

2018

Town of Bristol Maine Ordinances

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ADDRESSING ORDINANCE

Town of Bristol - Board of Selectmen

Enacted March 13, 1995

Amended:
Not Applicable

Town of Bristol, Maine
Proposed Amendments for 03/20/2018

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SECTION 1: PURPOSES

The purposes of this Ordinance is to enhance the easy and rapid location of properties for the delivery of public safety and emergency services, postal delivery, and business delivery.

SECTION 2: AUTHORITY

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

SECTION 3: ADMINISTRATION

This ordinance shall be administered by the Board of Selectmen who shall assign road names and numbers to all properties, both on existing and proposed roads. The Board of Selectmen shall be responsible for maintaining the following official records of this ordinance:

- A. A Bristol map for official use showing road names and numbers.
- B. An alphabetical list of all property owners as identified by current assessment records, by last name, showing the assigned numbers.
- C. An alphabetical list of all roads with property owners listed in order of their assigned numbers.

SECTION 4: NAMING SYSTEM

All roads in Bristol that serve two or more addresses shall be named regardless of whether the ownership is public or private. A road name assigned by Bristol 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 (e.g. Beach and Peach, Pin Road and Pine Lane) names.
- B. Each road shall have the same name throughout its entire length.

SECTION 5: NUMBERING SYSTEM

Numbers shall be assigned every 50 (fifty) feet along both sides of the road, with even numbers appearing on the left side of the road, determined by the number origin. The following criteria shall govern the numbering system:

- A. All number origins shall begin from the designated center of Bristol or that end of the road closest to the designated center. For dead end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.
- B. The number assigned to each structure shall be that of the numbered interval falling closest to the front door or driveway of said structure.
- C. Every structure with more than one principle use or occupancy shall have a separate number for each use of occupancy. (i.e. duplexes will have two separate numbers; apartments will have one road number and an apartment number, such as 235 Maple Street, Apt. 2).

SECTION 6: COMPLIANCE

All owners of structures shall, on or before the effective date of this ordinance, display and maintain in a conspicuous place on said structure, the assigned numbers in the following manner:

- A. Number on the Structure or Residence. Where the residence or structure is within 50 (fifty) feet of the edge of the road right-of-way, the assigned number shall be displayed on the front of the residence or structure in the vicinity of the front door or entry.
- B. Number at the Street Line. Where the residence or structure is over 50 (fifty) feet from the edge of the road right-of-way, the assigned number shall be displayed on a post, fence, wall, mail box, or on some structure at the property line adjacent to the walk or access drive to the residence or structure.
- C. Size and Color of Number. Numbers shall be displayed in a color and size approved for use by the Board of Selectmen and shall be located as to be visible from the road.
- D. Every person whose duty is to display the assigned number shall remove any different number which might be mistaken for, or confused with, the number assigned in conformance with this ordinance.
- E. Interior location. All residence and other occupants are requisitioned to post the assigned number and road name adjacent to their telephone for emergency reference.

SECTION 7: NEW DEVELOPMENTS AND SUBDIVISIONS

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

- A. New Developments. Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to procure an assigned number from the Board of Selectmen. This shall be done at the time of issuance of the building permit.
- B. New Subdivisions. Any prospective subdivider shall show a proposed road name and lot numbering system on the pre-application submission to the Planning Board. Approval by the Planning Board shall constitute the assignment of road names and numbers to the lots in the subdivision. On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots, in the center of the street every 50 (fifty) feet so as to aid in assignment of numbers to structures subsequently constructed.

SECTION 8: EFFECTIVE DATE

This ordinance shall become effective as of March 13, 1995. It shall be the duty of Bristol to notify by mail each owner and the Post Office of the new address within thirty days. It shall be the duty of each property owner to comply with this ordinance within 30 (thirty) days of notification. On new structures, numbering shall be installed prior to final inspection, if required by local ordinance, or when the structure is first used or occupied, whichever comes first.



TOWN OF BRISTOL DRIVEWAY ORDINANCE

Enacted March 18, 2008
Amended March 17, 2009
Amended March 22, 2016

SECTION 1: TITLE

This Ordinance shall be known and cited as the Town of Bristol, Maine Driveway Ordinance, and will be referred to as "this Ordinance".

