to municipality within 500' _____ Not applicable

Complete	Not Applicable	Waiver Request Approved	Application Submission
			Application form
			Applicant's agent authorization letter
			Copy of deed, option, sales agreement, lease or other documentation of title, right or interest
			Written waiver request
			Copy of tax map of property
			Copy of Kennebec Co. soil map of property
			Copy of USGS topographic map showing property location
			Copy of Belgrade Shoreland Zoning map showing property location
			Copy of Flood Insurance Map showing property
			Copy of National Wetlands Inventory Map showing property
			Copy of Maine Geological Survey Significant Sand and Gravel Aquifer map showing property location

Complete	Not Applicable	Waiver Request Approved	Application Submission
			Copy of Maine Drinking Water Program map of public drinking water supplies showing property location
			Copy of MDOT Highway Entrance or Access Permit
			Copy of MDOT Traffic Movement Permit & traffic movement study
			Copies of other required State or local permits
			1 24x36" Site Development Plan drawn to scale showing at minimum the following: scale, north arrow, parcel boundaries, location and dimensions of existing and proposed buildings and structures, drainage structures, signs, fencing, exterior lights, location and extent of disturbed area, layout and dimensions of impervious surfaces, parking, driveways, roads, outdoor storage areas of equipment/inventory/dumpsters/other materials, location of bulk storage of petroleum/hazardous substances ³ /propane, utilities, drainage ways, easements, rights of way, location of flood hazard areas/water courses/ water bodies/wetlands, Shoreland Zoning districts, location of existing vegetation to be retained, location of vegetated buffers/screening along public roads & property lines and around outdoor storage areas, landscaping, location of wells & source water protection area if public drinking water supply, location of soil test pits and subsurface waste water disposal system(s), other significant natural/physical features, name/address of owner/applicant, and name/address/license number/stamp of professional engineer/surveyor who prepared site plan.

³ Hazardous substances most likely encountered will be degreasers and other solvents used for parts cleaning in vehicle repair, waste oil and gasoline, waste antifreeze, solvents used in auto body shops, solvents used in dry cleaning, wood treatment chemicals, pesticides, and pool chemicals like chlorine.

[Type text]

Complete	Not Applicable	Waiver Requested & Approved	Application Submission
			Detail to-scale drawings showing location and construction specifications of drainage features, roads, sidewalks, access points, driveways, parking, traffic control features, fire control structures, and public improvements
			Documentation meets applicable State/Federal air quality regulatory requirements
			Soil erosion control plan (Art. 6, Sec. 3)
			MDEP certified contractor name/#
			Location of site/structure listed on National Register of Historic Places
			Location of Me. Historic Preservation Commission archeological sites
			Information needed to meet Air Quality standard (Article 6, Sec. 1)
			Information needed to meet Access to Public Streets standard (Article 6, Sec. 2)
			Protection measures for Historic and Archeological Resources (Art. 6, Sec.4)
			Estimated quantities of flammable, combustible and hazardous substances to be stored, handled, or generated, including waste oil and anti-freeze
			Evidence meets MDEP siting regulations for oil storage and hazardous substance facilities
			Copy of application provided to Fire Chief by Planning Board or CEO
			Other information needed to meet Material Storage standard, including bulk storage of combustible and flammable materials, and hazardous substances (Article 6, Sec. 5)
			Visual impact assessment
			Plan based on IF&W/Critical Areas Program recommendations to mitigate impact on Natural Areas and Wildlife Habitat, including deer wintering areas
			Other information needed to meet Natural Resource Protection standard (Art. 6, Sec. 6)

[Type text]

Complete	Not Applicable	Waiver Requested & Approved	Application Submission
			Is Board requiring post development noise monitoring and reporting plan? If not required, mark "Not Applicable". If required, mark "complete" upon receipt
			Information needed to meet Noise standard (Article 6, Sec. 7)
			Exterior lighting plan & specifications for lighting fixtures
			Is Board requiring post development light monitoring and reporting plan? If not required, mark "Not Applicable". If required, mark "complete" upon receipt.
			Information to meet Parking standard (Article 6, Sec.9)
			Written statement from Fire Chief on capacity of Fire Dept. to provide adequate protection
			Written statement from Sheriff's Dept. approving any proposed security measures
			Other information to meet Public Safety and Emergency Services standard (Article 6, Sec. 10)
			Information to meet Screening of Structures, Parking Lots, and Other Non-residential Uses standard (Article 6, Sec. 11)
			To scale profile(face-on) view of proposed signs
			Other information to meet Sign standard (Article 6, Sec. 12)
			Stormwater Management Plan
			Other information to meet Stormwater Management standard (Article 6, Sec. 13)
			Subsurface waste disposal site evaluation form (HHE-200)
			Other information to meet Wastes standard (Article 6, Sec. 14)
			Groundwater quality and quantity impact assessment
			Copy of deed restrictions related to drinking water and ground water protection

[Type text]

Complete	Not Applicable	Waiver Requested & Approved	Application Submission
			Copy of Maine Drinking Water Program public water supply approval & source water protection plan
			Copy of MDEP Stormwater Management Permit
			Phosphorous export control method
			Other information to meet Water Quality standard (Article 6, Sec. 15)
			Supplemental site plan requirements for mineral extraction operations
			5 year mining/reclamation plan
			Mineral extraction/processing operating procedure and hours
			Hydrogeological study of ground water movement & quality
			Written extraction/processing buffer agreement with abutter
			Reclamation Plan for extraction/processing operations
			Design/operation details of stationary petroleum storage and equipment fueling
			Other information to meet Mineral Extraction and Processing Operations standards (Article 7, Sec. 1)
			Information to meet Overnight Accommodations standard (Article 7, Sec. 2)
			Visual impact assessment of telecommunication tower if located on lake shore or hilltop
			Maine registered professional engineer certification of telecommunication tower design
			Other information to meet Telecommunications Tower standards (Article 7, Sec. 3)
			Visual impact assessment for wind turbine taller than 100'
			Impact study of wind turbine on wildlife
			Identification of roads to be used for turbine transport

[Type text]

Complete	Not Applicable	Waiver Requested & Approved	Application Submission
			Hiring of engineer by Town at applicant's expense to document road conditions prior to use and damage after use
			Emergency response plan during equipment transport
			Turbine general liability certificate of insurance

Printed Name Planning Board Chair or Designee

Chair or Designee Signature

Date

Emergency Management Ordinance of the Town of Belgrade, Maine
(Enacted 3/17/07)

1. **Short Title:** This Ordinance shall be known and may be cited and referred to as the "Emergency Management Ordinance of the Town of Belgrade, Maine". This ordinance is authorized under Title 37-B M.R.S.A., Section 782.

2. **Definition:** Emergency Management Director (EMD) shall mean the appointed town official responsible for performing the four phases of Emergency Management (preparedness, response, recover, and mitigation) and for liaison with the Kennebec County Emergency Management Agency (KEMA).

3. **Establishment:** The Town of Belgrade Office of Emergency management (OEM) and the position of EMD for the Town of Belgrade is hereby created.

4. **Appointment, Term and Removal:** The Selectmen shall appoint the EMD. This appointment shall be annual and made by June 1st of each year. The Selectpersons may remove the EMD for cause. The Selectpersons may appoint additional OEM staff members as needed.

5. **Oath:** Once the EMD has been appointed, the EMD shall take an oath of office before assuming any duties, pursuant to Title 30-A M.R.S.A., Section 2526.

6. **Duties:** The EMD shall work with the Town Manager and Board of Selectpersons to:

- a. Prepare and annually update a Hazard Risk and Vulnerability Assessment.
- b. Prepare and maintain the Town's Emergency Operations Plan.
- c. Organize, activate, and operate the Town's Emergency Operations Center (EOC).
- d. Prepare and maintain a list of disaster resources.
- e. Develop procedures for the operation of the Town's EOC.
- f. Coordinate and maintain written disaster Mutual Aid Agreements with the approval of the Selectpersons.
- g. Coordinate Emergency Management training to town official, planners, and responders.
- h. Develop, implement, and annually update a Disaster Exercise program.
- i. Attend County Local Emergency Managers meetings.
- j. Provide Disaster Preparedness information to town residents.
- k. Complete and report Damage Assessments to the Kennebec County EMA.
- l. Complete and submit applications for FEMA disaster funds and grants as available and appropriate.

7. **EOC Membership:** When directed by the Town Manager, the EMD, or the Chair of the Board of Selectpersons, the EOC will be established and manned. At the discretion

of the Town Manager, Chair of the Board of Selectpersons, or the EMD, the following town officials will be included on the EOC Staff:

- a. Selectpersons
- b. Town Manager
- c. Town Clerk
- d. Town Treasurer
- e. Code Enforcement Officer
- f. Fire Chief
- g. Deputy Fire Chief
- h. Fire Wardens
- i. Road Commissioner
- j. Animal Control Officer
- k. Town Health Officer

8. Establishment of the National Incident Management System: The Town of Belgrade hereby establishes the National Incident Management System (NIMS) as the municipal standard for incident management. NIMS provides a consistent approach for Federal, State, and Municipal government to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity. NIMS uses standardized terminology, organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualifications, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters. The NIMS Incident Command System (ICS) will be used by all of the Town's emergency and disaster responders for incident management.

9. Compensation: The EMD shall be compensated for duties rendered by an annual stipend appropriated at the town meeting.

10. Training: The EMD may take necessary training provided by the Kennebec County Emergency Agency (KEMA), the Maine Emergency Management Agency (MEMA), or the Federal Emergency Management Agency (FEMA). The Town of Belgrade will provide funding for this training and requests for training must be approved by the Town Manager prior to the training event.

FLOODPLAIN MANAGEMENT ORDINANCE

FOR THE

TOWN OF BELGRADE, MAINE

ENACTED: March 6, 1999
Date

AMENDED: June 7, 2011
Date

CERTIFIED BY: _____
Signature

CERTIFIED BY: Mary J. Vogel
Print Name

Deputy Clerk
Title

60.3(c)
Prepared by SPO/jpp 12/27/2010

Town of Belgrade
FLOODPLAIN MANAGEMENT ORDINANCE

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60.3 (c) Rev. 4/09
(prepared 12/27/2010 by SPO/jpp)

ARTICLE I - PURPOSE AND ESTABLISHMENT

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

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

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

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

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

The areas of special flood hazard, Zones A and AE for the Town of Belgrade, Kennebec County, Maine, identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study – Kennebec County" dated June 16, 2011 with accompanying "Flood Insurance Rate Map" dated June 16, 2011 with panels:

110, 120, 130, 135, 140, 145, 310, 317, 319, 330, 335, 336, 337, 338, 339

derived from the county wide digital flood insurance rate map entitled "Digital Flood Insurance Rate Map, Kennebec County," are hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II - PERMIT REQUIRED

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

ARTICLE III - APPLICATION FOR PERMIT

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

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

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

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

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

1. base flood at the proposed site of all new or substantially improved structures, which is determined:
 - a. in Zones AE, from data contained in the "Flood Insurance Study – Kennebec County, Maine" as described in Article I; or,
 - b. in Zone A:
 - (1) from any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265/July 1995), including information obtained pursuant to Article VI.K. and VIII.D.;
 - (2) from the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a Professional Land Surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or, in the absence of all other data,
 - (3) to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.
 2. highest and lowest grades at the site adjacent to the walls of the proposed building;
 3. lowest floor, including basement; and whether or not such structures contain a basement; and,
 4. level, in the case of non-residential structures only, to which the structure will be floodproofed;
- I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article VI;

- J. A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate;
- K. The following certifications as required in Article VI by a registered professional engineer or architect:
 - 1. a Floodproofing Certificate (FEMA Form 81-65, 03/09, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article III.H.4.; Article VI.G.; and other applicable standards in Article VI;
 - 2. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.L.2.a.;
 - 3. a certified statement that bridges will meet the standards of Article VI.M.;
 - 4. a certified statement that containment walls will meet the standards of Article VI.N.;
- L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
- M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee of \$25 for all minor development and \$50 for all new construction or substantial improvements shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

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

ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Planning Board shall:

- A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have been, or will be met;
- B. Utilize, in the review of all Flood Hazard Development Permit applications:
 - 1. the base flood and floodway data contained in the "Flood Insurance Study – Kennebec County, Maine," as described in Article I;

2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Planning Board shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.b.; Article VI.K.; and Article VIII.D., in order to administer Article VI of this Ordinance; and,
 3. when the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.1.b., the community shall submit that data to the Maine Floodplain Management Program in the State Planning Office.
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;
- D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;
- E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program in the State Planning Office prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;
- F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits based on the type of development:
1. A two-part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer or architect based on the Part I permit construction, "as built", for verifying compliance with the elevation requirements of Article VI, paragraphs F, G, or H. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,
 2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Article VI.G.1.a.,b., and c. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,
 3. A Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or

water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves and piers.

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

ARTICLE VI - DEVELOPMENT STANDARDS

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

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

1. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. use construction materials that are resistant to flood damage;
3. use construction methods and practices that will minimize flood damage; and,
4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

B. **Water Supply** - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

C. **Sanitary Sewage Systems** - All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.

D. **On Site Waste Disposal Systems** - On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.

E. **Watercourse Carrying Capacity** - All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.

F. **Residential** - New construction or substantial improvement of any residential structure located within:

1. Zones AE, shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.

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

G. Non Residential - New construction or substantial improvement of any non-residential structure located within:

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

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

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

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

2. Zone A shall:

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

I. **Recreational Vehicles** - Recreational Vehicles located within:

1. Zones A and AE, shall either:

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

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

1. be 500 square feet or less and have a value less than \$3000;
2. have unfinished interiors and not be used for human habitation;
3. have hydraulic openings, as specified in Article VI.L.2., in at least two different walls of the accessory structure;
4. be located outside the floodway;
5. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,
6. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.

K. **Floodways** -

1. In Zones AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's Digital Flood Insurance Rate Map, Kennebec County unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 2. In Zones AE and A riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article VI.K.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:
 - a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,
 - b. is consistent with the technical criteria contained in Chapter 5 entitled "Hydraulic Analyses," *Flood Insurance Study - Guidelines and Specifications for Study Contractors*, (FEMA 37/ January 1995, as amended).
 3. In Zones AE and A riverine areas for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.
- L. **Enclosed Areas Below the Lowest Floor** - New construction or substantial improvement of any structure in Zones AE and A that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs F, G, or H and is elevated on posts, columns, piers, piles, "stilts," or crawlspaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:
1. Enclosed areas are not "basements" as defined in Article XIII;
 2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:
 - a. be engineered and certified by a registered professional engineer or architect; or,
 - b. meet or exceed the following minimum criteria:
 - (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;
 - (2) the bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,

- (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;

3. The enclosed area shall not be used for human habitation; and,
4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.

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

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

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

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

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

1. wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and

2. for commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

ARTICLE VII - CERTIFICATE OF COMPLIANCE

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

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

ARTICLE VIII - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

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

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

ARTICLE IX - APPEALS AND VARIANCES

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

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

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

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

claims the applicant may have against the municipality that are related to the use of land located in a floodplain.

G. Appeal Procedure for Administrative and Variance Appeals

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

ARTICLE X - ENFORCEMENT AND PENALTIES

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

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

ARTICLE XI - VALIDITY AND SEVERABILITY

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

ARTICLE XII - CONFLICT WITH OTHER ORDINANCES

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

ARTICLE XIII - DEFINITIONS

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

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

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

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

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

Basement - means any area of the building having its floor subgrade (below ground level) on all sides.

Building - see **Structure**.

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

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

Development - means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials.

Elevated Building - means a non-basement building

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

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

Elevation Certificate - An official form (FEMA Form 81-31, 03/09, as amended) that:

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

Flood or Flooding - means:

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

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

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

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

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

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

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

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

Floodway - see **Regulatory Floodway**.

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

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

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

Historic Structure - means any structure that is:

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

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

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

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

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

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

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

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

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

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

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

Recreational Vehicle - means a vehicle which is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;
- c. designed to be self-propelled or permanently towable by a motor vehicle; and

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

Regulatory Floodway -

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

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

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

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

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

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

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

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

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

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

ARTICLE XIV - ABROGATION

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

60.3 (c) Rev. 4/09

Prepared by SPO/jpp

12/27/2010

TOWN OF BELGRADE

SUPPLEMENTAL JUNKYARD AND AUTO GRAVEYARD ORDINANCE.

The intent of this Ordinance gives authority to Town Selectpersons to regulate dumps, junkheaps and auto graveyards. It extends the restrictions which already exist on state and town roads to town ways, public easements, and private roads. It adds certain items of machinery to the existing definition of a junkyard. Finally it amends the Shoreland Zoning Ordinance to give legal effect to these restrictions in areas covered under Shoreland Zoning.

Definitions from MSRA Title 30, Section 2451 as supplemented:

1. Automobile Graveyard:

shall mean a yard, field or other area used as a place of storage other than temporary storage by an establishment or place of business which is engaged primarily in doing auto body repair work for the purpose of making repairs to render a motor vehicle serviceable, for 3 or more unserviceable, discarded, worn-out or junked motor vehicles.

2. Junkyard:

shall mean a yard, field or other area used as a place of storage for:

- A. Discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture.
- B. Discarded, scrap and junked lumber.
- C. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other ferrous or nonferrous material.
- D. Garbage dumps, waste dumps and sanitary fills.
- E. Snowmobiles, snowblowers, lawn mowers and other discarded machinery or equipment.

3. Highway:

shall include town ways, public easements and private roads.

4. Shoreland areas:

no permits for new junkyards and auto graveyards shall be issued for a locations in which a use is prohibited under the Belgrade Shoreland Zoning Ordinance.

CONDUCT OF HEARING

1. 1. The Chairman shall give a statement of the application.

EXAMPLE: Modern Auto and Parts Sales Co., operated by Ralph Armentino, Jr., located on the northerly side of Route 25, any town.

2. The applicant shall present the facts in connection with his application for an automobile junkyard or "automobile graveyard."
3. The Board shall have an opportunity to question the applicant.
4. All those in support of the application shall be heard.
5. The Board shall have the opportunity to question those in support of the application.
6. Those in objection to the application shall be heard.
7. The Board shall have the opportunity to question those in objection to the application.
8. The Board shall have the opportunity to question anyone who was heard.

TO MAINTAIN ORDERLY PROCEDURE, EACH SIDE SHALL PROCEED WITHOUT INTERRUPTION BY THE OTHER.

9. It is suggested that the Board reserve their decision until they have an opportunity to discuss the applications as a Board.

MAINE MUNICIPAL ASSOCIATION

Legal Services
Community Drive
Augusta, Maine 04330-9411

Telephone (207) 623-8428

WILLIAM W. LIVENGOOD
REBECCA WARREN SEEL
RICHARD P. FLEWELLING
ELLERBE P. COLE
JOSEPH J. WATHEN

INFORMATION PACKET

SUBJECT: JUNKYARDS/AUTOMOBILE GRAVEYARDS

This packet includes the following attachments:

MDOT Informational Bulletin (including 30-A M.R.S.A. Sections 3751-3760, MDOT regulations and interpretations, and sample permit forms), revised March 1989;

Application/Permit for Junkyards and Automobile Graveyards

P.L. 1993, c. 173 (amending 30-A M.R.S.A. Sections 3751-3756);

DEP Solid Waste Regulations, Chapter 408, Section 2(A) thru (C), effective May 24, 1989;

Ordinance to Regulate Automobile Graveyards, Junkyards and Automobile Recycling Businesses.

Important issues and considerations include:

Grandfathering. Although an existing facility may be "grandfathered" for zoning or land use purposes, no junkyard, automobile graveyard or automobile recycling business, existing or proposed, is exempt from the statutory requirements for a local permit (issued by the municipal officers) since permits regularly expire as does the owner's right to continue operating (30-A M.R.S.A. §3753).

Multiple Permits. Junkyards, automobile graveyards and automobile recycling businesses with a local permit may also require a license from the Department of Environmental Protection and a permit from the Secretary of State (see attachments). These licenses and permits are administered separately and the issuance of one does not require officials to approve the others.

Local Ordinances. Municipalities may enact ordinances imposing additional standards on junkyards, automobile graveyards and automobile recycling businesses (30-A M.R.S.A. §3755), but without them, the municipal officers may consider only the statutory requirements in reviewing an application for a local permit (Spain v. City of Brewer, 474 A.2d 496 [Me. 1984]). No ordinance may completely ban these facilities from a community, however.

Enforcement. A local permit may, after notice and hearing, be suspended or revoked by the municipal officers for violation of any condition of approval or applicable requirement (30-A M.R.S.A. §3758). Operation of a junkyard, automobile graveyard or automobile recycling business without a valid local permit is a land use violation enforceable under 30-A M.R.S.A. §4452 and may also be enjoined as a nuisance under 17 M.R.S.A. §2802. Although the State Police and county sheriffs are authorized to enforce the law, as a practical matter, the responsibility rests primarily with the municipal officers.

Auto Recycling. Effective June 30, 1992, the Legislature amended the statutory definition of "automobile graveyard" (30-A M.R.S.A. §3752[1]) to include "automobile dismantling, salvage and recycling operations." This amendment does not yet appear in the MDOT Informational Bulletin attached. Effective October 13, 1993, the Legislature enacted special application requirements and operation standards for "automobile recycling business permits," which are valid for five years. These amendments do not appear in the attached MDOT Informational Bulletin either, but they are attached separately. MDOT has not yet developed application or permit forms for the new five-year auto recycling business permit, but the traditional junkyard/automobile graveyard forms can readily be modified for this purpose.

Proximity to Water Supplies. Also effective June 30, 1992, the Legislature amended the statutory limitations on local permits (30-A M.R.S.A. §3755) to prohibit the issuance of new permits for automobile graveyards located within 100 feet of pre-existing wells that serve as a public or private water supply (unless the well serves only the owner's or operator's residence); existing automobile graveyards are not "grandfathered" (see "Grandfathering" above) except as to wells installed after June 30, 1992, provided they already have a permit. This amendment also does not appear in the attached MDOT Informational Bulletin.

"Junk" Defined. The statute (30-A M.R.S.A. §3752) does not explicitly define terms such as "unserviceable" or "scrap," and it has often been argued that vehicles or materials are not "junk" if they have some potential use or value to the owner. The Maine Supreme Court disagrees, however, and defines

"unserviceable" as being "not ready for use or not presently useable" as opposed to "incapable of being serviced" (Town of Pownal v. Emerson, 639 A.2d 619 [Me. 1994]). This is consistent with MDOT's longstanding interpretation (see MDOT Informational Bulletin attached). Thus, a property owner cannot avoid the local permit requirement simply by claiming that he plans eventually to use or sell junked items.

NOTE: This packet is intended for general information only. For additional information or specific legal advice, contact local counsel or MMA's Legal Services.

PRF:akd

Issued April 15, 1990
Revised July 1, 1992
Revised October 13, 1993
Revised June 10, 1994
Revised April 7, 1995

Title 30-A M.R.S.A., Sections 3751-3760
Chapter 183
SUBCHAPTER I
Effective March 1, 1989
AUTOMOBILE JUNKYARDS

SECTION

3751. Purpose.
3752. Definitions.
3753. Permit required.
3754. Hearings.
3755. Limitations on permits.
3756. Permit fees.

SECTION

3757. Provisions regarding nuisances unaffected.
3758. Violation.
3759. Rules.
3760. Relocation, removal, disposal, compensation and condemnation.

Section 3751. Purpose

Junkyards and so-called "auto graveyards" have been steadily expanding and frequently encroach upon highways. These junkyards and graveyards have become a nuisance and a menace to safe travel on public ways, often distracting the attention of drivers of motor vehicles because it appears cars are parked on the highway or that an accident has occurred. It is declared that such junkyards and automobile graveyards are a nuisance and are properly subject to regulation and control.

Section 3752. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Automobile graveyard. "Automobile graveyard" means a yard, field or other area used to store 3 or more unserviceable, discarded, worn-out or junked motor vehicles as defined in Title 29, section 1, subsection 7, or parts of such vehicles.

A. "Automobile graveyard" does not include any area used for temporary storage by an establishment or place of business which is primarily engaged in doing auto body repair work to make repairs to render a motor vehicle serviceable.

2. Highway. "Highway" means any public way.

3. Interstate System. "Interstate System" means those portions of the Maine Turnpike and the state highway system incorporated in the National System of Interstate and Defense Highways, as officially designated by the Department of Transportation.

4. Junkyard. "Junkyard" means a yard, field or other area used to store:

A. Discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture;

B. Discarded, scrap and junked lumber;

C. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material; and

D. Garbage dumps, waste dumps and sanitary fills.

5. Primary System. "Primary System" means that portion of the state highway system which the Department of Transportation has by official designation incorporated into the Federal-Aid Primary System.

Section 3753. Permit required.

No person may establish, operate or maintain an automobile graveyard or junkyard without first obtaining a nontransferable permit from the municipal officers of the municipality in which the automobile graveyard or junkyard is to be located, or from the county commissioners of the county of any unorganized territory in which the automobile graveyard or junkyard is to be located. Permits issued under this section are valid until the first day of the following year.

Section 3754. Hearings.

Municipal officers or county commissioners, as provided for in section 3753, shall hold a public hearing before granting a permit to establish, operate or maintain an automobile graveyard or junkyard. They shall post a notice of the hearing at least 7 and not more than 14 days before the hearing in at least 2 public places in the municipality or unorganized territory and publish a notice in one newspaper having general circulation in the municipality or unorganized territory in which the automobile graveyard or junkyard is to be located. The municipal officers or county commissioners shall give written notice of the application to the Department of Transportation by mailing a copy of the application at least 7 days and not more than 14 days before the hearing.

Section 3755. Limitations on permits

1. Highways; Interstate and Primary Systems. No permit may be granted for an automobile graveyard or junkyard within 1,000 feet of the right-of-way of any highway incorporated in the Interstate and Primary Systems or within 600 feet of the right-of-way of any other highway, except for:

A. Those automobile graveyards or junkyards which are kept entirely screened to ordinary view from the highway at all times by natural objects, plantings or fences;

(1) Screening required by this paragraph must be well constructed and properly maintained at a minimum height of 6 feet and acceptable to the municipal officers or county commissioners. It must comply with the rules adopted by the Department of Transportation. The permit shall specify that compliance with these rules is required; and

B. Those automobile graveyards or junkyards located within areas which have been zoned for industrial use and located more than 600 feet but less than 1,000 feet from the right-of-way of any highway incorporated in the Interstate and Primary Systems.

2. Public facilities. No permit may be granted for an automobile graveyard or junkyard which is:

- A. Located within 300 feet of any public park, public playground, public bathing beach, school, church or cemetery; and
- B. Within ordinary view from that public facility.

3. Limitation on new permits. No permit may be granted for any automobile graveyard or junkyard established after October 3, 1973, and located within 100 feet of any highway.

4. Rules. No permit may be granted for an automobile graveyard or junkyard that does not comply with the rules adopted under section 3759. Municipal officers or county commissioners as provided for in section 3753 may apply more stringent restrictions, limitations and conditions in considering whether to grant or to deny any permit for an automobile graveyard or junkyard adjacent to any highway.

5. Local ordinances.. This subchapter shall not be construed to limit a municipality's home rule authority to enact ordinances with respect to automobile graveyards and junkyards which concern any other standards that the municipality determines reasonable, including, but not limited to:

- A. Compliance with state and federal hazardous waste regulations;
- B. Fire and traffic safety;
- C. Levels of noise which can be heard outside the premises;
- D. Distance from existing residential or institutional uses; and
- E. The effect on ground water and surface water, provided that municipal ordinances on ground water are no less stringent than or inconsistent with rules adopted by the Department of Environmental Protection concerning automobile graveyards and junkyards.

Municipal officers or county commissioners shall consider compliance with these local ordinances in deciding whether to grant or deny a permit for any automobile graveyard or junkyard and in attaching conditions of approval to the grant of a permit.

Section 3756. Permit fees.

The municipal officers or county commissioners shall collect, in advance from the applicant for a permit, a fee in accordance with the following schedule:

1. More than 100 feet from highway. Fifty dollars for each permit for an automobile graveyard or junkyard located more than 100 feet from any highway, plus the cost of posting and publishing the notice under section 3754; and

2. Within 100 feet from highway. Two hundred dollars for each permit for an automobile graveyard or junkyard located within 100 feet from any highway, plus the cost of posting and publishing the notice under section 3754.

Section 3757.. Provisions regarding nuisances unaffected

This subchapter shall not be construed as in any way repealing, invalidating or abrogating Title 17, section 2802, or limiting the right of prosecutions under that section. Violation of this subchapter in the establishment, maintenance or operation of any automobile graveyard or junkyard constitutes prima facie evidence that the yard is a nuisance as defined in Title 17, section 2802.

Section 3758. Violation

1. Enforcement. The State Police as well as local and county law officers shall enforce this subchapter. Municipal officers or their designee may also enforce this subchapter.

2. Penalties. Whoever violates this subchapter or the rules of the Department of Transportation adopted under section 3759 shall be penalized in accordance with section 4506. Each day that the violation continues constitutes a separate offense.

3. Revocation or suspension of permit. Violation of any condition, restriction or limitation inserted in a permit by the municipal officers or county commissioners is cause for revocation or suspension of the permit by the same authority which issued the permit. No permit may be revoked or suspended without a hearing and notice to the owner or the operator of the automobile graveyard or junkyard. Notice of hearing shall be sent to the owner or operator by registered mail at least 7 but not more than 14 days before the hearing. The notice must state the time and the place of hearing and contain a statement describing the alleged violation of any conditions, restrictions or limitations inserted in the permit.

Section 3759. Rules

In the interest of uniformity and to establish guidelines for the municipal officers and county commissioners in the matter of adequate screening, the Department of Transportation shall adopt rules establishing minimum standards for screening of automobile graveyards and junkyards.

Section 3760. Relocation, removal, disposal, compensation and condemnation

1. Acquisition of land. If the Department of Transportation determines that the topography of the land adjacent to any portion of a highway incorporated in the Interstate or Primary Systems will not permit adequate screening, as required in sections 3751 to 3760, or that adequate screening would not be economically feasible, it may acquire by gift, purchase or condemnation any interests in property that are necessary to secure the relocation, removal or disposal of the automobile graveyards or junkyards.

2. Compensation. In the case of such acquisition, just compensation shall be paid to the owner for the relocation, removal or disposal of the following automobile graveyards and junkyards:

A. Those which were operating and in existence on May 11, 1966 and located in areas adjacent to any portion of a highway incorporated in the Interstate or Primary Systems, which exceed federal restrictions and for which federal funds are available to defray the costs;

B. Those in operation along any highway made a part of the Interstate or Primary Systems on or after May 11, 1966; and

C. Those in operation and established on or after May 11, 1966.

3. Procedures. The purchase, condemnation, negotiation, assessment of damage and appeal procedures shall be in accordance with this section and Title 23, section 153 to 159.

4. Use of federal funds. This section does not prevent the department from participating with the owner when federal funds are available to defray costs of screening junkyards whenever it is determined to be more feasible to screen rather than to be involved in the cost or impact of acquisition and relocation.

17- DEPARTMENT OF TRANSPORTATION

229 OFFICE OF THE COMMISSIONER

CHAPTER 202 REGULATIONS FOR SCREENING JUNKYARDS

SUMMARY: Rules regulating the screening of junkyards

.01 DEFINITIONS

A. Automobile graveyard. "Automobile graveyard" as used in this subchapter shall mean a yard, field or other area used as a place of storage, other than temporary storage by an establishment or place of business which is engaged primarily in doing auto body repair work for the purpose of making repairs to render a motor vehicles serviceable, for 3 or more unserviceable, discarded, worn-out or junked motor vehicles as defined in Title 29, section 1, subsection 7, or parts thereof.

B. Junkyard. "Junkyard" as used in this subchapter shall mean a yard, field or other area used as a place of storage for:

i. Discarded, worn-out or junked plumbing, heating supplies household appliances and furniture;

ii. Discarded, scrap and junked lumber;

iii. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or non ferrous material; and,

iv. Garbage dumps, waste dumps and sanitary fills.

C. Interstate System. "Interstate System" as used in this subchapter shall mean those portions of the Maine Turnpike and the state highway system incorporated in the National System of Interstate and Defense Highways, as officially designated, or as may hereafter be so designated, by the Department of Transportation.

D. Primary System. "Primary System" as used in this subchapter shall mean that portion of the state highway system which the Department of Transportation has by official designation incorporated into the Federal-Aid Primary System or as may hereafter be designated by the Department.

E. Highway. "Highway" as used in this subchapter shall mean any public way.

.02 Screening

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

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

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

.03 Plantings

Trees, shrubs, or other vegetation of sufficient height, density and depth of planting or growth to completely screen the junkyard from ordinary view from any highway within the prescribed distance throughout the entire calendar year may be used for screening.

.04 Fences

Fences shall be so located and of sufficient height to completely screen the junkyard from ordinary view from any highway within the prescribed distances. Although the minimum height of any fence is stated to be six feet, it must be emphasized that height must be sufficient to accomplish the complete screening from ordinary view. All fences shall be well constructed and maintained. Only sound undamaged material, uniform in appearance, and erected in a workmanlike manner will be acceptable.

.05 Suggested Materials

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

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

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

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

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

.06 Facing Materials

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

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

It is suggested that all fastenings be galvanized nails, spikes, bolts, clamps, etc., and that all wood materials be treated with either a creosote oil base stain or cuprinol (with color additive) to preserve and prolong the life of the fence and to present a uniformity of appearance.

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

BASIS STATEMENT: The Department is authorized by 30-A M.R.S.A. 3759 to "make rules and regulations to establish minimum standards for screening of automobile graveyards and junkyards" in order to establish guidelines for municipal officers and county commissioners.

AUTHORITY: 30-A M.R.S.A. 3759.

EFFECTIVE DATE*: Adopted on May 15, 1979 and filed on May 16, 1979; revised to reflect recodification from 30 M.R.S.A. to 30-A M.R.S.A. effective March 1, 1989.

*HISTORICAL DERIVATION: Enacted May 11, 1966.

Application For Automobile Graveyard and/or Junkyard Permit

MUNICIPAL OFFICE USE ONLY

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

To the City/Town County Maine

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

Answer all questions in full.

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

1 Copy of Application to City/Town
1 Copy of Application to Applicant
1 Copy of Application to State Police, Augusta
1 Copy of Application to State Highway Commission by Registered Mail

(over)

Permit To Be Displayed On Premises

CITY/TOWN COUNTY,, MAINE

Permit Number

Fee Paid \$.....

Public Hearing held 19.....

Permit

To establish, operate or maintain an automobile graveyard or junkyard. Subject to existing rules, regulations and any amendments that may be made thereto, under the provisions of Title 30-A, Sections 3751 to 3760, and such additional standards as may be set forth in applicable local ordinances.

This permit is hereby granted upon condition that the automobile graveyard or junkyard does not violate any of the above Sections of Title 30-A, or any applicable local ordinance.

Owner's Name

Business Name

Street or Highway Number

P. O. Address

City/Town

This permit expires December 31, 19 unless sooner revoked by the Municipal Officials.

Dated at City/Town this day of 19.....

Municipal Officers:

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.....
.....

Certified True Copy

.....
City/Town Clerk,

- 1 Copy to Applicant
- 1 Copy to Municipality
- 1 Copy to Department of Transportation
- 1 Copy to State Police

(over)



Fine Tree Line. No. T401
Maine Printing House, Portland, Me.

Restrictions And/Or Conditions:

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Recommendations of Department of Transportation:

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Recommendations of State And/Or Local Police:

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Violations:

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TOWN OF BELGRADE

SUPPLEMENTAL JUNKYARD AND AUTO GRAVEYARD ORDINANCE.

The intent of this Ordinance gives authority to Town Selectpersons to regulate dumps, junkheaps and auto graveyards. It extends the restrictions which already exist on state and town roads to town ways, public easements, and private roads. It adds certain items of machinery to the existing definition of a junkyard. Finally it amends the Shoreland Zoning Ordinance to give legal effect to these restrictions in areas covered under Shoreland Zoning.

Definitions from MSRA Title 30, Section 2451 as supplemented:

1. Automobile Graveyard:

shall mean a yard, field or other area used as a place of storage other than temporary storage by an establishment or place of business which is engaged primarily in doing auto body repair work for the purpose of making repairs to render a motor vehicle serviceable, for 3 or more unserviceable, discarded, worn-out or junked motor vehicles.

2. Junkyard:

shall mean a yard, field or other area used as a place of storage for:

- A. Discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture.
- B. Discarded, scrap and junked lumber.
- C. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other ferrous or nonferrous material.
- D. Garbage dumps, waste dumps and sanitary fills.
- E. Snowmobiles, snowblowers, lawn mowers and other discarded machinery or equipment.

3. Highway:

shall include town ways, public easements and private roads.

4. Shoreland areas:

no permits for new junkyards and auto graveyards shall be issued for a locations in which a use is prohibited under the Belgrade Shoreland Zoning Ordinance.

BELGRADE PUBLIC LIBRARY ORDINANCE

§ 1 Establishment of the Belgrade Public Library

There shall be a Belgrade Public Library overseen by the Library Board of Trustees which shall consist of seven (7) members appointed by the Board of Selectpersons and responsible to the Town Manager and Selectpersons.

§ 2 Membership; Appointment; Term

Library Trustees shall be appointed for terms of three (3) years or until his or her successor is appointed and qualified. Trustees shall be eligible to serve not more than ~~two (2) full terms~~ four (4) full terms succession. Initial terms shall be staggered so that no more than two (2) members shall be appointed in the same year. Terms shall coincide with the town's fiscal year. Initial terms shall be made as follows:

- Three (3) members for three (3) years;
- Two (2) members for two (2) years; and
- Two (2) members for one (1) year.

The Board of Trustees and the Town Clerk shall maintain an up-to-date list of Trustees and their terms.

§ 3 Qualifications

Trustee members shall be qualified electors and residents of the Town. They shall comply with the provisions of 30-A M.R.S.A. §2605. If any member shall cease to possess any of the above qualifications or shall be convicted of a crime punishable by incarceration for six (6) months or more, his/her office shall immediately become vacant.

§ 4 Powers and Duties

A. The Library Board of Trustees shall be responsible to the Town Manager and Board of Selectpersons for the operation of the Belgrade Public Library and shall act in accordance with the provisions of this chapter and other ordinances, rules, regulations and procedures of the Town.

B. The Library Board of Trustees shall have the power to:

- (1) Advise the Town Manager and Board of Selectpersons in the appointment, compensation and removal of the Library Director and any other employees of the Library. These actions shall follow the town's customary procedures.

- (2) Make, revise and repeal (a) written policies for the purpose of carrying out the responsibilities of the Trustees, and (b) in collaboration with the Library Director, the operating policies of the Library, including but not limited to Materials Selection, Membership Procedures, Fees, and Staff. These policies shall not be inconsistent with the rules, regulations, administrative procedures and ordinances of the Town and subject to the approval of the Board of Selectpersons.

C. The Library Board of Trustees shall have the duty to:

- (1) Participate actively in the management of the Library.
- (2) Be familiar with the Library's programs in relationship to community needs and State Library Standards, as a basis for fulfilling the Library's stated mission.
- (3) Promote the Library and its services in the community, encouraging volunteers and support groups which help to broaden library services.
- (4) Report regularly to town officials about Library services.
- (5) Work with the Library Director to develop a written long-range plan covering at least three years.
- (6) Assist in budget preparation and presentation to the Board of Selectpersons, in order to secure adequate funding for the Library program based on the tax resources of the community and other sources of income.
- (7) Attend regional Trustee meetings/workshops when possible, and read to stay abreast of current library trends, technology and legislation.

§ 5 Compensation of Members

Members of the Library Board of Trustees shall serve without compensation.

§ 6 Meetings

A. Induction of Library Trustees into office. Trustee appointees shall be sworn to the faithful discharge of their duties by the Town Clerk.

B. Meetings. The Library Board of Trustees shall meet at least ten (10) times a year on a regular, published schedule, time and place to be established by the Board at its first meeting. It shall also provide a method for calling special meetings which shall be consistent with the manner in which other Boards and Agencies of the Town call special meetings. Meetings must be conducted in accordance with Roberts Rules of Order.

C. Attendance at meetings. Whenever a Library Trustee shall be absent for more than three (3) consecutive regular meetings of the Board, without suitable reason therefor satisfactory to the Board, the Board shall notify the absent member and the Town Manager of the member's absences. The Town Manager shall inform the Board of Selectpersons who may then remove the absent member and fill the vacancy in the manner provided in §7 herein.

D. Officers. At the first meeting or as soon thereafter as practicable, the Board of Trustees shall elect, by majority vote of the entire Board of Trustees, its Chairman, Vice-Chairman, Secretary and Treasurer for the ensuing year. The Trustees may fill for an unexpired term any vacancy that may occur. The Chairman shall not serve more than two (2) full terms in succession.

E. Duties of the Officers.

The Chairman shall preside at meetings of the Board of Trustees. He shall serve as liaison between the Board of Trustees and the Town Manager.

The Vice-Chairman assumes responsibilities of Chair in the Chair's absence.