SECTION 2: PURPOSE

The purpose of this ordinance is to protect the health, safety and general welfare of the Inhabitants of the Town of Bristol by establishing entrance standards for driveways.

SECTION 3: AUTHORITY

This ordinance is hereby adopted and hereafter amended pursuant to and consistent with Article VIII-A of the Maine Constitution and Title 30-A MRSA § 3001 (Home Rule).

SECTION 4: APPLICABILITY

This ordinance applies to the first time construction, change of use, modification or relocation of driveway entrances. Those that enter onto Route 130, Route 32, Harrington Road, Snowball Hill Road and Huddle Road which are State and State aid roads shall require a permit from the Maine Department of Transportation.

SECTION 5: AMENDMENTS

- A. Amendments to this Ordinance may be initiated by:
 - 1. The Planning Board or the Board of Selectmen provided a majority of the Board has so voted; or
 - 2. A written petition of a number of voters equal to at least 10% of the number of votes cast in the last gubernatorial election.
- B. The Planning Board or the Board of Selectmen shall hold a public hearing on the proposed amendment. Notification of the hearing shall be posted in the Town Office at least thirteen (14) days before the hearing and published in a newspaper of general circulation in the Municipality at least two (2) times. .
- C. An amendment to this Ordinance may be adopted by the majority vote of any regular or special Town Meeting.

SECTION 6: VALIDITY AND SEVERABILITY

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

SECTION 7: EFFECTIVE DATE

The effective date of this Ordinance is the date of adoption by the Town Meeting.

SECTION 8: ADMINISTRATION

- A. The Code Enforcement Officer (CEO) shall administer this Ordinance.
- B. After the effective date of this Ordinance, no person shall construct, change the use of, modify or relocate a driveway or place fill-in material next to a public or private road without first obtaining a driveway permit.
- C. Applications for permits shall be submitted in writing. The CEO may require the submission of information which is necessary to determine conformance with the provisions of this ordinance.
- D. Permits shall not be denied if it is found to be in conformance with the provisions of this Ordinance. All permits shall be approved, approved with conditions or denied within fourteen (14) days of receipt of a completed application.
- E. All permits issued by the CEO shall expire if a start to construction has not begun within one (1) year after the date on which the permit was issued except as may be provided for in other sections. Upon good cause shown, the CEO may extend the permit for an additional six (6) months. After the expiration of the time periods set forth above, permits shall lapse and become void.
- F. The Board of Selectmen may, at its discretion, establish and publish a schedule of permit fees.

SECTION 9: STANDARDS

Except as hereinafter specified, no structure, manufactured housing, or land shall hereafter be used or occupied; no structure or manufactured housing or part thereof shall hereafter be erected, constructed, expanded, moved or altered; and no new lot or driveway to any public or private Road shall be created except in conformity with all the regulations herein specified.

A. Application for Permit.

Applications for driveway permits shall be submitted on forms provided by the Code Enforcement Officer. All information requested on the forms shall be provided by the applicant.

B. Requirements. All driveways shall meet the following standards:

1. Number of driveways. The number of driveways shall be limited normally to one per lot. Applicants shall first submit the required application form for review and approval by the Code Enforcement Officer before being issued a permit.
2. Extra driveways serving single-family or two-family dwellings. Following review and approval by the Code Enforcement Officer, the applicant may be granted permission to construct additional driveways.
3. Standards for approval. Before approving or denying a driveway permit request, the Code Enforcement Officer shall consult the Selectmen for advice relative to the application. Before giving approval for issuance of a driveway permit, the Code Enforcement Officer shall find that:
 - a. The driveway design meets all applicable standards and requirements of this section.
 - b. The extra driveway is necessary for the existing or proposed use and operation of the lot in question.
 - c. There is no available alternative method for achieving the same goal with fewer driveways.
 - d. No unsafe or unhealthy situation will be created by issuance of the driveway permit.
4. Maximum width. The width of the curb cuts for driveways shall conform to the following standards:
 - a. Residential driveway: Maximum 20 feet.
 - b. Commercial or industrial driveway: Maximum 40 feet.
5. Distance between driveways. Distances between driveways shall be measured by the outer edge of the sidewalk or curb, whichever is applicable.
 - a. Residential driveways. Residential driveways shall be a minimum distance of ten feet from curb cuts on adjacent lots or driveways unless driveways on two adjacent lots use the same curb cuts.
 - b. Commercial or industrial driveways. All curb cuts for commercial or industrial driveways shall be no less than ten feet from proposed or existing driveways on adjacent lots. Entrances and exit

driveways in the same lot on the same street must be provided with a safety island of a width no less than five feet.

6. Driveways at intersections of roads. Driveways at intersections of roads shall be set back 15 feet from the right-of-way lines of the intersecting roads.
7. Construction. Curb cuts shall be constructed within the street right-of-way lines by the property owner, at the property owner's expense.
8. Minimum angle of street intersections is seventy-five degrees.
9. Drainage.
 - a. Driveways shall be graded to ensure that drainage does not flow onto roadways.
 - b. The Board of Selectmen or its designee shall determine the length, diameter, type and depth of cover of any culvert to be installed.
 1. Relocation of drainage facilities. Where the positioning of driveways or curb cuts requires the relocation or removal of drainage facilities, such relocation or removal shall be done according to a plan drawn up by the property owner and approved by the Board of Selectmen or their designee. In deciding whether to approve a plan for relocation or removal of drainage facilities, the Board of Selectmen shall consider:
 - a. The effect of the change on adjacent and down-grade properties;
 - b. The potential for and probable impact of increased erosion or flooding caused by the drainage change; and
 - c. Any other pertinent factors relative to human or environmental health or safety.
 2. Driveway aprons. No driveway apron shall extend into the street line further than the base of the curb, or beyond the gutter line, whichever is applicable.
 3. Existing walkways. The existing grade of walkways and sidewalks which are crossed by curb cuts shall be maintained as they are, so as to provide a safe area for people to walk.
10. Sight distance. The driveway shall be located to maximize sight distance in both directions.
11. There shall not be any post, wall, abutments or similar objects within the road right-of-way or boundaries.
12. The Town of Bristol shall not be responsible for the maintenance, repair, plowing or sanding of the private way. Further lot divisions utilizing the private way are prohibited without prior approval of the Board of Selectmen.

SECTION 10: ENFORCEMENT

A. Code Enforcement Officer.

It shall be the duty of the Code Enforcement Officer (CEO) to enforce this Ordinance.

B. Fines.

Whoever willfully violates the provisions of this Ordinance shall upon conviction, be penalized in accordance with Title 30-A MRS § 4452.

SECTION 11: APPEALS

If the CEO denies a permit or grants a permit with conditions that are objectionable to the applicant, an abutting landowner or any aggrieved party, or when it is claimed that the provisions of this Ordinance do not apply, or that the intent and meaning of this Ordinance has been misconstrued or wrongfully interpreted, the applicant, an abutting landowner or aggrieved party may appeal the decision of the CEO in writing to the Board of Appeals within thirty (30)

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

SECTION 12: DEFINITIONS

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

Commercial Driveway: a vehicle access way serving land, buildings or other structures other than a "home occupation" as defined below, the intent of which activity is the production of income resulting from purchase and/or sale of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

Common Driveway: a vehicle access way serving two (2) dwellings.

Curb Cut: that part of a driveway to be used by motor vehicles for ingress and egress connecting a lot to a street.

Driveway: means a vehicle access way.

Driveway Entrance: a vehicular access way serving one or more dwellings, buildings or an industrial or commercial facility.

Dwelling: a building designed or used as the permanent or seasonal living quarters for one or more families.

First time Construction: means the clearing, excavation and filling associated with the placement of a driveway to serve a lot where a driveway did not previously exist.

Home Occupation: an accessory use of a dwelling unit or accessory structure for employment by its occupants.

Industrial Driveway: a vehicular access way serving a facility used for the purpose of assembly, fabrication, finishing, manufacturing or processing of goods or the extraction of minerals.

Lot: an area of land in one ownership or one leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the Planning Board and recorded in the Lincoln County Registry of Deeds.

Residential Driveway: a driveway serving one or more dwellings.