The Treasurer serves as liaison between the Board of Trustees and the Town Budget Committee.

The Secretary shall keep a record of all proceedings of the Board, providing the Town Manager and Selectpersons with a copy of minutes of each Board meeting, shall attend to correspondence as required, and shall keep on file all important papers.

F. Quorum. A majority of the Library Board of Trustees shall constitute a quorum for the transaction of business. If a quorum is not present and the meeting is re-scheduled, that shall be done in the same manner as is required for special public meetings of other town boards and agencies.

§ 7 Vacancies

With advice from remaining Trustees, vacancies shall be filled by appointment of the Board of Selectpersons for the unexpired term within sixty (60) days from the date that the vacancy occurred.

§8 Appointment of Library Director

The Library Director shall be hired by the Town Manager and the Board of Selectpersons in accordance with Town hiring practices. The Library Board of Trustees shall act in an advisory capacity.

§9 Removal of the Library Director

Removal of the Library Director shall follow the procedures set forth in the Town's Employment Guidelines relating to the removal of persons who serve at the pleasure of the Town Manager and the Board of Selectpersons.

§10 Budget and explanatory message

The Library Board of Trustees, at least sixty (60) days prior to the beginning of each budget year, shall submit a proposed budget and an explanatory budget message in accordance with the procedures established by the Board of Selectpersons for the submission of budget proposals.

§11 Qualifications, powers, and duties of the Library Director; Absence

A. Qualifications. The Library Director shall be chosen giving special consideration to his or her administrative qualifications and actual experience in and knowledge of accepted library practices. Other factors may also be considered.

B. Powers and Duties. The Library Director shall be responsible to the Board of Trustees, the Town Manager, and the Selectpersons for the proper administration of all library affairs. He or she shall have the power and be required to:

- (1) Exercise such authority and perform such duties as the Town Manager may grant to appoint, prescribe the duties of and, when necessary for the good of the library, remove employees of the library, pursuant to procedures authorized by this chapter, Town ordinances and Employment Guidelines .
- (2) Prepare, in conjunction with the Board of Trustees, budgetary recommendations for submission to the Town Manager for consideration of the Board of Selectpersons.
- (3) Prepare and submit to the Board of Trustees at the end of the fiscal year a complete report of the finances and administrative activities of the library for the preceding year.
- (4) Attend the meetings of the Board of Trustees, except when excused by the Board, keep the Board advised of the financial condition and future needs of the library and make such recommendations as may seem desirable.
- (5) Act as purchasing agent for the library, to the extent that such authority is delegated by the Town Manager and subject to the Town Manager's supervision.
- (6) Perform such other duties as may be prescribed by law, ordinance or required by the Town Manager, not inconsistent with this chapter or other Town ordinances, rules, regulations, administrative procedures or policies.

C. Absence of Library Director. In the absence of the Library Director, the Town Manager may appoint a qualified individual to perform the duties of the Library Director until he or she shall return, if from approved absence or disability, or fill the vacancy.

TOWN OF BELGRADE, MAINE

MANUFACTURED HOUSING AND MOBILE HOME PARK ORDINANCE

EFFECTIVE DATE: JUNE 12, 1990

ADOPTED DATE JUNE 12, 1990

PROPOSED DATE: MAY 10, 1990

TOWN OF BELGRADE, MAINE

MANUFACTURED HOUSING AND MOBILE HOME PARK ORDINANCE

SECTION 1. GENERAL PROVISIONS

1.1 TITLE

This Ordinance shall be known and may be cited as the "Manufactured Housing and Mobile Home Park Ordinance of Belgrade, Maine" and shall be referred to herein as "this ordinance."

1.2 Legal Authority

This Ordinance has been prepared and enacted pursuant to the provisions of Title 30-A Section 4358, Regulation of Manufactured Housing; and Title 30-A, MRSA, Section 3001, Home Rule; as amended.

1.3 Purpose

The purpose of this Ordinance is to promote the health, safety and general welfare of the residents of the Town; to ensure adequate design, construction and maintenance of structures and premises; and to minimize the potential harms from new development; through the regulation of the placement of house trailers, manufactured housing and mobile home parks.

1.4 Applicability

All manufactured housing and mobile home units and parks hereinafter developed, erected, located, moved, reconstructed, altered, or enlarged in the Town of Belgrade shall conform to the provisions of this Ordinance and its amendments.

1.5 Nonconformance

1.5.1 Nonconforming Structures

Older mobile homes and trailers, and manufactured homes which fail to meet the standards set forth in Section 3, paragraph 3.1.2, which were lawfully established as of the effective date of this Ordinance, shall be considered nonconforming structures and may continue and may be maintained, repaired, and improved in accordance with the dimensional requirements of this Ordinance no such

nonconforming structure may be replaced by another nonconforming structure, but may be replaced by a manufactured home or other structure that is in conformance with requirements of the Ordinance.

1.5.2 Nonconforming Parks

1.5.2.1 Alterations and Expansions

Any alteration or expansion of an existing nonconforming park shall conform to the provisions of this Ordinance.

1.5.2.2 Nonconforming Lots and Setbacks

Nonconforming lots in an existing park may continue to be used provided that existing nonconforming setbacks are not further reduced. Furthermore, when units are replaced, setbacks shall be met wherever practical, and if nonconforming setbacks exist, they shall be improved to reduce the nonconformity, wherever practical.

1.6 Conflict with Other Ordinances

Wherever the requirements of this Ordinance and its amendments are inconsistent with the requirements of any other applicable ordinance, code, or statute, the more restrictive requirements shall apply. Wherever, requirements within this Ordinance appear inconsistent, the more restrictive and more comprehensive provisions shall apply.

1.7 Validity and Severability

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

1.8 Amendments

This Ordinance may be amended by a majority vote of the Town at a Town Meeting in accordance with the statutory procedures specified for the enactment of ordinances.

1.9 Effective Date

This Ordinance shall take effect and be in force from the date of its adoption by a majority vote of the Town at a Town Meeting.

SECTION 2. CONSTRUCTION OF LANGUAGE AND DEFINITIONS

2.1 Construction of Language

Except where specifically defined in this Ordinance, all words used shall carry their customary dictionary meaning. The word "shall" always mandatory. The word "may" is permissive.

2.2 Definitions

Alteration Structural changes to a building or structure which modify the square or cubic footage enclosed within the building or structure or which change the exterior dimensions of the building or structure or any changes to an existing mobile home park which may modify the facilities, services, or layout of the park subsequent to the enactment of this Ordinance.

Buffer A portion of a lot along a property boundary reserved for the purpose of mitigating the impacts of the use of the parcel on adjacent parcels. Within this portion of the lot, improvements consisting of landscaping, fencing, earth-mounding, or other similar devices, may be installed and maintained.

Expansion Any increase in the size of an existing mobile home park, including but not limited to, the areas in lots, buffers, open space, and right-of-way, and any increase in the density of units within an existing park resulting from additional numbers of lots created within the park without an increase in the area in lots.

House Trailer See Manufactured Housing.

Lot Lines The lines bounding a lot as defined below

Front Lot Line The line separating the lot from the right-of-way public or private road. On a corner or through lot, the line separating the lot from either right-of-way, public or private road.

Rear Lot Line The lot line opposite the front lot line. On a corner lot the rear lot line shall be opposite the front line of least dimension.

Side Lot Line Any lot line other than the front lot line, the rear lot line or the shore lot line.

Manufactured Housing A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. The term includes any type of building which is constructed at a manufacturing facility and transported to a building site where it is used

for housing and may be purchased or sold by a dealer in the interim. For the purposes of this Ordinance, 3 Types of manufactured housing are included. Those 3 types are:

A. Those units constructed after June 15 1976, commonly called "newer mobile homes," which the manufacturer certifies are constructed in compliance with the United States Department of Housing Urban Development standards, meaning structures transportable in one or more sections, which in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit.

This term also includes any structure which meets all the requirements of the proceeding paragraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the U.S. Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Codes, Title 42, Section 5401, et. seq.:

B. Those units commonly called "modular homes." which the manufacturer certifies are constructed in compliance with Title 11 Chapter 957 and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning, or electrical systems contained in the unit: and

C. Those units called "older mobile homes," house trailers" and "trailers," which are terms that may be used interchangeable, and mean any factory built home which fails to meet the definition of "manufactured housing" above.

Mobile Home The term includes "newer mobile homes" and "older mobile homes." See Manufactured Housing.

Mobile Home Park A parcel of land under unified ownership approval by the Town for the placement of 3 or more manufactured homes.

Mobile Home Park Lot The area of land on which an individual home is situated within a mobile home park and which is reserved for use by the occupants of that home. The Town may require a lot to be designated on a mobile home park plan.

Mobile Home Subdivision or Development A parcel of land approved by the Belgrade Planning Board under the provisions of the Town's Subdivision Regulations for the placement of manufactured houses individually owned lots.

Permanent Foundation The term means all of the following:

1. A full, poured concrete or masonry foundation;
2. A poured concrete frost wall or a mortared masonry frost wall, with or without a concrete floor;
3. A reinforced, floating concrete pad for which the Town may require an engineers' certification if it is to be placed on soil with high frost susceptibility; and
4. Any foundation which, pursuant to the building code of the Town is permitted for other types of single-family dwellings.

Pitched, Shingled Roof A roof with a pitch of 2 or more vertical units for every 12 horizontal units of measurements and which is covered with asphalt or fiberglass composition shingles or other materials, but specifically excludes corrugated metal roofing material.

Setback The minimum horizontal distance from the lot line or shortest line to the nearest part of a building.

Trailer See Manufactured Housing

SECTION 3. PERFORMANCE STANDARDS

3.1 Individual Manufactured Housing Units

Only manufactured housing units which meet the following standards may be permitted as new dwellings within the Town of Belgrade;

3.1.1 Certification of Payment of Sales Tax

No new manufactured housing may be constructed or located within the Town by any person other than a dealer licensed by the State with a sales tax certificate, without:

1. A bill of sale indicating the name, address, dealer registration number and sales tax certificate number of the person who sold or has provided the manufactured housing to the buyer locating the housing in the Town, or

2. If no such bill of sale is presented, evidence of certification of payment of the sales tax in accordance with Title 36, MSRS, Section 1760. Subsection 40, and Section 1952-B shall be presented.

Permits shall not be approved or deemed valid until payment of the sales tax has been certified.

3.1.2 Design Standards

All manufactured housing to be sited in the Town of Belgrade shall be at least 12 feet in width, shall contain at least 600 square feet of living space and continuous skirting around the base of the home.

3.1.3 Lot Size and Setbacks

1. Units Outside of Mobile Home Parks

Manufactured housing located outside of a mobile home park shall be placed on lots that conform with the provisions of Belgrade's Minimum Lot Size and Building Permit Regulations.

2. Units on Lots in Mobile Home Parks

Manufactured housing located in a mobile home park shall be placed on lots in compliance with the provisions of paragraphs 3.2.4 and 3.2.5 of this ordinance.

3.1.4 Safety Standards

These standards shall apply to all manufactured housing built before June 15, 1976, or not built according to the National Manufactured Housing Construction and Safety Standards Act of 1975 United State Code, Title 42, Chapter 70:

1. Exits

A. Required egress doors shall not be located where a lockable interior door must be used in order to exit.

B. Homes shall have a minimum of two exterior doors not less than 12 feet from each other as measured in any straight line direction regardless of the length of the travel between doors. One of the required exit doors must be accessible from the doorway of each bedroom without traveling more than 35 feet.

2. Fire Detection Equipment

At least one smoke detector (which may be a single station

alarm device) shall be installed in the home at the following locations:

A. A smoke shall be installed on any wall in the hallway or space communicating with each bedroom area between the living area and the first bedroom door unless a door separates the living area from that bedroom area, in which case the detector shall be installed on the living area side as close to the door as practical. Homes having bedroom areas separated by any one or combination of communication areas such as kitchen, dining room, living room or family room (but not a bathroom or utility room) shall have at least one detector protecting each bedroom area.

B. When located in hall ways, the detector shall be between the return air intake and the living area.

C. The smoke detector shall not be placed in a location which impairs its effectiveness.

D. Each smoke detector shall be installed in accordance with it's listing. The top of the detector shall be located on a wall 4 inches to 12 inches below the ceiling. However, when a detector is mounted on an interior wall below a sloping ceiling, it shall be located 4 inches to 12 inches below the intersections on the connecting exterior wall and the sloping ceiling (cathedral ceiling). The required detector(s) shall be attached to an electrical outlet box and the detector connected by permanent wiring method into a general electrical circuit. There shall be no switches in the circuit to the detector between the overcurrent protection device protecting the branch circuit and the detector. The smoke detector shall not be placed on the same branch circuit or any circuit protected by a ground fault circuit interrupter.]

3.1.5 Sales

No manufactured housing, house trailer, or mobile home shall be exhibited or offered for sale in any residential district, except by the owner thereof or his/her agent.

3.1.6 Exceptions

1. Movement and Relocation

A. Manufactured home which does not meet the design and dimension requirements of paragraph 3.1.2 above, which was legally sited within the Town of Belgrade as of June 1, 1990, may be moved to another location within the Town provided that all other applicable requirements of this and other ordinances of the Town are met.

2. Sales

The requirements of paragraph 3.1.2 and 3.1.3 shall not apply to manufactured housing, house trailers, and mobile home in the hand of dealers as stock in trade, so long as said units remain unoccupied.

3.

Temporary Units

A manufactured home which does not meet the design or dimension requirements of paragraph 3.1.2 may be used temporary housing for up to 2 years while a permanent dwelling is under construction under the following conditions:

- A.** The mobile home is located on the same lot as the dwelling under construction;
- B.** The approved water supply and sewage disposal systems (or hook-ups) for the lot shall be capable of serving first the temporary mobile home and finally the permanent dwelling and shall be installed prior to the placement of the mobile home on the lot.
- C.** The mobile home shall be placed so as to meet yard setback requirements to maximum extent possible while permitting construction;
- D.** The mobile home shall be occupied only by the owner of the permanent building under construction;
- E.** The mobile home shall be removed from the lot within (2) years of the date of issuance of the permit for the permanent dwelling. All cases the temporary unit shall be disconnected upon occupancy of the permanent dwelling.

3.2 Mobile Home Parks

Mobile home parks comply with the following minimum requirements, prior to issuance of a permit:

3.2.1 Access

No lots for the placement of individual homes shall have direct access onto any public way. All parks shall have at least one paved road with unobstructed access to a public street or highway. Park roads which intersect with public roads shall meet the following standards:

1. Angle of Intersection

The desired angle of intersection shall be 90 degrees. The minimum angle of intersection shall be 75 degrees.

2. Road Surface

Roads shall be paved for a minimum of 300 feet from the traveled way of the public road.

3. Grade

The maximum permissible grade within 50 feet of the intersection shall be 3%

4. Minimum Sight Distance

The minimum sight distance shall be 10 times the posted speed limit on the existing road. 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 within the height of the eye 3 1/2 feet above the pavement and the height of object 4 1/4 feet. Where necessary, the Park land bordering the intersection shall be cleared of all growth and sight obstruction to achieve the required visibility.

5. Distance from Other Intersections

The centerline of any other street within a park intersecting an existing public street shall be at least 125 feet from the centerline of any other street intersecting that public street.

3.2.2 Buffers

1. A 50 foot wide buffer strip shall be provided along all proper boundaries that:

A. Abut residential land which has a gross density of less than half of that proposed in the park, or

B. Abut residential that is zoned at a density of less than half that of the proposed park.

Further, no structures, streets, or utilities may be placed in the buffer strip except that they may cross a buffer strip to provide services to the park.

2. Within 25 feet of any property line and within the buffer strip visual screening and/or landscaping shall be provided. The visual screening may consist of fences, berms, landscaping (such as shrubs and trees) and /or natural vegetation. This screening shall effectively screen at least 80 % of the homes from view from the adjacent property and shall be maintained throughout the life of the project.

3.2.3 Location

The park shall be located on a well-drained site properly graded insure rapid drainage and freedom from stagnant pools

of water. The park shall not be located near swamps or other potential breeding places for insects and rodents, or on land which is exposed to noise, smoke, fumes and odors.

3.2.4 Lot Size

Mobile home park lots shall meet or exceed the following standard.

	Minimum Lot Area Sq. Feet	Minimum Lot Frontage Linear Feet
A.Lots serve by public sewer	6,500 sq ft.	50 feet
B.Lots served by indiv subsurface disposal systems	20,000 sq ft.	100 feet
C.Lots served by central sub surface waste water disposal systems	12,000 sq ft.	75 feet

In addition, the overall density of parks served by central subsurface disposal systems shall be no greater than (1) unit per 20,000 square feet of total park area.

- D. Lots located in shoreland zoning as stated in Belgrade's Shoreland Zoning Ordinance districts.
2. The bounds of each lot shall be clearly marked, and the space shall be surfaced or seeded to provide adequate drainage beneath and adjacent to any mobile home parked thereon.
3. Lots shall have a continuous supply of safe and sanitary water.
4. Lots shall be connected to an adequate sewage disposal system.
5. Lots shall have an electrical power service connection

of not less than one hundred (100) ampere capacity.

6. Lots shall be provided with a minimum of a 12 " thick gravel pad sized to the proposed mobile home.

3.2.6 Lot Setbacks

Front Setback	20 ft	Public Rd Setback	50 ft
Side Setback	15 ft	Shoreline	100 ft
Rear Setback	10 ft		

3.2.6 Overall Size of Park

Any park providing spaces for three (3) or more individual mobile homes shall be sized by the sum of the following:

1. Area in the Right-of-Way of Roads;
2. Area in the Buffer Strip around the Park;
3. Area in Open Space; and
4. Area in the Lots.

3.2.7 Parking

Each mobile home shall be provided with two (2) off-street parking spaces for motor vehicles. Parking spaces shall have an area of 10 ft. by 20 ft. for each vehicle.

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 (1) space each three (3) mobile home lots. Such parking shall be hard surfaced and the spaces shall be reserved for that sole use. This requirement shall be waived if a parking lane provides an equivalent number of spaces.

3.2.8 Playground Area

A playground area containing not less than one hundred (100) square feet of play area for each individual home lot shall be provided and restricted exclusively to playground use, and such areas shall be protected from streets and parking areas, and shall have a well drained, stabilized surface, maintained in good repair.

3.2.9 Sales and/or Storage

No mobile home or trailer shall be stored or exhibited for sale for commercial purposes within a mobile home park.

3.2.10 Streets

1. All streets in a mobile home park shall have a minimum base of 18 inches of clean, well-drained gravel maintained in good repair and well lighted at night. Street grades shall generally be not more than eight (8%). Paved street surfaces shall meet or exceed the following standards.

Minimum depth of 2"	Paved width
Street for two-way traffic	20 feet 23ft R.O.W.
Street for one-way traffic	14 feet 23ft.R.O.W.
Parking lane on any street if provided	7 additional feet

2. Any park street for which no parking lane is provided shall be posted against on-street parking, and this rule shall be enforced by the park owner or his/her agent.

3. Where sidewalks or other common walkway systems are provided they separate pedestrian from vehicular traffic, the minimum walkway width shall be 3.5 feet.

3.2.11 Trash Disposal

Mobile home park owner or his/her agent shall provide an approved rubbish collection system and have rubbish removed from the site not less than once per week.

SECTION 4. ADMINISTRATION

4.1 Permits required

4.1.1 Permits for Individual Manufactured Housing Units

No person, firm, corporation or other legal entity shall locate a manufactured home in the Town of Belgrade, or move a manufactured home from one lot or parcel of land to another, without a permit from the Code Enforcement Officer.

4.2.1 Permits for Manufactured Housing and Mobile Home Parks

No person, firm, corporation, or other legal entity shall construct maintain and/or operate any mobile home park in the Town of Belgrade unless such person obtains a permit issued by the Code Enforcement Officer.

1. New Permits

New parks and alterations or expansions of existing parks established after the effective date of this Ordinance shall require review and approval by the Planning Board under the provisions of this Ordinance and the Town's Subdivision Regulations prior to the issuance of the permit by the Code Enforcement Officer.

2. Renewal Permits

The Code Enforcement Officer, upon receipt of a written application may annually renew mobile home park permits upon compliance with the provisions of this Ordinance. Alterations or expansions of existing parks undertaken without approval shall be cause for immediate revocation of existing permits. Subdivisions developed and sold with individually owned lots do not require annual permit renewals. A copy of the park rules must be on file with The Town Office effective 30 days after Town approval.

4.1.3 Evidence of Right, Title or Interest

A permit shall be issued only to a person showing written evidence of right, title or interest in the property in question.

4.1.4 Plumbing Permit Required First

No permit shall be issued for any unit or park involving the construction or installation of plumbing facilities unless a design for such facilities has been secured by the applicant or his/her authorized agent, according to the requirements of the State Plumbing Code and this Ordinance.

4.1.5 Permit Required Before Construction Begins

No construction and no earth moving activity, other than that necessary for survey or site analysis, shall begin before a required permit has been issued.

4.1.6 Permit Display

The permit shall be displayed in a conspicuous place on the site, clearly visible from the nearest traveled street and shall not be removed until the work covered by the permit has been approved.

4.1.7 Permit Expiration

Permits and project approvals issued under this Ordinance shall automatically expire two (2) years from the date of issue unless a special schedule has been approved by the Planning Board. The Planning Board may grant an extension for project completion of up to one (1) year.

4.2 Applications

1. Fee for Parks

1. Fee for Parks

A. New or Expanded

Fees for review and approval of new parks or of the expansion of existing parks shall be in accordance with the following schedule

\$35.00 per lot application and approval fee
PLUS

\$25.00 per lot consultant fee of which the unused portion to be returned to the developer.

B. License Fees

The annual license fees shall be as follows:

1. Parks with 3-50 approved lots shall be \$25.00 plus \$2.00 per lot.

2. Parks with 51 or more approved lots will be \$25.00 plus \$2.00 per approved lot for the first 50 lots and \$1.00 per lot for every lot over 50.

Prior to the issuance of a renewal license, the Code Enforcement Officer shall inspect the park to insure continued compliance with the requirements of the Ordinance.

4.2.2 Application Information

All applications for a permit shall be accompanied by a plan, accurately drawn to scale, showing the actual dimensions of the lot to be built upon or used; the exact location and size of all buildings, structures, and outdoor designated used areas (such as storage yards, parking lots, driveways, etc.) already on the lot; the exact location and size of all buildings, structures, and use areas proposed for the lot; the existing and proposed use for each property; and such other information as may be necessary to determine that the proposed activity conforms with this Ordinance Applications and their accompanying plans and permits shall be maintained as permanent records in the Belgrade Town Office.

2. Applications for Park

All applications for manufactured housing and mobile home parks shall conform to the submission requirements of the Town of Belgrade's Regulations for the Review of Subdivision Applications as well as provide such other information as

may be necessary to determine that the proposed activity conforms to this Ordinance.

4.2.3 Application Procedures

1. Individual Manufactured Housing and Mobile Home Units

Within 10 business days of receipt of an application, the Code Enforcement Officer shall determine whether the application is complete. If the application is incomplete, the Code Enforcement Officer shall notify the applicant of the specific additional information necessary to make a complete submittal. Within 10 business days of receipt of a completed application, the Code Enforcement Officer shall approve, deny, or refer to the Planning Board for review all applications. The Code Enforcement Officer's decisions shall be in writing on forms designed for the purpose, case of denial, the Code Enforcement Officer shall identify the specific provision(s) of the Ordinance which the application fails to meet. A copy of the Code Enforcement Officer's decision shall be maintained as a permanent record in the Belgrade Town Office.

2. Manufactured Housing and Mobile Home Parks

An applicant informed by the Code Enforcement Officer that he/she requires the review and approval of the Planning Board shall file an application with the Planning Board on forms provided for the purpose.

A. Concurrent Review

The Planning Board shall conduct a concurrent review of the application to determine compliance with the provisions of this Ordinance and the Town's Subdivision Regulation.

B. Decisions

In issuing its decision the Planning Board shall make finding of the fact in writing establishing that the proposed development does or does not meet the standards of Section 3.2.

C. Conversion of Parks

No lot in a mobile home park may be sold or conveyed without the prior approval of the Planning Board. Any such lot sold or conveyed shall meet the lot size requirements for a site built, single family dwelling as outlined in Belgrade's Minimum Lot Size Ordinance and Building Permit Regulations Ordinance.

4.2.4 Bond

Every mobile home park developer shall post a performance bond in an amount equal to one hundred percent (100%) of the projected construction cost to ensure compliance with the requirements of this Ordinance.

The Bond shall remain in effect for one (1) year following completion and final acceptance of the project. The Bond shall be released following inspection by the code Enforcement Officer or his/her designer and certification that the project has been constructed in compliance with the Ordinance.

4.3 Enforcement

4.3.1 Code Enforcement Officer

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. The Code Enforcement Officer in the discharge of official duties, and upon proper identification, shall have authority to enter any building, structure, or premises to inspect for compliance with this Ordinance at reasonable hours, and with the consent of the property owner, occupant or agent.

4.3.2 Violations

If the Code Enforcement Officer shall find that any of the provisions of this Ordinance or any conditions of the Planning Board of Appeals are violated, he/she shall notify by certified mail the person(s) responsible for such violations(s) indicating the nature of the violation(s) and the State regulations regarding fines, and order the action necessary to correct it. He/she shall order discontinuance of illegal use of land, building or structures or additions, alterations, or structural changes; or discontinuance of any illegal activity.

4.3.3 Legal Action and Violations

The Town Officers, on notification by the Code Enforcement Officer shall institute or cause to be instituted, in the name of the Town any and all actions, legal, and equitable, that may be appropriated or necessary for the enforcement of the provisions of this Ordinance.

4.3.4 Penalties for Violations

Any person, firm, or corporation being the owner, contractor or have control or use of any structure or premises who violates any of the provisions of this Ordinance shall upon conviction be fined in accordance with the provision of Title 30-A, MRAS, Section 4452. Each day such a violation is permitted to exist after notification shall constitute a separate offense. All fines shall be paid to the Town of Belgrade. Such persons shall also be liable for court costs and reasonable attorney fees incurred by the Town.

4.4 Appeals

Appeals shall be from decisions of the Code Enforcement Officer or the Planning Board to the Board of Appeals, except for Planning Board decisions concerning subdivisions when the appeal shall be The Superior Court. For any appeal involving land within the Shoreland Zoning districts, the Department of Environmental Protection shall be notified of the results of the appeals hearing. Any appeal denied by the Board of Appeals may be appealed to the Superior Court in accordance with Maine State Rules of Civil Procedures, Rule 80B.

TOWN OF BELGRADE MASS GATHERING ORDINANCE

ARTICLE I. TITLE, PURPOSE, AUTHORITY, AND DEFINITIONS

Section 1. Title

This Ordinance shall be known and may be cited as the Mass Gathering Ordinance of the Town of Belgrade, Maine.

Section 2. Purpose

The purpose of this Ordinance is to authorize the issuance of permits for mass gatherings within the Town of Belgrade which will have the effect of controlling unnecessary noise, nuisances, unsanitary conditions, public indecency, and other activities which may constitute a threat to public health, safety, or welfare within the Town of Belgrade.

Section 3. Applicability

No person, corporation, association or group of any kind shall sponsor, promote or conduct a mass gathering or make one's property available for a mass gathering by lease, contract, or otherwise within the Town of Belgrade, until a permit has been obtained from the municipal officers of the Town of Belgrade. Mass gatherings may include, but not be limited to, festivals, concerts, exhibitions, social gatherings, meetings, and entertainment. Approval by the Planning Board for a specific commercial development does not negate the necessity for a Mass Gathering Permit if the development is used for a mass gathering.

The following events are exempt from this ordinance:

- A. Normal and usual school activities, including athletic events taking place on school grounds.
- B. Outdoor events and festivals sponsored by and under the direct supervision of the Town of Belgrade or community festivals dispersed over multiple properties, such as a village area.

Section 4. Authority

This Ordinance is enacted under the home rule authority granted by Title 30-A MRSA §3001, as amended.

Section 5. Severability

If any provision of this Ordinance is found to be invalid, such finding shall not invalidate any other provision.

Section 6. Effective Date

This ordinance shall become effective when adopted by a majority vote at Town Meeting.

Section 7. Definitions

Abutter: Owner of land which is physically contiguous with the lot in question even if only at a point, and any lot located directly across the public or private street.

Mass Gathering: Any gathering, attracting, or intending to attract, a continued audience or congregation of participants of 300 participants for 1 hour or more.

Operator: The person or group responsible for managing the mass gathering.

Performance Guarantee: An irrevocable letter of credit from a banking institution authorized to do business in Maine, a bond or cash escrow, or other financial guarantee acceptable to the Town Manager, in an amount set by the Board of Selectmen.

ARTICLE II. APPLICATION PROCEDURE

- A. Applications for all mass gathering permits shall be made in writing to the Town Manager on the application obtained from the Town and shall include the following information:
- The name of the applicant
 - The address where the mass gathering will occur
 - The name, address, and phone number of the property owner
 - Proof of abutter notification
 - The name, address, and phone number of the mass gathering operator
 - A detailed description of the nature of the mass gathering, including a specific description of the activity or entertainment to be offered, the nature of the site to be used, and the times of operation
 - The expected number of attendees, together with a plan for limiting the total
 - A descriptive statement about how each of the Review Standards in Article III, below, will be met together with documentation as necessary
 - A plan to scale showing parcel boundaries and area where the gathering will occur, including locations of first aid facility, sanitary and solid waste installations, parking areas, and vehicular circulation within the site.
 - Proof of the applicant's right to use the property (e.g. lease, contract) together with adequate liability insurance
 - Any additional information to support the request for the permit

The applicant shall submit 7 copies of the application and all other related and required information to the Town Clerk not less than 90 days before the proposed event. Upon receipt the Town Clerk will forward copies of the application to the Town Manager, as well as the Fire Chief, Kennebec County Sheriff, and Code Enforcement Officer for review and comment. Comments from those people should be given to the Town Manager within 10 days of receipt.

- B. The non-refundable application fee for a mass gathering permit shall be \$200.00. The Town Manager may consider waiving the application fee for non-profit organizations.
- C. The Board of Selectmen shall hold a public hearing, at which the testimony of the applicant and that of any interested member of the public shall be taken. Notice of the public hearing shall be mailed, certified mail, to abutters to the property by the applicant and posted in a public place no later than fourteen (14) days prior.
- D. The Board of Selectmen shall grant a permit if it finds that the review standards in this Ordinance will be met. The Board may impose conditions to approvals to safeguard the public interest. The Board may, upon request and with stated reasons, waive any specific review standards listed in Article III, below.

The Board shall notify the applicant of its decision in writing within thirty-five (35) days of receipt of the application.

The Board of Selectmen may also require the applicant to post a performance guarantee or bond in an amount reasonably necessary to ensure prompt payment for all damages caused by any attendee or employee to public and private property resulting from or in connection with the mass gathering. If a performance guarantee is required, the Town shall inspect the grounds and surrounding property within 10 working days after the mass gathering and release the performance guarantee if the operator has conducted all clean up to the Town's satisfaction. If clean up or damage remains, the Town Shall retain the performance guarantee until such time as all issues noted are addressed

- E. No permit shall be issued if the premises to be used or activities for the mass gathering do not fully comply with all ordinances of the Town of Belgrade or laws or rules of the State of Maine, nor if a prior permit for the operator has been revoked within the preceding year.

ARTICLE III. REVIEW STANDARDS

A. Premises and Facility Safety:

- 1) The premises and facility at which the mass gathering will occur shall be of sufficient size and appropriate layout to minimize risk or danger to employees,

performers, attendees, or the public. The Board may require inspections and/or certification as to the safety by the Code Enforcement Officer, Fire Department, and other public safety departments as appropriate.

- 2) The area used for the event by attendees shall be a minimum of one (1) acre in size, not including parking area. If more than 2,000 attendees are anticipated, the area shall be a minimum of one (1) acre for each increment of 2,000.
- 3) No overnight parking or camping will be permitted.
- 4) Trees, underbrush, large rocks, and other natural features shall be left intact and undisturbed whenever possible and natural vegetative cover will be retained, protected and maintained so far as possible to prevent erosion and maintain the natural drainage attributes of the property.
- 5) Adequate lighting shall be provided to protect the safety of the persons at the gathering. The lighting shall not unreasonably reflect beyond the property boundaries unless the adjacent properties are uninhabited.
- 6) The electrical system and equipment serving the mass gathering shall comply with applicable state standards and regulations.

B. Vehicular Ingress and Egress to Facility and On-site Parking:

- 1) The premises and facility at which the mass gathering will occur shall provide for safe ingress and egress for vehicles, with regard to the general public's use of any public right of way. Internal and external traffic and security control shall be reviewed and approved by the Kennebec County Sheriff's Office.
- 2) Internal service roads shall be at least 20 feet wide to allow for the safe passage of emergency vehicles. If separate lanes are used for ingress and egress, the lanes may be reduced to 12 feet in width.
- 3) The premises shall provide adequate parking capacity. At least one-quarter (1/4) acre of useable parking area shall be provided for every 100 anticipated attendees.
- 4) If parking is proposed on a premises other than the mass gathering site, the applicant must provide a statement from landowners acknowledging and approving the use of their property for parking, and a plan stating or depicting the mode and routes of travel which will be utilized by attendees to get to the mass gathering site.
- 5) The applicant shall provide adequate personnel to manage traffic and parking to ensure that traffic flow on public roads is not impeded. Any traffic management personnel assigned to duty on public roads shall be trained and experienced in traffic control.

C. Public Safety and Security:

- 1) The operator shall make satisfactory provisions to avoid any breach of the peace or disorderly conduct. The applicant shall provide a plan for addressing crowd control, particularly at a general admission event, and an evacuation plan of the mass gathering area in the event of a natural disaster or other civil emergency.
- 2) The Board may require, at its discretion, demonstration of advance arrangements for special police duty and/or private security firms, as well as fire and/or rescue personnel at the expense of the applicant. The standard should be two (2) certified law enforcement or security officers present for each 500 people in attendance.
- 3) Measures shall be taken to follow and abide by all local, state and federal statutes and ordinances and to exclude minors from any entertainment activity from which they are legally barred.
- 4) A first aid building or tent with qualified staff personnel shall be located on site. A telephone or other two-way electronic communication device shall be available in the event that a medical emergency requires ambulance service or consultation with a physician.
- 5) The Board may require, at its discretion, demonstration of advance arrangements for rescue personnel and vehicles to be available onsite throughout the mass gathering as deemed necessary, at the expense of the applicant.

D. Noise and Hours of Operation:

- 1) The sound of the mass gathering shall not carry unreasonably beyond the boundaries of the mass gathering area. The noise levels at the property lines shall not exceed 60 decibels.
- 2) The Board shall approve hours of operation for a mass gathering, which will be set so as to not cause unreasonable disruption to the normal pattern of activities in the neighborhood. No mass gathering shall operate between the hours of 12:00 AM and 8:00 AM.

E. Water Supply:

There shall be adequate and satisfactory potable water supply at the mass gathering area. The applicant shall demonstrate the capacity to provide drinking water on site, including the ability to re-supply during the course of the event.

F. Refuse Disposal:

- 1) There shall be adequate refuse storage and disposal facilities. At least one (1) fifty gallon refuse container or its equivalent shall be provided for each 100 anticipated attendees. All refuse shall be removed from the site at the end of the day (for multi-day events) and immediately upon the close of the gathering, and disposed of in an approved manner. Areas where vehicles are parked shall have four (4) refuse containers for each acre of parked vehicles. Containers for recycling purposes shall be provided.
- 2) The mass gathering area and immediate surrounding property shall be cleaned of refuse within 24 hours following a mass gathering.

G. Sanitary Facilities:

There shall be adequate sanitary waste disposal facilities available. The facilities shall be conveniently accessible, cleaned, and checked for working order daily. Toilets or port-a-potties shall be provided at a rate of one for each 150 persons present at the mass gathering. Port-a-potties shall be removed from the site within 48 hours of the close of the event.

H. Alcoholic Beverages:

- 1) If alcoholic beverages are sold at the mass gathering, sale of alcoholic beverages shall be limited so that public safety and order will not be impaired. The sale of alcoholic beverages shall be in compliance with the laws of the State of Maine regulating sale and consumption.
- 2) If alcoholic beverages are not sold on site at a mass gathering, but are allowed to be consumed on a "B.Y.O.B" basis the operator of the mass gathering shall take precautions to exclude consumption of alcoholic beverages by a minor or a visibly intoxicated person.

I. Other Licenses and Permits:

The applicant must be in possession of all other necessary licenses, permits, and similar, as may be required by any other body, agency, or jurisdiction, including permits required under Title 22 MRSA §1601, as applicable. This includes the licenses and permits required by the State of Maine relating to the service of food.

ARTICLE IV. ADMINISTRATION

Section 1. Inspections

- A. Whenever inspections of the premises used for or in connection with the operation of a mass gathering which has obtained a mass gathering permit are provided for or required by ordinance or state law, or are reasonably necessary to secure compliance with provision of this ordinance, it shall be the duty of the operator and/or landowner to admit any officer, official, or employee of the Town of Belgrade authorized to make the inspection at any reasonable time that admission is requested. Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any ordinance provision or state law, it shall be the duty of the operator to give to any authorized officer, official or employee of the Town of Belgrade requesting the same sufficient samples of the material or commodity for analysis.
- B. In addition to any other penalty which may be provided, the Board of Selectmen may revoke the mass gathering permit of any operator who refuses to permit any such officer, official, or employee to make an inspection or take sufficient samples for analysis or who interferes with such officer, official or employee while in the performance of his duty, provided, that no mass gathering permit shall be revoked unless written demand for the inspection or sample is made upon the operator, at the time it is sought.

Section 2. Suspension or Revocation of a Permit

- A. The Board of Selectmen may, after a public hearing preceded by notice to the permit holder and public, suspend or revoke any mass gathering permit which has been issued under this Ordinance on grounds that the activity or entertainment so permitted constitutes a detriment to the public health, safety, or welfare, or violates the terms of the permit or this Ordinance or any other municipal ordinance or rules and regulations.
- B. Conduct Constituting Offenses by Licensees: The following activities or conduct may be grounds for suspension or revocation of a permit.
 - 1) Disorderly Conduct: The operator shall not knowingly allow anyone present at the mass gathering to disturb the peace of others, or act disorderly, offensive or hostile.
 - 2) Riots: The operator shall not allow any activity which intends to promote a riot or disturbance.
 - 3) Unnecessary Noise: The operator shall not allow for the making of noise which does not meet the standards set forth in Article III.

- 4) Nuisances: The operator shall not allow mass gatherings to be conducted so that they constitute a nuisance as defined by the statutes of the State of Maine.
- 5) Prostitution and Public Indecency: The operator shall not allow prostitution or public indecency by any person at the mass gathering.
- 6) Gambling: The operator shall not allow on any premises permitted for mass gatherings the use or occupancy thereof for gambling or games of chance as prohibited by the statutes of the State of Maine.
- 7) Failure to Meet Permit Conditions: The operator shall be required to comply with the conditions outlined within the permit and shall be required to operate as described within the application upon which the approval for the mass gathering was granted.

Section 3. Rules and Regulations

The Board of Selectmen is hereby authorized, after public notice and hearing, to establish written rules and regulations governing the issuance, suspension, and revocation of mass gathering permits, the types of entertainment or gathering permitted, and other limitations on these activities required to protect the public health and safety and welfare. These rules and regulations may specifically determine the location and size of permitted premises, the facilities that may be required for the permitted activities on those premises, and the hours during which the permitted activities are permitted. Such rules and regulations shall be additional to and consistent with all sections of this Ordinance.

Section 4. Permit and Appeal Procedures

- A. Any licensee requesting a mass gathering permit from the Board of Selectmen shall be notified in writing of their decision no later than thirty (30) days from the date the request was received. In the event that an applicant is denied a permit, the applicant shall be provided with the reasons for the denial in writing.
- B. Any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may appeal the decision to the Belgrade Board of Appeals within thirty (30) days of the denial, suspension, or revocation. The Board of Appeals may grant or reinstate the permit if it finds that:
 - The permitted activities would not constitute a detriment to the public health, safety or welfare, or violate the Town's ordinances or regulations; or
 - The denial, revocation or suspension was arbitrary or capricious.
- C. Appeals from decisions of the Board of Appeals shall be taken within thirty (30) days to the Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

ARTICLE V PENALTY

Section 1. Penalty

Whoever violates any of the provisions of this Ordinance shall be punished by a fine of not more than \$500 for the first offense, and up to \$5000 for each subsequent offense, to be recovered on complaint, to the use of the Town of Belgrade. A violation of each individual standard above or any conditions of the permit shall constitute a separate violation. In addition the Town of Belgrade shall be entitled to pursue equitable relief, including injunctive relief in enforcement of this ordinance. Any property owner allowing his property to be used for a mass gathering without a validly issued permit therefore shall be deemed a co-violator.

Enacted: March 20, 2015 at Town Meeting, Article #8

Town of Belgrade

MINIMUM LOT SIZE ORDINANCE

1. PURPOSE:

The intent of this Ordinance is to manage development of land use in order to protect public health, safety, and welfare, and to encourage land use development according to the established character of the Town.