FLOODPLAIN MANAGEMENT ORDINANCE FOR THE TOWN OF BRISTOL, MAINE

ENACTED: July 1, 2015

EFFECTIVE: July 1, 2015

CERTIFIED BY: _____

Name

Title

Affix Seal

60.3(e)

Prepared 1/22/15 by DACF/sb

FLOODPLAIN MANAGEMENT ORDINANCE

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ARTICLE I-PURPOSE AND ESTABLISHMENT

Certain areas of the Town of Bristol, 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 Bristol, 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 Bristol, 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 Bristol 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 Bristol 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 Bristol, Maine.

The areas of special flood hazard, Zones A, AE, and VE for the Town of Bristol, Lincoln County, Maine, identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study – Lincoln County, Maine," dated July 16, 2015 with accompanying "Flood Insurance Rate Map" dated July 16, 2015 with panels: 268D, 269D, 288D, 356D, 360D, 366D, 367D, 368D, 369D, 377D, 379D, 380D, 386D, 387D, 388D, 389D, 391D, 392D, 456D, 457D, 459D, and 476D derived from the county wide digital Flood Insurance Rate Map entitled "Digital Flood Insurance Rate Map, Lincoln County, Maine," are hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II - PERMIT REQUIRED

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

ARTICLE III - APPLICATION FOR PERMIT

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

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

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

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

- H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD), or to a locally established datum in Zone A only, of the:
 - 1. base flood at the proposed site of all new or substantially improved structures, which is determined:
 - a. in Zones AE and VE from data contained in the "Flood Insurance Study - Lincoln County, Maine," as described in Article I; or,
 - b. in Zone A:
 - (1) from any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265), including information obtained pursuant to Article VI.K. and IX.D.;
 - (2) from the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a Professional Land Surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or, in the absence of all other data,
 - (3) to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.
 - 2. highest and lowest grades at the site adjacent to the walls of the proposed building;
 - 3. lowest floor, including basement; and whether or not such structures contain a basement; and,
 - 4. level, in the case of non-residential structures only, to which the structure will be floodproofed;

- I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article VI;
- J. A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate
- K. The following certifications as required in Article VI by a registered professional engineer or architect:
 - 1. a Floodproofing Certificate (FEMA Form 81-65, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article III.H.4.; Article VI.G.; and other applicable standards in Article VI;
 - 2. a V-Zone Certificate to verify that the construction in coastal high hazard areas, Zone VE, will meet the criteria of Article VI.P.; and other applicable standards in Article VI;
 - 3. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.L.2.a.;
 - 4. a certified statement that bridges will meet the standards of Article VI.M.;
 - 5. a certified statement that containment walls will meet the standards of Article VI.N.;
- L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
- M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee as established and published at the discretion of the Board of Selectmen shall be paid and a copy of a receipt for the same shall accompany the application.

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

ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Code Enforcement Officer shall:

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

but that meet the floodproofing standards of Article VI.G.1.a., b., and c. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,

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

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

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

ARTICLE VI - DEVELOPMENT STANDARDS

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

A. All Development - All development shall:

1. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. use construction materials that are resistant to flood damage;
3. use construction methods and practices that will minimize flood damage; and
4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located to prevent water from entering or accumulating within the components during flooding conditions.

B. Water Supply - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

- C. **Sanitary Sewage Systems** - All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
- D. **On Site Waste Disposal Systems** - On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.
- E. **Watercourse Carrying Capacity** - All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.
- F. **Residential** - New construction or substantial improvement of any residential structure located within:
1. Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.
 2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B.; or Article IX.D.
 3. Zone VE shall meet the requirements of Article VI.P.
- G. **Non Residential** - New construction or substantial improvement of any non-residential structure located within:
1. Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
 - a. be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - c. be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K. and shall include a record of the elevation above mean sea level to which the structure is floodproofed.
 2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B.; or Article IX.D., or

- a. together with attendant utility and sanitary facilities meet the floodproofing standards of Article VI.G.1.

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

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

1. Zone AE shall:

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

2. Zone A shall:

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

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

I. Recreational Vehicles - Recreational Vehicles located within:

1. Zones A and AE shall either:

- a. be on the site for fewer than 180 consecutive days,

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

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

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

- 1. be 500 square feet or less and have a value less than \$3000;
- 2. have unfinished interiors and not be used for human habitation;
- 3. have hydraulic openings, as specified in Article VI.L.2., in at least two different walls of the accessory structure;
- 4. be located outside the floodway;
- 5. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,
- 6. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.

K. Floodways -

- 1. In Zone AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's Flood Insurance Rate Map unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- 2. In Zones AE and A riverine areas, for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article VI.K.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:

- a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,
 - b. is consistent with the technical criteria contained in FEMA's guidelines and standards for flood risk analysis and mapping.
- 3. In Zones AE and A riverine areas, for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.
- L. **Enclosed Areas Below the Lowest Floor** - New construction or substantial improvement of any structure in Zones 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 crawl spaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:
 - 1. Enclosed areas are not "basements" as defined in Article XIV;
 - 2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:
 - a. be engineered and certified by a registered professional engineer or architect; or,
 - b. meet or exceed the following minimum criteria:
 - (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;
 - (2) the bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,
 - (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;
 - 3. The enclosed area shall not be used for human habitation; and,
 - 4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.
- M. **Bridges** - New construction or substantial improvement of any bridge in Zones AE, A, and VE shall be designed such that:

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

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

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

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

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

P. Coastal Floodplains -

1. All new construction located within Zones AE and VE shall be located landward of the reach of mean high tide except as provided in Article VI.P.6.
2. New construction or substantial improvement of any structure located within Zone VE shall:
 - a. be elevated on posts or columns such that:

- (1) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to one foot above the base flood elevation;
- (2) the pile or column foundation and the elevated portion of the structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components; and,
- (3) water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state and local building standards.

b. have the space below the lowest floor:

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

c. require a registered professional engineer or architect to:

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

3. The use of fill for structural support in Zone VE is prohibited.
4. Human alteration of sand dunes within Zone VE is prohibited unless it can be demonstrated that such alterations will not increase potential flood damage.
5. The area below the lowest floor shall be used solely for parking vehicles, building access, and storage.
6. Conditional Use - Lobster sheds and fishing sheds may be located seaward of mean high tide and shall be exempt from the elevation requirement in Article VI.G. only if permitted as a Conditional Use following review and approval by the Planning Board, as provided in Article VII, and if all the following requirements and those of Article VI.A., VI.K., and VI.L. are met:

- a. The conditional use shall be limited to low value structures such as metal or wood sheds 200 square feet or less and shall not exceed more than one story.
- b. The structure shall be securely anchored to the wharf or pier to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.
- c. The structure will not adversely increase wave or debris impact forces affecting nearby buildings.
- d. The structure shall have unfinished interiors and shall not be used for human habitation.
- e. Any mechanical, utility equipment and fuel storage tanks must be anchored and either elevated or floodproofed to one foot above the base flood elevation.
- f. All electrical outlets shall be ground fault interrupt type. The electrical service disconnect shall be located on shore above the base flood elevation and when possible outside the Special Flood Hazard Area.

ARTICLE VII - CONDITIONAL USE REVIEW

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

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

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

B. Expansion of Conditional Uses

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

ARTICLE VIII - CERTIFICATE OF COMPLIANCE

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

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

ARTICLE IX - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

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

- A. All such proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.
- C. Adequate drainage is provided in order to reduce exposure to flood hazards.

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

ARTICLE X - APPEALS AND VARIANCES

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

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

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

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

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

ARTICLE XI - ENFORCEMENT AND PENALTIES

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

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

ARTICLE XII - VALIDITY AND SEVERABILITY

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

ARTICLE XIII - CONFLICT WITH OTHER ORDINANCES

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

ARTICLE XIV - DEFINITIONS

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

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

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

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

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

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

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

Building - see Structure.

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

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

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

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

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

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

Elevated Building - a non-basement building that is:

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

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

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

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

Flood or Flooding

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - 1. The overflow of inland or tidal waters.
 - 2. The unusual and rapid accumulation or runoff of surface waters from any source.

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

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

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

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

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

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

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

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

Floodway - see **Regulatory Floodway**.