2. AUTHORITY:

This ordinance has been prepared in accordance with the provision of Title 30-A M.R.S.A. (Maine revised statutes Annotated) Section 3001. This Ordinance shall be known and may be cited as "Minimum Lot Size Ordinance of the Town of Belgrade" or, in abbreviated form, as "MLSO-Belgrade".

3. APPLICABILITY:

A. General: This Ordinance is applicable to all land area within the Town of Belgrade to be used for permanent temporary purposes, and any change in use, except for:

(1) Multifamily housing in accordance with the *Multi-family Housing Ordinance* of the Town of Belgrade;

(2) Mobile home parks in accordance with *Manufactured Housing and Mobile Home Park Ordinance* of the Town of Belgrade; and,

This Ordinance is also applicable to all land areas to be used for individual private campsites, permanent, or temporary commercial purposes, or any other purpose requiring construction or placement of permanent or temporary structures.

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B. Lots Wholly or Partially Within Shoreland Zoning:#

Furthermore, concurrent applicability or conflict notwithstanding, land use within the Shoreland Zone of the Town of Belgrade shall be permitted only in accordance with the land use standards of the Shoreland Ordinance of the Town of Belgrade. Where a lot or parcel of land is situated partially within and partially outside the Shoreland Zone, this Ordinance and the *Shoreland Zoning Ordinance* shall be applied as follows:

(1) Land area situate and dimensions effective outside the Shoreland Zone shall not be considered in determining the conformity of a lot to the area or dimensional requirements of the *Shoreland Zoning Ordinance* or to the determination of findings with respect to any land use to be considered in accordance with the *Shoreland Zoning Ordinance*;

(2) Land area situate and dimensions effective within the Shoreland Zone shall be considered in determining the conformity of a lot to the area or dimensional requirements of this Ordinance and to the determination of findings with respect to any land use to be considered in accordance with this Ordinance, except that any land use or placement of any structure permitted under this Ordinance shall be confined to that area of the lot which is situate outside the Shoreland Zone, i.e. no authorization shall be found and no permit shall be granted under this Ordinance for any construction or land use within the boundary of the Shoreland Zone.

4. NON-CONFORMING LOTS:

A. Transfer of Ownership: Non-conforming lots may be transferred, and the new owner may continue the existing use of the non-conforming lot, subject to the provisions of this Ordinance. The use of a non-conforming lot existing on the effective date this Ordinance may not be changed to any other use for which the lot would be less conforming under the provisions of this Ordinance.

B. Ability to Build on: A non-conforming lot of record as of May 4, 1976, may be built upon without the need for a variance provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership; that all

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provisions of this Ordinance except lot size and frontage can be met; and, that the State Minimum Lot Size Law and Sub-surface Wastewater Disposal Rules are complied with. Waivers

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and variances relating to boundary line setback or to requirements not involving lot size or frontage shall be obtained by action of the Board of Appeals, except as this Ordinance specifically authorizes the Code Enforcement Officer to waive such requirements.

C. Contiguous Lots Built: If two or more contiguous lots are in a single or joint ownership of record, if all or part of the lots do not meet the dimensional requirements of this Ordinance and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law and Subsurface Wastewater Disposal Rules are complied with for each lot conveyed.

D. Single Lot Two or More Existing Principal Structures: If two or more principal uses or structures exist on a single lot of record, each may be sold on a separate lot provided that the State Minimum Lot Size Law and Subsurface Wastewater Disposal Rules are complied with for each lot conveyed. When a lot is so divided, each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

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

5. LAND USE STANDARDS:

A. General:

(1) *Change of use:* An existing land use may be changed to another land use provided that the proposed use has no greater adverse impact on the subject and the adjacent properties and resources than the former use had and provided that the land use standards specified herein for the proposed land use are

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(2). *Boundary Line Setback Dimensions:* All structures shall be located within the boundaries of the lot on which constructed such that the following setback dimensions are maintained:

(a) ten(10) feet, minimum, horizontal distance between any lot boundary line and the closest point of an structure; and,

(b) the greater of the following dimensions, horizontal distance, between the closest point of any structure and the near limit of the right-of-way of any public road, privately owned road, or right-of-way used in common with others or two (2) feet of distance from centerline of travel way per 1" (one) foot of structure height.

The Code Enforcement Officer may waive setback requirements of this subsection to permit accessory structures of twenty-five (25) square feet, or less, area and two hundred fifty (250) cubic feet, or less, volume to be located closer to a public road when the lesser setback is a functional necessity. The Code Enforcement Officer shall specify the setback applicable to each structure subject to waiver based on consideration of structure function and factors affecting public safety (e.g. interference with sight distances, interference with effectiveness of road and right-of-way maintenance measures, etc.)

(3) *Structure Height:* Structure shall not exceed thirty-five (35) feet in height, except. that antenna structures which require height in excess of thirty-five (35) feet in order to achieve effective communications within the terms of a license issued by Federal Communications Commission to a person having standing with respect to use of the land subject to application for permit shall be exempt from the height limitation specified herein for "structures". Antenna structures exempt from the height limitation of this Ordinance shall also be exempt from the setback requirements of Section 5(A)(2)(B)(2) of this Ordinance but shall not be located closer to any lot boundary line or near limit of the right-of-way of any public road, privately-owned road, or right-of-way used in common with others than forty (40) percent of the antenna structure height, unless a variance shall have been obtained from the Board of Appeals. A variance shall be obtained only upon presentation of engineering data sealed by a Registered

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Professional Engineer attesting to the ability of the proposed antenna structure, including antenna and all appurtenances, to survive the 100-year extreme weather applicable to Belgrade, Maine.

(4) *Lots On Islands:* A lot situated on an island and wholly or partially outside the Shoreland Zone and to be used for any purpose for which a permit is required under this Ordinance shall not be required to meet the road frontage requirements of this Ordinance, but shall be required to have a right-of-way permitting at least travel by foot to/from the lot and normal high-water line of a water body to which public access exists.#

(5) *Multiple Land Uses:* Multiple land uses or more than one occurrence of the same land use shall be permitted on a lot provided that the dimensional characteristics of the lot are equal to or exceed the sum of the individual dimensional requirements of Section 5, Subsections (B), (C), (D), and (E), as applicable, for each use or recurrence of a single use, except as provided in (a) and (b) following:

(a) A lot, vacant or upon which a single commercial use exists, which is a conforming commercial lot may be granted a permit for one single family residential dwelling unit in addition to a permit for one commercial use providing all other requirements of this Ordinance, excepting lot coverage, can be met. Application for permit for residential use shall be made separately from application for permit for commercial use.**

(b) A lot on which one single family residential dwelling unit exists and which is a conforming commercial lot may be granted a permit for one concurrent commercial use providing all other requirements of this Ordinance for the commercial use can be met. Lot coverage shall not exceed the lot coverage permitted to commercial use.**

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B. RESIDENTIAL USE:

(1) *Area and Dimensions:* A lot upon which a residential dwelling unit is to be permitted shall:

(a) Have a lot area of at least forty-thousand (40,000) sq. ft.; and,

(b) Have a boundary line form factor within which seventy-five (75) foot radius circle can be inscribed; and,

(c) Have at least two-hundred (200) feet of road frontage on a public road or on a privately-owned road, except that a lot which meets all requirements of this Ordinance other than road frontage without benefit of variance may be built on without variance providing that all structures, except those structures which may be granted a waiver of setback as permitted by Section 5(A)(2) of this Ordinance shall be set back from all public roads and privately-owned roads existing on the date of submission of a complete application a distance of at least one-hundred (100) feet and that a circle having a radius of seventy-five (75) feet can be inscribed within the lot boundary lines beyond the

one-hundred(100) setback dimension. No new residential dwelling unit shall be permitted which would result in the number of residential dwelling units per lot exceeding one (1) per forty thousand (40,000) sq. ft. of lot area. Not more than two (2) residential dwelling units shall be permitted in any one (1) structure under provisions of this Ordinance. Furthermore, nothing in this Ordinance shall be interpreted or applied so as to limit, modify, or circumvent in any way the applicability or requirements of the *Town of Belgrade Subdivision Ordinance* or requirements of the *Town of Belgrade Multi-family Housing Ordinance* to applications for permit which seek to place more than a single dwelling unit on a lot.#

(2) *Accessory Structures:* Accessory structures shall be permitted on a lot used for
recreational purposes.

(3) *Lot Coverage:* Lot coverage shall not exceed twenty - five (25) percent of lot area.

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C. Individual Private Campsites:

(1) *Area and Dimensions:* A lot upon which a Individual Private Campsite is to be permitted shall:

(a) Have a lot area of at least thirty-thousand(30,000) sq.ft; and,

(b) Have a boundary line form factor within which a sixty-five (65) foot radius circle can be inscribed; and,

(c) Have at least one-hundred fifty (150) feet of road frontage on a public road or on a privately-owned road, except that a lot which meets all requirements of this Ordinance other than road frontage without benefit of variance may be built on and used as an Individual Private Campsite without variance providing that all structures, except those structures which may be granted waiver of setback as permitted by Section 5(A)(2) of this Ordinance, shall be set back from all public roads and privately-owned roads existing on the date of submission of a complete application a distance of at least one-hundred (100)having a radius of sixty-five (65) feet can be inscribed within the lot boundary lines beyond the one-hundred (100) foot setback dimension.#

(2) *Campsites per Lot:* Not more than one (1) Individual Private Campsite shall be permitted per lot, lot size notwithstanding.

(3) *Foundations and Attached Structures:* Recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure(s) except temporary canopies shall be attached to the recreational vehicle.

Tents may be located on tent platforms. No structure(s) except tents and temporary canopies shall be attached to or constructed on a tent platform.

(4) *Accessory Structures:* Not more than two (2) accessory structures shall be permitted on a lot having a principal use as an Individual Private Campsite.

(5) *Lot Coverage:* Lot coverage shall not exceed the lesser of ten (10) percent of lot area or four thousand (4,000) sq. ft.

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(6) *Wastewater Disposal:* If wastewater is to be disposed of on-site, a subsurface wastewater disposal system plan shall be provided on Department of Human Services form HHE 200 and a permit issued by the Local Plumbing Inspector (LPI) before the site is occupied. If wastewater disposal is to be accomplished by transferring wastewater from an on-site holding facility to a receiving facility off-site, written authorization from the receiving facility or land owner is required to be on file at the Town of Belgrade Municipal Office before the site is occupied.

D. Commercial Use:

(1) *Area and Dimensions:* A lot upon which a commercial use or a structure to be used for commercial purpose is to be permitted shall:

(a) Have a lot area of at least sixty-thousand (60,000) sq. ft.; and,

(b) Have a boundary line form factor within which a ninety (90) foot radius circle can be inscribed; and,

(c) Have at least two-hundred (200) feet of road frontage on a public road or on a privately-owned road.

Nothing in this Ordinance shall be interpreted or applied so as to limit modify, or circumvent in any way the applicability or requirements of the *Town of Belgrade Subdivision Ordinance* to applications for permit which seek to place more than a single commercial structure, unit or use on a lot.

(2) *Accessory Structures:* Accessory structures shall be permitted on a lot used for commercial purposes.

(3) *Lot Coverage:* Lot coverage shall not exceed fifty (50) percent of lot area.

E. Other Land Uses:

(1) *Area and Dimensions:* Minimum lot area and minimum lot dimensions are not established for a lot to be used for a purpose(s) other than specified in Sections 5(B), 5(C), or 5(D), except that a lot to be subject to any land use requiring subsurface wastewater disposal shall meet the State Minimum

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Lot Size Law.

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(2) *Number of Structures/Uses:* The number of structures or land uses to be permitted on a lot under this subsection is not limited by this Ordinance.

(3) ~~(3)~~ *Lot Coverage:* A lot which meets or exceeds all lot area dimensional requirements for a Residential Lot as specified in Section 5 (B) may be developed providing that lot coverage shall not exceed twenty - five (25). A lot which does not meet lot area requirements or does not meet one or more lot dimensional requirements for a Residential Lot is specified in Section 5(B) may be developed providing that lot coverage shall not exceed ten (10) percent.

(4) *Wastewater Disposal:* If wastewater is to be accomplished by transferring wastewater from an on-site holding facility to a receiving facility off-site, written authorization from the receiving facility or land owner is required and is to be on file at the Town of Belgrade Municipal Office before the proposed land use is initiated.

6. ADMINISTRATION:

A. Administering Bodies and Agents:

(1) *Code Enforcement Officer:* A Code Enforcement Officer (CEO) shall be appointed or reappointed annually by July 1st.

(2) *Board of Appeals:* A Board of Appeals shall be created in accordance with the provisions of Title 30-A Section 2691.

B. Permits Required: After the effective date of this Ordinance, no person shall erect any structure; initiate any temporary or permanent use of land; expand, change, or replace an existing use or structure; or renew a discontinued use without first obtaining a permit.

C. Permit Application:

(1) Every applicant for a permit shall submit a written application, including scaled sit plan, on a form prescribed by the municipality, to the CEO.

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(2) All applications shall be signed by the applicant, certifying that the information on the application is complete and correct. If the person signing the application is not the owner or lessee of the property, the applicant shall submit evidence of authorization to act on behalf of the owner or lessee.

(3) All applications shall be dated and the CEO, shall note upon each application the date and time of its receipt.

(4) Except as provided in Section 5(C)(6) and Section 5(E)(3) of this Ordinance, if a property is not served by a public sewer and the proposed structure(s) or change in land use require provision for disposal of wastewater, the applicant shall submit as part of the application for permit a valid plumbing permit issued by the Local Plumbing Inspector (LPI) or a completed application for a plumbing permit, including the site evaluation approved by the LPI, which meets all the requirements of the State Department of Human Services for the proposed land use; or, if a subsurface wastewater disposal system is not required a statement from the LPI that no plumbing permit is required.

(5) All applications shall be accompanied by any and all application fees established by the municipality which are applicable to the land use or classification of structure(s) for which application for permit is being made. Application fee shall be based on description of proposed land use or development at the time of application submittal; changes requested by applicant to initially proposed land use or development or changes required to render permitted land use or development to be in compliance with applicable laws, ordinances, and regulations may require applicant to make payment of additional fees, as determined by fee schedule, but will in no case be a basis for refund of any fees paid.

Application fees paid on applications which are withdrawn or denied are not refundable. Applications received and for which scheduled applications fee(s) have not been received by the Town of Belgrade shall be considered incomplete and shall not be acted upon until such time as fees due are paid. When determination is made during application consideration that additional fees are due and payable, consideration and action on the application may be continued. However, CEO or Planning Board approval of application shall not be deemed to have occurred, approval in all other respects notwithstanding, and issuance of permit shall be withheld until all fees due have

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been paid.

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D. Procedure for Administering Permits:

Within thirty-five (35) days of receiving an application for permit, the CEO shall determine that the application is complete or shall notify the applicant in writing that the application is incomplete and shall specify the additional material needed to make the application complete. Within thirty-five (35) days of receiving a complete application for permit the CEO shall *approve, approve with conditions, or deny* an application for permit. Permits shall be approved if the proposed land use or structure(s) is found to be in conformance with the purposes and provisions of this Ordinance as evidenced by a positive finding that the proposed land use or structure(s) will:

1. Be maintained in a safe and healthful condition;
2. Adequately provide for the disposal of all wastewater;
3. Not have an adverse effect on areas of land having status as *Critical Areas* as designated by the State of Maine Critical Areas Program identifiable as significant wildlife habitat or designated as a *Resource Protection Area*;
4. Conserve visual, as well as actual, points of access to inland waters and to points of local and regional natural or historic significance;
5. Protect archaeological and historic resources as designated in the Comprehensive Plan;
6. Avoid problems associated with floodplain development and use; and,
7. Be in conformance with the provisions of Section 5, Land Use Standards.

The applicant shall have the burden of proving that the proposed land use and structure(s) are in conformity with the purposes and provision of this Ordinance. If a permit is either *denied* or *approved with conditions*, the reasons as well as the conditions shall be stated in writing. No approval shall be granted for an application involving a structure or

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structures if they would be located in an unapproved subdivision, or would violate any other local ordinance, or regulation, or any State law which the municipality is responsible for enforcing.

E. Expiration of Permit:

Following the issuance of a permit, if no substantial start is made in construction or the permitted use of the property is not commenced within one (1) year of the date of issue of a permit, the permit shall lapse and become void.

F. Appeals:

(1) *Powers and Duties of the Board of Appeals:* The Board of Appeals shall have the power to hear and decide Administrative Appeals and Variance Appeals. Administrative Appeals arise where it is alleged that there is an error in any order, requirements, decision, or determination made by, or failure to act by, the CEO in the administration of this Ordinance. The Board of Appeals shall not have the power to hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by the CEO in the enforcement of this Ordinance; enforcement appeals shall be made to Superior Court in accordance with state law. Variance Appeals arise in order to authorize variances upon appeal, within the limitations set forth in this Ordinance, to one or more standards prescribed by this Ordinance.

(2) *Variance Appeals:* variances may be permitted only under the following conditions:

(a) Variances may be granted only from dimensional requirements.

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

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

[1] The proposed structure(s) or land use would meet the provisions of Section 5 except for the specific provision which has created the non-conformity and from which relief is sought; and,

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[2] The strict application of terms of this Ordinance would result in undue hardship.

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(d) The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes and provisions of this 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.

(3) *Appeal Procedure:*

(a) An Administrative Appeal or a Variance Appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the CEO within thirty (30) days of the date of the decision appealed from, and not otherwise, except that the Board of Appeals, upon showing of good cause, may waive the thirty (30) day requirement. Appeals shall be made by filing with the Board of Appeals a written notice of appeal setting forth a concise statement indicating what relief is requested and why it should be granted and a sketch drawn to scale showing lot lines, location of existing structures and other physical features of the lot pertinent to the relief sought.

(b) The Board of Appeals shall hold a public hearing on the appeal within forty-five days of its receipt of an appeal request.*

(c) The Board of Appeals shall decide all appeals within thirty-five (35) days after the close of the public hearing on the appeal and shall issue a written decision on all appeals at that time.

(4) *Appeal to Superior Court:* Any aggrieved party who participated as a part 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.*

(5) *Reconsideration:* The Board of Appeals may reconsider any decision within thirty (30) days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony.

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H. Enforcement:

(1) *Nuisances:* Any violation of this Ordinance shall be considered a nuisance.

(2) *Code Enforcement Officer:* It shall be the duty of the Code Enforcement Officer (CEO) to enforce the provisions of this Ordinance by notifying in writing the person responsible for any violation and ordering the action necessary to correct it, including discontinuance of illegal land use, structures, and abatement of nuisance condition. A copy of notices of violation shall be submitted to the Municipal Officers and be maintained as a permanent record. The CEO shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The CEO shall also investigate all complaints of alleged violations of this Ordinance. The CEO shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected.

(3) *Legal Actions:* When enforcement action by the CEO as prescribed in the above section does not result in the correction or the abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the CEO, are hereby directed to institute any and all actions and proceedings either legal or equitable, including seeking injunctions of violations and imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Municipality. The Municipal Officers are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violation of this Ordinance and recovering fines without court action. Such agreements shall not allow an illegal structure(s) or land use to continue unless there is clear and convincing evidence that an illegal structure or land 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(s) or discontinuance of the land use will result in a threat or hazard to public health or safety or will result in substantial environmental damage.

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(4) *Fines:* Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A, Maine Revised Annotated, Subsection 4452.

7. EFFECTIVITY, AMENDMENTS, AND REPEAL OF FORMERLY ADOPTED ORDINANCE:

This Ordinance and any amendments to this Ordinance shall be effective upon adoption by a vote of the Town of Belgrade at any regular or Special Meeting of the Voters of the Town of Belgrade called for the purpose of considering this Ordinance or amendments thereto. Upon approval of this Ordinance, the *Minimum Lot Size Ordinance* previously adopted on November 5, 1993, is hereby repealed.

8. CONFLICTS WITH OTHER ORDINANCES:

Where this Ordinance applies concurrently with, conflicts with, or is inconsistent with any other Ordinance, regulation, or statute, the more restrictive provision shall control.

9. SEVERABILITY:

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

10. DEFINITIONS:

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

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Commercial Use. The use of lands, buildings, or structures the intent and result of which is the production of income from the bartering or buying and selling of goods and /or services, exclusive of rental of residential buildings and/or dwelling units. Commercial use does not include activities within the meaning of "home occupation". For the purpose of the Ordinance the term "Commercial Use" includes "industrial uses", such as but not necessarily limited to manufacturing, packaging or processing of goods, mineral extraction, etc.

Contiguous Lots: Lots in single or joint ownership and which adjoin at any line or at any point or which are separated at any point by a body of water less than fifteen (15) feet wide at normal high-water line; or lots on opposite sides of a public road or a privately-owned road established by the owner of land on both sides thereof after September 22, 1971.

Dimensional Requirements: Numerical standards relating to spatial relationships including but not limited to setback, lot area, road frontage, and height.

Driveway: A road, excluding a road used in common with others, intersecting a public road or a privately-owned road intended to provide for the passage of motorized vehicles to and from the public road or privately-owned road and terminus located on a lot.

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, greenhouses, etc.

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

Family: One or more persons occupying a premises and living as a single housekeeping unit.

Height of Structure: The vertical distance between the mean original grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antenna, and similar appurtenances which have no floor area.

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

Individual Private Campsite: An area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not limited to gravel pads, parking areas, fireplaces, or tent platforms.

Lot: An area in land in single or joint ownership, or one leasehold, with ascertainable boundaries established by deed or other instrument of record, or a segment of land ownership defined by boundary lines on a subdivision plan duly approved and recorded in the County Registry of Deeds.

Lot Area: The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body, land within the upland edge of a wetland, and land beneath roads serving more than two (2) lots.

Lot Coverage: That portion of a lot dedicated to the projected area (onto the lot surface) of structures and to non-vegetated usage including, but not limited to, paved areas, stairways, walkways, road (including driveways), parking areas, etc. in relation to lot area. Lot coverage may be expressed in area measure (to be interpreted relative to lot area) or as a percentage of lot area.

Maintenance and Repair (of a structure): Perform tasks such as refinishing, cleaning, applying preventative or protective treatments, etc. on the exterior or interior of an existing structure or portion thereof (maintenance); without altering the defining characteristics and dimensions of the structure, to return an existing and deteriorated interior or exterior feature(s) of a structure to that feature's original functionality and condition by replacement of deteriorated material in kind or by use of a corrective materials and process (repair). The following undertakings are specifically included within the scope of "maintenance and repair":

residing; replacement, deletion, or addition of doors and windows; replacement of sills, posts, frostwalls, and

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foundations; screening of roofed decks/porches and breezeways.
Note: see definitions of "Reconstruct" and "Replace".+

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Non-Conforming Lot: A parcel of land in single or joint ownership which does not meet one or more dimensional requirements (e.g. land area shore frontage, road frontage, or width) of the district in which the parcel is located for the land use existing or intended. As determined by the context of usage a "lot" may refer to an individual lot of record or may refer to an aggregation of two or more contiguous lots of record which are required to be or may be considered a single lot or parcel for the purpose of administration of this or other applicable ordinance or law.

Person: An individual corporation, governmental agency, municipality, trust, estate, partnership, association, two (2) or more individuals having a joint or common interest, or other legal entity.

Principal Structure: A structure other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

Privately-owned Road: A road which neither the municipality nor the general public has the right to pass over by foot or vehicle; any and all roads, excepting public roads and driveways, within an approved subdivision; a road, excepting a driveway, which intersects at least one public road or privately-owned road at one or more locations, which is constructed or created on land in private ownership and which is a right-of-way in common for two or more persons.

Public Road: A Federal highway or a State highway or a road which has been constructed by or accepted by the Town and which is maintained by the Town as a public way, a public easement (also called a private way) as defined by Title 23 M.R.S.A. Section 3021.

Reconstruct: Raze a structure in its entirety or in any part such that the structure's dimensions or defining characteristics and functionality are altered for a period of time followed by restoration of the razed structure or razed portion thereof to its original dimensions, defining characteristics, and function at the same locus as the predecessor structure. Note: See definitions of "Maintenance and Repair" and "Replace".+

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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, and motor home. In order to be considered a vehicle and not a structure, the unit must remain with its tires on the ground and must be roadworthy (i.e. possess a current registration sticker from any State Division of Motor Vehicles).

Replace: Raze a structure in its entirety or in any part such that the structure's dimensions or defining characteristics and functionality are altered for a period of time followed by construction of a structure of new dimensions, defining characteristics, or functionality at the same or a different locus than that of the predecessor structure. Note: See definitions of "Maintenance and Repair" and "Reconstruct".+

Residential Dwelling Unit: A residential dwelling unit is a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes, but not recreational vehicles.

Right-of-Way: A grant without any benefit of ownership and established by deed, by easement, or by other legal agreement permitting a person or persons to pass over the land of another person or to use a privately-owned road. Also, that strip of land defined by boundaries onto which a public road has been mapped, or upon which a public road has been constructed, or which is defined by law relative to an existing public road as defining the limits of the public's right-of-way, and, when so used, the term refers to the land itself, not the right of passage over it.*

Road: A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles.

Road Frontage: The straight-line dimension between the intersections of two (2) consecutive lot lines with the right-of-way of the public road or privately-owned road which exists in common with the boundary of the lot. When a lot has two or more non-contiguous segments of frontage on the same road, the road frontage shall be the aggregate of the dimensions of the individual segments. When a lot borders on two or more roads, frontage shall be determined for each road independently,

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defining the intersection of the near limit rights-of-way of any tow roads and the lot as a lot line; the dimension of greatest aggregate on any one (1) public or privately -owned road shall be taken as the road frontage.*

Setback: The horizontal distance from a boundary line of a lot or from the normal high-water line of a water body or from the near limit of a right-of-way to the nearest part of a structure, road, parking space, or other regulated object or area.

Shoreland Zone: That area of land adjacent to great ponds, rivers, freshwater wetlands, and streams designated as Shoreland Zone in accordance with the *Belgrade Shoreland Zoning Ordinance*.

Structure: Anything built for the support, shelter, or enclosure of persons, animals, goods, or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily or permanently located, such as decks and satellite dishes. The term also includes structures or portions thereof not having fixed exterior walls [e.g. pavilions, open porches, breezeways, gazebos, carports, pole barns, etc.].

Substantial Start: Completion of thirty (30) percent of a permitted structure measured as a percentage of the estimated value of permitted construction, as determined by independent appraisal; actual commencement of a permitted use.

Tent Platform: A temporary permanent surface designed to serve only as a floor for a tent and associated canopy, if any, and which is typically elevated immediately above natural terrain. A railing not exceeding three (3) feet in height may be affixed to a portion or all of the perimeter on the tent platform for the safety of the occupants of the elevated platform.

Upland Edge: The boundary between upland and wetland.

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

Wetland: A freshwater wetland or wetlands associated with a great pond or river. Wetlands contiguous with or adjacent to a great pond or river and which during normal high-water are

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connected by surface water to the great pond or river. Wetland which are separated from a great pond or river by a berm causeway, or similar feature less than one hundred (100) feet in width and which have a surface elevation at or below the normal high-water line of the great pond or river. Wetland associated with great ponds or rivers are considered to be part of that great pond or river.

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MUNICIPAL OFFICE
TOWN OF BELGRADE, MAINE

04917

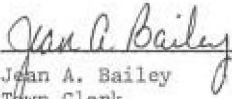
March 17, 1978

03208

TO: KENNEBEC COUNTY REGISTRY OF DEEDS

FROM: TOWN OF BELGRADE

Enclosed find a Multi-Family Dwelling Ordinance passed by the
Town of Belgrade at its annual town meeting on March 4, 1978
to be recorded at the Kennebec County Registry of Deeds.


Jean A. Bailey
Town Clerk



OF BELGRADE, MAINE

SECTION I. TITLE

This Ordinance shall be known and cited as the "Multi-Family Dwelling Ordinance of the Town of Belgrade, Maine".

SECTION II. PURPOSE

The intent of this Ordinance is to control the density of building, to protect public health and safety and to permit moderate growth according to the established character of the Town of Belgrade.

SECTION III. ADMINISTRATION

The Planning Board of the Town of Belgrade shall administer these standards.

SECTION IV. SCOPE

These provisions shall pertain to all the land proposed for multi-family dwellings as herein defined within the boundaries of the Town of Belgrade.

SECTION V. DEFINITIONS

In general, words and terms used in this Ordinance shall have their customary dictionary meanings. More specifically, certain words and terms used herein are defined as follows:

Building Height: The vertical distance between the highest point of the roof and the average grade of the ground adjoining the building.

Dwelling Unit: A room or group of rooms, designed for living quarters for only one family, including separate facilities for sleeping and cooking.

Family: One or more persons occupying a premise and living in a single housekeeping unit as distinguished from a group occupying a boarding house or hotel. Such unit shall not exceed five persons not related by blood or marriage.

Multi-Unit Housing: Shall mean a structure or structures located on a single lot, which structures are designed or used to house 3 or more families.

Structure: Anything constructed or erected except a boundary wall or fence, the use of which requires location on the ground, or attachment to something on the ground.

Subdivision: The division of a tract or parcel of land into three or more lots, whether accomplished by sale, lease, development, building, or otherwise, in any five year period. For the purpose of this Ordinance the term "subdivision" shall include such development as shopping centers, multi-unit housing, planned unit developments, condominiums, and clusters where there are three or more units involved.

SECTION VI. MULTI-FAMILY DWELLING UNIT HOUSING

Multi-family dwelling units shall meet all the following criteria.

- A. Lot area shall be one acre for each building, plus one-half acre for each bedroom in the building.
- B. Lot frontage, roads (public or private) shall exceed by 50% the Belgrade Minimum Lot Size Ordinance requirements for each building.
- C. No building shall contain more than 8 dwelling units.
- D. No building shall exceed 35' in height.
- E. Minimum of two, off street parking spaces for each dwelling unit.
- F. Buildings shall be spaced at least 100' from each other. Buildings shall be set back at least 75' from roads, and 25' from any property line.
- G. Proposals of 18 or more dwelling units shall provide at least two points of access on to the existing public way.
- H. Bonding shall be required for all road construction.

SECTION VII. MUNICIPAL REVIEW PROCEDURE

All proposed multi-family units shall be reviewed by the Planning Board. The person or his agent will request an appointment to meet with the Planning Board through its Chairman. This request should be made at least one week prior to a regular Planning Board meeting (first and third Thursdays of each month).

SECTION VIII. APPLICATIONA. General

1. No person may sell, lease or convey for consideration, or offer or agree to sell, lease or convey for consideration any unit in a proposal within the Town of Belgrade which has not been approved by the Board and recorded in the Kennebec County Registry of Deeds.
2. No public utility, water district, sanitary district, or any utility company of any kind shall install service to any unit in a proposal for which a plan has not been approved by the Board.
3. No land clearing, grading, building or work of any kind other than that purely incidental to the proper surveying, marking or testing the soil or subsoil as required by these regulations shall be performed in any proposal prior to Board approval of the final plan.

B. Application

An application for Planning Board approval of a proposed multi-family dwelling unit subdivision shall contain at least the following information:

1. The name of the owner an/or developer of the land and a copy of the certified and registered deed.
2. The name of the contractor or builder responsible for construction of the multi-family dwelling unit subdivision.
3. The name(s) of the architect, engineers, licensed soil evaluator and any other professional and technical expertise employed, or planned to be employed during completion of the proposal.
4. The proposed water supply.
5. Proposed access roads, giving dimensions and type of surface.
6. A plan accurately drawn to scale, showing the actual shape and dimensions of the lot to be built upon, and contour lines at ten foot intervals.
7. The on-site soils survey in accord with the State Plumbing Code.
8. The existing and intended use of each building or structure.
9. Application fee of \$25.00, plus \$5.00 for each dwelling unit, payable to the Town of Belgrade.

SECTION IX. HEARING

In the event that the Planning Board determines to hold a public hearing on an application for multi-family dwelling approval, it shall hold such hearing within 30 days of receipt by it of a completed application, and shall cause notice of the date, time and place of such hearing to be given to the person making the application and to be published in a newspaper of general circulation in the municipality in which the subdivision is proposed to be located, at least 2 times, the date of the first publication to be at least 7 days prior to the hearing.

The Planning Board shall, within 30 days of a public hearing or within 60 days of receiving a completed application, if no hearing is held, or within such other time limit as may be otherwise mutually agreed to, issue an order denying or granting approval of the proposed multi-family dwelling or granting approval upon such terms and conditions as it may deem advisable to satisfy the criteria listed in sections 6 and 10 and to satisfy any other regulations adopted by the Planning Board, and to protect and preserve the public's health, safety and general welfare. In all instances the burden of proof shall be upon the persons proposing the multi-family dwellings. In issuing its decision, the Planning Board shall make findings of fact establishing that the proposed development does or does not meet the criteria.

SECTION X. GUIDELINES FOR REVIEW

When reviewing any multi-family dwelling unit subdivision for approval, the Planning Board shall consider the following criteria and before granting approval shall determine that the proposed multi-family dwelling:

- A. Will not result in undue water or air pollution. In making this determination it shall at least consider: The elevation of land 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; and the applicable state and local health and water resources regulations;
- B. Has sufficient water available for the reasonably foreseeable needs of the subdivision;
- C. Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;
- D. 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;
- E. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;
- F. Will provide for adequate sewage waste disposal;
- G. 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;
- H. 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;
- I. Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any; and
- J. The subdivider has adequate financial and technical capacity to meet the above stated standards.
- K. Whenever situated, in whole or in part, within 250' of any pond, lake, river, shall meet all standards of the Belgrade Shoreland Zoning Ordinance.

SECTION XI. ENFORCEMENT

Nuisances: Any violation of this Ordinance shall be deemed to be a nuisance.

Code Enforcement Officer: 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 shall notify in writing the person responsible for such

violation, indicating the nature of the violation and ordering such action as is necessary to correct it including the discontinuance of illegal use of the land, buildings, structures or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be maintained as a permanent record.

Legal Actions: When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers are hereby authorized and directed to institute any and all proceedings, either legal or equitable, that may be appropriate, including seeking injunctions of violations, and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town.

Fees: Any person who continues to violate any provision of this Ordinance after receiving notice of such violation shall be guilty of a misdemeanor subject to a fine up to \$100.00 for each violation. Each day such a violation is continued is a separate offense.

SECTION XII. WAIVERS AND VARIANCES

Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these standards or where there are special circumstances of a particular plan, it may vary these standards so that substantial justice may be done and the public interest secure; provided that such variations will not have the effect of nullifying the intent and purpose of this Ordinance.

SECTION XIII. APPEALS

An appeal may be taken within 30 days from a decision of the Planning Board to Superior Court in accordance with Rule 80-B.

SECTION XIV. SEPARABILITY AND EFFECTIVE DATE

- A. The invalidity of any provision of these standards shall not invalidate any other part.
- B. The effective date of these regulations is March 4, 1978.

MAR 20 1978
KENNEBEC SS:
RECEIVED 9 H. M. 4 M
AND RECORDED FROM ORIGINAL

TOWN OF BELGRADE
MUNICIPAL FIRE DEPARTMENT

An Ordinance for the Establishment and Administration of a Municipal Fire Department for the Town of Belgrade, Maine.

WHEREAS, The Town of Belgrade has historically maintained a fire department for the protection of its citizens and properties, and

WHEREAS, a review of the Town's official records has failed to reveal that the formal creation of said fire department occurred either through charter, ordinance or bylaw, and

WHEREAS, MRSA 30-A, Section 3151, as amended, requires that any municipal fire department must be organized and established under a municipal charter, ordinance or bylaw, and

WHEREAS, The Town of Belgrade desires to maintain a municipal fire department in accordance with Maine law,

NOW THEREFORE, The Town of Belgrade hereby adopts this Ordinance.

ARTICLE 1. GENERAL

1.1 Short Title

This Ordinance, prepared in accordance with the Constitution of the State of Maine, Article VII, Part 2,; Title 30 MRSA Section 3001, 3151, as amended, shall be known as and may be cited as the "Fire Department Ordinance for the Town of Belgrade, Maine and shall be cited herein as the "Ordinance."

1.2 Purpose

The purpose of this Ordinance shall be to establish and organize a municipal fire department as required by Title 30 – A MRSA Section 3151, as amended.

1.3 Creation

There is hereby created a fire department for the Town of Belgrade which shall consist of a Fire Chief, a Deputy Fire Chief, Four (4) Assistant Fire Chiefs (includes an Assistant Fire for Rescue), and such other officers and members as shall be determined

1.4.9 "Town Manager" shall mean the chief executive officer of the Town, as appointed by the Selectpersons.

ARTICLE 2. DEPARTMENT COMPOSITION

The Department is currently composed of three separate fire stations, with each directly administered by an Assistant Fire Chief, and such other officers as shall be defined and designated by the Fire Chief.

ARTICLE 3. ADMINISTRATION

3.1 Appointments

The Department shall be headed by a fire Chief, who shall be a member in good standing of the Department and shall be appointed by the Town Manager for a term of five (5) years, subject to confirmation by the Board of Selectpersons. The Department may recommend candidates for consideration for appointment to the position of Fire Chief. The Deputy Fire Chief shall be appointed by the Chief and serve for a term of three (3) years. The chief shall appoint all Assistant Fire Chiefs and other officers within the organization in accordance with the Department's Standard Operating Procedures.

3.2 Appointment Policy & Term of Office

To be appointed as an officer of the Department, a person must be a member in good standing. Terms of office for all appointed officers shall be for three (3) years subject to satisfactory performance of duty. The Deputy Chief and Assistant Chiefs shall be appointed by the chief at the annual February meeting concurrent with the expiration of their respective terms. In case of vacancy, interim appointments shall be made.

Appointments are conducted annually on a rotation basis, one Assistant Chief being appointed each calendar year.

3.3 Department Membership

To qualify for membership in the Department, individuals must be at least eighteen (18)

maintenance, and ordering of authorized equipment. S/he shall also assume all leadership responsibilities during the absence of the Chief.

4.3 Assistant Fire/Rescue Chief

Assistant Chiefs shall be in command of their respective stations, and are responsible for facility upkeep, equipment maintenance, and safe operations. The Assistant Chief for Rescue is responsible for the training and management of Rescue personnel, upkeep of equipment, and management of administrative matters associated with Rescue. All Assistant Chiefs are under the immediate command and supervision of the Chief and Deputy Chief.

4.4 Officers

Such officers of the Department, as may exist, shall be responsible to the Chief, Deputy Chief, and Assistant Chief for the performance of duties.

4.5 Members

Members of the Department shall be directly responsible to the Chief or his officers.

ARTICLE 5. FACILITIES AND EQUIPMENT

5.1 Facilities

The Department facilities shall consist of those buildings and structures identified by the Town as Fire Stations and ancillary structures and as such shall be the property of the Town.

5.2 Equipment

The Department equipment shall include, but not be limited to; such items as vehicles, pumps, fire hose, personal protective equipment, and such other equipment as may be required to support the Department. All such equipment shall be considered property of the Town. Unless donated and accepted by the Town, any items and equipment purchased by the independent associations shall remain the property and responsibility

ARTICLE 7. MUTUAL AID

The Department shall provide mutual aid fire protection and rescue support services to those municipalities with whom the Town has approved agreements. All mutual aid agreements shall be in writing and subject to review and approval by the Board of Selectpersons.

ARTICLE 8. JUNIOR FIRE & RESCUE

8.1 Establishment

The Department is authorized to establish and maintain both a Junior Fire Fighter and Junior Rescue organization. Criteria for membership and the establishment of operational and administrative guidelines is the responsibility of the Department and subject to approval by the Fire chief and Board of Selectpersons. Municipal support for each organization will be contingent on maintenance of a safe and well supervised operating environment. The Board of Selectpersons have the authority to disband such organizations in the event there is a satisfactory evidence to indicate failure to adhere to operational or administrative guidelines.

8.2 Insurance

The Town will provide liability insurance coverage to protect the municipality relative to activities associated with the organizations.

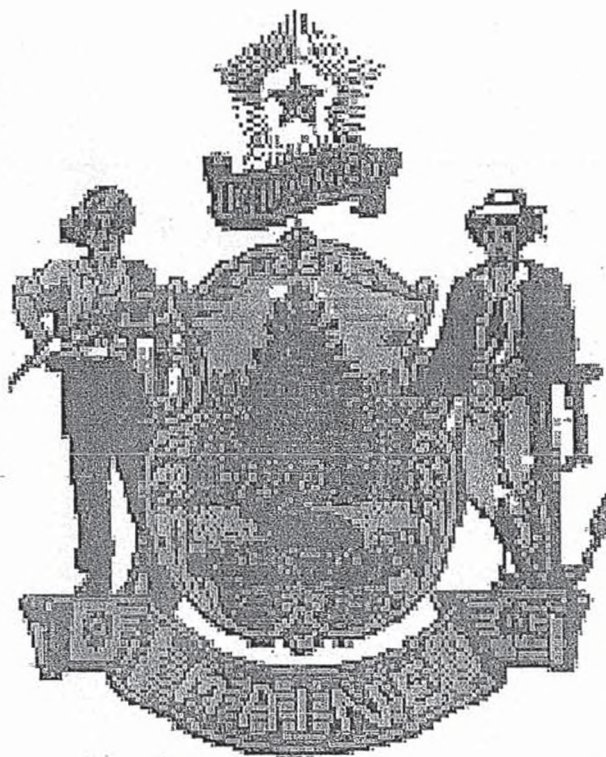
ARTICLE 9. INDEPENDENT ASSOCIATIONS

The Department is authorized to establish and sponsor independent organizations with affiliation to the Department. Each group shall be incorporated in accordance with all applicable state guidelines. Municipal funds will not be used to support the activities of these organizations; however, any revenue derived from donations or fund raising activities may be maintained by each group, and expended in accordance with individual organization guidelines.