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

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

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

Historic Structure - means any structure that is:

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

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

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

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

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

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

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

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

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

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

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

Recreational Vehicle - a vehicle that is:

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

Regulatory Floodway -

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

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

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

Start of Construction - the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include

excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

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

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

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

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

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

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

ARTICLE XV - ABROGATION

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

60.3 (e) Rev. 01/15
Prepared by DACF/sb

TOWN OF BRISTOL

HARBOR ORDINANCE

Enacted March 3, 1986

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Amended October 1, 2014

Amended March 22, 2016



1. **Purpose:** To provide for the just and orderly operation of marine activities in the harbors of Bristol in accordance with the laws of the State of Maine, 30-A M.R.S.A. § 3001 and 38 M.R.S.A.
2. **Harbor Committee:** The Harbor Committee shall be appointed annually by the Selectmen and consist of seven (7) members. The Harbor Committee exists for the general purpose of aiding the Harbor Masters in management of Bristol's harbors. It shall act with the Selectmen as a Board of Appeals to hear an appeal from any person aggrieved by any decision, act, or failure to act, of a Harbor Master in accordance with 38 M.R.S.A. § 7.
3. **Harbor Masters:** Harbor Masters shall be appointed annually by the Selectmen at the first Selectmen's meeting following the annual Town Meeting. There shall be a Harbor Master for each of the following jurisdictions:
 - 1) New Harbor
 - 2) Back Cove, Long Cove, and Brown's Cove, north to, but not including, Moxie Cove
 - 3) Round Pond, Moxie Cove, and that part of Muscongus Harbor within the Town of Bristol
 - 4) Pemaquid Harbor and the Damariscotta River

Harbor Master salaries shall be set at the annual Town Meeting and their powers are prescribed by Titles 12, 17 and 38 M.R.S.A.

Harbor Masters must be certified in accordance with State law.

4. **Definitions:**

Vessel: A floating object, boat, or craft of any size designed for transport or storage on water.

Commercial Vessel: A vessel from which the owner obtains a substantial portion of his income.

Resident: The word "resident", for the purposes of this Ordinance, means any person who occupies a dwelling within the Town of Bristol for more than 180 days in a calendar year.

5. Harbor Limits:

- New Harbor: The harbor limit shall be a line drawn from the Black Spindle directly north to a point east of the Steamboat Wharf.
- Back Cove: The harbor limit shall be a line drawn directly from Reilly's Point to the opposite shore on Back Cove Point.
- Long Cove: The harbor limit shall be to a line drawn directly west from Long Cove Point.
- Round Pond: The harbor limit shall be a line drawn from Southern Point to Northern Point.
- Pemaquid Harbor and Damariscotta River: Includes all waters west of Pemaquid Point and that part of the Damariscotta River within the Town of Bristol.

6. Prudent Operation: Vessels shall be operated in a reasonable manner so as not to endanger persons or property, or to cause excessive wake. In no case shall speed exceed five (5) miles per hour or create excessive wake while operating inside a mooring area or in a protected harbor.

7. Moorings: No mooring shall be placed by anyone except with the express approval of the Harbor Master having jurisdiction in the harbor involved.

Each Harbor Master shall maintain a written record of the basic information on each mooring including assigned location, identifying number, vessel description, size, owner, and any other data deemed useful. He shall also maintain a chart of the relevant harbor, showing current mooring locations, assignments, and their numbers.

Mooring locations shall be assigned on the basis of one mooring location per vessel (exceptions for existing winter locations may be granted by the Harbor Committee). Mooring locations shall initially be assigned to those persons owning vessels and occupying mooring locations as of July 10, 1985.

Mooring locations used for commercial vessels as of March 17, 2009 shall remain commercial vessel mooring locations. Within space available, except as noted above, future requests for a mooring location will be treated in accordance with the following priority guidelines:

- A. Shorefront owners requesting an initial location adjacent to their property
- B. Resident commercial vessel owners
- C. Resident pleasure vessel owners
- D. Resident commercial vessel owners and marine operators requesting multiple locations
- E. Non-resident commercial owners
- F. Non-resident pleasure vessel owners
- G. All others

Harbor Masters shall, when assigning mooring locations, be guided by a mooring plan to be adopted by the Harbor Committee and Board of Selectmen.