Peter Sargent

Maine First Responders

State-Wide Mutual Aid Agreement



November 2008

**Maine Emergency Management Agency
45 Commerce Drive, Suite 2
Augusta, Maine 04333
(207) 624-4400**

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Revision Log

[illegible]

Key Concepts of the Agreement

The Agreement is directed towards enhancing disaster management at the local, county, and state level of government by:

1. Providing a simple method to immediately activate large quantities of fire, EMS and specialized personnel and resources.
2. Establishing the positions, roles, and responsibilities necessary to activate and maintain this plan.
3. Complimenting other disaster plans at the local and state level.
4. Utilizing the Incident Command System (ICS) and the principles of the National Incident Management System (NIMS) which have been adopted by the State of Maine.

AUTHORITY

The authority for local first responders to participate in the Agreement is detailed within Title 37-B, Chapter 13, Section 784 (Mutual aid arrangements) which states in part:

“The director of each local organization for emergency management shall, in collaboration with other public and private agencies within the State, develop or caused to be developed mutual aid agreements for reciprocal emergency management aid and assistance in the case of a disaster too great to be dealt with unassisted. These arrangements must be consistent with the state emergency management program, and in time of emergency each local organization for emergency management shall render assistance in accordance with the mutual aid agreements.”

Additional authority is granted under Title 37-B, Chapter 13, Section 784-A (Right to call for and employ assistance) which states in part:

“The Maine Emergency Management Agency and local organizations for emergency management may employ any person considered necessary to assist with emergency management activities. All persons called and employed for assistance shall proceed as directed by the Maine Emergency Management Agency. Any person called and employed for assistance is deemed to be an employee of the State for purposes of immunity from liability pursuant to Section 822 and for workers' compensation insurance pursuant to Section 823, except for persons excluded from the definition of employee pursuant to Title 39-A, Section 102, Subsection 11.”

Unless superseded by future legislative action at the State level, each agency must obtain approval of their respective jurisdictional governing board such as a city council, Board of Selectmen, or Town Manager. Sample legislation is included as Appendix F.

TRAINING COMPETENCIES/PHYSICAL CAPABILITIES

All personnel responding to an Agreement activation shall have the requisite professional certifications for the position they are filling. And, at the minimum, they will have met the NIMS Compliance requirements as delineated in Appendix A (NIMS Compliance Requirements). NIMS compliance requirements for personnel not specifically designated in Appendix A will be identified by the requesting agency as necessary.

County Sheriffs
Department of Administrative and Financial Services
Emergency Medical Service
Local Law Enforcement
Maine Emergency Management Agency
Maine Forest Service
Maine Municipal Association
Maine State Police
Maine Wardens Service
Public Works
State Attorney General
Volunteer Fire Chiefs

Revision Process

The Agreement will be reviewed on a bi-annual basis by members of the working group. During the interim period between the bi-annual reviews, recommendations for revision will be forwarded to MEMA for distribution to and concurrence by the working group. MEMA in coordination with the working group is authorized to publish changes to the agreement as necessary.

All changes to the Agreement will be documented and included in the Agreement Revision Log by MEMA. This log will be maintained by MEMA and incorporated as part of the Agreement. Additionally, a record of those serving on each review process will be documented and included into the Agreement Revision Log.

MEMA will maintain an updated version of the Agreement, including all revisions, on the MEMA web site. In addition to maintaining the Agreement, MEMA will also maintain the state-wide resource database as described later in this Agreement.

ACTIVATION OF THE AGREEMENT

Concept

The Agreement recognizes that there are several variations of mutual aid agreements throughout the State of Maine. This Agreement is not intended to replace or inhibit the development of any local, regional or inter-agency mutual aid agreements. When a municipality is affected by a disaster situation locally, the Incident Commander will initially request additional assistance by utilizing local mutual aid agreements. When a jurisdiction is no longer able to obtain sufficient assistance through those agreements, it may activate the Agreement by requesting additional assistance through the County EMA Director, except for the metro regions as defined by MEMA. Metro areas may elect to contact MEMA directly. Metro areas remain responsible for informing the County Director of requests they have made or filled. The County Director in coordination with the local dispatch center will determine if the requested resources are available from within the County, by referring to the state-wide resource database as necessary. If those resources are available for dedication to the incident, they will be dispatched. The County Director will notify the MEMA Duty Officer regarding the actions that have been taken. If resources are not available within the county, the request will be forwarded to the MEMA Duty Officer for action. The MEMA Duty Officer in coordination with MEMA Staff and, when appropriate, ERT members and/or County Directors, will determine the best resourcing solution based on availability, time/distance factors, equipment and manpower, and training/experience. The resource database will serve as the primary tool for identifying potential resource providers.

2. Use the special information area on the inventory list for resources that need clarification for unusual attributes (Example: Specialized equipment such as lighting trucks, high-X foam units, communication units etc. or personnel with special skills such as bi-lingual, foreign languages or sign for the deaf).
3. Use a separate list, if necessary, for additional resources not typed on these resource lists. Be specific in describing features or qualifications.

DEPLOYMENT OF RESOURCES

Critical Concepts

Critical to the success of this deployment plan is the concept of an efficient timeframe for deployment. If a requested resource is not available for deployment as requested, alternative sources must be identified. Additionally, it is critical that all resources deployed are adequately documented and tracked. This is important for both safety and cost accounting purposes.

Time Frame for Deployment

- **Rapid Response:** In many emergency situations, a rapid deployment may be deemed necessary and authorized as a Rapid Response. Time frame for deployment of these missions shall be as soon as possible, preferably within 1 hour of notice of dispatch and authorization. Unless otherwise stated, the anticipated duration of the deployment will be up to 24 hours. The request will direct the deploying resources to respond to the designated Staging Area or check-in area identified by the IC. The Staging Area shall be under the direct supervision of a Staging Area Manager. Responding units should plan to be self-sufficient for the length of the assignment.
- **Standard Deployment:** Unless specified otherwise at the time of request, the standard for deployment of resources shall be within three (3) hours of notice from the Dispatch/authorization. Deployed resources shall report to the designated location identified in the deployment request. For incidents greater than rapid response, responders need to be self-sufficient for the first 96 hours. Consideration shall include transportation, food, and overnight shelter.
- **Credentialing:** Credentialing will be maintained at local level following accepted standards. Qualification sheets shall be maintained for all individuals being deployed on statewide incidents. Photo ID system may also be used. Level 3 incidents will be trigger point for full credentialing. Level 4&5 incidents will operate under normal local credentialing requirements. Example: Firefighters for level 3 will require Firefighter 1 certification, same for all agencies. Individuals operating at an incident prior to elevation to level 3 will be exempt from credentialing. Appendix E (Incident Complexity and Types) provides additional detail regarding the various levels of incidents.

Self Dispatch

First Response units and/or individuals shall **not** self dispatch to planned activations. It is the responsibility of MEMA, local and county directors, and dispatch centers to take aggressive action to insure that such resources are not utilized. There shall be no funding support or reimbursement provided to self dispatched units or personnel.

Dispatch Information

All requested resources will receive dispatch information prior to responding to the incident. The information will clearly identify:

- Call back telephone number of the Central Dispatch Center.
- Contact name and telephone number of the jurisdiction requesting assistance.
- Staging area location in affected area.
- Directions to staging area (maps are always helpful)
- Any special instructions.

Demobilization

Demobilization from incidents will be relayed through appropriate dispatch channels to notify home units of release of their resources. All assigned resources must follow established demobilization procedures. Termination of the Incident Command System is not accomplished until demobilization is complete. Demobilization should be coordinated by the Demobilization Unit Leader and completed in accordance with the ICS principles of NIMS.

LOGISTICAL SUPPORT

Self-Contained

The logistical support of mutual aid resources is critical in the management of a disaster effort. Logistical support will be established as soon as possible and will be maintained by the agency requesting the resources. Logistical support for responding agencies will be coordinated by the Logistics Section of the Incident Command organization. Responding personnel, however, should also bring clothing and personal hygiene items to support up to 24 hours for a rapid and 72 hours for a standard mission. During extended operations, particularly in remote areas, responding agencies may be required to provide additional logistical support. Such requirements should be identified by the requesting agency as part of the request for resources.

Communications

The key to the successful operation of the various resources into a region will depend heavily upon the ability of these agencies to communicate effectively with each other. It is realistic to assume that in the wake of a major disaster, the existing communication system in the affected area may have been impacted. There are four Mobile Command Vehicles positioned throughout the State that ICs may request through MEMA. Additionally, most of the County Emergency Managers have developed smaller command vehicles that can also be made available. The State's Communications Interoperability Plan (SCIP) outlines the way the Maine will achieve interoperability. A key part of that plan is the implementation of the six common CONOPS channels that may be dedicated for use at a major incident (See chart below). Additionally, as part of the Public Safety Interoperable Communications (PSIC) program and additional federal grants, Maine has significantly improved its communications capability through improved training, education, procedures and equipment.

looked upon as unprofessional. Such behavior may discredit the good work that the resource completes and will reflect poorly on the entire team's performance and its' sponsoring agency.

General Responsibilities

- It is the responsibility of the sponsoring agency to prepare its system members before deployment regarding conduct expectations. Each deployed member is bound by their sponsoring agency's rules, regulations, policies, and procedures.
- It is the responsibility of each agency to reinforce the Code of Conduct during all planning sessions, team meetings and briefings and to monitor compliance.
- At no time during a mission will system members take personal advantage of any situation and/or opportunity that arises.
- It is the responsibility of each system member to abide by this Code of Conduct.

Individual Responsibilities

As a basic guide, every responder will base all actions and decisions on the ethical, moral and legal consequences of those actions. It is in this manner that positive and beneficial outcomes will prevail in all system events. Accordingly system members will:

- Keep the value of life and welfare of the victim constantly in mind
- Remain cognizant of cultural issues including race, religion, gender and nationality
- Abide by all local law enforcement practices, including its policy regarding weapons.
- Abide by all regulations regarding the handling of sensitive information
- Follow local regulations and agency protocols regarding medical care and handling of patients and/or deceased
- Follow prescribed direction regarding dress code and personal protective equipment
- Not carry firearms unless authorized
- Not be in possession of non-prescribed or illegal substances
- Will not consume alcoholic beverages while on duty or subject to call back
- Only procure equipment through appropriate channels
- Follow State and Federal regulations or restrictions regarding taking and showing pictures of victims or structures
- Not remove any items from an operational work site as a souvenir
- Not deface any property
- Transit only via approved roadways and not stray into restricted area
- Demonstrate proper consideration for other teams' capabilities and operation practices
- Not accept gratuities to promote cooperation

REIMBURSEMENT PROCEDURE

FEMA Disaster Assistance Policy 9523.6 (Mutual Aid Agreements for Public Assistance and Fire Management Assistance) specifies criteria by which FEMA will recognize the eligibility cost under the Public Assistance (PA) Program and the Fire Management Assistance Grant (FMAG) Program incurred through mutual aid agreements between applicants and other entities. This policy applies to emergency work authorized under Sections 403, 407, 420, and 502, of the Stafford Act, 42 U.S.C. 5121-5206, and the implementing regulations of 44 CFR § 204 and §206.

Eligibility

To meet eligibility requirements for reimbursement, an item of work must:

- Be required as the result of the emergency or disaster event.
- Have been requested by the impacted jurisdiction.
- Have been properly dispatched according to the Plan.
- Be located within a designated emergency or disaster area.
- Be the legal responsibility of the eligible applicant.

Responding organizations activated by this plan must submit reimbursement claims to the impacted jurisdiction(s).

Categories of Work

The work most often performed under this plan is Emergency Work. This work is performed immediately to save lives, to protect property, for public health and safety, and/or to avert or lessen the threat of a major disaster. Emergency Work contains two categories: Debris Clearance (Category A) and Protective Measures (Category B).

It is possible that certain types of claims may be made under Permanent Work categories. For example, certain damages or losses of facilities and equipment may fall into the Permanent Work categories.

Expenses for Personnel

During a federally declared disaster, only the actual hours worked beyond the regular duty time, either overtime or regular time hours, including Fringe benefits, can be claimed for FEMA category A and B (Emergency Work). Pay rates will be in accordance with the existing Collective Bargaining Agreement (CBA), pay ordinance or plan that is in effect at the time of the Plan activation. Standby time is not eligible for reimbursement. If time and one-half or double time is paid to regular hourly employees for overtime or holiday work, these payments must be in accordance with rates established prior to the disaster. Volunteer emergency service personnel activated by this plan may submit claims to the impacted jurisdiction(s) for reimbursement at the rate of \$12.00 per hour for personnel who are identified as members of public safety agencies who receive minimal or no compensation.

In some cases, FEMA may approve reimbursement for overtime costs associated with "backfilling". If approved, this option would allow the department to be reimbursed when personnel are called back to work on an overtime basis to replace existing employees already approved to perform disaster related activities elsewhere. To facilitate this reimbursement, the responding department must have a written policy concerning "backfilling" in existence prior to the disaster.

Expenses for Equipment

Each department may be eligible for reimbursement for the use of equipment owned (Force Account Equipment) by the department when it is used in disaster work. To assist in the reimbursement process, FEMA has developed a "Schedule of Equipment Rates". The impacted jurisdiction should obtain the most recent version of the schedule available at (www.fema.gov/government/grant/pa/eqrates.shtm) prior to submitting for reimbursement.

Disaster Declaration Process

- Local Government responds to the emergency or disaster supplemented by neighboring communities and volunteer agencies. If the local government is overwhelmed, the County Emergency Management Agency requests an Emergency Declaration from the County Commissioners requesting state assistance;
- The State responds with state resources, such as the National Guard and other state agencies. If these resources are overwhelmed, then the state requests assistance from the Federal Emergency Management Agency (FEMA);
- Damage Assessment is conducted by local, state, federal and volunteer organization teams to determine losses and recovery needs;
- A Major Disaster Declaration is requested by the governor, based on the damage assessment, and an agreement to commit state funds and resources to long-term recovery;
- FEMA Evaluates the request and recommends action to the White House based on the disaster, the local community and the state's ability to recover;
- The President considers the request and FEMA informs the governor whether it has been approved or denied. This decision process could take a few hours to several weeks depending on the nature of the disaster.

Appendix A -- NIMS Compliance Requirements

NIMS-ICS Minimum Training Requirements for Maine Based on FY 08 FEMA Guidance April 24, 2008

Discipline	IS 800	IS 700	ICS 100	ICS 200	ICS 300	ICS 400	Notes
Local/County Officials		X					1
Local/ County Officials involved in EM operations		X	X	X			
Local EMA Director	X	X	X	X			
County EMA Director	X	X	X	X	X	X (09)	
Public Works Director		X	X	X			
Public Works Worker/Road Commissioner		X	X				
School Emergency Team		X (09)	X (09)				2
Utilities Management		X	X	X			3
Utilities Worker		X	X				
Hospital Facility (Impacted Staff TBD)		X	X	X			4
EMS Chief		X	X	X	X	X (09)	
EMS Crew Chief		X	X	X			
EMS Personnel		X	X				
Police Chief/Deputy Chief		X	X	X	X	X (09)	
Police Line Officers		X	X	X			
Patrolman		X	X				
Sheriff/Chief Deputy		X	X	X	X	X (09)	
Sheriff Line Officers		X	X	X			
Deputy Sheriff		X	X				
Fire Chief/Chief Officers		X	X	X	X	X (09)	
Fire Company Officers		X	X	X			
Firefighters		X	X				
DST/RRT Technicians		X	X	X	X		5
DST/RRT Operations Responders		X	X	X			
DST/RRT All Responders		X	X	X			
EOC Management	X	X	X	X	X	X (09)	
EOC Staff		X	X				
IMAT Level III	X	X	X	X	X	X (09)	6
IMAT Level IV	X	X	X	X	X	X (09)	6
Comm Center Supervisor and Deputy Supervisor		X (09)	X (09)				

Note 1: All elected/appointed officials charged with general policy development

Note 2: Includes at a minimum the Principal and Assistant Principal

Note 3: Includes water and sewer districts

Note 4: Recommended by the Regional Resource Centers

Note 5: Technicians not expected to fill a Command Staff or General Staff position are not required to take ICS 300

Note 6: IMAT personnel are required to take additional courses (primarily in the ICS 700 and P-400 series) depending on their area and level of Incident Management responsibility

Additionally, personnel responding to a request for assistance shall be in physical condition commensurate with the expected tasks to be performed and conditions to be faced.

Appendix B -- Emergency Support Functions and Responsibilities

ESF #1 – Transportation State Lead Agency: Department of Transportation
<ul style="list-style-type: none"> • Aviation/airspace management and control • Transportation safety • Restoration and recovery of transportation infrastructure • Movement restrictions • Damage and impact assessment
ESF #2 – Communications State Lead Agency: Public Utilities Commission
<ul style="list-style-type: none"> • Coordination with telecommunications and information technology industries • Restoration and repair of telecommunications infrastructure • Protection, restoration, and sustainment of national cyber and information technology resources • Oversight of communications within the Federal incident management and response structures
ESF #3 – Public Works and Engineering State Lead Agency: Department, Veterans & Emergency Management (DVEM)
<ul style="list-style-type: none"> • Infrastructure protection and emergency repair • Infrastructure restoration • Engineering services and construction management • Emergency contracting support for life-saving and life-sustaining services
ESF #4 – Firefighting State Lead Agency: Department of Conservation/Fire Marshall
<ul style="list-style-type: none"> • Coordination of Federal firefighting activities • Support to wildland, rural, and urban firefighting operations
ESF #5 – Emergency Management State Lead Agency: Governor / MEMA
<ul style="list-style-type: none"> • Coordination of incident management and response efforts • Issuance of mission assignments • Resource and human capital • Incident action planning • Financial management
ESF #6 – Mass Care, Emergency Assistance, Housing, and Human Services State Lead Agency: American Red Cross
<ul style="list-style-type: none"> • Mass care • Emergency assistance • Disaster housing • Human services
ESF #7 – Logistics Management and Resource Support State Lead Agency: MEMA
<ul style="list-style-type: none"> • Comprehensive, national incident logistics planning, management, and sustainment capability • Resource support (facility space, office equipment and supplies, contracting services, etc.)

Appendix C

Forms

Form #1 -- Maine Emergency Request for Assistance Form

Event Title	
Mission #	
Assigned by MEMA	

Requesting Agency	
Point of Contact (Name)	
Phone/Fax	
E-Mail	
Date/Time Request Made	
Description of Requirement	
Resource Required Detailed Information to include Kind/Type	
Date/Time Resource Needed	
Estimated Release Date/Time	
Duty Hours for Personnel	
Staging Area/Report to Location	
Lodging Provided? Where?	
Feeding Provided? Where?	
Requirements for Materials Offloading? Forklift?	
Requirements for Transportation?	

Coordinating County EMA	
Point of Contact (Name)	
Phone/Fax	
E-Mail	

Resource Provider	
Point of Contact (Name)	
Phone/Fax	
E-Mail	

Form # 2 – Disaster Team Deployment Form

DISASTER TEAM DEPLOYMENT FORM

EVENT TITLE:		MISSION #:	
Date/Time Deployed:		Date/Time Demobilized:	
Staging Area Location:		Sending Agency:	
Last name, First Name, MI:	Last 4 of SSN:	Position:	Unit Designation:
Comments, Special Qualifications:		Emergency Contact Name and Phone Number:	
Last name, First Name, MI:	Last 4 of SSN:	Position:	Unit Designation:
Comments, Special Qualifications:		Emergency Contact Name and Phone Number:	
Last name, First Name, MI:	Last 4 of SSN:	Position:	Unit Designation:
Comments, Special Qualifications:		Emergency Contact Name and Phone Number:	
Last name, First Name, MI:	Last 4 of SSN:	Position:	Unit Designation:
Comments, Special Qualifications:		Emergency Contact Name and Phone Number:	
Last name, First Name, MI:	Last 4 of SSN:	Position:	Unit Designation:
Comments, Special Qualifications:		Emergency Contact Name and Phone Number:	
Last name, First Name, MI:	Last 4 of SSN:	Position:	Unit Designation:
Comments, Special Qualifications:		Emergency Contact Name and Phone Number:	
Last name, First Name, MI:	Last 4 of SSN:	Position:	Unit Designation:
Comments, Special Qualifications:		Emergency Contact Name and Phone Number:	
Last name, First Name, MI:	Last 4 of SSN:	Position:	Unit Designation:
Comments, Special Qualifications:		Emergency Contact Name and Phone Number:	

Authorized by

Title

Maine First Responders
State-Wide Mutual Aid Agreement
Sample Resource Inventory Form

Name of Municipality: _____

Point of Contact: _____ Title: _____

Telephone #: _____ Alternate #: _____

[illegible]

Form #4 -- Standard Invoice Form

State-wide Mutual Aid Agreement Standard Invoice Form

[illegible]

Notes:

- (1) Any standard invoice form used by the billing agency that incorporates the information contained in this sample is acceptable as a substitute.
- (2) Where applicable, the FEMA "Schedule of Equipment Rates" will apply.
- (3) The Billing Agency is required to maintain all necessary supporting documentation in accordance with standard accounting and auditing requirements.

DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY
CONTRACT WORK SUMMARY RECORD

Page _____ of _____

O.M.B. No. 1000-0011
 October 31, 2008

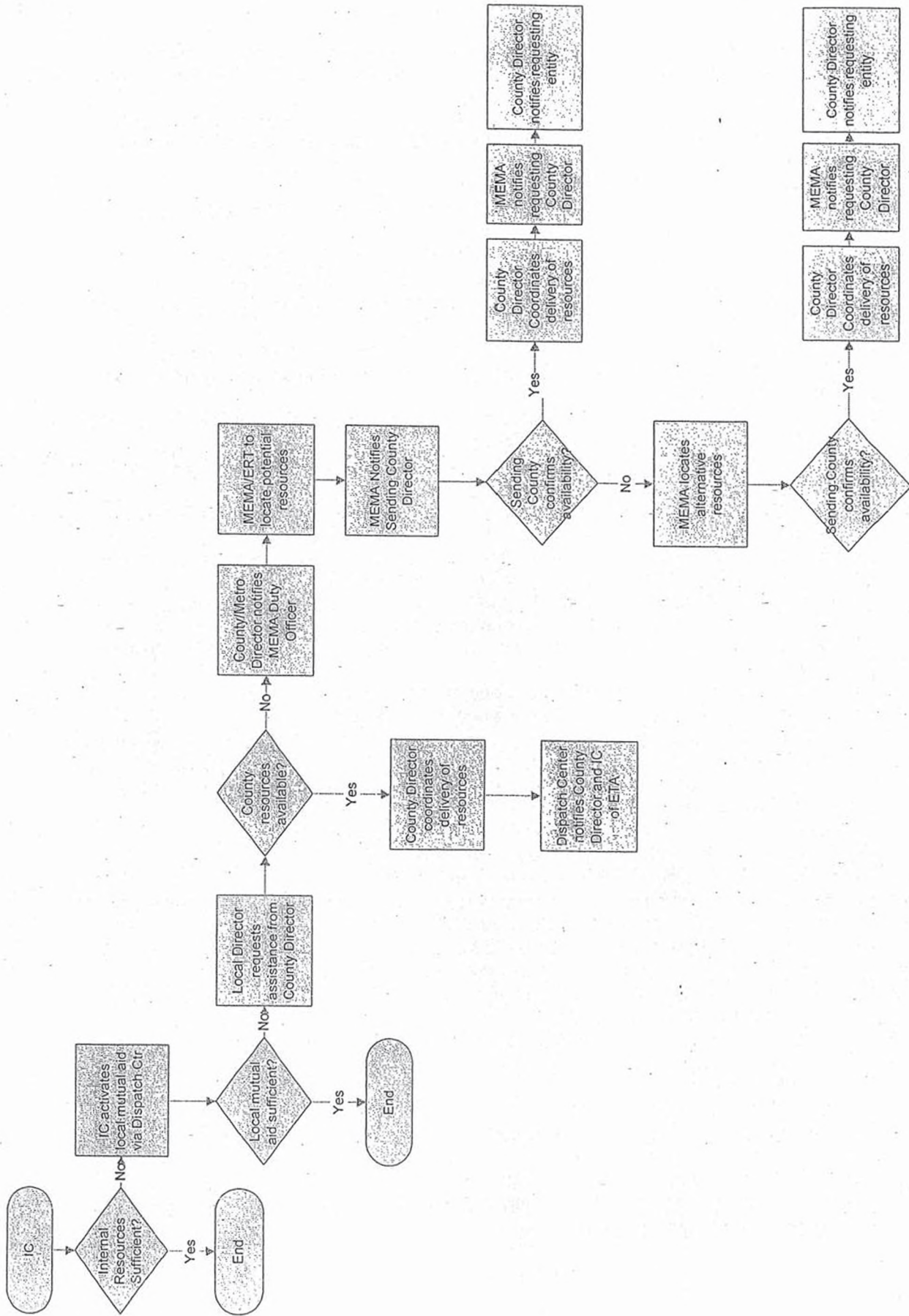
ANT	PA ID NO.	PROJECT NO.	DISASTER
TON/SITE	CATEGORY	PERIOD COVERING	
DESCRIPTION OF WORK PERFORMED			

DATES WORKED COMMENTS - SCOPE	CONTRACTOR	BILLING/INVOICE NUMBER	AMOUNT	COMMENTS - SCOPE
GRAND TOTAL				

I CERTIFY THAT THE ABOVE INFORMATION WAS OBTAINED FROM PAYROLL RECORDS, INVOICES, OR OTHER DOCUMENTS THAT ARE AVAILABLE FOR AUDIT.

CERTIFIED	TITLE	DATE
-----------	-------	------

Appendix D – Request for Assistance Flowchart



Appendix F -- Sample Legislation for Local Adoption

Whereas, the State of Maine has experienced many disasters, and

Whereas, the various first responder agencies throughout the State are the principal agencies to respond to a disaster in our State, and

**Certification of Amendment to the "Fire Department Ordinance for the
Town of Belgrade**

I, Cheryl Cook, the duly appointed Town Clerk for the Town of Belgrade, hereby certify Pursuant to 30-A M.R.S.A. § 3006 that the attached are true and accurate copies of the Amendment to the Fire Department Ordinance of Belgrade, dated August 29, 1995, to Include the Maine First Responders State-Wide Mutual Aid Agreement as part of the Fire Department Ordinance for the Town of Belgrade as accepted from the date of August 29, 1995 except as amended on May 20, 2009 referendum.

Dated: June 2 2009

Cheryl T. Cook
Town Clerk

COPY

Town of Belgrade
Ordinance
for
Recall of Elected Municipal Officials

SECTION I. Establishment

Under MRSA title 30-a Section 2602(6) amended October 13, 1993, a town may enact an ordinance for the recall and removal of any elected municipal official (excepting of school board members).

SECTION 2: Applicability

Any elected official of the Town of Belgrade may be recalled and removed from office by petition for any of the following circumstances:

- a. Failure to attend one (1) regular meeting per month or a total of six (6) per year unless the absence is for reasonable cause.
- b. Convicted of a criminal act and/or whose conviction causes their attendance to more than (a).
- c. Actions taken by an elected official that are severe, shocking, and discordant with the elected position held.

SECTION 3. Petitions for Recall

- a. Each page of the petition shall state the name and office of the person whose removal is being sought, and the full text of the statement of the reasons for the recall of the elected official;
- b. Each signature shall be executed in ink and shall include the signer's printed name, and shall state the legal residence of the voter with street address or other description sufficient to identify the place of residence;
- c. The petition must contain only signatures of the registered voters of the Town of Belgrade, and be equal to at least 10% of the last gubernatorial election, but not less than one hundred (100);

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

e. Each page shall provide space for voters' signature, name and address.

f. All petition pages shall be filed as one document.

SECTION 4. Clerk's Certification

The Town Clerk shall, within 10 days, certify the signatures on the petition and determine if the petition meets all of the qualifications as set forth in Section 3 of this ordinance. If the petition does not meet all the qualifications, the petition will be filed with in the Clerk's Office and the voter who filed the petition will be notified.

SECTION 5. Call the Recall Election

a. Once certified by the Town Clerk, he or she will submit the same with his or her certification to the Board of Selectpersons at their next regular meeting and shall notify the officials whose removal is being sought

b. Within ten (10) days of receipt of petition, the Board of Selectpersons shall order an election by secret ballot, pursuant to 30-A MRSAS2528, to be held not less than 30 nor more than 60 days thereafter, provided that a regular municipal election will not be held within 90 days of receipt of the regular municipal election will not be held within 90 days of receipt of the certified petition. In this case, the Selectpersons, may at their discretion, provide for the holding of the recall election on the date of the regular municipal election.

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

SECTION 6. Ballots for Recall Election

Unless the official or officials whose removal is being sought, has resigned within ten (10) days of receipt of the petition by the Board of Selectpersons, ballots shall be printed stating the name of the official whose recall is being sought.

SECTION 7. Result of Election

In the event of an affirmative vote for removal, such a vote shall take effect as of the recording of the vote tabulation into the records.

SECTION 8. Vacancies to be Filled

Any vacancy resulting from removal from office under this ordinance shall be filled in accordance with the provisions contained in the Maine State Statutes.

SECTION 9. Limitation on Recall Petitions

No recall petition shall be filed against an elected official within four (4) months after such official first takes office. In the case of an official subject to a recall election and not removed thereby, no recall petition shall be filed against the official until at least six(6) months after the recall election.

SECTION 10. SEPARABILITY

The invalidity of any provision of the Ordinance shall not invalidate any other provision.

Given under our hands this 19 day of March of the year 2010.

David A. Fournier

Bruce Paul

Melanie Jewell

Penelope A. Howell

Ernest Rice

TOWN OF BELGRADE



Municipal Street and Road Ordinance

March 2, 1996

Incorporates changes enacted by referendum on March 1, 1997
Incorporates changes enacted by referendum on March 19th, 2004
Incorporates changes enacted by referendum on March 19th, 2010

<p style="text-align: center;">TOWN OF BELGRADE</p> <p style="text-align: center;">MUNICIPAL STREET AND ROAD ORDINANCE</p>
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SECTION 1 - PURPOSE

- A. To establish minimum specifications for municipal streets and roads.
- B. To set a procedure for acceptance of a private way to become a municipal street or road.

SECTION 2 - AUTHORITY

This ordinance has been prepared in accordance with the provision of Title 23 MRSA Chapter 304. This ordinance shall be known as and may be cited as "*Town of Belgrade Municipal Street and Road Ordinance*," Upon approval of this ordinance, the *Ordinance on Streets and Roads* adopted on March 6, 1971 is hereby repealed.

SECTION 3 - APPLICABILITY

This Ordinance applies to municipal streets and roads laid out and constructed by the Town of Belgrade or to be created by dedication and acceptance in accordance with Title 23 MRSA Section 3025.

SECTION 4 - LIMITATIONS

- A. The Town shall accept streets and roads only by vote of the legislative body.
- B. Nothing in this Ordinance shall be construed as prior commitment by the Town to accept any new street or road, irrespective of its condition or of any work performed in anticipation of acceptance by the Town.
- C. Streets or roads that have been laid out and partially constructed or streets and roads used for private travel prior to the passage of this Ordinance shall comply with all the requirements of the Ordinance before dedication to the Town with the exception of design by a registered professional engineer.
- D. Any street or road to be built by the Town or to be built and dedicated to the Town as public way on or after the date of acceptance of this ordinance, must be designed by a registered professional engineer, and built to design standards set forth in this ordinance.
- E. All roads currently accepted by the Town are listed in Appendix C of this Ordinance. Additional roads or road segments will be accepted by the Town, subsequent to this amendment, only if they meet the following requirements:
 - 1. Such road or road segment meets all requirements of the then-current revision of this Road Ordinance, as certified by the Road Commissioner.
 - 2. Such road or road segment must be contiguous to an existing paved road and must serve no less than two (2) established permanent residential dwelling units; each occupied more than six (6) months per year and /or active commercial businesses, per five-hundred (500) center-line feet of said road or road segment, as certified by the Town Manager.
 - 3. Such Road or road segment is accepted by the Town by a majority vote at its annual Town Meeting, upon recommendation of the Board of Selectpersons.

SECTION 5 - ADMINISTRATION

A. An applicant for Town acceptance of any new street or road must be eighteen (18) years of age or older.

B. Qualified applicants must file a plan with the Town showing the following:

1. The scale of the plan.
2. The direction north and date of magnetic bearing.
3. The starting and ending points of the street or road in relation to monuments or established survey reference.
4. The Right-Of-Way (R-O-W) lines in relation to monuments or established survey reference points.
5. Dimensions, both lineal and angular, necessary for locating boundaries, and necessary for locating subdivisions, lots, easements, and building lots.
6. All lots abutting, Right-Of-Way (R-O-W) and their owners of record.
7. All natural water ways and water courses within the Right-Of-Way (R-O-W) of the said street or road.
8. Location and specifications for all culverts.
9. Registered Professional Engineer's seal **for all bridges.**
10. Specifications for all excavation and construction.

C. With the plan, applicant(s) shall submit a written application for acceptance on form(s) provided by the Town, together with application fee, if any. Applications shall include, but not necessarily be limited to the following information:

1. The names of the owner(s) of the land containing the street or road to be accepted.
2. The name or names of the developer(s) of the road, if any.
3. Evidence that all land required for the R-O-W of specified width can be deeded to the Town free of charge or any legal encumbrance.

D. Whenever an application for acceptance of any street or road is presented to the Board of Selectpersons, it shall be referred within forty-five (45) days to the Planning Board. The Planning Board shall proceed to examine the application and the site within forty-five (45) days of receipt of the final inspection [see Section 10(A)(4)] for streets and roads to be created under Section 4(D), or after receipt of application for streets and roads to be created under Section 4(C). The forty-five (45) day requirement may be adjusted to account for snow cover and weather conditions. No street or road shall be presented to the Town for acceptance until the Planning Board has made a careful investigation and reported to the Board of Selectpersons in writing that the provisions of this ordinance have been satisfied.

E. Applicants shall file with the Town any recommendation and/or findings and opinions from a registered professional engineer as required by this ordinance.

F. The Planning Board may waive one or more inspections required by Section 10 of this Ordinance when a street or road meets the criteria of Section 4(C) providing the Board makes findings based on clear and convincing evidence that the requirements of this ordinance have been met with respect to the purpose of the inspection(s) being waived.

SECTION 6 - SPECIFICATIONS:

A. General Specifications: The following specifications shall apply jointly to streets and roads:

1. The graded areas between ditches shall be cleared of all stumps, roots, bushes, and perishable material, including trees and large rocks.
2. All developed areas of the road section shall be located within the R-O-W, and in no case shall the edge of the shoulder be less than eight (8) feet from either side boundary.
3. Adequate provision shall be made for the disposal of surface water through adequate ditches, culverts, or other means conforming with good engineering practice.
4. Culverts shall be of coated steel or recognized equivalents accepted by the Maine Department of Transportation (MDOT). Roadway culverts shall not be less than fifteen (15) inches in diameter for road crossings, and twelve (12) inches in diameter for driveways. Manholes shall not be less than 30" x 30". The above minimum requirements not withstanding all culverts must be sized to handle maximum storm water runoff. With respect to driveway culverts, the Road Commissioner shall determine the need for installation of driveway culvert(s) and, if culvert(s) is required, shall approve at issuance of driveway permit the size culvert(s) to be installed.
5. Specifications for any proposed new or replacement bridge construction shall be prepared by a registered professional engineer. Specifications, if any exist, for an existing bridge shall be reviewed by a registered professional engineer with regard to suitability and safety for the intended application. If adequate specifications upon which to base a complete engineering review of an existing bridge do not exist, an inspection of the bridge by a registered professional engineer shall be made to assess suitability and safety for the intended application. The engineer's specifications or written findings, recommendations, and/or comments shall be submitted with the application.
6. The design standard for turnarounds shall be of the *backaround* type, except that the Planning Board may authorize a *T-turnaround* or *cul-de-sac*.
7. Landscaping for the R-O-W is encouraged; however, no trees or shrubs shall be planted or transplanted within the R-O-W without permission of the Board of Selectpersons.
8. The finished surface of the paved section of any street or road shall consist of a hot bituminous material of not less than 2 inches total finished thickness.

B. Specifications for Streets: Any traveled way which is or will be a street, as defined in this Ordinance (see Section 13, Definitions), excepting a traveled way in a mobile home park, shall meet the following requirements, and the dimensional requirements:

1. The paved section shall accommodate two travel lanes and one parking lane for a two-way street, or accommodate one travel lane and one parking lane for a one-way street.
2. Graded shoulders shall extend to each side of the paved section, except that no shoulder shall be required when concrete, stone, or asphalt curbing are used. A graded shoulder shall be a minimum of four (4) feet if a box section is incorporated.
3. Design and construction shall conform to the dimensional requirements for streets specified in Appendices A and B of this Ordinance.
4. A sidewalk shall be constructed on at least one side of the street. Such sidewalk(s) shall be laid out and constructed with due consideration to pedestrian safety, snow plowing requirements, and the concurrent or future placement of utilities.
5. A traveled way (street) in a mobile home park shall meet the requirements for streets as specified in this Ordinance, except that *Town of Belgrade Manufactured Housing and Mobile Home Ordinance* requirements for streets in a mobile home park which are more restrictive than the corresponding requirements of this Ordinance shall be applicable to streets in a mobile home park.

C. Specifications for Roads: Any traveled way which is or will be a road, as defined in this Ordinance (see Section 13, Definitions) shall meet the following requirements:

1. The paved section of a road shall accommodate two travel lanes for a two-way road, or accommodate one travel lane for a one-way road.
2. Graded shoulders shall extend to each side of the paved section.
3. Design and construction shall conform to the dimensional requirements for roads specified in Appendices A and B of this Ordinance.
4. The Planning Board at its sole discretion may decide to reduce the requirements in Appendix A when conditions at the site exist such that full compliance with the standard in Appendix A is not practical.

SECTION 7 - EASEMENTS

Whenever it is required to alter an existing water course in constructing a street or road, a drainage easement shall be secured from the property owner(s) affected. Wherever the toe of slopes for ditches, shoulders, grading, and other purposes required by this ordinance cannot be adhered to within the required R-O-W limits, and grading or excavation is necessary beyond these limits, slope easements shall be secured from abutting property owners. Said drainage and slope easements shall be secured by the applicant without cost to the Town.

SECTION 8 - DRIVEWAY ENTRANCES

Adding the following underlined language to Section 8 – Driveway Entrances:

- A. *Prior to the creation of a new driveway, and the widening and/or resurfacing of existing driveways which access municipal roads/streets a Town of Belgrade Driveway Permit Application (Appendix C) must be completed and filed at the Town Office and approved by the Road Commissioner.*
- B. *If the Town finds that a person fails to meet this requirement it shall notify the property owner indicating the nature of the violation and ordering the action necessary to correct including the discontinuance of illegal use driveways. Such notice shall be made by certified mail. Furthermore, violations are subject to a fine of not more than \$100 per day as provided for in 23 MRSA § 704. The fine to begin 30 business days after the property owner has received written notice of the violation unless corrective action has been taken or a plan outlining corrective action is approved by the Road Commissioner. The Town of Belgrade assumes no liability in correcting an illegal driveway entrance.*
- C. Driveway culverts shall be installed in accordance with the specifications of this ordinance by property owner or developer. Such Culverts shall be maintained by the Town following the acceptance of the Street or road Driveway culvert lengths shall be a minimum of thirty (30) feet to a maximum of forty (40) feet, and shall extend at least six (6) inches beyond the base of a two (2) to one (1) slope on each side of the driveway. Culvert materials, diameter, depth, slope, backfill, rip-rap, and approach and discharge conditions shall be approved by the Road Commissioner based on site conditions.

SECTION 9 - UTILITIES

Longitudinal runs of water mains and sanitary lines shall be located on opposite sides of the roadbed. Utility poles shall be so placed that any present or designated sidewalk may be contained within the boundaries of the street or road without obstruction by poles or appurtenances.

SECTION 10 - INSPECTION DURING CONSTRUCTION

Streets or roads shall not be considered for acceptance by the Town unless they conform to the following:

- A. The road shall be inspected at the following milestones:
 - 1. At the point that the area to be constructed has been grubbed.
 - 2. At the point subgrade has been reached, and prior to the delivery of subbase gravel. This inspection may be waived by the Road Inspector if grubbed surface and subgrade are one in the same.
 - 3. At the completion of grading the subbase or base gravel.
 - 4. Upon completion of graded or paved surface.
- B. The inspections shall be recorded on a form(s) provided by the Town.
- C. Scheduling of inspections is the responsibility of the developer or builder.
- D. Inspection(s) shall be performed by a Road Inspector(s) who shall be appointed by the Board of Selectpersons.
- E. Reports of inspection required in Section A shall be provided to the Planning Board and developer within seven (7) days of the completed inspection.

SECTION 11 - CONFLICTS AND OTHER ORDINANCES

Where this ordinance applies concurrently with, conflicts with, or is inconsistent with any other ordinance, regulation, or statute, the more restrictive provision shall control.

SECTION 12 - SEVERABILITY

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

**TOWN OF BELGRADE
DRIVEWAY PERMIT APPLICATION
FEE _____(\$10)**

This application applies to the creation of new driveways, and the widening and /or resurfacing of existing driveways which access Town roads/streets. Completion of this application and eventual permit approval requires two site visits by the Road Commissioner. The first visit verifies driveway location and identifies special requirements. A second visit is accomplished after project completion. In the event a culvert is required; the property owner will be required to purchase the first culvert in length and diameter specified by the Road commissioner. Completion of the first portion of the driveway permit process is required prior to the approval of a building permit. Completed copies of this application will be provided to the property owner, Road commissioner, and Code Enforcement Officer. Location of the driveway must be staked out, and the \$10 fee must be paid prior to processing.

1. _____ is requesting approval to construct/widen/resurface
(NAME) (circle one) a driveway accessing the Town Road or
Street named _____

The property is located on Map____Lot____ and is owned by_____

2.Applicant mailing address:_____

3.Applicant telephone number:_____

4.Will the driveway provide access to more than one residence? Yes/no (circle one)

5.Applicant Signature:_____

No work is to be done until this permit is approved. If the Town of Belgrade finds that any aspect of this rule is being violated, the Town shall notify the property owner indicating the nature of the violation and ordering the action necessary to correct it, including the discontinuance of illegal use driveways. Such notice shall be made by certified mail. A violation of the rules is punishable by a fine of not more than \$100 per day per violation as outlined in 23 M.R.S.A. 704. The fine begins to accrue 30 calendar working days after the property owner has received written notice of the violation unless corrective action has been taken or a plan outlining corrective action is approved by the Road Commissioner. No cost for correcting an illegal driveway will be assumed by the Town of Belgrade.

This portion to be completed by the Road Commissioner

1.Initial site visit
date:_____

2.Special conditions or
requirements:_____

3.Post construction site visit
date:_____

4.Road Commissioner
comments/observations:_____

Road Commissioner
Signature:_____
u/files/townmanager/roadcommissioner

SECTION 13 - DEFINITIONS

Arterial- A major thoroughfare which serves as a major traffic way for travel within and through the community.

Base Gravel- Gravel which contains aggregate not to exceed four (4) inches in diameter.

Box Section- A section of roadway which does not have an open subbase drainage to a ditch, which often times requires underdrain for the purpose of removing subsurface water.

Collector- A way serving at least fifteen (15) lots or dwelling units, or ways which serve as feeders to arterials.

Common Borrow- The material which does not contain aggregate greater than one-third (1/3) the depth of filled area.

Construct- To build, place, move upon, pave, grade, or make other physical improvements to land. Excavation, placing fill, and the like shall be included in this definition.

Deadend- A street or road which does not exceed 1500 feet in length and connects with a Town way at only one intersection.

Industrial or Commercial- Ways serving industrial or commercial uses.

Local- A way serving less than fifteen (15) lots or dwelling units.

Private Way- A way over which the general public has no right to pass by foot or vehicle. Anyone traveling on a private way or making repairs to it without owner permission would be subject to a suit for damages or trespass, the municipality has no responsibility and no legal right to spend funds to plow or repair a private way.

Road- That way or portion thereof where dwellings or other buildings are, or can reasonably be expected to be in the future to exceed the spacing for a street (defined below).

Street- That way or portion thereof where lot frontage density is or can reasonably be expected to be in the future greater than one lot per two hundred feet of road frontage for a distance of at least 1,000 feet of traveled way. Also, any traveled way within a mobile home park.

Subbase Gravel- Gravel which contains aggregate not to exceed six (6) inches in diameter.

Surface Gravel- Gravel which contains aggregate not to exceed two (2) inches in diameter.

Appendix A
Minimum Specifications for Streets and Roads

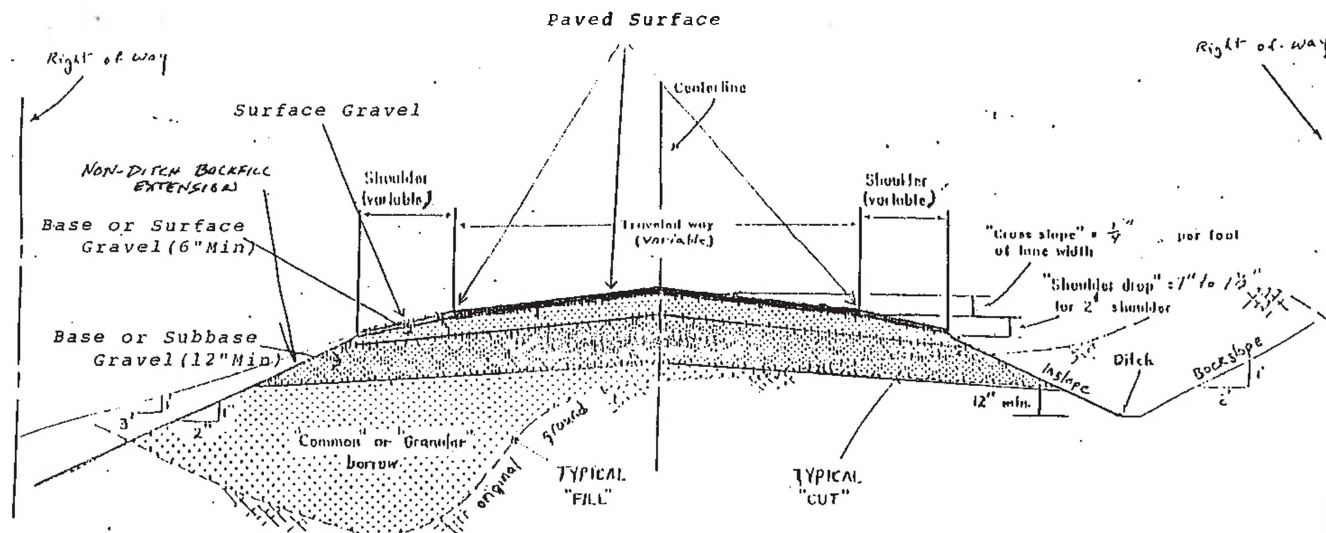
Street and Road Type	Arterial	Collector	Local	Industrial/ Commercial	One Way Road	One Way Street	Deadend Road	Deadend Street
Minimum Right of Way (ft)	66	66	66	66	33	33	66	66
Minimum Travel Lane, each way (ft)	10	10	10	11	9	9	9	9
Minimum Shoulder Width (ft)	3	3	3	3	2	2	2	2
Maximum Grade (%)	8	8	10	5	10	10	10	10
Roadway Crown (inch/ft of width)	1/4	1/4	1/4	1/4	1/4	1/4	1/4	1/4
Paved Roads only								
Minimum Curve Radius (ft)	100	100	100	200	100	100	100	100
Maximum Grade within 75 Feet of Intersection	3*	3	5	2	5	5	5	5

* The 3 % grade applies to Streets and Roads intersecting Arterials.

Other Standards:

- A. Intersections for all Roads and Streets shall measure no more than 30 degrees from perpendicular (90 degrees plus or minus 30 degrees).
- B. Maximum Ditch Inslope shall be 3:1.
- C. Maximum Ditch Backslope shall be 2:1.
- D. Non-Ditch backfill extension shall not exceed 2:1.
- E. Box section constructed in lieu of a ditch shall extend a minimum of 4 feet from the outside edge of the travel lane. All box sections shall be paved.

Town of Belgrade
Road Ordinance
Appendix "B"



NOTE: PARKING LANES NOT SHOWN



TOWN OF BELGRADE

SHORELAND ZONING ORDINANCE

ENACTED BY REFERENDUM NOVEMBER 5, 1991
INCORPORATES CHANGES ENACTED BY REFERENDUM ON THE FOLLOWING DATES:
6/9/92, 11/6/92, 3/5/93,, 11/5/93, 6/5/95, 3/1/96,2/28/97, 3/6/99 AND 6/7/11

CERTIFIED BY: 
Signature

CERTIFIED BY: Anthony Maffei
Printed Name

TITLE: Town Clerk

**Shoreland Zoning Ordinance for the Municipality of
Belgrade, Maine**

Approved by Referendum Nov. 8, 1991 Effective Nov. 22, 1991

Section 1. Purposes

The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

Section 2. Authority

This Ordinance has been prepared in accordance with the provisions of Title 38 Sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).

Section 3. Applicability

This Ordinance applies to all land areas within 250 feet, horizontal distance, of the normal high water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; and within 75 feet, horizontal distance, of the normal high- water line of a stream;

and to Registered Critical Areas within, containing, contiguous with, or adjacent to a great pond, river, freshwater wetland, or stream.

* Amended by Referendum Nov 1992/Jun 1992

Amended by Referendum Mar 1993/Nov 1993

+ Amended by Referendum Jun 1995

**Amended by Referendum Mar 1996/Effective Apr 4, 1996

++Amended by Referendum Feb 1997/Effective May 19, 1997

= Amended by Referendum Mar 1999/Effective Mar 6, 1999

* Amended by Referendum June 2011/ Effective June 7, 2011

Section 4. Effective Date and Repeal of Formerly Adopted Ordinance

A. This Ordinance, which was adopted by the municipal legislative body on November 5, 1991, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, attested and signed by the Municipal Clerk, shall be forwarded within 14 days of adoption to the Commissioner of the Department of Environmental Protection for approval. If the Commissioner of the Department of Environmental Protection fails to act on this Ordinance within forty-five (45) days of receipt of the Ordinance, it shall be deemed approved. Upon approval of this Ordinance, the shoreland zoning ordinance previously adopted on November 8, 1991, and last amended on March 6, 1999, is hereby repealed. Any application for a permit submitted to the municipality on or after the date of adoption or amendment of this Ordinance shall be governed by the terms of this Ordinance if the Ordinance or amendment is approved by the Commissioner of the Department of Environmental Protection.

B. Repeal of Municipal Timber Harvesting Regulations

The municipal regulation of timber harvesting activities is repealed on the statutory date established under Title 38 M.R.S.A., Section 438-BA(5) at which time the State of Maine Department of Conservation's Bureau of Forestry shall administer timber harvesting standards in the shoreland zone. On the date established under Title 38 M.R.S.A., Section 438-BA (5) the following provisions of this ordinance are repealed:

- Section 14, Table of Land Uses, Row 3 (Forest management, except timber harvesting) and Row 4 (Timber Harvesting);
- Section 15(N) in its entirety;

* Amended by Referendum Nov 1992/Jun 1992

Amended by Referendum Mar 1993/Nov 1993

+ Amended by Referendum Jun 1995

**Amended by Referendum Mar 1996/Effective Apr 4, 1996

++Amended by Referendum Feb 1997/Effective May 19, 1997

= Amended by Referendum Mar 1999/Effective Mar 6, 1999

* Amended by Referendum June 2011/ Effective June 7, 2011

- Section 17, Definitions, the definition of "forest management activities".

Note: The Statutory date established under 38 M.R.S.A. section 438-BA(5) is the effective date of state-wide timber harvesting standards. That date is "the first day of January of the 2nd

year following the year in which the Commissioner of Conservation determines that at least 252 of the 336 municipalities identified by the Commissioner of Conservation as the municipalities with the highest acreage of timber harvesting activity on an annual basis for the period 1992-2003 have either accepted the state-wide standards or have adopted an ordinance identical to the state-wide standards."

* Amended by Referendum Nov 1992/Jun 1992

Amended by Referendum Mar 1993/Nov 1993

+ Amended by Referendum Jun 1995

**Amended by Referendum Mar 1996/Effective Apr 4, 1996

++Amended by Referendum Feb 1997/Effective May 19, 1997

= Amended by Referendum Mar 1999/Effective Mar 6, 1999

* Amended by Referendum June 2011/ Effective June 7, 2011

Section 5. Availability

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

Section 6. Severability

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

Section 7. Conflicts with Other Ordinances

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

Section 8. Amendments

This Ordinance may be amended by majority vote of the legislative body of the Town of Belgrade. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection within 14 days following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. If the Commissioner of the Department of

* Amended by Referendum Nov 1992/Jun 1992

Amended by Referendum Mar 1993/Nov 1993

+ Amended by Referendum Jun 1995

**Amended by Referendum Mar 1996/Effective Apr 4, 1996

++Amended by Referendum Feb 1997/Effective May 19, 1997

= Amended by Referendum Mar 1999/Effective Mar 6, 1999

* Amended by Referendum June 2011/ Effective June 7, 2011

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 on or after the date of adoption of an amendment to this Ordinance shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

Section 9. Districts and Zoning Map

A. Official Shoreland Zoning Map

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

1. Resource Protection
2. Limited Residential
3. Limited Commercial
4. General Development
5. Stream Protection

B. Scale of Map

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

C. Certification of Official Shoreland Zoning Map

The Official Shoreland Zoning Map shall be certified by attested signature of the Municipal Clerk and shall be located in the municipal office.

D. Changes to the Official Shoreland Zoning Map

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

- * Amended by Referendum Nov 1992/Jun 1992
- # Amended by Referendum Mar 1993/Nov 1993
- + Amended by Referendum Jun 1995
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Section 10. Interpretation of District Boundaries

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

Section 11. Land Use Requirements

=*Except as hereinafter specified, no building, structure or land shall hereafter be used, changed in use, or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, relocated, replaced, reconstructed, or altered except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance shall have been granted.

Section 12. Non-conformance

A. Purpose

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

B. General

1. Transfer of Ownership: 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-

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conforming structure or lot, subject to the provisions of this Ordinance.

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

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C. Non-conforming Structures

=1. Expansions: A legally existing non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as is authorized to issue a permit if the structure were a new structure, if such addition or expansion conforms with the following criteria, does not increase the non-conformity of the structure, meets the standards of land use specified in this Ordinance, and is not otherwise prohibited by this Ordinance.

=a. Expansions Within 75 Feet of NH-WL: The maximum aggregated floor area of all structures or portions thereof located closer than 75 feet, horizontal distance, from the normal high-water line of a water body, tributary stream or upland edge of a wetland shall not exceed 1,000 square feet and the height of any structure or portion thereof within the 75 foot setback shall not exceed 20 feet or the height of the existing structure, whichever is greater.

=b. Expansions Within 100 Feet of NH-WL: The maximum aggregated floor area of all structures or portions thereof located closer than 100 feet, horizontal distance from the normal high-water line of a great pond or a river flowing to a great pond, shall not exceed 1,500 square feet and the height of any structure or portion thereof within the 100 foot setback but beyond the 75 foot setback defined in Section 12(C)(1)(a), above, shall not exceed 25 feet or the height of the existing structure, whichever is greater.

=c. Conditional Additional Expansion Allowance: If the principal structure is set back at least 50 feet from the normal high-water line of a water body, tributary stream, or the upland edge of a wetland and the following conditions are met, the maximum total (combined) floor area limits set forth in Section 12(C)(1)(A) and Section 12(C)(1)(b), above, shall be 1,500 square feet and 2,000 square feet,

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respectively.

(1) No accessory structure exists, or will exist upon exercise of permit, if granted, closer to the normal high-water line of the water body, tributary stream, or the upland edge of the wetland than the setback of the principal structure; and,

(2) An existing well-distributed stand of trees and other natural vegetation, as established in Section 15 (0) (2) (b), extends at least 50 feet, horizontal distance, inland from the normal high-water line of the water body, tributary stream or the upland edge of the wetland for the entire width of the parcel; or, if such a stand does not exist, a written mitigation plan drafted by a qualified professional to establish/re-establish a buffer of native trees, shrubs, and other ground cover meeting the requirements of Subparagraphs (i) and (ii), below, and extending at least 50 feet, horizontal distance, inland from the normal high-water line of the water body, tributary stream, or the upland edge of the wetland for the entire width of the parcel accompanies the application for permit and is approved by the permitting authority. Any permit issued under the terms of this Section of this Ordinance shall be conditional upon the approved plan being recorded in the Kennebec County Registry of Deeds and all buffer plantings required by the approved mitigation plan being in place prior to the start of any other activity authorized by permit; any other activity undertaken prior to satisfaction of these conditions shall be a violation of this Ordinance and render the permit issued null and void.

A mitigation plan, in order to be approved, must be designed to: meet the rating scores contained in the definition of a "Well-Distributed Stand of Trees" as defined in Section 17, Definitions, when the vegetation matures; establish a natural ground cover and shrub layer; and must provide for all unstabilized areas of soils existing or to result from permitted activity to be mulched, seeded, or otherwise

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stabilized and maintained to prevent erosion and sedimentation to water bodies and wetlands. Furthermore, roofs and associated drainage systems, driveways, parking areas, and other non-vegetated surfaces throughout the shore land zone area of the parcel must be designed and any pre-existing conditions must be corrected to prevent concentrated flow of storm water runoff from reaching a water body, tributary stream, or wetland except through a vegetated area or infiltration into the soil through the use of a dry well, stone apron, or similar device. Additionally, the plan must include provisions for the on-going maintenance of all mitigation mechanisms established by the plan.

The permitting authority shall forward a copy of each permit issued pursuant to this Section of this Ordinance to the Department of Environmental Protection, Shoreland Zoning Unit, within 14 days of issuance.

(i) Ground Cover. Except for the allowable footpath, there shall exist complete natural ground cover consisting of forest duff, shrubs, and other woody and herbaceous vegetation within 50 feet of the normal high-water line or upland edge of a wetland. Where natural ground cover is lacking, the area must be supplemented with leaf or bark mulch and plantings of native shrubs and other woody and herbaceous vegetation in quantities sufficient to retard erosion and provide for effective infiltration of storm water.

(ii) Planting Requirements. Any planting or re-vegetation shall provide, at a minimum, for the establishment of a well-distributed planting of saplings spaced so that there is at least one sapling per 80 square feet of newly established buffer. Planted saplings may be no less than three (3) feet tall for coniferous species and no less than six (6) feet tall for deciduous species. The planting plan must include a mix of at least three (3) native species found growing in adjacent areas, with no one species making up more than 50% of the number of saplings planted unless otherwise

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approved by the Planning Board, based on adjacent stand comparison. All aspects of the implemented plan must be maintained by the applicant and future owners.

d. Prohibited Expansions: Expansion of any non-conforming structure toward a water body, tributary stream, or upland edge of a wetland is prohibited.

Expansion of any structure or portion thereof within 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a wetland, excluding structures determined to be functionally water-dependent use structures, is prohibited, even if the proposed expansion would not increase nonconformity with the water setback requirement.

Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than a non-conforming principal structure located on a parcel in the same ownership is prohibited.

Expansion of any non-conforming structures or portions thereof that legally exist and exceed the maximum allowable total (combined) floor area specifications set forth in Section 12(C)(1)(a) or Section 12(C)(1)(b), above, as applicable and considered individually, is prohibited.

e. Expansion of Structures in a Resource Protected-Slope District: If the structure is located in a Resource Protected-Slope District, expansion shall be permitted only in floor area or height; expansion in footprint area shall be prohibited.

f. Foundations and Basements: Whenever a new, enlarged or replacement foundation or basement is constructed under a non-conforming structure, the structure and new

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foundation or basement must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in Subsection 2., Relocation, below. If the completed foundation or basement does not extend beyond the exterior dimensions of the structure and the foundation does not cause the structure to be elevated by more than three (3) additional feet or more than 50 percent of the volume of the foundation or basement to be above the pre-existing ground level, it shall not be considered an expansion of the structure.

(g). [not used]

h. Attached stairs or ramp, not to exceed six (6) feet in width, shall be permitted to be added to a non-conforming structure closer to the body of water than the existing structure provided that:

- (1) No reasonable alternative location exists;
- (2) The number of stair treads or ramp length is the minimum needed to span the distance from entrance floor-level to ground level; and,
- (3) Where stair design requires treads to change direction of orientation, the dimension of landings shall not exceed six (6) feet by six (6) feet. Stairs constructed in conformance with this section shall not be considered to increase the floor area of the principal structure of which they are a part.

2. Relocation: A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the

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law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board 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 planting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

(a) Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five (5) trees are planted, no one species of tree shall make up more than fifty percent (50%) of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were moved.

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 native vegetation and/or ground cover that was disturbed, destroyed or removed.

(b) Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses,

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shrubs, trees, or a combination thereof.

*3. Reconstruction or Replacement: A non-conforming structure may be reconstructed or replaced in accordance with the following criteria:

a. In all cases in which reconstruction or replacement is permitted, the reconstructed or replacement structure shall be in compliance with all setback requirements of this Ordinance to the greatest extent practical as determined by the Planning Board or Code Enforcement Officer, as applicable. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. A structure to be reconstructed or replaced so as to eliminate all non-conformity shall be considered a new conforming structure for the purposes of administration and application of this Ordinance; the damaged or destroyed structure shall be considered to have been removed and shall be removable without requirement for a permit for removal under this Ordinance.

=b. A reconstructed or replacement structure may be increased in floor area or height with respect to floor area and height of the structure which immediately pre-existed the reconstructed or replacement structure to the extent that expansion of the pre-existing structure would have been permitted by this Ordinance.

=c. A reconstructed or replacement structure which has also been relocated shall be considered to have been an "existing structure" for the purposes of administration and application of this Ordinance to the extent that actual floor area and height of the reconstructed or replacement structure are equal to or less than those data of the structure which was reconstructed or replaced.

d. Application to expand the reconstructed or replacement structure may be combined with the application to reconstruct or replace the structure; the application shall be reviewed by and permit(s) shall be issued by the Code Enforcement Officer or by the Planning Board for those elements of the application which each has authority,

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respectively, under this Ordinance. However, when action is required by both the Planning Board and the Code Enforcement Officer, review shall be conducted jointly or otherwise coordinated to assure that all findings of fact and applications of this Ordinance are consistent with respect to all related elements of the application.

e. Nothing in this section shall prevent the timely demolition of the any portion or all of the remains of any destroyed or damaged structure by order of an authorized agent of the Town of Belgrade or other authorized person acting in a governmental administration capacity in order to provide for the public health, safety, or welfare. Such demolition of structural remains shall not be deemed to be willful destruction or damage of the structure by the owner or his agent unless the destruction or damage which created the condition requiring the order to demolish structural remains was itself an a willful act of the owner or his agent. The total extent of damage or destruction, by whomever caused, at the time of application for the permit to reconstruct or replace shall determine whether Code Enforcement Officer or Planning Board review and action is required.

(1) Non-conforming structure Damaged or Destroyed by Willful Act of or by Intent of Owner or Agent:

(a) A structure which has been damaged or destroyed by more than (50) percent of the market value of the structure prior to damage or destruction and which is damaged or destroyed by willful act or the intention of the structure's owner or his agent shall not be permitted to be reconstructed or replaced unless a permit to damage or destroy and to reconstruct or replace a prescribed portion of the structure, up to and including removal and reconstruction or replacement of the structure in its entirety, shall have been issued by the Planning Board prior to the start of damage or destruction.

(b) A structure which is damaged or destroyed by fifty (50) percent or less of the market value of the structure prior to damage or destruction and which is

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damaged or destroyed by willful act or the intention of the structure's owner or his agent shall not be permitted to be reconstructed or replaced unless a permit to damage or destroy and to reconstruct or replace a prescribed portion of the structure shall have been issued by the Code Enforcement Officer prior to the start of damage or destruction.

(2) Non-conforming structure Damaged or Destroyed by Accidental or Natural Means:

A structure which is damaged or destroyed by more than fifty (50) percent of the market value of the structure prior to damage or destruction and which is damaged or destroyed by accidental or natural means [e.g. fire, flood, vehicular accident, or other event beyond the control of the structure's owner or agent] shall be permitted to be reconstructed or replaced provided that a permit to reconstruct or replace the damaged or destroyed portion of the structure, up to and including the structure in its entirety, shall have been issued by the Planning Board within (1) year of the date on which the damage or destruction occurred.

(3) This section [12(C) (3)] of this Ordinance shall not apply to activities which constitute normal maintenance and repair of a structure.

(4) Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, and which is reconstructed as allowed by section 12 (C) (3), must be reconstructed or replaced in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined 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

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required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12C (2) above.

4. Change of Use of a Non-conforming Structure: The use of a non-conforming structure may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on the water body, tributary stream, or wetland or on the subject or adjacent properties and resources than the existing use. In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources, and other functionally water dependent uses.

D. Non-conforming Uses

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

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2. Resumption Prohibited: A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.

3. Change of Use: An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12 (C) (4) above.

E. Non-conforming Lots

*1. Non-conforming Lots: A non-conforming lot of record as of May 4, 1976, may be built on without the need for a variance provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, that the State Minimum Lot Size Law and Subsurface Waste Disposal Rules are complied with, and that all provisions of this Ordinance except lot area, shorefrontage, and minimum lot width can be met. Variances relating to setback or other requirements not involving lot size or frontage shall be obtained by action of the Board of Appeals.

2. Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State

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Minimum Lot Size Law and Subsurface Wastewater Disposal Rules are complied with for each lot conveyed.

3. Single Lot - Two or More Existing Structures or Uses: If two or more principal uses or structures existed on a single lot of record, each may be sold on a separate lot provided that each lot complies with the State Minimum Lot Size Law and the Subsurface Wastewater Disposal Rules. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

#4. Contiguous Lots - Vacant or Partially Built:

a. One or more lots partially built and one or more lots vacant:

(1) Improved lot(s) non-conforming - If at any time after the effective date of this amendment two (2) or more contiguous parcels are at any time held in single or joint ownership of record; and if any of these parcels is an improved parcel; and if at least one of these parcels is vacant; and if the improved parcel(s) do not individually meet the dimensional requirements for the prevailing use(s), the vacant parcel(s) and the improved parcel(s) shall be merged to the extent possible and necessary to minimize nonconformity with or to meet the dimensional requirements of this Ordinance applicable to the intended use(s) of the merged parcel(s). If merger results in two or more non-conforming improved parcels, the parcels resulting from merger shall be transferrable in accordance with Section 12(E) (2). In any event, an owner of two or more contiguous parcels may not combine them under this Section so as to leave a substandard lot and assert a right to an exception of the latter.

(2) Vacant lot(s) non-conforming - If at any time after the effective date of this amendment two (2) or more contiguous parcels are at any time held in single or joint ownership of record; and if any of these parcels is an

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improved parcel; and if at least one of these parcels is vacant; and if the vacant parcel(s) does not meet the dimensional requirements for the proposed use(s), no right to exception shall exist and no variance to the dimensional requirements of this Ordinance shall be grantable for the use or improvement of the vacant parcel(s).

b. All parcels vacant - If at any time after the effective date of this amendment two (2) or more contiguous parcels are at any time held in single or joint ownership of record; and if all of these parcels are vacant; and if one or more of these parcels does not meet the dimensional requirements for a proposed land use, the parcels shall be merged to the extent possible and necessary to minimize nonconformity with or to meet the dimensional requirements of this Ordinance applicable to the intended use(s) of the merged parcel(s).

If the merged parcel does not meet the dimensional requirements for the proposed use, the merged parcel shall be entitled only to the provisions of this Ordinance to which a lot of record of the date of application for permit is entitled.

In any event, an owner of two or more contiguous parcels may not combine them under this Section so as to leave a sub-standard lot, and assert a right to an exception of the latter.

#5. The requirements of Sections 12(E) (2), 12(E) (3), and 12(E) (4) are intended to apply to all lots whether shown on an approved and recorded plan or not. Corporations in which two or more directors are the same individual (or their spouses) shall be treated as the same corporation for the purposes of this Ordinance.

#F. Relocation and Reconstruction or Replacement of Conforming Structures on Non-conforming Lots.

1. Relocation: A conforming structure may be relocated

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within the boundaries of the non-conforming lot on which the structure is located provided that the site of relocation shall not cause the structure to become non-conforming and provided

that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and that the State of Maine Sub- surface Wastewater Disposal Rules (Rules) or that a new system can be installed in compliance with the law and said Rules.

2. Reconstruction or Replacement: A conforming structure which is located on a non-conforming lot may be reconstructed or replaced according to the following criteria:

a. In all cases in which reconstruction or replacement is permitted, the reconstructed or replacement structure shall be a conforming structure as determined by the criteria set forth in this Ordinance, as amended, effective on the date application to reconstruct or replace is determined to be complete. In no case shall a conforming structure be reconstructed or replaced so as to become a non-conforming structure.

b. A reconstructed or replacement structure may be expanded to the extent permitted by Ordinance. Application to expand may be combined with application to reconstruct or replace and shall be submitted to the permitting authority of Table 1 of this Ordinance having authority to grant permits for a new structure of the same type on a non-conforming lot.

c. Nothing in this section shall prevent the timely demolition of any portion or all of the remains of any destroyed or damaged structure by an authorized agent of the Town of Belgrade or other authorized person acting in a governmental administration capacity in order to provide for the public health, safety, or welfare. Such demolition of structural remains shall not be deemed to be willful destruction or damage of the structure by the owner or his agent unless the destruction or damage which created the condition requiring the order to demolish structural remains

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was itself a willful act of the owner or his agent.

(1) Conforming Structure Damaged or Destroyed by Willful Act of or by Intent of Owner or Agent:

A structure which has been damaged or destroyed by willful act or the intention of the structure's owner or his agent shall not be permitted to be replaced or reconstructed unless a permit to damage or destroy and to reconstruct or replace a prescribed portion of the structure, up to and including removal and reconstruction or replacement of the structure in its entirety, shall have been issued by the Code Enforcement Officer prior to start of damage or destruction.

(2) Conforming Structure Damaged or Destroyed by Accident or Natural Means:

A structure which is damaged or destroyed in part or in total by accidental or natural means [e.g. fire, flood, vehicular accident, or other event beyond the control of the structure's owner or agent] shall be permitted to be reconstructed or replaced provided that a permit to reconstruct or replace the damaged or destroyed portion of the structure, up to and including the structure in its entirety, shall have been issued by the Code Enforcement Officer within one (1) year of the date on which the damage or destruction occurred.

This Section [12(F)(2)] of this Ordinance shall not apply to activities which constitute normal maintenance and repair of a structure.

Section 13. Establishment of Districts

A. Resource Protection District

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The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District:

++1. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands and wetlands associated with great ponds and rivers which are rated "moderate" or "high" value by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) as of December 31, 2008.

2. Flood plains along rivers and flood plains along artificially formed great ponds along rivers, defined by the 100 year flood plain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.

3. Areas of two or more contiguous acres with sustained slopes of 20% or greater. Areas meeting these criteria shall be in a subdistrict designated Resource Protection-Slope District.

Upon clear showing by an applicant that an area within a Resource Protection-Slope District as delineated on the Shoreland Zoning Map has sustained "negative slope" -- i.e. sustained slope away from -- with respect to the water body or water bodies subject to protection, the Planning Board may waive applicability of the Resource Protection District land use standards of this Ordinance with respect to that portion of a lot's land area within the Resource Protection-Slope District determined to have "negative slope". An

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application considered under such a waiver shall then be granted or denied a permit based on the criteria applicable to the District contiguous with the land area subject to waiver.

Where land areas are within a Resource Protection District based solely on proximity to wetlands and where development existing on the effective date of this Ordinance is at a density of one (1) principal use structure per two (2) acres, or moreso, over a ten (10) acre area within the Shoreland Zone, the Planning Board may apply the land use standards of this Ordinance applicable to the Limited Residential District to lots developed for residential use as of the effective date of this Ordinance and to vacant lots between lots developed for residential use as of the effective date of this Ordinance.

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

5. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement

6. Areas designated by federal, state or municipal governments as natural areas of significance to be protected from development.

B. Limited Residential District

The Limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, or Stream Protection District, and areas which are used less intensively than those in the Limited Commercial District, or the General Development District

C. Limited Commercial District

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The Limited Commercial District includes areas of mixed light commercial and residential uses, exclusive of the Stream Protection District, which should not be developed as intensively as the General Development District. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

D. General Development District

The General Development District includes the following types of areas:

1. Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:

a. Areas devoted to manufacturing, fabricating or other industrial activities;

b. Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and

c. Areas devoted to intensive recreational development and activities, such as, but not limited to amusement parks, race tracks and fairgrounds.

2. Areas otherwise discernable as having patterns of intensive commercial, industrial or recreational uses:

a. Portions of the General Development District may also include residential development. However, no area shall be designated as a General Development District based solely on residential use.

b. In areas adjacent to great ponds and adjacent to rivers flowing to great ponds, the designation of an area as a General Development District shall be based upon uses existing at the time of adoption of this Ordinance. There shall be no

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newly established General Development Districts or expansions in area of existing General Development Districts adjacent to great ponds, and adjacent to rivers which flow to great ponds.

E. Stream Protection District

The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland. Where a stream and its associated shoreland area is located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

Section 14. Table of Land Uses

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

Key to Table 1:

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

No - Prohibited

PB - Requires permit issued by the Planning Board

CEO - Requires permit issued by the Code Enforcement Officer

LPI - Requires permit issued by the Local Plumbing Inspector

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Abbreviations:

RP - Resource Protection
LR - Limited Residential
LC - Limited Commercial
GD - General Development
SP - Stream Protection

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TABLE 1. LAND USES IN THE SHORELAND ZONE

LAND USE	DISTRICT				
	SP	RP	LR	LC	GD
1. Non-intensive recreational use, no structures (e.g. hunting, fishing, hiking)	YES	YES	YES	YES	YES
2. Motorized vehicular traffic on existing roads & trails	YES	YES	YES	YES	YES
3. Forest management, except timber harvesting	YES	YES	YES	YES	YES
4. Timber Harvesting	YES ³	CEO ³	YES ³	YES ³	YES ³
5. Clearing or removal of vegetation for activities other than timber harvesting.	CEO	CEO ¹	YES	YES	YES
6. Fire prevention activities	YES	YES	YES	YES	YES
7. Wildlife management practices	YES	YES	YES	YES	YES
8. Soil and water conservation practices	YES	YES	YES	YES	YES
9. Mineral exploration	NO	YES ²	YES ²	YES ²	YES ²
10. Mineral extraction (incl. sand and gravel extraction)	NO	NO	NO	NO	NO
11. Surveying and resource analysis	YES	YES	YES	YES	YES
12. Emergency operations	YES	YES	YES	YES	YES

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13. Agriculture	YES	PB	YES	YES	YES
14. Aquaculture	PB	PB	PB	YES	YES
15. Principal structures *or uses					
A. One/two family residential					
(1) Non-conforming lot	PB [*]	NO	PB	PB	CEO
(2) Conforming lot	PB [*]	NO ⁺⁺	CEO	CEO	CEO

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TABLE 1. LAND USES IN THE SHORELAND ZONE (continued)

LAND USE	DISTRICT				
	SP	RP	LR	LC	GD
B. Multi-residential	NO	NO	PB	PB	PB
C. Commercial	NO	NO	NO	PB	PB
D. Industrial	NO	NO	NO	NO	PB
E. Government, institutional	NO	NO	PB	PB	PB
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes.	PB ⁴	PB ¹⁰	CEO	CEO	CEO
16. Structures accessory to allowed uses					
A. Non-conforming lot	PB ⁴	PB ⁸	PB	PB	CEO
B. Conforming lot	PB ⁴	PB ⁸	#CEO	CEO	CEO
17. Conversion of seasonal residence to year-round residence	LPI	NO	LPI	LPI	LPI
18. Home occupations	PB	PB	PB	CEO	YES
19. Private sewage disposal systems for allowed uses	LPI	NO ⁹	LPI	LPI	LPI
20. Essential services	PB ⁵	PB ⁵	PB	PB	PB
21. Service drops to allowed uses	YES	YES	YES	YES	YES

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22. Public & private

Recreational facilities

PB

PB:0 PB

CEO

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TABLE 1. LAND USES IN THE SHORELAND ZONE (continued)
 LAND USE DISTRICT

	SP	RP	LR	LC	GD
23. Individual, private campsites	PB	PB ¹⁰	PB	CEO	CEO
24. Campgrounds	NO	NO ^{6,10}	PB	PB	PB
25. Road & Driveway construction	NO	NO ⁷	PB	PB	PB
26. Parking facilities	NO	NO ^{6,10}	PB	PB	PB
27. Marinas	PB	NO	PB	PB	PB
28. Filling and earthmoving of <10 cubic yards	CEO	CEO	YES	YES	YES
29. Filling and earthmoving of >10 cubic yards	PB	PB ⁹	CEO	CEO	CEO
30. Signs	YES	YES	YES	YES	YES
31. Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO
32. Uses similar to uses re- quiring CEO permit	CEO	CEO	CEO	CEO	CEO
33. Uses similar to uses re- quiring a PB permit	PB	PB	PB	PB	PB

NOTES TO TABLE 1:

¹In RP district not permitted within 75 feet of normal high-water line of great ponds, except to remove safety hazards.

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² Requires permit from CEO if more than 100 sq. ft. of surface area, in total, is disturbed or permit from PB if in a RP-Slope district.

³ PB permit required if more than 5-acres, total, within Shoreland Zone is to be timber harvested within any 5-year period or if timber harvesting is to occur within an RP-Slope district.

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

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⁵ See further restrictions in Section 15(K) (2).

⁶ Except when area is zoned RP due to floodplain criteria, in which case a permit is required from the PB

⁷ Except to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the RP area, in which case a permit from the PB is required.

⁸ Reserved

⁹ In RP-Slope district, requires PB approval in accordance with Section 15(T)

¹⁰ Not permitted in a RP-Slope district.

¹¹ Permitted in developed areas by PB determination as provided by Section 13(A) (3).

NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection pursuant to Title 38 M.R.S.A., Section 480-C, if the activity occurs in, on, over or adjacent to any freshwater wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them: dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials; draining or otherwise dewatering; filling; or any construction or alteration of any permanent structure.

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Section 15. Land Use Standards

All land use activities within the shoreland zone shall conform with the following provisions, if applicable:

A. Minimum Lot Standards

1.	Minimum Lot Area Within Shoreland Zone (sq.ft.)	Minimum Unint- errupted Shore Frontage (ft.)
a. Residential, per dwelling unit		
	40,000	200
*b. Governmental, Institutional, Commercial or Industrial per principal structure or use		
	60,000	300
c. Public and Private Recreational Facilities		
	40,000	200
d. Individual, Private Campsite		
	30,000	See Section 15(E)(1)

2. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.

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

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4. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high- water line of a great pond, river, or upland edge of a wetland or of any lot within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.

5. If more than one residential dwelling unit, or more than one principal governmental, institutional, commercial or industrial structure, or use or combination thereof, is constructed or established within the shoreland zone on a single parcel, all dimensional requirements shall be met for each additional dwelling unit or principal structure or use. In determining whether minimum lot area requirements are met, only land area within the Shoreland Zone shall be considered. In determining whether minimum shore frontage requirements are met, only shore frontage uninterrupted by a shorefront parcel in separate ownership shall be considered.

Not more than two (2) residential dwelling units in any one (1) structure shall be permitted within the Shoreland Zone.

B. Principal and Accessory Structures

*1. Unless otherwise provided in this Ordinance, all new principal and accessory structures or expansion of existing principal and accessory structures shall be set back at least one hundred (100) feet from the normal high-water line of great ponds and rivers that flow into great ponds, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams or the upland edge of a wetland, except that in the General Development District the setback from the normal high-water line shall be at least twenty-five (25) feet and in the Limited Commercial District the one-hundred (100) foot setback may be waived by the Planning Board and the permitted setback established at the average setback of existing adjacent structures, but in no

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event may the setback be permitted to be to less than twenty-five (25) feet. In the Resource Protection district the setback requirement shall be 250 feet, except for structures, roads, parking spaces other regulated objects specifically allowed in that district, in which case the setback requirements specified above shall apply. In addition:

a. The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water dependent uses.

*b. The Planning Board shall increase the required setback of a proposed structure, as a condition to permit approval, if necessary to accomplish the purposes of this ordinance. Instances where a greater setback may be appropriate include, but not be limited to, areas of steep slope; shallow or erodible soils; or where an adequate vegetative buffer does not exist.

c. On a non-conforming lot of record on which residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty(80) square feet in area or eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

2. Principal or accessory structures and expansions of existing structures shall not exceed thirty-five (35) feet in height or one-half (1/2) foot per one (1) foot of setback from a public or privately-owned road or private right-of-way used in common with others, whichever is more restrictive, except

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that antenna structures which require height in excess of thirty-five (35) feet in order to achieve effective communication within the terms of a license issued by the Federal Communications Commission to a person having standing with respect to use of the land subject to application for permit shall be exempt from the height limitation specified herein. Antenna structures which are determined to be exempt from the height limitation of this Ordinance shall also be exempt from side and rear lot boundary and road setback requirements of this Ordinance except that the antenna structure shall not be located closer than forty (40) percent of the antenna structure height to any lot boundary line or the near limit of any public road or privately-owned road, unless a variance shall have been obtained from the Board of Appeals based on presentation of engineering data by a Registered Professional Engineer attesting to the public safety of the proposed antenna structure placed at a lesser setback dimension.

3. The lowest floor elevation or openings of all buildings and structures including basements shall be elevated in accordance with the requirements of the Town of Belgrade Floodplain Management Ordinance.

4. The lot coverage (footprint of all un-vegetated surfaces) of any lot within the shoreland zone shall not exceed twenty (20) percent of the lot area.

5. Notwithstanding the requirements stated above, accessory structure stairways or similar structures may be allowed with a permit from the Planning Board, to provide shoreline access in areas of steep slopes or unstable soils provided that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38, Section 480-C); and that the

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applicant demonstrates that no reasonable access alternative exists on the property.

6. Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:

(a) The site has been previously altered and an effective vegetated buffer does not exist;

(b) The wall(s) is (are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;

(c) The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;

(d) The total height of the wall(s), in the aggregate, are no more than twenty-four (24) inches;

(e) Retaining walls are located outside of the 100-year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.

(f) The area behind the wall is re-vegetated 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 twenty-five (25) feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland

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edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:

(i) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;

(ii) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;

(iii) Only native species may be used to establish the buffer area;

(iv) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;

(v) A footpath not to exceed the standards in Section 15 (0)(2)(a), may traverse the buffer;

NOTE: If the wall and the associated soil disturbance occurs within seventy-five (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.

7.. New principal or accessory structures and expansions of existing principal or accessory structures shall be located within the non-shorefront boundaries of the lot such that no portion of any structure is closer than ten (10) feet to any non-shorefront boundary of the lot. In addition, no structure shall be constructed or expanded closer than twenty-five (25) feet to the near limit of the right-of-way of any public road, privately-owned road, or right-of-way used in common with others.

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C. Campgrounds

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

1. Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.

2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet from the normal high-water line of a great pond or a river flowing to a great pond, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland. In addition, the Planning Board shall increase the required setback of a proposed structure, as a condition to permit approval, if necessary to accomplish the purposes of this ordinance. Instances where a greater setback may be appropriate include, but not be limited to, areas of steep slope; shallow or erodible soils; or where an adequate vegetative buffer does not exist.

D. Individual Private Campsites

Individual, private campsites not associated with campgrounds are permitted, except in the Resource Protection-Slope District, provided the following conditions are met:

1. One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted, providing that, if the lot abuts a lake, pond, river, or stream, a minimum frontage of one hundred fifty

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(150) feet on such body of water exists.

2. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet from the normal high-water line of a great pond or river flowing to a great pond, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland. In addition, the Planning Board shall may increase the required setback of a proposed structure, as a condition to permit approval, if necessary to accomplish the purposes of this ordinance. Instances where a greater setback may be appropriate include, but not be limited to, areas of steep slope; shallow or erodible soils; or where an adequate vegetative buffer does not exist.

3. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.

4. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.

*5. If wastewater is to be disposed of on-site, a sub-surface wastewater disposal system plan shall be provided on Department of Human Services form HHE 200 and a permit issued by the Local Plumbing Inspector before the site is occupied.

If wastewater disposal is to be accomplished by transferring wastewater from an on-site holding facility to a receiving facility off-site, written authorization from the receiving facility or land owner is required and to be on file at the Town of Belgrade Municipal Office before the site is occupied.

6. When a recreational vehicle, tent or similar shelter

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

E. Commercial and Industrial Uses

The following new commercial and industrial uses are prohibited within the shoreland zone adjacent to great ponds, and rivers and streams which flow to great ponds:

1. Auto washing facilities
2. Auto or other vehicle service and/or repair operations, including body shops.
3. Chemical and bacteriological laboratories.
4. Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms.
5. Commercial painting, wood preserving, and furniture stripping.
6. Dry cleaning establishments
7. Electronic circuit assembly
8. Laundromats, unless connected to a sanitary sewer
9. Metal plating, finishing, or polishing.
- +10. Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas.
11. Photographic processing
12. Printing
13. Any other activity which requires special storage or disposal methods or facilities for chemicals or compounds, other than common household items in typical household quantities, which are potential pollutants or contaminants of bodies of water or the aquifer.

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F. Parking Areas

1. Parking areas shall meet the shoreline or tributary stream, setback requirements for structures for the district in which such areas are located.

2. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent storm water runoff from flowing directly into a water body, tributary stream, or wetland, and where feasible, to retain all runoff on-site.

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

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

b. Internal travel aisles: Approximately twenty (20) feet wide.

G.. Roads and Driveways

The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features. Public or privately-owned roads within the Shoreland Zone shall be constructed in accordance with the requirements of the Town of Belgrade Subdivision Ordinance, if the subdivision is located within the Shoreland Zone, Town of Belgrade Road Ordinance and the requirements which follow. In the event of conflict between the Town of Belgrade Subdivision Ordinance, if applicable, the Town of Belgrade Road Ordinance, and this Ordinance, the more restrictive requirement shall apply. Maintenance of required control installations shall continue until the road is

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discontinued or put to bed.

1. Roads and driveways shall be set back at least one hundred (100) feet from the normal high-water line of a great pond or a river that flows to a great pond, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet 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 for each five (5) percent increase in slope above twenty (20) percent.

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

2. Existing public roads may be expanded within the legal road right-of-way regardless of its setback from a water body, tributary stream or wetland.

3. New roads and driveways are prohibited in a Resource

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Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.

4. Road bank and driveway shoulder slopes shall be no steeper than a slope of three (3) horizontal to one (1) vertical and road back slopes 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 subsection P.

5. Road and driveway grades shall be no greater than ten (10) percent except for short segments of less than two hundred (200) feet.

6. In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads, and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

7. 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

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flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:

a. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road or driveway at intervals no greater than indicated in the following table:

<u>Grade</u> <u>(Percent)</u>	<u>Spacing</u> <u>(Feet)</u>
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21+	40

b. Drainage dips may be used in place of ditch relief culverts only where the road grade is ten (10) percent or less.

c. On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.

d. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

8. 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.

H. Signs

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

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

I. Storm Water Runoff

1. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where

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possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm waters.

2. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

J. Septic Waste Disposal

All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules (Rules), and the following:

a. Clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a waterbody or the upland edge of a wetland and

b. A holding tank is not allowed for a first-time residential use in the shoreland zone.

K.. Essential Services

1. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

2. The installation of essential services, other than roadside distribution lines, is not permitted in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where permitted, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

3. Damaged or destroyed public utility transmission and

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distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

L.. Mineral Exploration and Extraction

Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes, shall be immediately capped, filled or secured by other equally effective measures, so as to restore disturbed areas and to protect the public health and safety. Mineral extraction is not permitted within the Shoreland Zone.

M.. Agriculture

1. All spreading or disposal of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. Sections 4201-4209).

2. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond 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.

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

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violation of this Ordinance.

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

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

N. Timber Harvesting

1. Within the strip of land extending 75 feet inland from the normal high-water line in a shoreland area zoned for resource protection abutting a great pond there shall be no timber harvesting, except to remove safety hazards.

2. Except in areas as described in Paragraph 1 above or as provided in Paragraph 2(b) below, timber harvesting shall conform with the following provisions:

a. Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:

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(1) Within one-hundred (100) feet, horizontal distance of the normal high-water line of a great pond or a river flowing to a great pond, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clear-cut openings and a well distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.

(2) At distances greater than one hundred (100) feet, horizontal distance, of a great pond or a river flowing to a great pond, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clear-cut openings greater than ten thousand (10,000) square feet in the forest canopy. Where such openings exceed five thousand (5000) square feet they shall be at least one hundred (100) feet apart. Such clear-cut openings shall be included in the calculation of total volume removal. For the purposes of these standards volume may be considered to be equivalent to basal area.

#*b. Upon clear showing by submission of a forest management plan signed by a Maine Licensed Professional Forester establishing that exemption from the forty (40) percent cutting limitation of Paragraph 2(a), above, is necessary for good forest management, the Planning Board may permit cutting in excess of the forty (40) percent of the volume of trees as specified in Paragraph 2(a). When timber harvesting is permitted under the provisions of this Section, the Planning Board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed within fourteen (14) days of permit issuance.

c. No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies

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on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.

d. Timber harvesting equipment shall not use stream channels as travel routes except when:

- (1) Surface waters are frozen; and
- (2) The activity will not result in any ground disturbance.

e. All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.

f. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.

g. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet, horizontal distance, in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty five (25) feet from the normal high-water line of a water body or upland edge of a wetland.

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*h. Timber harvesting covering an aggregate area on a lot or on contiguous lots in common ownership and within the Shoreland Zone larger than five (5) acres in any five (5) year period shall require issuance of a permit by the Planning Board. Application shall be accompanied by a plan signed by a Maine Licensed Professional Forester consisting of: a sketch map of at least 500 (five-hundred) feet to 1 (one) inch which indicates the location of all areas to be cut, areas of landings, roads, and principal skid trails; location of all water bodies; location of all areas of slope of 10 (ten) percent, or greater, to be harvested or traversed; a brief narrative description of the cutting treatments and the reasons for them; a brief narrative description of specific plans for complying with the provisions of this Ordinance, including but not limited to control of sedimentation and soil erosion; and the specific plans for land reclamation/reforestation.

When operations are complete and all post-harvest measures such as slash disposal, seeding of landings and roads, and removal of culverts and other equipment is complete, a written certification that the provisions of the plan submitted with application and the relevant provisions of this Ordinance have been complied with, signed by a Maine Registered Professional Forester, shall be submitted to the Planning Board.

O.. Clearing or Removal of Vegetation for Activities other than Timber Harvesting.

1. Within a shoreland area zoned for Resource Protection abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards. Elsewhere, in any Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

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2. Except in areas as described in Paragraph 1, above, and except to allow for the development of permitted uses, within a strip of land extending one hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond or a river flowing to a great pond, and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

a. There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forest 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 are permitted 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 permitted 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 a great pond or a river or stream flowing to a great pond, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

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

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

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foot rectangular area. The following shall govern in applying this point system:

(i) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;

(ii) Each successive plot must be adjacent to, but not overlap a previous plot;

(iii) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;

(iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by 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 15 (O) (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.

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 foot path or other permitted uses as described in Section (O) paragraphs (2) and (2)(a) above.

d. Pruning of tree branches, on the bottom 1/3 of the tree is permitted.

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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.

The provisions contained in paragraph 2 above shall not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas, however, shall be limited to the minimum area necessary.

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

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

4. Cleared openings legally in existence on the effective date of this Ordinance may be maintained, but shall not be enlarged, except as permitted by this Ordinance.

5. Fields and other cleared openings which have reverted

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to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 15(O).

P.. Erosion and Sedimentation Control

1. All activities within the Shoreland Zone 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 a drawing or drawings clearly showing:

- a. slopes, direction, and percent scale and final grades;
- b. location and extent of all soils to be disturbed;
- c. location of water bodies and drainage swales;
- d. location and identification of all temporary and permanent erosion control measures (e.g. silt fence locations, diversions, rip-rap, etc.); and,
- e. timetables or milestones for key project activities and for implementation of each erosion control measure.

2. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

3. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

4. The owner or his agent shall inspect erosion control measures at least once each week and any maintenance or

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corrective action required shall be taken immediately.

5. Erosion control measures should be maintained until the site is fully stabilized, including attainment of at least ninety (90) percent vegetation cover and until channels/ditches are stabilized. (Note: Stabilization may be achieved within as little as 2 months or may require as long as a year, depending on conditions local to the site.)

6. Bare soil shall be adequately protected according to the following standards:

a. All areas where ground cover is removed due to excavation, grading, or filling shall be temporarily stabilized by mulching with hay at a rate of not less than two (2) bales per one thousand (1,000) square feet. Such mulch shall be placed within seven (7) days of the removal of ground cover. On areas where slopes average greater than eight (8) percent or where the Board otherwise indicates based upon site review by the Code Enforcement Officer, and on any and all waterways and ditches, mulch shall be secured, when placed, with anchored erosion control netting.

b. Ground cover shall not be removed between September 15th and May 1st from areas with an average slope in excess of eight (8) percent without Board approval. Ground cover may be removed during this period from areas with lesser average slopes if the area is mulched within two (2) days of the removal of ground cover.

c. In areas where ground cover is removed, the area shall be permanently stabilized as soon as is practical, either by structural method meeting the standards and specifications of the "Maine Erosion and Sediment Control Handbook for Construction", Cumberland County Soil and Water Conservation District, March 1991 and subsequent amendments or by permanent vegetative cover. In no case shall permanent seeding of grassed areas be placed later than September 15th.

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Sod shall be placed in accordance with State of Maine Department of Transportation "Standards and Specifications - Highways and Bridges", Section 616, revised January 1984, and shall not be placed later than October 30th unless authorized by the Code Enforcement Officer. The Code Enforcement Officer may allow placement of the sod after October 30th provided that the sod is not frozen and it is not placed on frozen soil.

d. For areas in which permanent stabilization is not feasible within ninety (90) days from the start of construction, or when construction will be interrupted for longer than two (2) months, the disturbed areas shall be stabilized with a temporary vegetative cover, or with mulch secured with erosion control netting. Such temporary measures shall be applied according to the specifications contained in "Maine Erosion and Sediment Control Handbook for Construction", Cumberland County Soil and Water Conservation District, March 1991 and subsequent amendments.

7. Water channels, including ditches, culvert inlets, culvert outlets, and detention basin outlets shall be stabilized by seeding, sodding, paving, or stone lining within fourteen (14) days of the start of construction unless a waiver is obtained from the Code Enforcement Officer. Where a vegetative cover is to be established, mulch and seed applications shall be anchored with erosion control netting.

8. Cut and fill slopes shall not exceed a three to one (3:1) slope and shall be stabilized with vegetation, rock or other suitable measures as specified in "Maine Erosion and Sediment Control Handbook for Construction", Cumberland County Soil and Water Conservation District, March 1991 and subsequent amendments.

9. Until a disturbed area is permanently stabilized, sediment in runoff water shall be trapped by the use of debris basins, sediment basins, silt traps, filter berms, check dams,

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or other suitable measures. Once the site is stabilized, temporary erosion and sedimentation control measures shall be removed and accumulated sediment placed at the site designated in the approved erosion and sedimentation control plan.

10. If streams will be worked or crossed, special measures shall be specified to protect the stream, which may include constructed stream crossings or bridges, stream diversion or detention measures, or measures approved by the Maine Department of Environmental Protection pursuant to permitting procedures under the Natural Resources Protection Act.

11. Existing catch basins and culverts on or adjacent to the site shall be protected from sedimentation by the use of hay bale checkdams, silt fences or other suitable measures.

12. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty five (25) year storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

Q. Soils

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

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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.

R. Water Quality

No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances will impair designated uses or the water classification of the water body.

S. Archaeological Sites

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

T. Resource Protection-Slope District

The following land use activities within the Resource Protection-Slope District shall require the submission of a Soils and Erosion and Sedimentation Control Plan prepared by a Maine Registered Professional Engineer and shall be conducted, if permit is issued by the Planning Board, under the supervision of a Maine Registered Professional Engineer:

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1. Expansion of existing structures
2. Construction or Expansion of Foundations, Frost Walls, etc.
3. Maintenance and Construction of Privately-owned Roads and Driveways
4. Construction or Expansion of Subsurface Wastewater Disposal Systems
5. Construction or Expansion of Storm Water Runoff Control Systems
6. Mineral Exploration
7. Clearing of Vegetation for Development
8. Construction of Newly Permitted Structures
9. Construction of Steps, Walkways, etc.
10. Excavation or Filling in Excess of Ten (10) Yards of Material
11. Demolition of Existing Structures

The above-listed activities shall be permitted by the Planning Board only upon clear showing by the applicant that erosion and sedimentation levels during and subsequent to completion of the land use activity can be reliably maintained under all conditions so as not to exceed the extent of erosion and sedimentation which was observed under comparable conditions prior to undertaking of the proposed land use activity.

Upon completion of each land use activity permitted under this Section, a Maine Registered Professional Engineer shall certify to the Planning Board in writing that the activity

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permitted has been completed in compliance with the Soil and Erosion and Sedimentation Control Plan approved by the Planning Board.

Section 16. Administration

A. Administering Bodies and Agents

1. Code Enforcement Officer (CEO): A Code Enforcement Officer shall be appointed or reappointed annually by July 1st.

2. Board of Appeals: A Board of Appeals shall be created in accordance with the provisions of Title 30-A Section 2691.

3. Planning Board: A Planning Board shall be created in accordance with the provisions of State law.

***B. Permits Required**

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

(1) A permit is not required for the replacement of an existing road culvert as long as:

(a) The replacement culvert is not more than 25% longer than the culvert being replaced;

(b) The replacement culvert is not longer than 75

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feet; and

(c) Adequate erosion control measures are taken to prevent sediment of the water, and the crossing does not block fish passage in the watercourse.

(2) A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

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

C. Permit Application

1. Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.

*2. All applications shall be signed by the owner or owners of the property or other person authorizing the work, certifying that the information in the application is complete and correct. If the person signing the application is not the owner or lessee of the property, then that person shall demonstrate standing to apply for the requested permit.

3. All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.

4. If the property is not served by a public sewer and if the proposed land use or construction requires construction, expansion, or modification of subsurface

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wastewater disposal facilities, the applicant shall submit with application for permit under this Ordinance a plumbing permit issued by the Local Plumbing Inspector; the plumbing permit submitted shall not have expired on or before the date of final application consideration.

If no plumbing permit is submitted with application, the applicant shall submit a statement from the Local Plumbing Inspector that existing subsurface wastewater disposal facilities are approved for the proposed land use or construction and that the application is, therefore, exempt from the requirement that a plumbing permit be filed with application, except that when proposed land use or construction requires no disposal of wastewater or creates no increase in load on an existing subsurface wastewater disposal facility, the Code Enforcement Officer or Planning Board may waive requirement for submission of a plumbing permit with application upon clear showing that exemption is permissible by the facts of the application.

No permit shall be issued for construction or expansion of any structure or for any land use requiring subsurface wastewater disposal subject to the provisions of this Ordinance absent either a plumbing permit valid on the date of issuance of the permit or a statement of record of exemption by the Local Plumbing Inspector.

*5. All applications shall be accompanied by any and all application fees established by the municipality which are applicable to the land use or classification of the structure(s) for which application for permit is being made. Application fee shall be based on description of proposed land use or development at the time of application submittal; changes requested by applicant to initially proposed land use or development or changes required to render permitted land use or development to be in compliance with applicable laws, ordinances, and regulations may require applicant to make payment of additional fees, as determined by fee schedule, but

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will in no case be a basis for refund of any fees paid.

Application fees paid on applications which are withdrawn or denied are not refundable. Applications received and for which schedule application fee(s) have not been received by the Town of Belgrade shall be considered incomplete and shall not be acted upon until such time as fees due are paid.

When determination is made during application consideration that additional fees are due and payable, consideration and action on the application may be continued. However, Code Enforcement Officer or Planning Board Approval of application shall not be deemed to have occurred, approval in all other respects notwithstanding, and issuance of permit shall be withheld until all fees due have been paid.

D. Procedure for Administering Permits

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

The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes

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and provisions of this Ordinance.

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

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

*If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted to an application if the structure would be located in an unapproved subdivision or would violate any other local ordinance or regulation or any State law which the municipality is responsible for enforcing.

E. Expiration of Permit

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

F. Installation of Public Utility Service

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

G. Appeals

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

a. Administrative Appeals: To hear and decide administrative appeals on a de novo basis where it is alleged by the 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 or Planning Board in administration of this Ordinance;

. Enforcement appeals shall be made to Superior Court in accordance with State law.

b. Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance. Variance appeals shall be heard on a de novo basis.

2. Variance Appeals: Variances may be granted only

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under the following conditions:

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

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

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

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

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

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

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

(c) That the granting of a variance will not alter the essential character of the locality; and,

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

d. The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such

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conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

e. A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

*f. 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 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 that the time the person with 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.

3. Administrative Appeals

When the Board of Appeals reviews a decision of the Code Enforcement Officer or the Planning Board, 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

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law, and reaching its own decision.

a. Making an Appeal

(1) 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 noted in Section 16(G)(1)(a) above. Such 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.

(2) Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:

(a) A concise written statement indicating what relief is requested and why it should be granted.

(b) A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.

(3) 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.

*(4) The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within forty-five (45) days of its receipt of a complete written application, unless this time period is extended by the parties.

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b. Decision by Board of Appeals

(1) A majority of the full voting membership of the board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.

(2) The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter on which it is required to decide under this Ordinance, or to affect any variation in the application of this Ordinance from its stated terms. The board may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance.

(3) The person filing the appeal shall have the burden of proof.

(4) The Board shall decide all appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.

(5) The Board of Appeals shall state the reasons and the basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board's decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.

*5.. Appeal to Superior Court

Except as provided by 30-A M.R.S.A. section 2691 (3)(F) any aggrieved party who participates 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

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(45) days from the date of any decision of the Board of Appeals.

6.. Reconsideration

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

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

H. Enforcement

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

2. Code Enforcement Officer (CEO)

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,

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buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.

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

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

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

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unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

4. Fines: Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with Title 30-A, Maine Revised Statutes Annotated, section 4452.

*I. Special Exception/Conditional use Permits in Resource Protection and Resource Protection-Slope Districts.

Where one or more lots in the same ownership and in entirety or in part are located within a Resource Protection or Resource Protection-Slope district as shown on the Town of Belgrade Shoreland Zoning Map and the applicant demonstrates based on field survey that a substantial portion of that lot area located within the Resource Protection or resource Protection-Slope district is at variance with the criteria of Section 13(a) and that the following criteria are met, the Code Enforcement Officer or Planning Board, as defined in this Ordinance, may issue a Special Exception/Conditional Use permit upon finding that the requirements for development in a Limited Residential district can otherwise be met. In all instances, the burden of proof is upon the person proposing the special exception/conditional use. In issuing its decision, the reviewing authority (Code Enforcement Officer or Planning Board) shall make findings of fact establishing that the proposed special exception/conditional use does or does not meet the criteria of this section of this Ordinance.

1. For area within a Resource Protection district, the lot area subject to a permit under this section shall be:

a. part of a lot or contiguous lots which in aggregate meet all dimensional requirements of a conforming

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lot as specified in Section 15; and,

b. more than 250 feet from the upland edge of a wetland based on field determination by a [State Certified Individual] of the actual location of the upland edge of the wetland; and,

c. at least 15,000 sq. ft. of contiguous area outside the 250 foot line defined in Section 16(I)(1)(A.), above; and,

d. access to the lot area is available from a great pond or stream, a public road, or a privately owned road existing at the time of application without requiring the access way to traverse any area within the Resource Protection district from which exception is sought or to traverse a Resource Protection-Slope district.

2. For area within a Resource Protection-Slope district, the lot area subject to a permit under this section shall be:

a. part of a lot or contiguous lots which in gross aggregate meet all dimension requirements of a conforming lot as specified in Section 15; and,

b. at least 15,000 sq. ft. of contiguous area of less than 10-percent slope; and,

c. access to the lot area is available from a great pond, a stream, a public road, or a privately owned road existing at the time of application without requiring the accessway to traverse the Resource Protection-Slope district from which exception is sought or to traverse a Resource Protection district.

3. The permitting authority shall condition Special Exception/Conditional Use permits to explicitly define the land areas subject to such permit, to explicitly define permitted access, and to impose such other conditions as the special exception/conditional use may require to meet the criteria of Section 16(D).

4. Granting of a Special Exception/Conditional Use permit shall not alter the boundary of the district in which

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the lot(s) or part(s) thereof subject to such permit are located. From time-to-time, but at least once in every 4 years, the Planning Board shall review the boundaries of the Resource Protection and Resource Protection/Slope districts as shown on the Shoreland Zoning Map and propose to the municipal legislative body specific revisions to district boundaries to redesignate as Limited Residential district or area outside the Shoreland Zone those land areas for which Special Exception/Conditional Use permits have been previously granted.

5. Special exception(s) and conditional use(s) permitted under this Section shall be limited specifically and strictly to that exception(s) or use(s) requested by specification on the application and approved or approved with conditions by the reviewing authority (Code Enforcement Officer or Planning Board). The special exception(s) and conditional use(s) shall be explicitly stated on any permit issued to the applicant.

6. Additionally, any and all development(s) or change(s) of use of the lot area subject to special exception/conditional use permit not expressly permitted by Section 14 of this Ordinance in a Resource Protection or Resource Protection-Slope District shall require application for permit to the appropriate reviewing authority (Code Enforcement Officer or Planning Board) as specified by this Ordinance for land areas within a Resource Protection or Resource Protection-Slope District, as applicable. Special exception/conditional use permits shall contain the requirement of this Subsection as a condition of permit.

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Section 17. Definitions

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

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

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

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

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

=Basement - any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its

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volume below ground level. For the purposes of this definition, a "basement" may have either a "dirt" or a "constructed" floor and wall structures may be of wood, concrete, or other structural material. A "basement" may be "unfinished", partially "finished", or "finished" and suitable for occupancy. The term "basement" excludes foundation (defined elsewhere), "frost wall", "crawl space", etc.

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

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

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

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

Complete application - a complete application for permit consists of payment of the required application fee, if any; submission of an approved plumbing permit or a statement from the Local Plumbing Inspector that no plumbing permit is required, if the proposed expansion or change impacts the requirements for wastewater disposal; submission of a sketch drawn to approximate scale showing the location of all existing structures, the location of all proposed structures, the location of all sources of drinking water, and the location of all components of the existing or proposed subsurface wastewater disposal system(s) relative to the lot boundaries; the location and dimensions of all driveways,

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roads, or other nonvegetated surfaces within the lot boundaries; and the dimension, horizontal distance, from the closest point of all structures to any stream, tributary stream, river, great pond, or freshwater wetland within two hundred fifty (250) feet of each structure; and, submission of all other information required by this Ordinance as part of the application for permit.

Contiguous lots - lots in common single or joint ownership and which adjoin at any line or at any point or are separated at any point by a body of water less than fifteen (15) feet wide and lots on opposite sides of a public or a privately-owned road established by the owner of land on both sides thereof after September 22, 1971.

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

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

Driveway - a road, excluding a road used in common with others, intersecting a public road or a privately-owned road and intended to provide for the passage of motorized vehicles to and from the public road or privately-owned road and a terminus located on a lot.

Emergency operations - operations conducted for the public

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

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

=Expansion of a structure - an increase in the floor area, volume, or height of a structure, including all extensions such as, but not limited to, attached decks, garages, porches and greenhouses, etc.

#Expansion of use - the addition of months to a use's operating season; or the use of more floor area or ground area devoted to a particular use.

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

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

=Footprint Area - the area of the projection on the ground of the outermost perimeter of all above-ground elements of a structure.

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

Forested wetland - a freshwater wetland dominated by woody vegetation six (6) meters in height or higher.

=Foundation - the supporting substructure of a building or other structure including but not limited to slabs, sills, posts or frostwalls. Excludes supporting substructures that meet the definition of "basement."

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

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

2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

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

=Functionally water-dependent uses - those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that cannot be located away from these waters. The

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uses include, but are not limited to commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aides, basins and channels, retaining walls, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that cannot reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters.

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

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

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

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

=Increase in non-conformity of a structure - any change in a

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structure or property which causes further deviation from the dimensional standard(s) creating a legally-existing non-conformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of non-conformance of a legally-existing structure shall not be considered to increase non-conformity. For example, there is no increase in non-conformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the legally-existing non-conforming structure. Hence, a structure may be expanded laterally from any portion of the existing structure to fill in the space left by an "L" or "U"-shaped structure. Similarly, there is no increase in non-conformity with the height requirement if the expansion increases the height of the expanded portion of the structure no further than the highest point of the legally-existing non-conforming structure.

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

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

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

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Lot - an area of land in one ownership, or one leasehold, with ascertainable boundaries established by deed or other instrument of record, or a segment of land ownership defined by boundary lines on a subdivision plan duly approved and recorded in the County Registry of Deeds.

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

Lot coverage - That portion of a lot dedicated to the projected area (onto the lot surface) of structures and to non-vegetated usage including, but not limited to, paved areas, stairways, walkways, roads (including driveways), parking areas, etc. in relation to lot area. Lot coverage may be expressed in area measure (to be interpreted relative to lot area) or as a percentage of lot area.

+Maintenance and Repair (of a structure) - perform tasks such as refinishing, cleaning, applying preventive or protective treatments, etc. on the exterior or interior of an existing structure or portion thereof (maintenance); without altering the defining characteristics and dimensions of the structure, to return an existing and deteriorated interior or exterior feature(s) of a structure to that feature's original functionality and condition by replacement of deteriorated material in kind or by use of a corrective materials and process (repair). The following undertakings are specifically included within the scope of "maintenance and repair": residing; replacement, deletion, or addition of doors and windows; replacement of sill, posts, frost walls, and foundations; screening of roofed decks/porches and breezeways. Note: See definitions of "Reconstruct" and "Replace".

Marina - a business establishment having frontage on navigable water and, as its principal use, providing for hire

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offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.

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

***Minimum lot width** - the closest distance between the side lot lines of a lot. Within the statutory shorefront setback distance and within the statutory stream setback distance, minimum lot width land use dimensional standards specified in the Ordinance are applicable. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

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

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

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

Native - Indigenous to the local forests

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Non-conforming lot - a parcel of land in common individual or joint ownership which does not meet one or more dimensional requirements (land area, shore frontage, road frontage, or width) of the district in which the parcel is located for the land use existing or intended. As determined by the context of usage, a "lot" may refer to an individual lot of record or may refer to an aggregation of two or more contiguous lots of record which are required to be or may be considered a single lot or parcel for the purpose of administration of an this or other applicable ordinance or law.

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

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

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

Parking area - any area designed or designated to accommodate transient stopping or short-term parking by vehicle owners or operators other than or in addition to areas solely incidental to residential use of land. Parking areas include but are not

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necessarily limited to vehicle stopping areas designated for parking serving or standing at commercial establishments, scenic areas or overlooks, beaches, boat launches, recreation areas, etc. Areas designed or designated for storage of vehicles for commerce are specifically excluded from this definition.

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

Principal structure - a building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

Principal use - a use other than one which is wholly incidental or accessory to another use on the same premises.

Privately-owned road - a road which neither a municipality nor the general public has the right to pass over by foot or vehicle; any and all roads, excepting public roads and driveways, within an approved subdivision; a road, excepting a driveway, which intersects at least one public road or a privately-owned road at one or more locations, which is constructed or created on land in private ownership and which is a right-of-way in common for two or more persons.

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

Public road - a Federal or a State highway or a road constructed by the Town or a road which has been constructed by others and has been accepted by the Town; a public easement

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(or private way, so-called) as defined by Title 23 M.R.S.A. Section 3021.

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

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

+Reconstruct - raze a structure in its entirety or in any part such that the structure's dimensions or defining characteristics and functionality are altered for a period of time followed by restoration of the razed structure or razed portion thereof at the same locus as the predecessor structure. Note: See definitions of "Maintenance and Repair" and "Replace".

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

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

+Replace - raze a structure in its entirety or in any part such that the structure's dimensions or defining characteristics and functionality are altered for a period

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of time followed by construction of a structure of new dimensions, defining characteristics, or functionality at the same or a different locus than that of the predecessor structure. Note: See definitions of "Maintenance and Repair" and "Reconstruct".

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

Residential dwelling unit - a room or group of rooms designed and equipped 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.

#Right-of-way - a grant without any benefit of ownership and established by deed, by easement, or by other legal agreement permitting a person or persons to pass over the land of another person or to use a privately-owned road. Also, that strip of land defined by boundaries onto which a public road has been mapped or upon which a public road has been constructed or which is defined by law relative to an existing public road as defining the limits of the public's right-of-way, and, when so used, the term refers to the land itself, not the right of passage over it.

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

River - a free-flowing body of water including its associated

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flood plain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth.

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

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

1. in the case of electric service

a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and

b. the total length of the extension is less than one thousand (1,000) feet.

2. in the case of telephone service

a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or

b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

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

Shore frontage - the length of a lot bordering on a water body

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or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

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

Shoreline - The normal high-water line, or upland edge of a freshwater wetland.

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

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

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

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,

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or apparatus used for those purposes; does not include any discharge system license under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

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

Tent platform - a temporary or a permanent surface designed to serve only as a floor for a tent and associated canopy, if any, and which is typically elevated immediately above natural terrain. A railing not exceeding three (3) feet in height may be affixed to a portion or all of the perimeter of the tent platform for the safety of the occupants of the elevated platform.

***Timber harvesting** - the cutting or removal of at least 50 cords, or equivalent, of timber on a contiguous ownership during a calendar year for the primary purpose of selling or processing forest products. Timber harvesting does not include the clearing of land exclusively for approved construction or the construction or creation of roads.

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 bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

Upland edge of a wetland - the boundary between upland and

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wetland. For purposes of a fresh water wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot)tall or taller.

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

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

Water body - any great pond, river, stream or tidal area.

Water Crossing - any project extending from one bank to the opposite bank of a river or stream, whether under, through, or over the water course. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings.

=Well-distributed stand of trees -

(A) Adjacent to a great pond or a river flowing to a great pond, a well-distributed stand of trees shall exist if a rating score of 24 or greater is maintained in any 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating scale:

Diameter of tree at 4-1/2 feet above ground level		Points
2 to < 4 inches		1
4 to < 8 inches	2	
8 in.<12 inches		4
12 in. or greater		8

=(B) Adjacent to other water bodies, tributary streams, and

* Amended by Referendum Nov 1992/Jun 1992

Amended by Referendum Mar 1993/Nov 1993

+ Amended by Referendum Jun 1995

**Amended by Referendum Mar 1996/Effective Apr 4, 1996

++Amended by Referendum Feb 1997/Effective May 19, 1997

= Amended by Referendum Mar 1999/Effective Mar 6, 1999

* Amended by Referendum June 2011/ Effective June 7, 2011

wetlands, a well-distributed stand of trees shall exist if a rating score of 16 or greater is maintained in any 25-foot by 50-foot rectangular (1250square feet) area as determined by the above rating scale.

Wetland - a freshwater wetland.

Wetlands associated with great ponds and rivers - wetlands contiguous with or adjacent to a great pond or river, and which during normal high water, are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.

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

* Amended by Referendum Nov 1992/Jun 1992

Amended by Referendum Mar 1993/Nov 1993

+ Amended by Referendum Jun 1995

**Amended by Referendum Mar 1996/Effective Apr 4, 1996

++Amended by Referendum Feb 1997/Effective May 19, 1997

= Amended by Referendum Mar 1999/Effective Mar 6, 1999

* Amended by Referendum June 2011/ Effective June 7, 2011

MARCH 1997 AMENDMENTS TO THE SHORELAND ZONING ORDINANCE

Summary

The proposed 1997 revisions to the Shoreland Zoning Ordinance correct the zoning district classification of three localities that were misclassified in the 1996 revision of the Town's Shoreland Zoning Map. The misclassifications were the result of a misunderstanding by the Town of the criteria for classification of land areas adjacent to wetlands rated "high value" and "moderate value" by Maine Department of Inland Fisheries and Wildlife [MIF&W].

Approval of the revised Shoreland Zoning Map of the Shoreland Zoning Ordinance will result in Maine Department of Environmental Protection [MDEP] Conditional Approval of the Town's Shoreland Zoning Ordinance being revised to Approval without conditions.

The three localities are:

1. The east side of the marsh at North Bay in Great Pond;
2. The west side of Austin Bog in Great Pond; and,
3. Birch Island, located in Belgrade Bog at the south end of Messalonskee Lake.

The three localities, designated as being in "Limited Residential Districts" in the 1996 Shoreland Zoning Ordinance Revision" are redesignated as being in "Resource Protection Districts," the classification in which they were designated prior to 1996 Ordinance revision.

In addition, Section 13(A)(1) of the Shoreland Zoning Ordinance is amended to reinstate the requirement that areas within 250 feet of the upland edge of moderate-valued and high-valued wetlands shall be designated as Resource Protection Districts.

By MDEP Order dated March 20, 1996, these areas were re-established as Resource Protection Districts "until such time as the Town of Belgrade can make the necessary corrections to the ordinance and map." Because the Ordinance revision voted in March 1996 did not become effective until reviewed and approved by MDEP and because MDEP issued an Order re-establishing the localities as Resource Protection Districts, no change in classification actually occurred based on the 1996 Ordinance revision.

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Town of Belgrade Solid Waste and Recycling Ordinance

Sec. 1. Purpose: The purposes of this ordinance are to protect public health and safety, promote environmental responsibility and clarify municipal responsibilities for solid waste management under Maine law.

Sec. 2. Authority for Ordinance: Prior Acts Repealed: This ordinance is adopted pursuant to home rule powers granted by 30-A MRSA section 3001 and 38 MRSA sections 1305 and 1319-P. It shall take effect upon its adoption by the Town Meeting on March 18, 2006 and repeals and replaces all ordinances, regulations, policies and/or actions regarding solid waste previously adopted by the Town Meeting or Select Board which are in conflict with it.

Sec. 3. Municipal Responsibilities: The Town Meeting shall approve ordinances, budgets, and appropriations of funds governing the operation and capital investment for the Towns solid waste facilities including transfer, recycling, storage, transportation and disposal of materials.

Select Board: The Select Board shall:

- Oversee solid waste management operations in accordance with State law, provisions of the solid waste license issued to the Town by DEP for operation of the transfer station, Town ordinances and appropriations.
- Assure that Town solid waste operations are conducted in accordance with generally recognized standards of public and employee safety, fire protection, sanitation, and good housekeeping.
- Approve the job descriptions of the Town solid waste management personnel and act as an appeal body for personnel decisions made by the Town Manager.
- Negotiate, approve and oversee the administration of contracts relating to Town solid waste management, recycling and disposal.
- Prepare and propose solid waste management budgets to request Town Meeting appropriations.

- Adopt, amend, and publish regulations, consistent with the provisions of this ordinance, to control public use of Town solid waste and recycling facilities.
- Adopt, amend, and publish as necessary and implement a schedule of charges for accepting certain materials at the transfer station, reflecting in so far as practical the Town's costs for their handling and disposal.
- Enforce State law, Town ordinances and published regulations relating to the operation and use of Belgrade solid waste facilities.
- Comply with State-mandated requirements for testing, storage, recycling and safeguarding of hazardous and special wastes and groundwater.
- Comply with State reporting requirements and schedules.
- Establish and maintain ongoing procedures to compare and report Belgrade's solid waste recycling and cost effectiveness with State averages and comparable Central Maine communities.

The Select Board may:

- Delegate certain solid waste management responsibilities to the Town Manager or other Town official(s).
- Contract with qualified providers for certain solid waste management, recycling, transportation, disposal and testing functions.

Town Manager: The Town Manager shall:

- Act as directed by the Select Board in carrying out the Select Board's responsibilities under 3(B) above.
- Continuously research, recommend, and implement operational changes to improve the safety, effectiveness and economy of the Town's solid waste program.
- Appoint, supervise, and discipline municipal solid waste & recycling personnel.

Facility Manager: The facility manager shall manage the Transfer Station activities as directed.

Recycling Committee: The recycling committee shall:

- * Investigate, advise, recommend and report to the Select Board and Belgrade citizens on matters relating to Belgrade's programs for recycling, hazardous and special wastes.
- Consider safety, public education, processing, and storage, sales of materials, cost, revenue, legal compliance and recycling results in comparison with data for the State and for comparable communities in Central Maine.

Sec. 4. Administration:

- A. **Permits for use of transfer station:** Only individual residents (seasonal and year-round) and business residents of Belgrade and their authorized agents may use the Belgrade transfer station; however, the Belgrade Select Board reserves the right to contract or to enter into agreements with other Towns to use the facility. Use of the transfer station shall be limited to the disposal of wastes generated within the Town of Belgrade, unless otherwise agreed upon by the Belgrade Select Board, and shall be regulated by means of a permit system, by a, pay-by-the-bag, system, or by another system that may be approved by the Select Board. All vehicles transporting solid waste to the transfer station shall be required to show proof that they are allowed to use the facility as directed by regulations adopted by the Select Board. A Belgrade applicant for a permit sticker shall present to the designated Town official the current registration of the vehicle to which the sticker will be affixed. If the registration does not show the correct address, the applicant must provide proof of residence. Belgrade stickers may not be placed on other vehicles, transferred or sold. In the event of the change of ownership or transfer of the vehicle, the permit sticker shall be removed.
- B. **Temporary permits.** In those situations in which an individual resident or resident business has hired an individual to haul away debris from a one-time building project other than an established hauling company or individual, the Town may use its discretion to allow the individual resident or business to obtain a temporary Transfer Station permit valid only for the day(s) on which the hauling will take place.
- C. **Commercial Haulers.** Before using the Belgrade transfer station, a commercial hauler shall obtain a commercial haulers license from the Town pursuant to section 5 of this ordinance.
- D. **Fee structure.** Fees for the use of the transfer station shall be established by the Select Board following a public hearing. The fees established shall

be such as to defray the expense to the Town for operation of the facility and to encourage recycling.

E. **Hours of operation.** The hours of operation of the transfer station shall be established by the Select Board following a public hearing. No solid waste shall be deposited at the transfer station except during normal or special scheduled operating hours; however, special arrangements for disposal may be made by the Town Manager with the provision that all deposited waste shall be immediately protected.

F. **Proper disposal of waste.** All individuals and businesses and commercial haulers using the Town transfer station shall separate, deliver, place, and dispose of their solid waste and universal waste in accordance with regulations adopted by the Select Board. Waste which is deemed unacceptable or prohibited based on State or federal law will not be accepted at the transfer station and includes:

- Waste generated outside the Town of Belgrade, unless otherwise agreed upon by the Select Board
- Waste not prepared, bound or placed in containers as required by regulations adopted by the Select Board
- Junk vehicles
- Dead animals
- Hazardous wastes
- Hot Loads
- Materials containing Asbestos
- Other waste as identified by State or Federal Law or by the Select Board

G. **Scavenging.** Materials accepted for disposal at the transfer station become the property of the Town of Belgrade. No person shall, except by permission of the Town Manager, (or his or her designee) remove any materials which have been accepted at the transfer station. Scavenging may be conditionally authorized by the Town Manager, under guidelines designed to reflect the Town's overall best interest, including: safety, operational economy, recycling efficiency, fairness and good housekeeping.

H. **Recycling:** Users of the transfer station are encouraged to separate and recycle those metals, newspapers, magazines, glass, paper, plastic and other wastes which the Select Board have designated for recycling.

Depositing wastes in the recycling area which have not been designated as recyclable by the Select Board is prohibited.

- I. **Authority of the transfer station attendants:** The use of the transfer station by any person shall be at the strict direction of the attendants designated by the Town Manager. No person shall violate any directives of an attendant in the use of the facility. If any person refuses to obey a directive of a facility attendant, the attendant shall have the authority to immediately refuse access to the facility to that person. Any person who is refused access to the facility pursuant to this section may appeal the decision of the attendant to the Town Manager and then if not satisfied with the decision of the Town Manager the appeal shall go to the Select Board. All appeals to the Select Board shall be in writing and follow the same process as outlined in the "Town of Belgrade Employment Guidelines", Section XII.
- J. **Disposal:** No person shall dispose of Solid Waste, certain Special Wastes, or Universal Waste at any place other than at the appropriate and designated locations within the Town of Belgrade Transfer Stations and Recycling Center, unless the material is legally disposed at another facility licensed to receive the waste, except, however, the owner of any lot or any person or persons with the written permission of a lot owner may deposit or dump such inert solid waste as clean earth, rock, ledge, concrete or similar material for the sole purpose of providing fill for the lot. Violations of this subsection shall be subject to the enforcement pursuant to Section 7 of this ordinance.

Sec. 5. Commercial Haulers.

No person engaged in the business of solid waste hauling shall collect, transport or dispose of solid waste generated within the Town without obtaining a license from the Town and paying the required license fee. Such license shall be valid for one year from date of approval. An applicant for a commercial hauler license shall submit to the designated Town official the following information, together with the required fee:

- Name and business address of the applicant
- Applicants business telephone number
- A listing of the make, model, year and size of vehicles that will be utilized in the collection of solid waste within the town.

Once issued a license, a commercial hauler may use the Belgrade Transfer Station upon receiving a permit sticker. Commercial haulers

Must comply with the requirements of this ordinance and authorized Regulations of the Select Board and applicable State laws. Loads must be secured so as to prevent solid waste from escaping when being transported to the transfer station.

If a commercial hauler fails to comply with applicable local and State laws, or if the commercial haulers application for a license contained false information on which the Town relied in issuing the license, the Select Board may suspend or revoke the commercial haulers license after notice and opportunity for a hearing.

A suspension or revocation shall be limited as follows:

- First offense 30 days
- Second offense 90 days
- Third offense one year

A hearing shall be held within 30 days of providing written notice of violation to the holder of the commercial haulers license. The license holder shall have the right to be represented by an attorney, offer evidence, and cross-examine witnesses at the hearing. The Select Board shall make a decision within 10 days after the hearing is completed. The decision shall take effect within 10 days after a copy has been mailed by certified mail, return receipt requested to the license holder. A decision to suspend or revoke a license may be appealed to Superior Court pursuant to Rule 80B.

Any person who has received two or more suspensions during the prior year or whose license was revoked during the prior year may be denied a new or renewal license.

Sec. 6. Inspections.

In order to determine if the provisions of this ordinance or any regulations adopted by the Select Board are being violated, the Select Board and its authorized agents shall have the right to stop and inspect the load of any vehicle which has entered the transfer station facility and inquire of any individual entering the facility. Any occupant of a vehicle who refuses to allow designated Town officials to inspect the materials contained in the vehicle, or who refuses to answer questions pertinent to determining whether this ordinance or related regulations have been violated, may be refused access to the transfer station and shall not be allowed to dispose of materials.

Sec. 7. Enforcement; violations; penalties.

The Select Board or its authorized agents may enforce this ordinance. Any person who fails to comply with the provisions of this ordinance or duly adopted regulations regarding the use of the Towns Transfer Station commits a civil violation and shall be subject to a fine which the Town may recover upon complaint filed in court. The Town shall also be entitled to recover its attorney's fees and costs, including clean up costs, in any action in which the court finds that a violation has occurred. In addition to these penalties, the Town may seek injunctive relief to prevent the continuation or recurrence of a violation. The fine shall be an amount not less than \$50 or more than \$500 for each offense, except that the minimum fine for a second offense within a twelve month period shall be not less than \$250. All fines shall be paid to the Town.

With regard to violations by commercial haulers, these remedies shall be in addition to the authority to suspend or revoke a license as provided in section 5 of this ordinance.

Sec. 8. Severability; conflicts.

The provisions of this ordinance shall be severable. If any phrase, clause, sentence or provision is held invalid by a court, the remainder of this ordinance shall not be affected and remains enforceable. Where a provision of this ordinance is found to be in conflict with a provision of any other ordinance or regulation of the Town or any State or federal law, the provision which establishes the higher standard for the promotion and protection of health and welfare of the community shall prevail.

Sec. 9. Definitions.

- A. Solid Waste - Unwanted or discarded solid materials with insufficient liquid content to be free flowing, including without limitation, rubbish, garbage, junk, refuse, inert household wastes, landscape refuse, wood wastes and white goods.
- B. Hazardous Waste - Any substance designated as hazardous by the Maine Department of Environmental Protection.
- C. Commercial Hauler - A person or corporation that collects and transports solid waste and/or recyclable materials for compensation, with intent to deposit such materials at the Belgrade transfer station.

- D. Good Housekeeping - To keep the transfer station buildings, equipment and grounds in safe condition, good repair, clean and presentable.
- E. Hot Load - Any load of delivered material that is on fire, smoldering or potentially flammable by spontaneous combustion. Hot loads may include ashes, cigarette residue, residue from a fire, etc.
- F. Scavenging - The controlled removal of reusable discarded solid waste from the transfer station.
- G. Special Waste - This includes that fraction of solid waste designated by the Maine Department of Environmental Protection to be handled, stored, or disposed separately. Special waste includes but is not limited to ash, sludge, septage, spill debris, contaminated soils, asbestos, sand blast grit, non-liquid paint waste and high and low pH waste.
- H. Transfer Station - The Town-owned solid waste facility and grounds located on the north side of the Dunn Road in Belgrade, including the closed sanitary landfill on that site.
- I. Transfer Station Permit - Valid documentary evidence that a person or corporation delivering material to the transfer station is currently entitled to use that facility for the purpose. Such permit may take the form of a vehicle windshield sticker, a pay-by-the-bag system, or another system as may be approved by the Select Board. Special written documentation, from the Town Manager, may also be made available to the transfer station attendant allowing a delivery to be made.
- J. Universal Waste - Hazardous Waste that is widely generated and can be recycled. Examples include; batteries (lead, cadmium & mercury), cathode ray tubes (television and computer), fluorescent lamps, mercury thermometers, mercury thermostats and PCB ballasts.

**Approved on March 18th, 2006/ Belgrade Town Meeting
Article # 51**

Amended on March 20, 2009 by referendum ballot. - Article # 3 to authorize the Town to take enforcement actions against the illegal disposal of certain wastes within town boundaries.

Amended on March 14, 2014 by referendum ballot – Article #6 – To authorize the Belgrade Select Board to enter into inter-local agreements or contracts with outside municipalities that would allow non-residents, at a negotiated cost, to use the Belgrade Transfer Station

Signed by the Board of Selectpersons:

Chair:

V. Chair:

_____ **Town Manager**

Attested by : _____ **Town**
Clerk

on _____ **2014**

SUBDIVISION ORDINANCE

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ARTICLE I PURPOSE

The purpose of these regulations is to assure the comfort, convenience, safety, health, and welfare of the people, of the Town of Belgrade, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving Subdivisions within the Town of Belgrade, Maine, the Planning Board shall consider the following criteria and before granting approval, shall make findings of fact that the provisions of these regulations have been met and that the proposed subdivision will meet the guidelines of Title 30, M.R.S.A. 4956, Subsection 3. The Subdivision:

1.1 Will not result in undue water or air pollution. In making this determination, the Board shall at least consider the elevation of the land above sea level and its relation to the floodplains; the nature of soils and sub soils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; and the discharge of phosphorous in sensitive lake watersheds;

1.2 Has sufficient water available for the reasonably foreseeable needs of the Subdivision;

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

1.4 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;

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

1.6 Will provide for adequate solid and sewage waste disposal;

1.7 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.

1.8 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 or any public rights for physical or visual access to the shoreline; and

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1.9 Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan if any.

1.10 The sub divider has adequate financial and technical capacity to meet the above stated standards.

1.11 Whenever situated in whole or in part, within 250 feet of any pond, lake, river or stream, will not adversely affect the quality of the body of water or unreasonable affect the shoreline of that body of water.

1.12 Will not, along or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

1.13 All principal structures within the Subdivision shall be constructed with their lowest floor, including the basement, at least two (2) feet above the one hundred (100) year flood elevation.

ARTICLE II - AUTHORITY AND ADMINISTRATION

2.1 Authority

A. These standards have been prepared in accordance with the provisions of Title 30 M.R.S.A., 4956, Subsection 2.

B. These standards shall be known and may be cited as "Subdivision Regulations of the Town of Belgrade, Maine".

2.2 Administration

A. The Planning Board of the Town of Belgrade, hereinafter called the Board, shall administer these standards.

B. The provisions of these standards shall pertain to all land proposed for subdivision as defined in Title 30, M.R.S.A., 4956, Subsection 1, within the boundaries of the Town of Belgrade.

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ARTICLE III DEFINITIONS

In general, words and terms used in these regulations shall have their customary dictionary meanings. More specifically, certain words and terms used herein are defined as follows:

Cluster Subdivision: A Subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located in return for the provision of permanent open space owned in common by lot/unit owners, the Town, or a land conservation organization. Clustering shall not be used to increase the overall net residential density of the development.

Complete Application: An application shall be considered complete up on submission of the required fee and all information required by these regulations for a Final Plan, or by a vote by the Board to waive the submission of required information. The Board shall issue a receipt to the applicant upon its determination that an application is complete.

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

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

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

Driveway: A vehicular access-way serving two dwelling units or less.

Dwelling Unit: A room or suite of rooms used as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, sleeping, bathing, and sanitary facilities; includes single family houses, and the units in a duplex, apartment house, multi-family dwellings, and residential condominiums.

Final Plan: The final drawings, on which the applicant's plan of Subdivision is presented to the Board for approval and which, if approved, may be recorded at the Registry of Deeds.

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High Intensity Soil Survey: A soil survey conducted by a Certified Soil Scientist, meeting the standards of the National Cooperative Soil Survey, which identifies soil types down to 1/10 acres or less at a scale equivalent to Subdivision Plan submitted. The mapping units shall be the soil series. Single soil test pits and their evaluation shall not be considered to constitute high intensity soil surveys.

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

Normal High Water Elevation of Inland Waters: That line on the shores of banks on non-tidal waters which is apparent because of the contiguous different character of the soil or the vegetation due to the prolonged action of the water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial (by way of illustration, aquatic vegetation includes but is not limited to the following plants and plant groups: Water lily, pond lily, pickerelweed, cattail, wild rice, sedges, rushes, and marsh grasses; and terrestrial, vegetation includes but is not limited to the following plants and plant groups: upland grasses, aster, lady slipper, wintergreen, partridge berry, sarsaparilla, pines, cedars, oaks, ashes, alders, elms, and maples). In places where the shore or bank is of such character that the high water mark cannot be easily determined, (rockslides, ledges, rapidly eroding or slumping banks) the normal high water elevation shall be estimated from places where it can be determined by the above method.

Industrial Park or Development: A Subdivision planned for industrial uses and developed and managed as a unit, usually with provision for common services for the users.

Net Residential Acreage: The average number of dwelling units per net residential acre.

Official Submittal Date: The date upon which the Board issues a receipt indicating a complete application has been submitted.

Person: Includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

Planned Unit Development: A development controlled by a

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single developer for a mix of residential, commercial, and industrial uses. A PUD is undertaken in a manner that treats the developed area in its entirety to promote the best use of land, including the creation of open space, a reduction in the length of road and utility systems, and the retention of the natural characteristics of the land.

Planning Board: The Planning Board of the Town of Belgrade created under Title 30 M.R.S.A. 4964.

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

Recording Plan: A copy of the Final Plan which is recorded at the Registry of Deeds and which need not show information not relevant to the transfer of an interest in the property, such as sewer and water line locations and sizes, culverts, and building lines.

Re- subdivision: The division of an existing Subdivision or any change in the plan for an approved Subdivision which affects the lot lines, including land transactions by the subdivider not indicated on the approved plan.

Street: Public and private ways such as alleys, avenues, boulevards, highways, roads, and other rights-of-ways, as well as areas on Subdivision plans designated as rights-of-ways.

Street Classification:

Arterial Street: A major thoroughfare which serves as a major traffic way for travel between and through the municipality. The following roadways shall be considered arterial streets: Route 27, Route 8, Route 11, Route 135, Narrows/Castle Island Road, and Wings Mills Road.

Collector Street: A street servicing at least fifteen lots or dwelling units, or streets which serve as feeders to arterial streets, and collectors of traffic from minor streets.

Industrial or Commercial Street: Streets servicing industrial or commercial uses.

Minor Street: A street servicing less than fifteen lots or dwelling units.

Private Right-of-Way: A vehicular access-way serving no more

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than two dwelling units.

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

In determining whether a tract or parcel of land is divided into three or more lots, the first dividing of such tract or parcel, unless otherwise exempted herein, shall be considered to create the first two lots and the next dividing of either of said first two lots, by whoever accomplished, unless otherwise exempted herein, shall be considered to create the third lot, unless both such dividing are accomplished by a subdivider who shall have retained one of such lots for his own use as a single family residence for a period of at least five (5) years prior to such second dividing. Lots of forty (40) or more acres shall not be counted as lots except where such lots are located wholly or partly within any Shore land Zone in which case Planning Board approval under this Ordinance shall be required, provided that the average lot depth to shore frontage ratio is greater than five (5) to one (1).

For the purpose of these regulation, a tract or parcel of land is defined as all contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof.

In addition, the term Subdivision shall include campgrounds, cluster housing, mobile home parks, motels, hotels, apartments, condominiums, cooperative housing, and other multi-family housing if any of the above contains three (3) or more living units.

The term Subdivision shall also include shopping centers, and industrial and commercial developments of three (3) or more separate or distinct units of land, structures, or parts of a structure with a clearly separate but not necessarily different use of intended use from the units adjacent to it, even if owned by the same person.

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Subdivision, Major: Any Subdivision containing more than six (6) lots, dwelling units or other Subdivision units, or any Subdivision containing a proposed street.

Subdivision, Minor: Any Subdivision containing not more than six (6) lots, dwelling units or other Subdivision units, and in which no street is proposed to be constructed.

Tract, or Parcel, of Land: All contiguous land in the same ownership, whether or not the tract is separated at any point by: an intermittent or non-navigable stream or a private road established by the abutting landowner.

ARTICLE IV ADMINISTRATIVE PROCEDURE

4.1 Purpose. The purpose of this Article is to establish an orderly, equitable and expeditious procedure for reviewing Subdivisions.

4.2 Agenda. In order to avoid unnecessary delays in processing applications for Subdivision review, the Board shall prepare an agenda for each regularly scheduled meeting, Applicants shall request to be placed on the Board's agenda at least one week in advance of a regularly scheduled meeting by contacting the Chairman. Applicants who attend a meeting but who are not on the Board's agenda may be heard but only after all agenda items have been completed, and then only if a majority of the Board so votes.

ARTICLE V PREAPPLICATION

5.1 Procedure

- A. Application presentation and submission of sketch plans.
- B. Questions and answer period. Board makes specific suggestions to be incorporated by the applicant into subsequent submissions.
- C. Scheduling of on-site inspection.

5.2 Submission. The pre-application Sketch Plan shall show, in simple sketch form, the proposed layout of street, lots,

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and other features in relation to existing conditions. Of the site and the proposed development. It is recommended that the Sketch Plan be superimposed on or accompanied by a copy of the Assessor's Map(s) on which the land is located. The Sketch Plan shall be accompanied by a copy of a portion of the U.S.O.S. Topographic Map of the area showing the outline of the proposed Subdivision, unless the proposed Subdivision is less than ten acres in size.

5.3 On-Site Inspection. Within thirty (30) days, the Board shall hold an on-site inspection of the property. The thirty (30) days may be adjusted to account for snow cover and other weather conditions.

5.4 Rights Not Vested. The submittal or review of the pre-application Sketch Plan shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1, M.R.S.A., 302.

ARTICLE VI MINOR SUBDIVISIONS

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

6.2 Procedure.

A. Within six months after the on-site inspection by the Board, the sub divider shall submit an application for approval of a Final Plan at least seven days prior to a scheduled meeting of the Board. Failure to do so shall require resubmitting of the Sketch Plan to the Board. The Final Plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board.

B. All applications for Final Plan approval for Minor Subdivision shall be accompanied by an application fee of \$80.00., payable by check to the municipality. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the additional costs of advertising and postal notification.

C. The sub divider shall notify all owners of abutting property and grantees of easement that an application for Subdivision approval will be submitted to the Board and provide documentation of such to the Board. Abutting property

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owners and grantees of easements must receive notification by certified mail two (2) weeks prior to Final Plan Application submission.

D. The sub divider, or his duly authorized representative, shall attend the meeting of the Board to discuss the Final Plan.

E. Upon determination that a complete application has been submitted for review, the Board shall issue a dated receipt to the sub divider. The Board shall determine whether to hold a public hearing on the Final Plan application.

F. If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of the receipt of a complete application, and shall publish notice of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing.

G. Within thirty days of a public hearing or within sixty days of receipt of a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the sub divider, the Board shall make findings of fact on the application, and approve, approve with conditions, or deny the Final Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.

6.3 Submissions.

A. The Subdivision Plan for a Minor Subdivision shall consist of two reproducible, stable based transparent originals; one to be recorded at the Registry of Deeds, the other to be filed at the Municipal Office and three copies of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for Subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 X 36 inches in size, and shall have a margin of two inches outside of the border lines on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be provided for endorsement by the Board. Three copies of all information accompanying the plan shall be submitted. The application for approval of a Minor Subdivision shall include the following information:

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1. Proposed name of the Subdivision, or identifying title, and the name of the municipality in which it is located, plus the Assessor's Map and Lot Numbers.

2. A field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each lot corner.

3. A copy of the deed from the survey was based. A copy of all deed restrictions, easements, rights-of-ways, or other encumbrances currently affecting the property.

4. A copy of any deed restrictions intended to cove all or part of the lots in the Subdivisions.

5. Test pit analyses, prepared by a Licensed Site Evaluator shall be provided. A map showing the location of all test pits dug on the site shall be submitted.

6. A plan for the disposal of storm water and surface drainage prepared by a Maine Registered Professional Engineer.

7. The date the plan was prepared, north point, graphic map scale, names, and addresses of the record owner, subdivider, and individual or company who prepared the plan, and the names of adjoining property owners.

8. A copy of the portion of the county soil survey covering the Subdivision.

9. Ten (10) foot interval contour lines showing elevations in relation to Mean Sea Level.

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

11. Additional information may be required for Minor Subdivisions located on sensitive sites including location in the McGrath Pond or Salmon Lake watersheds, in areas of steep slope (greater than 15 percent) in the Shore land zone, or including wetlands and other important wildlife habitats. For such Subdivisions, the appropriate submissions and standards for Major Subdivisions shall be required.

12. A hydro geologic assessment prepared in accordance with Section 10.11 and by a Certified Geologist experienced in hydrogeology when:

a. any part of the Subdivision is located over a sand and gravel aquifer, as mapped by the Maine Geological Survey;

b. the subdivision contains lots less than 100,000 square feet in total area; or

c. the Subdivision has an average density of less than

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100,000 square feet per dwelling unit.

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ARTICLE VII PRELIMINARY PLAN FOR MAJOR SUBDIVISION

7.1 Procedure

A. Within six months after the on-site inspection by the Board, the sub divider shall submit an application for approval of a Preliminary Plan at least seven days prior to a scheduled meeting of the Board. Failure to do so shall require resubmitting of the Sketch Plan to the Board. The Preliminary Plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board.

B. All applications for Preliminary Plan approval for a Major Subdivision shall be accompanied by an application fee of \$15.00 per lot or dwelling unit, payable by check to the municipality. In addition, the applicant shall pay a fee of \$25.00 per lot or dwelling unit to be deposited in a special account designated for that Subdivision application, to be used by the Planning Board for hiring independent consulting services to review the application. If the balance in this special account shall be drawn down by 75%, the Board shall notify the applicant, and require that an additional \$10.00 per lot of dwelling unit be deposited as necessary whenever the balance of the account is drawn down by 75% of the original deposit. Any balance in the account remaining after a final decision on the Subdivision application by the Board shall be returned to the applicant. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the costs of advertising and postal notification.

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

D. The subdivider shall notify all owners of abutting property and grantees of easements, that any application for Subdivision approval will be submitted to the Board and provide documentation of such to the Board. Abutting property owners and grantees of easements must receive notification by certified mail two (2) weeks prior to Preliminary Plan application submission.

E. Within thirty days of receipt of a Preliminary Plan application form and fee, the Board shall notify the applicant in writing whether or not the application is complete, and

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what, if any, additional submissions are required for a complete application.

F. The Board shall determine whether to hold a public hearing on the Preliminary Plan application. If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of receipt of a complete application, and shall publish notice of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing.

G. The Board may schedule additional on-site visits as it deems necessary in order to evaluate the Preliminary application and information presented to the Board during a public hearing.

H. The Board shall within thirty days of a public hearing, or within sixty days of receipt of a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the sub divider, make findings of fact on the application, and approve, approve with conditions, or deny the Preliminary Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.

I. When granting approval to a Preliminary Plan, the Board shall state the conditions of such approval, if any, with respect to:

1. The specific changes which it will require in the Final Plan.

2. The character and extent of the required improvements for which waivers may have been requested and which in the Board's opinion may be waived without jeopardy to the public health, safety, and general welfare, and

3. The amount of all Performance Guarantees which it will require as prerequisite to the approval of the Final Plan.

J. Approval of a Preliminary Plan shall not constitute approval of the Final Plan or intent to approve the Final Plan but rather it shall be deemed an expression of approval of the design of the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Board upon fulfillment of the requirements of these regulations and the conditions of preliminary approval, if any. Prior to the approval of the Final Plan, the Board

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may require additional changes as a result of the further study of the Subdivision or as a result of new information received.

7.2 Submissions

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

1. Existing Subdivisions in the proximity of the proposed Subdivision.
2. Locations and names of existing and proposed streets.
3. Boundaries and designations of zoning districts.
4. An outline of the proposed Subdivision and any remaining portion of the owner's property if the Preliminary Plan submitted cover only a portion of the owner's entire contiguous holding.

B. Preliminary Plan. The Preliminary Plan shall be submitted in three copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The preliminary Plan shall be drawn to a scale of not more than one hundred feet to the inch. The Board may allow plans for Subdivisions containing more than one hundred acre to be drawn at a scale of not more than two hundred feet to the inch provided all necessary details can easily be read. In addition, one copy of the plan(s) reduced to a size of 8 1/2 by 11 inches, and all accompanying information shall be mailed to each Board member no less than seven days prior to the meeting. The following information shall either be shown on the Preliminary Plan or accompany the application for Preliminary approval:

1. Proposed name of the Subdivision and the name of municipality in which it is located, plus the Tax Assessor's Map and Lot number.
2. Documentation showing title, right or interest of the applicant in all land parcels associated with the proposed Subdivision.
3. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearing and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each corner.

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

5. A copy of any covenants or deed restrictions intended to cover all or part of the lots in the Subdivision.

6. Ten (10) foot interval contour lines showing elevations in relation to Mean Sea Level.

7. The number of acres within the proposed Subdivision, location of property lines, existing buildings, watercourses, vegetative cover type, and other essential existing physical features.

8. Indication of the type of sewage disposal to be used in the Subdivision.

a. When sewage disposal is to be accomplished by connection to the public sewer, a letter from the Sewer District indicating there is adequate capacity within the District's system to transport and treat the sewage shall be submitted.

b. When sewage disposal is to be accomplished by subsurface sewage disposal systems, test pit analyses, prepared by a Licensed Site Evaluator shall be provided. A map showing the location of all test pits dug on the site shall be submitted.

9. Indication of the type of water supply system(s) to be used in the Subdivision.

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

11. The names and addresses of owners of record adjacent property, including any property directly across an existing public street from the Subdivision.

12. The location of any zoning boundaries affecting the Subdivision.

13. The location and size of existing and proposed sewers, water mains, culvert's, and drainage ways on or adjacent to the property to be subdivided.

14. The locations, names, and present widths of existing and proposed streets, highways, easements, building lines, parks, and other open spaces on or adjacent to the Subdivision.

15. The width and location of any streets or public improvements shown upon the Official Map and the Comprehensive Plan, if any, within the Subdivision.

16. The proposed lot lines with approximate dimensions and lot area.

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

18. The location of any open space to be preserved and an indication of its improvements and management.

19. A soil erosion and sedimentation control plan.

20. A plan for the disposal of surface drainage waters, prepared by a Maine Registered Professional Engineer.

21. A copy of that portion of the county soil survey covering the Subdivision. When the medium intensity soil survey shows soils which are generally unsuitable for the uses proposed, the Board may require the submittal of a report by a Registered Soil Scientist indicating the suitability of soil conditions for those uses.

22. If any portion of the Subdivision is in a flood prone area, the boundaries of any flood hazard areas and the one hundred (100) year flood elevation shall be delineated on the plan.'

23. If any portion of the Subdivision is within the watershed of Salmon Lake or McGrath Pond, a phosphorous control plan shall be submitted which will limit phosphorous runoff after development in accordance with the phosphorous control standards found in Article XIII.

24. A hydro geologic assessment prepared in accordance with Section 10.11 and by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology; and

a. any part of the Subdivision is located over a sand and gravel aquifer, as mapped by the Maine Geological Survey,

b. the Subdivision contains lots less than 100,000 square feet in total area; or

c. the Subdivision has an average density of less than 1000,000 square feet per dwelling unit.

ARTICLE VII FINAL PLAN FOR MAJOR SUBDIVISION

8.1 Procedure

A. The sub divider shall, within six months after the approval of the Preliminary Plan, file with the Board an application for approval of the Final Plan. If the application for the Final Plan is not submitted within six months after Preliminary Plan approval, the Board may refuse without prejudice to act on the Final Plan, and require resubmitting of the Preliminary Plan. The Final Plan shall

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approximate the layout shown on the Preliminary Plan, plus any recommendations made by the Board.

B. All applications for Final Plan approval for Major Subdivision shall be accompanied by an application fee of \$20.00 per lot or dwelling unit payable by check to the municipality. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the costs of advertising and postal notification.

C. The sub divider, or his duly authorize representative, shall attend the meeting of the Board to discuss the Final Plan.

D. Upon determination that a complete application has been submitted for review, the Board shall issue a dated receipt to the sub divider. The Board shall determine whether to hold a public hearing on the Final Plan application.

E. Prior to submittal of the Final Plan application, the following approvals shall be obtained in writing, where appropriate:

1. Maine Department of Environmental Protection, under the Site Location of Development Act, Alteration of Coastal Wetlands Act, Great Ponds Act, Fresh Water Wetlands Act, Alteration of Streams and Rivers Act, or if a Wastewater Discharge License is needed.

2. Maine Department of Human Services, if the sub divider proposes to provide a central water supply system.

3. Maine Department of Human Services, if a centralized or shared subsurface sewage disposal system(s) is to be utilized.

F. A public hearing may be held by the Planning Board within thirty (30) days after the issuance of a receipt for the submittal of a complete application. This hearing shall be advertised in a newspaper of local circulation at least two (2) times, the date of the first publication to be at least seven (7) days before the hearing and the notice of the hearing shall be posted in at least three (3) prominent places at least seven days prior to the hearing. When a Subdivision is located within 500 feet of a municipal boundary, and a public hearing is to be held, the Planning Board shall notify the Clerk and the Planning Board of the adjacent municipality involved, at least ten (10) days prior to the hearing.

G. The Planning Board shall notify the Road Commissioner,

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School Superintendent, and Fire chief of the proposed Subdivision, the number of dwelling units proposed the length of roadways, and the size and construction characteristics of any multi-family, commercial or industrial buildings. The Planning Board shall request that these officials comment upon the adequacy of their department's existing capital facilities to service the proposed Subdivision.

H. Before the Board grants approval of the Final Plan, the sub divider shall meet the design standard in Articles X and XI, and the Performance Guarantees requirements contained in Article XI

I. If the Subdivision is located in more than one municipality, the Board may have a joint meeting with the Planning Board of the adjacent municipality to discuss the plan.

J. The Board, within thirty days from the public hearing or within sixty days of receiving a complete application if no hearing is held, shall make findings of fact, and conclusions relative to the standards contained in Title 30, M.R.S.A. 4956, Subsection 3 and in these regulations. If the Board finds that all standards of the Statute and these regulations have been met, they shall approve the Final Plan. If the Board finds that any of the standards of the Statute and these regulations have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the Subdivision. The reasons for any conditions shall be stated in the records of the Board.

8.2 Submissions

The Final Plan shall consist of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for Subdivisions containing more than seventy five acres may be drawn at a scale of not more than two hundred feet to the inch. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border line on the left side for binding and one inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by the Board. One reproducible, stable based transparent or original to be recorded at the Registry of Deeds, and three copies of the plan shall be submitted. In addition, one copy of the Final Plan, reduced to a size of 8-1/2 by 11 inches, and all accompanying information shall be mailed to each Board member no less than seven days prior to the meeting. The application

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

A. Proposed name of the Subdivision and the name of the municipality in which it is located, plus the Assessor's Map and Lot numbers.

B. . An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each lot corner.

C. The number of acres within the proposed Subdivision, location of property lines, existing buildings, watercourses, and other essential existing physical features.

D. Indication of the type of sewage disposal to be used in the Subdivision.

E. Indication of the type of water supply system(s) to be used in the Subdivision.

1. When water is to be supplied by a common water supply, the location of the water source the design of the distribution system and a operation plan shall be submitted. The operation plan shall include quality monitoring and treatment plants. Wells shall be protected by a 300 foot radius natural buffer zone.

2. When water is to be supplied by private wells evidence of adequate ground water supply and quality shall be submitted by a written statement from either a well driller or a hydro geologist familiar with the area.

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

G. The location of any zoning boundaries affecting the Subdivision.

H. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.

I. The location names, and present widths of existing and proposed streets, highways, easements, building lines, parks

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and other open spaces on or adjacent to the Subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The length of all straight lines, the deflection angles radii, length of curves and central angles of curves, tangent distances and tangent bearings for each street shall be included.

J. The width and location of any streets or public improvements shown upon the Official Map and the Comprehensive Plan, if any, with the Subdivision

K. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers of cession to the municipality of all public open spaces shown on the plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If open space or other land is to be offered to the municipality, written evidence that the Municipal Officers are satisfied with the legal sufficiency of the written offer of cession shall be included.

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

8.3 Final Approval and Filing

A. No plan shall be approved by the Planning Board as long as the sub divider is in default on a previously approved plan.

B. Upon findings of fact and determination that all standards in Title 30 M.R.S.A. 4956, Subsection 3, 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. All conditions of approval shall be shown on the Final Plan including the standard conditions of approval contained in Section 8.3.g. One copy of the signed plan shall be retained by the Board as part of its permanent records. One copy of the signed plan shall be forwarded to the Tax Assessor. One copy of the signed plan shall be forwarded 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

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become null and void.

C. 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 insure the orderly development of the plan. If any municipal or quasi-municipal department head notified of the proposed Subdivision informs the Board that their department or district 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 superintendent of schools indicates that there is less than 20% excess classroom capacity existing in the school(s) which will serve the Subdivision, considering previously approved but not built subdivision, the Board shall require the plan be divided into sections to prevent classroom overcrowding.

D. No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Planning Board and endorsed in writing on the plan, unless the revised Final Plan is first submitted and the Board approves any modifications, except in accordance with Section 9.1.C. The Board shall make findings that the revised plan meets the standards of Title 30, M.R.S.A. 4956, Subsection 3, and these Regulations. In the event that a plan is recorded without complying with this requirement, it shall institute proceedings to have the plan stricken from the records of the Registry of Deeds.

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

F. Failure to commence substantial construction of the Subdivision within two years of the date of approval and

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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.

G. Standard conditions of approval include:

1. No lot may be re-subdivided without prior Board approval.
2. Natural vegetative buffer and filter strips as shown on the Final Plan shall not be altered except for the cutting of dead trees.
3. Prior to the sale or transfer of the title of a Subdivision approved under this Ordinance, the prospective buyer must obtain Board approval, demonstrating willingness and technical and financial ability to comply with the Final Plan and any conditions of approval.
4. All reasonable efforts shall be undertaken to prevent soil erosion.
5. Compliance with all applicable State, Federal and Local laws and regulations.
6. The developer shall identify and coordinate with the Belgrade Code Enforcement Officer major project phases for the purpose of scheduling on-site compliance inspections.

ARTICLE IX ENFORCEMENT

9.1 Inspection of Required Improvements.

A. At least five days prior to commencing each major phase of construction of required improvements, the sub divider or builder shall notify the Code Enforcement Officer in writing of the time when he proposes to commence construction of such improvement, so that the Municipal Officers can cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.

B. If The inspecting official finds upon inspection of the improvement that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the sub divider, he shall so report in writing to the Municipal Officers, Planning Board, and the sub divider or builder. The Municipal Officers shall take any steps necessary to preserve the municipality's rights.

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C. If at any time before or during the construction of the required improvements, it appears to be necessary or desirable to modify the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the Board. Revised plans shall be filed with the Town. For major modifications, such as relocation of rights-of-ways, property boundaries, changes of grade by more than 1% changes to natural buffer strips, etc., the sub divider shall obtain permission to modify the plans from the Board.

D. At the close of each summer construction season the Town shall at the expense of the sub divider, have the site inspected by a qualified individual. By December 1 of each year during which construction was done on the site, the inspector shall submit a report to the Board based on that inspection, addressing whether storm water and erosion control measure (both temporary and permanent) are in place, are properly installed, and appear adequate to do the job they were designed for. The report shall also include a discussion and recommendations on any problems which were encountered.

E. Prior to the sale of any lot, the sub divider shall provide the Board with a letter from a Registered Land Surveyor, stating that all documentation shown on the plan has been installed.

F. Upon completion of street construction and prior to a vote by the Municipal Officers to submit a proposed town way to a town meeting, a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the Municipal Officers at the expense of the applicant, certifying that the proposed town way meets or exceeds the design and construction requirements of these regulations. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility.

G. The sub divider or builder shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the municipality or establishment of a Subdivision Association which specifically agrees to accept this responsibility.

9.2 Violations and Enforcements

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A. No plan of a division of land within the municipality which would constitute a Subdivision shall be recorded in the Registry of Deeds until a Final Plan has been approved by the Board in accordance with these regulations.

B. No person, firm, cooperation, or other legal entity may convey any land in a Subdivision which has not been approved by the Board and recorded in the Registry of Deeds.

C. No person, firm, corporation, or other legal entity may convey, offer or agree to convey any land in an approved Subdivision which is not shown on the Final Plan as a separate lot.

D Any person, firm, corporation or other legal entity who conveys any land in a Subdivision which has not been approved as required by these regulations shall be punished by a fine of not less than \$100.00, and not more than \$2,500.00 for each such conveyance. The Municipality may institute proceedings to enjoin the violation of this Section, and may collect attorney's fees and court costs if it is the prevailing party.

E. No public utility, water district, sanitary district or any utility company of any kind shall serve any lot in a Subdivision for which a Final Plan has not been approved by the Board.

F. Development of a Subdivision without Board approval shall be a violation of law. Development for the expressed purpose of developing a Subdivision includes clearing, grading or construction of roads (except logging roads), grading of land or lots, or construction of buildings which require a Final Plan approved as provided in these regulations and recorded in the Registry of Deeds.

G. No lot in a Subdivision may be sold, leased, or otherwise conveyed before the street upon which the lot fronts is completed in accordance with these regulations up to and including the entire frontage of the lot. No unit in a multi-family development shall be occupied before the street upon which the unit is accessed is completed in accordance with these regulations.

ARTICLE X GENERAL STANDARDS

In reviewing applications for a Subdivision, the Board shall consider the following General Standards and make finds that each has been met prior to the approval of a Final Plan. In

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all instances the burden of proof shall be upon the applicant.

10.1 Conformance with Comprehensive Plan. All proposed Subdivisions shall be in conformity with the Comprehensive Plan or policy statement of the municipality and with the provisions of all pertinent State and local codes and ordinances.

10.2 Retention of Open Spaces and Natural or Historic Features.

A. In any Subdivision larger than ten (10) acres, the developer shall reserve fifteen (15%) percent of the total project area as open space to maintain wildlife habitat. The Board may require natural buffer areas be maintained around important wildlife habitats, wetlands, deer wintering areas or wildlife travel lanes.

B Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended. Sites selected to include scenic or passive recreation purposes shall have such access as the Board may deem suitable and no less than twenty-five feet of road frontage. The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes to be preserved, together with sufficient areas for trails, lookouts, etc. where necessary and appropriate.

C. Reserved land acceptable to the Board and sub divider may be dedicated to the municipality as a condition of approval.

D. The Board may require that the development plans include a landscape plan that will show the preservation of natural screening, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic historic or environmentally significant areas.

10.3 Land Not Suitable for Development. The following lands shall not be included in the calculations of lot area for the purpose of meeting the requirements of the Minimum Lot Size Law.

A. Land which is situated below the normal high water mark of any water body.

B. Land which is located within the 100 year frequency flood plain as identified by the Federal Emergency Management Agency or the Department of Housing and Urban Development, Flood Insurance Administration, unless the sub divider shows proof

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through the submittal of materials prepared by a Registered Land Surveyor which show that the property in question lies at least two feet above the 100 year flood level. The elevation of filled or made land shall not be considered.

C. Land which is part of a right-of-way, or easement, including utility easements.

D. Land which has a water table within ten inches of the surface for at least three months of the year as identified by the County Soil Survey. The Board may use such lands in the lot area calculations if the lot(s) are to be deed restricted to prohibit buildings with basements or require basement floor elevations one foot above the seasonal water table.

E. Land that has been created by filling or draining a pond or wetland.

10.4 Lots

A. All lots shall meet the requirements of the Belgrade Minimum Lot Size Ordinance. Within the authority established in Article XIV of this Ordinance, the Planning Board may waive the road frontage requirements of the Belgrade Minimum Lot Size Ordinance with respect to any and all lots which are approved under Article X, Section 10.7, Cluster Developments.*

B. Lot configuration and area shall be designed to provide for adequate off-street parking and service facilities based upon the type of development contemplated.

C. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited. The ratio of lot length to width shall not be more than three to one.

D. Lots shall be numbered in such a manner as to facilitate mail delivery. Even numbers shall be assigned to lots on one side of the street, and odd numbers on the opposite side. Where the proposed Subdivision contains the extension of an existing street or street approved by the Board, but not yet constructed, the lot numbers shall correspond with the existing lot numbers. The lot numbering shall be reviewed by the Postmaster and his/her comments considered by the Board.

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10.5 Required Improvements. The following improvements are required for all Subdivisions unless waived by the Board in accordance with provisions of these regulations.

A. Monuments

1. All Subdivision boundary corners and angle points, as well as all lot boundary corners and angle points shall be marked by suitable monumentation consisting of iron pins or stone monuments.

B. Water Supply

1. When the location of a Subdivision does not allow for a financially reasonable connection to a public water supply system, the Planning Board may allow the use of individual wells or a private community water system.

a. If a central water supply system is provided by the sub divider, the location and protection of the source, and the design, construction and operation of the system and shall conform to the standard of the Maine Rules Relating to Drinking Water (10-144A C.M.R. 231).

b. The sub divider shall construct ponds and dry hydrants to provide for adequate water storage for fire-fighting purposes. An easement shall be granted to the municipality granting access to the dry hydrants where necessary. The Board may waive the requirement for fire ponds only upon submittal of evidence that the soil types in the Subdivision will not permit their construction or submittal of a letter from the Belgrade Fire Chief that such ponds are not needed to provide adequate fire protection.

c. Dug and drilled wells must be at least one hundred (100) feet from existing sewage disposal systems.

C. Sewage Disposal

1. Private System

a. The developer shall submit evidence of soil suitability for subsurface sewage disposal prepared by a Maine License Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules. In addition, on lots in which the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown as a

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reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted so as not to be built upon.

b. In no instance shall a disposal area be permitted on soils or on a lot which requires a New System variance from the Subsurface Wastewater Disposal Rules unless lot size exceeds 100,000 square feet.

D. Surface Drainage.

1. Where a Subdivision is traversed by a stream, river, or surface water drainage way, or where the Board feels that surface water run-off to be created by the Subdivision should be controlled, there shall be provided easements or drainage rights-of-ways with swales, culverts, catch basins or other means of channeling surface water within the Subdivision and over other properties. This storm water management system shall be designed by a Registered Professional Engineer.

2. Drainage easements for existing water-courses or proposed drainage ways shall be provided and indicated on the plan at least thirty (30) feet wide, conforming substantially to the lines of the existing natural drainage.

3. The developer shall provide a statement from the designing engineer that the proposed Subdivision will not create erosion, drainage or runoff problems either in the Subdivision or in other properties. Where the peak runoff from the Subdivision onto other properties is increased either in volume or duration, easements from the abutting property owners, allowing such addition discharge shall be obtained.

4. A storm water drainage plan showing ditching, culverts, storm drains, easements, and other proposed improvements, meeting the standards of Section 11.4, shall be submitted.

5. Roadside drainage ditches shall not discharge directly to any stream or pond but instead will discharge to a natural filter strip or a sedimentation basin designed for a 25 year storm by a Maine Registered Engineer.

6. Filter strips of natural vegetation shall be maintained along both sides of all intermittent and perennial stream channels at road crossings, where roads parallel streams and all other areas of soil disturbance as specified below:

Slope of land (percent)	Minimum width of filter strip (ft)
0	25
10	45
20	65

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30	85
40	105
50	125
60	145
70	165
80	185
90	205
100	225

7. Filter strips of natural vegetation between roads, construction areas, areas of soil disturbances, and great ponds shall be maintained in accordance with paragraph 6 above.

8. Phosphorous control standards. Contained in Article XIII shall be followed for projects or portions, of projects within the Salmon Lakes or McGrath Pond watersheds.

10.6 Land Features

A. Topsoil shall be considered part of the Subdivision and shall not be removed from the site except for surplus top soil from roads, parking areas, and building excavations.

B. Except for normal thinning, landscaping, and cutting trees to provide access to direct sunlight, 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.

C. To prevent soil erosion of shoreline areas, tree cutting in a strip paralleling the shoreline of a water body, and extending one hundred feet inland from all points along the normal high water mark shall be limited in accordance with the following if not in the Shore land Zone.

1. Nor more than 30% of the length of the strip shall be clear-cut to the depth of the strip.

2. Cutting of this 30% shall not create a clear-cut opening greater than thirty feet wide.

3. In the remaining 70% length of the strip, no vegetation other than dead trees and shrubs shall be cut in order to maintain sufficient cover to preserve natural beauty and control erosion.

10.7 Cluster Development

A. Purpose. The purpose of these provisions is to allow for innovative concepts of housing development where maximum

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variations of design may be allowed, provided that the new residential density shall be no greater than is permitted in the Zoning District in which the development is proposed. To this end, the layout, and dimensional requirements of the Zoning Ordinance may be altered without restriction except height limitations.

B. Basic Requirements.

1. All the requirements and standards of these regulations, except those dealing with lot layout and dimensions shall be met.

2. The minimum area of land in a cluster development shall be ten acres, except where there is public water and sewer.

3. The plan shall indicate the location of all proposed roads, structures, parking areas, footpaths and common open space.

4. No building shall be constructed in an inland wetland as mapped by the Maine Geological Survey.

5. Where a 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.

6. In cluster developments with individual lot sizes of 20,000 square feet or less, all dwelling units shall be connected to a common water supply and distribution system.

7. In cluster development with individual lot sizes of 20,000 square feet or less, all dwelling units shall be connected to a central collection and treatment system.

8. Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, south-facing slopes, and natural drainage areas, in accordance with an overall plan for site development and landscaping.

10.8 Dedication and Maintenance of Common Open Space and Services.

A. All common land shall be owned jointly or in common by the owners of the dwelling units by means of a Homeowners Association, by an association which has as its principal purpose the conservation or preservation of land in essentially its natural condition, or by the municipality.

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

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

1. It shall not be used for future building lots, and
2. A part or all of the common open space may be dedicated for acceptance by the municipality.

D. If any or all of the common open space and services are to be reserved for use by the residents, the by-laws the proposed Homeowners Association shall specify maintenance responsibilities and shall be submitted to the Board prior to Final Plan approval.

E. Covenants for mandatory membership in the Homeowners Association setting forth the owner's rights, interests, and privileges in the Association and the common property, shall be reviewed by the Board and included in the deed for each lot dwelling.

F. The Homeowners Association shall have the responsibility of maintaining the common property.

G. The Association shall levy annual charges against all owners of dwelling units to defray the expenses connected with the maintenance of common property and tax assessments.

H. The developer or sub divider shall maintain control of the common property, and be responsible for its maintenance until development sufficient to support the Association has taken place.

10.9 Construction in Flood Hazard Areas. When any part of a subdivision is located in special flood hazard areas as identified by the Federal Emergency Management Agency, the plan shall indicate that all principal structures on lots in the subdivision shall be constructed with their lowest floor, including the basement, at least two feet above the 100-year flood elevation. Such a restriction shall be included in the deed to any lot which is included or partially included in the flood hazard area.

10.10 Water Frontage and Lot Size Requirements for common Lots. A common lot to be used for the access to a water body shall have 50 feet of water frontage for each lot or living unit with the right to use this common lot. Such a common lot shall have a minimum area of one acre and no less than 200 feet water frontage.

10.11 Impact on Ground Water

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A. When a hydro geologic assessment is submitted, the assessment shall contain at least the following information:

1. A map showing the basic soils types.
2. The depth to the water table at representative points throughout the Subdivision.
3. Drainage conditions throughout the Subdivision.
4. Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.
5. An analysis and evaluation of the effect of the Subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentration at any wells within the Subdivision, at the Subdivision boundaries and at a distance of 500 feet from potential contamination sources, whichever is a shorter distance. For Subdivisions within the watershed of a lake, projections of the development's impact on ground water phosphorous concentrations shall also be provided.
6. A map showing the location of an subsurface wastewater disposal systems and drinking water wells within the Subdivision and within 200 feet of the Subdivision boundaries.

B. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual division boundaries.

C. 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.

D. 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.

E. 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.

F. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with

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the assessment. If construction standards for drinking water wells 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.

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G. The Board shall require lot sizes larger than required by the Belgrade Minimum Lot Size Ordinance, or lower residential density than allowed by the Zoning Ordinance, where completion of the following formula indicates such lot sizes or densities are necessary in order to meet the standards above; $d = (q) (C \text{ nitrate} - C_b) \text{ divided by } (C_s) (q_s)$. "d" is the allowable housing density in dwellings per acre "q" is the rate of natural ground water recharge, averaged over the year in gpm/acre; some representative numbers based on soil types are:

glaciomarine clay-silt	0.11-0.23
Thick silty clay	0.23
Thin soil over rock	0.33
Thin till over rock	0.46
Sandy glacial till	0.57
glaciomarine fine sands	0.91
Raised beach deposits	1.16
Sand and gravel	1.16

C nitrate is the maximum acceptable resultant concentration of nitrate-nitrogen in ground water as a result of subsurface sewage disposal systems, 5 mg/l.

C_b is the nitrate-nitrogen concentration in ground water

C_s is the nitrate-nitrogen concentration in typical septic tank discharge, 30 mg/l.

q_s is the average leach field discharge rate per dwelling, which is equal to 70% of 300 gallon per day or 0.15 gal/min.

H. Underground petroleum storage is prohibited on sand and gravel aquifers mapped by the Maine Geological Survey, within 300 feet of all private wells, or within 1,000 feet of a public drinking water supply source except in 360 degree double-walled fiberglass or cathodically protected steel tanks and piping.

10.12 Parcels to be subdivided. # A parcel to be subdivided shall be abutted by an existing public road such that each lot has either direct access to that public road or has indirect access via a right-of-way within the subdivision reserved for a public road or a privately owned road, or have at least one (1) right-of-way of sixty (60) feet, or greater, width between the parcel and an existing public road to serve as a means of entrance to/exit from the parcel.

Where more than one (1) entrance to/exit from a subdivision is required by this Ordinance, each entrance to/exit from the

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subdivision shall be via right-of-ways within the subdivision reserved for public roads or privately-owned roads that directly intersect one or more existing abutting public roads or that intersect one (1) or more right-of-ways of sixty (60) feet, or greater width between the parcel and one (1) or more existing public roads.

Nothing in this Subsection shall require that the subdivision contain a proposed public or privately-owned road or that any right-of-way to/from the subdivision be a part of the subdivision.

ARTICLE XI- STREET AND STORM DRAINAGE DESIGN AND CONSTRUCTION STANDARDS.

11.1 General Requirements

A. The Board shall not approve any Subdivision Plan unless proposed streets and storm water management systems are designed in accordance with the specifications contained in these regulations. Approval of the Final Plan by the Board shall not be deemed to constitute or be evidence of acceptance by the municipality of any street or easement.

B. Sub dividers shall submit to the Board, as part of the Final Plan, detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed streets. The plans shall include the following information:

1. Date, scale, and magnetic or true north point.
2. Intersections of the proposed street with existing streets.
3. Roadway and right-of-ways limits including edge of pavement, edge of shoulder, sidewalks, and curbs.
4. Kind, size, location, material, profile, and cross section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.
5. Complete curve data shall be indicated for all horizontal and vertical curves.
6. Turning radial at all intersections.
7. Center line gradients.
8. Locations of all existing and proposed overhead and underground utilities, to include but not be limited to water, sewer, electricity, telephone, lighting and cable television.

C. Upon receipt of plans for a proposed public street the

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Board shall forward one copy to the Municipal Officers and the Road Commissioner for review and comment.

11.2 Street Design Standards

A. Where a subdivision borders an existing narrow streets (not meeting the width requirements of the standards for streets in these regulation), or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land in the Subdivision, the plan shall indicate reserved areas for widening or realigning the road marked "Reserved for Road realignment (Widening) Purposes." Land reserved for such purposes may not be included in computing lot area or setback requirements of the Zoning Ordinance. When such widening or realignment is indicated on the Official Map, the reserve area shall not be included in any lot, but shall be reserved to be deeded to the Municipality or State.

B. Where Major Subdivision abuts or contains an existing or proposed arterial street; no residential lot may have vehicular access directly on to the arterial street. This requirement shall be noted on the plan and in the deeds of any lot with frontage on the arterial street.

C. SEE: Town of Belgrade Municipal Street and Road Ordinance for specification if subdivision road is to be built with intent to be a municipal road.

NOTE: Private roads within a subdivision must have a minimum right-of-way of 60' unless the Planning Board, due to individual circumstances determines the necessary right-of-way to be less than or greater than 60'.

D. All Subdivisions must have an adequate turn-around as determined by the Planning Board.

E. Where private roads intersect with public roads, grades as sight distance must be maintained in a safe manner as determined by the Planning Board.

11.3 Storm Water Management Design Standards.

A. Adequate provision shall be made for disposal of all storm water generated within the subdivision, and any drained ground water through a management system of swales, culverts, under drain, and storm drains. The storm water management system shall be designed to conduct storm water flows to existing

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watercourses or storm drains.

1. All components of the storm water management system shall be designed to meet the criteria of a twenty-five year storm based on rainfall data for Portland, Maine.

2. The minimum pipe size for any storm drainage pipe shall be twelve inches. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two feet. Pipe shall be bedded in a fine granular material, containing no stones larger than 3 inches, lumps of clay, or organic matter, reaching a minimum of six inches below the bottom of the pipe extending to six inches above the top of the pipe.

3. Catch basins shall be installed where necessary and located at the curb line.

4. Outlets shall be stabilized against soil erosion by stone riprap or other suitable materials to reduce storm water velocity.

B. The storm water management system shall be designed to accommodate upstream drainage, taking into account existing conditions and approved or planned developments not yet built and shall include a surplus design capacity factor of 25% for potential increases in upstream runoff.

C. Downstream drainage requirements shall be studied to determine the effect of the proposed subdivision. The storm drainage shall not overload existing or future planned storm drainage systems downstream from the subdivision. The subdivider shall be responsible for financing any improvements to existing drainage systems required to handle the increased storm flows.

D. Wherever the storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided to the town or Subdivision Association if they are responsible, allowing maintenance and improvements of the system.

E. Where soils require a subsurface drainage system, the drains shall be installed and maintained separately from the storm water drainage system.

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11.4 Additional Improvements and Requirements.

A. Erosion Control. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.

ARTICLE XII- PERFORMANCE GUARANTEES

12.1 Types of Guarantees. With submittal of the application for Final Plan approval, the sub divider shall provide one of the following Performance Guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time span of the construction schedule and the inflation rate for construction costs:

A. Either a certified check payable to the Town or a savings account or certificate of deposit naming the Town as owner, for the establishment of an escrow account;

B. A Performance Bond payable to the Town issued by a surety company, approved by the Municipal Officers;

C. An irrevocable letter of credit (see Appendix B for sample) from a financial institution establishing funding for the construction of the subdivision, from which the Town may draw if construction is inadequate, approved by the Municipal Officers; or

D. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed. The conditions and amount of the Performance Guarantee shall be determined by the Board with the advice of the town Road Commissioner, Municipal Officers, and/or Town Attorney.

12.2 Contents or Guarantee. The Performance Guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of par or all of the Performance Guarantee to the developer, and a date after which the developer will be in default and the Town shall have access to the funds to finish construction.

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12.3 Escrow Account. A cash contribution to the establishment of an escrow account shall be made by either a certified check made out the municipality, the direct deposit in to a savings account, or the purchase of a certificate of deposit. For any account opened by the sub divider, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the sub divider unless the municipality has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the sub divider and the amount withdrawn to complete the required improvements.

12.4 Performance Bond. A Performance Bond shall detail the conditions for the bond, the method for release of the bond or portions of the bond to the sub divider, and the procedures for collection by the municipality. The bond documents shall specifically reference the subdivision for which approval is sought.

12.5 Letter of Credit. An irrevocable Letter of Credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan.

12.6 Phasing of Development. The Board may approve plans to develop a Major Subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed Subdivision Street which is covered by a Performance Guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

12.7 Release of Guarantee. Prior to the release of any part of the Performance Guarantee, the Board shall determine to its satisfaction that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is required.

12.8 Default. If, upon inspection, the Town Code Enforcement Officer finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he/she shall so report in writing to the Municipal Officers, the Board and the sub divider or builder. The Municipal Officers shall take any steps necessary to preserve the Town's rights.

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12.9 Private Roads. Where the Subdivision streets are to remain private roads, the following words shall appear on the recorded plan. "All roads in this Subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town-", until such time the necessary improvements have been made and the legislative body votes to accept the road for maintenance.

12.10 Improvements Guaranteed. Performance Guarantees shall be tendered for all improvements required by Section 10.6 of these regulations, as well as any other improvements

ARTICLE XIII - PHOSPHOROUS CONTROL STANDARDS

13.1 Phosphorous Control. Minimizing phosphorus runoff can general only be accomplished by retention of storm water on-site and infiltration? Retention requires diversion of excess storm water to a separate infiltration area with no subsequent discharge of diverted water to surface waters. Wet ponds will also be given favorable consideration if sufficient storage is available to allow for settling fine particles and for biological treatment of phosphorus. This requirement often results in a basin so large, however, that it is undesirable for an applicant. The Town also supports measures to diminish the amount of storm water generated such as minimizing impervious and disturbed areas, situating development on better-drained soils and designing density of development in accordance with environmental limitations of the site. The Town will generally not accept mechanical and chemical means of treatment unless unusual circumstances warrant it. Consideration may be given to these measures if maintenance will be provided by an established entity, the treatment is not for a sensitive area, and some treatment will occur even if mechanical failure occurs. An applicant must demonstrate beyond any reasonable doubt that consistent treatment will occur.

13.2 Determination of Required Controls.

A. **Peak Runoff Control.** Runoff in excess of predevelopment rates should be determined pursuant to URBAN HYDROLOGY FOR SMALL WATERSHEDS, (U.S. Soil Conservation Service, Second Edition, 1986, Technical Release No. 55, available from the Kennebec County Soil and Water Conservation District, Augusta, Maine; hereinafter "TR-55"). Calculation of peak flow will be based on twenty-five (25) year, twenty-four (24) hour storm (unless it can be shown there will be less impact from a

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lesser calculation due to location in the watershed or otherwise). Calculations should be provided for both pre- and post-development conditions. The purpose of this calculation is to ascertain downstream erosion potential. Controls will be required so that peak flow after development does not exceed peak flow before development. This requirement may be waived in the case of development within 150 feet of the normal high water mark of the lake, where runoff from the developed area reaches the lake only in overland flow and does not enter natural intermittent or permanent stream channels prior to reaching the lake.

B. Phosphorous Control. The volume of runoff which shall be treated for phosphorous removal shall be based on a 2.0 inch precipitation event under high antecedent moisture conditions, except in the case of wet ponds, in which case this volume will be doubled. This yields the following amounts of runoff, in inches, for the following land uses and hydrologic soil groups (Appendix A, TR-55):

Table 13.2 - B

Land Uses	Hydrologic Soil Groups			
	A	B	C	D
Impervious Areas (Road, Driveways Rooftops)	2.0 in.	2.0in.	2.0in.	2.0in
Lawns, Gardens Etc.	0.25in	0.8in	1.2in	1.4in
Forest	0.0	0.55	0.9	1.2

Only runoff from all disturbed areas (e.g., houses, lawns, driveways, roads) need be treated, but the sizing of treatment systems shall be based on runoff calculations for all the area which drains to a treatment system. It is therefore most efficient to divert uphill runoff from undisturbed areas around house and yard areas in stabilized diversion drainage ways, thus minimizing the amount of runoff to be treated. The primary means of phosphorous control will be either treatment in wet ponds or infiltration.

13.3 Treatment System Design Guidelines

A. Infiltration Treatment Systems. Infiltration systems must be designed to operate under adverse conditions because phosphorous export is often highest when soil is saturated or frozen. In order to assure the system will infiltrate water at a reasonable rate, the following guidelines apply:

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1. Solid in all areas to be used for infiltration should have adequate infiltration capacity to infiltrate the volume of runoff required in 13.2 B within forty-eight (48) hours and under high water table conditions. No filling is allowed for the purpose of attaining adequate infiltration capacity.

2. At least one test pit shall be located in the center of all proposed infiltration areas and the soil identified by name by a registered soil scientist.

3. The size of the infiltration area shall be based on (a) the volume of runoff to be controlled for phosphorous removal (Section 13.2) and (b) the infiltration rate of the soils available so that all the runoff will be infiltrated in a 48 hour period.

4. The bottom of all infiltration areas shall be at least one foot above the seasonal high water table.

5. The application shall provide details on what flow will reach the infiltration areas. Runoff not directed to infiltration areas must be added to the total leaving the site.

6. All infiltration areas shall have adequate overflow provisions.

7. All infiltrations areas shall be protected during construction. Furthermore, the site must be stabilized prior to use of the system to prevent clogging.

8. A program for periodic testing and necessary maintenance shall be submitted for all infiltration areas. This program should include a method for determining the efficiency of the infiltration area and a method to restore the area if necessary.

B. Wet Ponds. The design volume of a wet pond shall be, at a minimum, twice the volume of runoff indicated in Table 13.2-B, provided that wet ponds are the sole means of phosphorous control. If wet ponds are used in combination with uphill infiltration systems, the design volume of wet ponds shall be twice the volume of runoff indicated in Table 13.2-B less the volume of runoff infiltrated. Wet ponds shall include the following design elements:

1. Plug Flow. Pond should be designed so that inflowing storm water is not likely to mix with old storm water in the pond, but "pushes" the old storm water out the spillway.

2. Mean Depth. The mean depth of these ponds should be no less than five (5) feet.

3. Outflows. Outflow from the pond shall be via a simple overflow spillway whose elevation is at or above the design volume. The pond will also include a small drain

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outlet at or near its deepest point. The function of this drain is only to drain the pond for scheduled excavation of accumulated materials and it shall remain plugged at all other times.

4. A maintenance program shall be submitted for all wet ponds. This shall include a method for estimating the volume lost in the pond due to accumulation of sediment. The pond must be restored to its design volume when volume has been reduced to less than 90% of the design volume.

5. Fencing or other barriers sufficient to prevent ready access to the pond should be provided.

13.4 Application Contents. The following is needed for the Town to complete a storm water review:

A. A site plan should be drawn at a scale of 1" = 50' for the developed project area with a contour interval of two (2) feet with U.S. Soil Conservation Service Soil Series names showing conditions before development.

B. A detail of the area to be disturbed should be drawn at 1" = 20' showing conditions both before and after development. Drawings should indicate the size and location of culverts and ditches. Typical cross sections of drainage ditches should be included.

C. Calculations showing peak discharge rates before and after development for twenty-five (25) year, twenty-four (24) hour storm.

D. Arrangements proposed for maintaining predevelopment peak flow rate.

E. Calculations showing the amount of runoff to be controlled for phosphorous removal.

F. Drawing and calculations for infiltration areas and wet ponds.

G. Soils information for all proposed infiltration areas- specifically infiltration rate and seasonal ground water table level.

H. Arrangements proposed to protect infiltration areas during construction.

I. Arrangements proposed for periodic testing and any necessary maintenance of storm water control structures.

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13.5 Buffer Strips.

A. A buffer strip is defined as a naturally forested area located immediately down slope of disturbed, developed areas and located so that the buffer will intercept runoff from the disturbed area before that runoff is concentrated in road or drainage ditches, drainage swales, intermittent or permanent streams or other channelized flow or a standing body of water. Buffers should remain in their natural state. In the case of development in the forested areas, buffers shall be created or allowed to naturally revert to a forest stand. If the buffer strip is to be created, a landscape plan must be submitted which shows a planting scheme, the intent of which is to create a natural, young and diverse forest stand as quickly as possible. Minimum width of buffer strips shall be determined as follows:

Hydrologic Soil Group in Buffer	Minimum Buffer Width for Slope up to 15%
A	75'
B	100'
C	125'
D	150'

If slopes are 15% or 30%, buffer width should be multiplied by a factor of 1.5.

If slopes exceed 30%, site is not considered suitable for a buffer strip.

ARTICLE XIV - WAIVERS

14.1 Where the Board makes written finding of fact that there are special circumstances of a particular lot proposed to be subdivided, it may waive portions of the submission requirements or the standards, unless otherwise indicated in the regulations, to permit a more practical and economical development, provided the waivers do not have the effect of nullifying the intent and purpose of the Belgrade Comprehensive Plan, the Shore land Zoning Ordinance, or these regulations.

14.2 Where the Board makes written findings of fact that due to special circumstances of a particular lot proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the

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proposed subdivision, it may waive the requirements for such improvements, subject to appropriate conditions.

14.3 In granting waivers to any of these regulations in accordance with Section 13.1 and 13.2 the Board shall require such conditions as will assure the objectives of these regulations are met.

ARTICLE XV - APPEALS

15.1 An aggrieved party may appeal any decision of the Board under these regulations to Kennebec County Superior Court.

APPENDIX A

Title 30 M.R.S.A. 4956. Land Subdivisions

1. Defined. A Subdivision is the division of a tract or parcel of land into three or more lots within any 5 year period, which period begins after September 23, 1971, whether accomplished by sale, lease, development, buildings, or otherwise, provided that division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage or adoption, unless the intent of such gift is to avoid the objectives of this section, or by transfer of any interest in land to the owner of land abutting thereon, shall not be considered to create a lot or lots for the purposes of this Section. In determining whether a tract or parcel of land is divided into three or more lots, the first dividing of such tract or parcel, unless otherwise exempted herein, shall be considered to create the first two lots and the next dividing of either of said first two lots, by whomever accomplished, unless otherwise exempted herein shall be considered to create a third lot, unless both such dividing are accomplished by a sub divider who shall have retained one of the lots for his own use as a single family residence for a period of at least five years prior to such second dividing. Lots of forty or more acres shall not be counted as lots. For the purposes of this Section, a tract or parcel of land is defined as all contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof.

2. Municipal Review and Regulations.

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A. Reviewing Authority. All requests for Subdivision approval shall be reviewed by the municipal Planning Board, agency or office or if none, the Municipal Officers, herein-after called the Municipal Review Authority.

B. Regulations the Municipal Reviewing Authority may, after a public hearing, adopt additional reasonable regulations governing subdivisions shall control until amended repealed or replaced by regulations adopted by the municipal legislative body. The Municipal Reviewing Authority shall give at least seven days notice of such hearing.

C. Record. On all matters concerning subdivision review, the Municipal Reviewing Authority shall maintain a permanent record of all its meetings, proceedings and correspondence.

C-1. Upon receiving an application, the Municipal Reviewing Authority shall issue to the applicant a dated receipt. Within thirty days from receipt of an application, the Municipal Reviewing Authority shall notify the applicant in writing either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make a complete application. After the Municipal Reviewing Authority has determined that a complete application has been filed, it shall notify the applicant and begin its full evaluation of the proposed subdivision.

D. Hearing/Order. In the event that the Municipal Reviewing Authority determines to hold a public hearing on an application for subdivision approval, it shall hold such hearing within thirty days of receipt by it of a completed application, and shall cause notice of the date, time and place of such hearing to be given to the person making the application and to be published in a newspaper of general circulation in the municipality in which the subdivision is proposed to be located, at least two times, the date of the first publication to be at least seven days prior to the hearing. The Municipal Reviewing Authority shall, within thirty days of a public hearing or within days of receiving a completed application, if no hearing is held, or within such other time limit as may be otherwise mutually agreed to, issue an order denying or granting approval of the proposed subdivision or granting approval upon such terms and conditions as it may deem advisable to satisfy the criteria listed in Sub-section 3 and to satisfy any other regulations adopted by the Reviewing Authority, and to protect and preserve the public's health, safety, and general welfare. In all instances the burden of proof shall be upon the persons proposing the subdivisions. In issuing its decision, the

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Reviewing Authority shall make finding of fact establishing that the proposed subdivision does or does not meet the foregoing criteria.

3. Guidelines. When promulgating any subdivision regulations and when reviewing any subdivision for approval, the planning board, agency or office, or the Municipal Officers, shall considering the following criteria and before granting approval shall determine that the proposed subdivision:

A. Will not result in undue water or air pollution. In making this determination it shall at least consider: The elevation of land above sea level and its relation to the flood plains, the nature of soils and sub soils 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 resources regulations;

B. Has sufficient water available for the reasonable foreseeable needs of the subdivision;

C. Will not cause an unreasonable burden on an existing water supply, if one is to be utilized.

D. 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.

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

F. Will provide for adequate sewage waste disposal;

G. Will not cause unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized.

H. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

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

J. The sub divider has adequate financial and technical

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capacity to meet the above stated standards;

K. 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 that body of water or unreasonably affect the shoreline of that body of water.

L. Will not, alone or in conjunction with existing activities, adversely effect the quality or quantity of ground water; and

M. The sub divider will determine, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, whether the subdivision is in a flood prone area. If the subdivision or any part of it is in such an area the sub divider will determine the 100 year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan shall include a condition of plan approval requiring that principal structures on lots in the subdivision shall be constructed with their lowest floor, including the basement, at least two feet above the 100 year flood elevation.

3.A Access to Direct Sunlight. The planning board, agency or office or the Municipal Officers may for purposes of protecting and assuring access to direct sunlight for solar energy systems, prohibit, restrict or control development through subdivision regulations. The regulations may call for subdivision development plans containing restrictive covenants, height restrictions, side yard and setback requirements or other permissible forms of land use controls.

4. Enforcement. No person, firm, corporation or other legal entity may sell, lease, develop, build upon or convey for consideration any land in a subdivision which has not been approved by the Municipal Reviewing Authority of the municipality where the subdivision is located and recorded in the proper Registry of Deeds, nor shall such person, firm, corporation or other legal entity sell or convey any land in such approve subdivision unless at least one permanent marker is set at one lot corner of the lot sold or conveyed. The term "permanent marker" a concrete monument, an iron pin or a drill hole in ledge. No subdivision plot or plan is recorded by any Register of Deeds which has not been approved as required. Approval for the purpose of recording shall appear in writing on the plot or plan. No public utility, water district, sanitary district or any utility company of any kind shall install services to any lot in a subdivision unless written authorization attesting to the validity and currency

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through H has been completed in accordance with Your Town's Subdivision Regulations and street acceptance Ordinance, and the approved plans of the Sunshine Estates. Any funds remaining in the account on (date specified above) for work outlined in Steps A through H which has not been completed and approved by the town on that date shall be released to the Town to complete such work. As the Town Engineer or Code Enforcement Officer has issued his written approvals for each step above to Developer, Inc. The funds in this Account will be released based upon the schedule above.

Drafts drawn on this Account must be for this particular subdivision and to complete any work which is outlined above. Furthermore, drafts must be accompanied by itemized statements of work to be completed and must be submitted prior to (six to nine months following date specified above). Your Town shall not be responsible for repayment or interest cost for any funds released to the Town for work not completed on or before (date specified above).

Very Truly Yours,

Loan Officer

SEEN AND AGREED TO : _____
Developer, Inc.

Your Town hereby accepts said original letter as evidence of its satisfaction of Developer, Inc's. obligation to be performed.

Your Town

By: _____
Selectman

Date _____

By: _____
Selectman

Date _____

APPENDIX C

Sample Storm Drainage Easement

KNOW ALL MEN BY THESE PRESENTS:

That _____, of _____, County of _____, being the owner of a certain lot or

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parcel of land in the Town of _____, County of _____, and State of Maine, which premises are more fully described in a certain subdivision plan entitled _____, by _____, dated _____, by County registry of Deeds in Plan Book _____ Page _____, which description of said premises is included herein by reference. For and in consideration of the sum of One Dollar and other good and valuable considerations paid by the inhabitants of the Town of _____, State of Maine, the receipt of which is hereby acknowledged, Grantor(s) do(es) hereby give, grant, and quit-claim unto the said inhabitants of the Town of _____ an easement and right-of-way for the construction, maintenance, repair, or replacement of storm drains on or across said premises. Said easement shall be thirty (30) feet in width and ____ () feet in length across Lots numbered _____ and shall be located as shown on the above mentioned subdivision plan.

TO HAVE AND TO HOLD the said easement and right-of-way unto the said inhabitants of the Town of _____ for use for storm drainage so long as the same shall be used and maintained for such purposes; and Grantor(s) hereby dedicate(s) their respective interests in said strip of land to public use for such purposes. Grantor(s) further grant(s) to the inhabitants of the Town of _____ the right to enter upon said land for purposes here in before mentioned and Grantor(s), their heirs or assigns shall any structure within said easement or plant vegetation within said easement without the express written consent of the Director of the Town of _____.

IN WITNESS WHEREOF, the said _____ have here unto set my (our) hands(s) and seal(s) this _____ day of _____, in the year of the Lord one thousand nine hundred and _____.

SIGNED, SEALED, AND DELIVERED
in the presence of

STATE OF MAINE

_____, s.s.

, 19____

Personally appeared, before me, the above mention _____ and acknowledged the foregoing instrument to be _____ free act and deed.

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Notary Public/Justice of Peace

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#Amended by Referendum March, 19, 2010

TREE ORDINANCE FOR THE TOWN OF BELGRADE

AN ORDINANCE TO MANAGE COMMUNITY TREE RESOURCES BY PRESCRIBING REGULATIONS RELATING TO THE PLANTING, MAINTENANCE, AND REMOVAL OF TREES, SHRUBS AND OTHER LANDSCAPE MATERIALS ON PUBLIC LAND; PROVIDING FOR THE ISSUING OF PERMITS FOR THE PLANTING, MAINTENANCE, AND REMOVAL OF TREES ON PUBLIC LAND; PROSCRIBING PENALTIES FOR VIOLATION OF THESE ARTICLES.

NOTE: SHRUBS AND OTHER PLANTS ON THE TOWN OF BELGRADE CEMETERY PROPERTY ARE NOT INCLUDED IN THIS ORDINANCE.

BE IT ORDAINED BY THE SELECTPERSONS OF THE TOWN OF BELGRADE, STATE OF MAINE.

Section 1. Short Title. This Ordinance shall be known and may be cited as the TREE ORDINANCE for the Town of Belgrade, State of Maine.

Section 2. Definitions. For the purpose of this Ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein.

Community Tree Plan shall mean a written document that guides the work of the Tree Committee.

Park shall include all public parks having individual names.

Person is any individual, firm, partnership, association, corporation, company, organization or State agency of any kind. The Town of Belgrade and any of its municipal officials acting in their official capacity are exempt from the requirements of this ordinance.

Property Line shall mean the outer edge of a street or road right-of-way (R.O.W).

Property Owner shall mean the person owning such property as shown on town Tax Maps.

Public places shall include all grounds owned by the Town of Belgrade.

Street or Road means the entire width of every public way or right-of-way when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular and pedestrian traffic.

Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within a tree's crown to such a degree as to remove the normal canopy and disfigure the tree.

Town refers to the Town of Belgrade, a political unit of the State of Maine.

Town Tree Warden is a citizen of the community and an ex-officio member of the Tree Committee who volunteers to carry out the enforcement of this Ordinance.

Tree Committee refers to the volunteer committee established by the Town of Belgrade Selectboard.

Treelawn (R.O.W edge) is that part of a street or road, not covered by sidewalk or other paving, lying between the abutting property and the edge of the roadway.

Section 3. Duties of the Town Tree Warden. The Town Tree Warden shall have the following duties:

A. The Town Tree Warden shall propose rules governing the planting, maintenance and removal of trees on the streets or other public places in the town, said rules to be adopted by the Town Selectboard.

B. The Town Tree Warden shall report to the Tree Committee on a regular basis and shall be in attendance at all regular and special meetings of the Tree Committee, Tree Committee Sub-committees or other community meetings as designated by the Chairperson.

C. The Town Tree Warden shall have the authority and jurisdiction of regulating the planting, maintenance, and removal of trees on streets and other public places to insure safety or preserve the aesthetics of such public places by granting permits as set forth in Section 5 below.

1. The Town Tree Warden shall have the authority to affix reasonable conditions to the granting of a permit in accordance with the terms of this Ordinance.

Section 4. Community Tree Plan.

A. The Tree Committee shall have the authority to formulate a Community Tree Plan with the advice of the Town Manager, town committees or other town entities, consultants, public hearings, subject to approval of the Town Selectboard.

B. The Community Tree Plan shall include but not be limited to the goals and mission of the Tree Committee, an inventory of resources, needed work, associated cost, time schedules for such work, relevant information such as activities of the Tree Committee, standard tree maintenance, planting specifications, and permit application procedures.

Section 5. Permits Required. The following Anon-fee@ permits are required for work occurring on public places, streets, or roads.

A. Planting, Maintenance and Removal: No person shall plant, spray, fertilize, prune, remove, or otherwise disturb any tree on any street or public place without first procuring a permit from the Town Tree Warden, except for property owners maintaining Treelawn between their land and a roadway.

1. Planting Permit. When making application for a planting permit on public property the Applicant shall illustrate the number and types of trees or other plants

to be planted. [Maine Landscape & Nursery Association Landscape](#) (MeLNA) Contract Specifications or any amendments thereto or substitutes therefore shall be followed and enforced as a minimum standard for planting.

2. **Maintenance Permit.** When making application for a maintenance permit the Applicant shall state the number and kinds of trees to be sprayed, fertilized, pruned or otherwise preserved; the kind of treatment to be administered; the composition of the spray material to be applied; and such other information as the Town Tree Warden shall find reasonably necessary to a fair determination of whether a permit should be issued. All pruning shall meet, as a minimum standard, the Pruning Standards For Shade Trees published by the [National Tree Warden Association](#) or similar national organization.

3. **Removal and Replacement Permit.** When making application for a tree removal permit the Applicant shall describe the number and kinds of trees to be removed, their size, locations, health/age condition and their method of removal and such other information as the Town Tree Warden shall find reasonably necessary to a fair determination of whether a permit should be issued.

B. **Tree Topping.** It shall be unlawful, as a normal practice, for any person to top any public tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the Town Tree Warden.

C. Copies of materials referenced above will be available to the general public at the Belgrade Town Office.

Section 6. Abuse of Public Trees. No person shall intentionally damage, cut, carve, transplant, or remove any tree; attach any rope, wire, nails, advertisements, posters, or other contrivance to any tree, allow any gaseous liquid, or solid substance which is harmful to such trees to come in contact with them; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree.

Section 7. Interference with Town Tree Warden. No person shall hinder, prevent, delay, or interfere with the Town Tree Warden while engaged in carrying out the execution or enforcement of this Ordinance.

Section 8. Protection of Town Trees. All public trees shall be protected during construction. A. All trees on any street or other public place near any excavation or construction of any building, structure, or street work, shall be guarded with a good substantial fence, frame, or box. The Construction Tree Guard shall be not less than four (4) feet high and eight (8) feet square, or at a distance in feet from the tree trunk equal to the diameter of the trunk times 1.5 at breast height (D.B.H.) in

inches, whichever is greater. All building material, dirt, or other debris shall be kept outside the Construction Tree Guard. B. No person shall change natural drainage, excavate any ditches, tunnels, trenches, or lay any drive within a radius of ten (10) feet from any public tree without first obtaining a written permit from the Town Tree Warden.

Section 9. Placing Materials on Public Property. No person shall deposit, place, store, or maintain upon any public place of the municipality, any stone, brick, sand, concrete, or other materials which may impede the free passage of water, air, fertilizer to the roots of any tree growing therein. Sunlight to any public tree cannot be permanently blocked by placement of materials without written authorization of the Town Tree Warden.

Section 10. Enforcement, Penalty and Appeals.

A. Any person who violates any provision of this ordinance shall be subject to a fine payable to the Town of Belgrade of up to \$100 for each day of the violation (up to the date of notice), fines to be set by the Selectboard.

B. If, as a result of the violation of any provision of this ordinance, the injury, mutilation, or death of a tree, shrub, or other plant is caused, the cost of repair or replacement of such tree, shrub, or other plant shall be borne by the person in violation. The replacement value of trees and shrubs shall be determined in accordance with the current edition of ***Valuation of Landscape Trees, Shrubs, and Other Plants***, as published by the [International Society of Arboriculture](#).

C. Any person who shall deem that he/she is aggrieved by the Town Tree Warden appointed to enforce this Ordinance, may appeal the decision to the Board of Selectpersons at any time within thirty (30) days of notification of the violation. This is done by informing the Town Manager, in writing, of his/her intent to appeal and the rationale for the appeal."

Section 11. Administrative Guidelines.

A. Permits may be applied for as set forth below. 1. Application for permits must be made to the Town Tree Warden not less than forty-eight (48) hours in advance of the time the work is to be done. 2. Standards of Issuance. The Town Tree Warden shall issue the permit if, in his or her judgment, the proposed work is desirable and the proposed method and workmanship thereof are of a satisfactory nature. Any permit shall be void if its terms are violated. 3. Notice of completion shall be given within five (5) days to the Town Tree Warden for his or her inspection. B. Approved Tree List. Any species on the A Trees of Kennebec County, Maine @ developed for the Belgrade Tree Board, or on the approved Maine Forest Service Community Forestry planting list may be planted as street trees, park trees or ornamental trees pursuant to Section 5.A. Species on the list of A Do Not Plant @ Tree Species for the Town of Belgrade, developed by the Tree Committee, shall not be planted on public property. Copies of all lists will be available at the Town Office.

Section 12. Severability. If any subsection, sentence, clause, provision of part of this Ordinance shall be held invalid for any reason, the remainder of this Ordinance shall not be affected thereby, but shall remain in force and effect.

Section 13. Effective Date. This Ordinance is hereby declared to be of immediate necessity for the preservation of public peace, health, and safety, and shall be in full force and effective from and after its passage and publication as provided by law. Passed this _____ day of _____, 2007. Signed this _____ day of _____, 2007
_____, Town Manager Attest:
_____, Town Clerk