All moorings shall be of sufficient size to hold the vessel for which it is to be used. Vessel and/or mooring owners may be liable for damage caused by faulty or inadequate moorings.

Permittees shall be responsible for clearly identifying their mooring marker with their permit number.

Effective January 1, 1992, all mooring permits will be issued for a two (2) year period and require renewal every two years. All mooring permits will expire December 31, 1991, and must be renewed every two years after that date in accordance with this ordinance. Mooring permits may be transferred only at the request or death of the assignee, only to a member of the assignee's family and only if the mooring assignment will continue to be used for commercial fishing purposes. For the purposes of this section, "member of the assignee's family" means an assignee's parent, child or sibling, by birth or by adoption, including a relation of the half blood, or an assignee's spouse in accordance with 38 M.R.S.A. § 3-A.

The Board of Selectmen may at its discretion establish and publish a schedule of permit fees. These fees shall be used to maintain, restore and protect Town owned harbors and landings.

Moorings used seasonally will be maintained to avoid conflicts with winter activity.

- 8. Abandoned Moorings:** Any mooring location not registered, occupied or used for a period of one year shall be deemed abandoned and the location may be reassigned by the Harbor Master in accordance with the above priority guidelines. The cost of removing moorings shall be assessed to the owner if not removed by him within thirty (30) days of receipt of notice from the Harbor Master, Harbor Committee or Board of Selectmen.

9. Round Pond & Muscongus Harbors Winter Usage:

- a) All moored floats will be removed from the harbor from January 1 to March 1.
- b) Any vessel winter mooring shall be fitted with a 600 pound breakaway whale link between pennant and buoy to assure it cannot be moved by ice from January 1 to March 1.
- c) All mooring buoys not in use must be removed by November 1 each year.

The Harbormaster has authority to remove all unused buoys after dates listed above.

- 10. Abandoned Vessels:** An abandoned vessel is a vessel which has one or more of the following characteristics:

- a) The vessel is required to be registered with any federal or state governmental agency, but is not so registered;
- b) The vessel's owner, operator or custodian cannot be located nor identified;
- c) The vessel is a motor-powered vessel which does not have a working engine;
- d) The vessel does not have operable and effective bilge pumps;
- e) The vessel has not been in operation for 60 or more consecutive days;
- f) The vessel is sinking or a threat and its owner cannot be contacted by good faith effort prior to the need to act to prevent personal, property or environmental damage.
- g) The vessel is one which is subject either of an unauthorized berthing, complaint, or complaint for unauthorized mooring at a public or private pier or mooring whose owner cannot be contacted within a period of 24 hours from the time of the complaint.

When, in the opinion of the Harbor Master, a vessel has been abandoned in the harbor, he may take custody and control of such vessel and remove it, store it, or otherwise dispose of it,

all at the expense and sole risk of the vessel owner. Reasonable notice of such disposal shall be publicly given. The vessel owner may appeal the action of the Harbor Master as noted in section 2 of this ordinance.

11. Penalties: Violation of any provision of this ordinance shall be deemed a civil violation.

Violations are enforceable and are to be resolved by the Board of Selectmen or any law enforcement officer with jurisdiction in Bristol. Said resolution may include civil action or any other means deemed necessary in the District Court as set out in 38 M.R.S.A. § 12 and 30-A M.R.S.A. § 4452.

12. Severability: If any section, subsection, sentence, or part of this ordinance is for any reason held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining portions of this ordinance.



LAND USE STANDARDS ORDINANCE

Town of Bristol - Board of Selectmen

Enacted March 8, 1993

Amended:

March 22, 2005 ▪ March 21, 2005 ▪ March, 21, 2006 ▪ March 20, 2007 ▪ March 18, 2008 ▪
March, 17, 2009 ▪ March 18, 2014 ▪ March 22, 2016 ▪ March 20, 2018 ▪

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SECTION 1: PURPOSES

The purposes of this Ordinance are to provide for the safety and general welfare of the community by regulating the lot sizes, housing density, setbacks, and private way entrances onto public ways in the Town of Bristol.

SECTION 2: APPLICABILITY

This Ordinance applies to all land areas in the Town of Bristol.

SECTION 3: AUTHORITY

This Ordinance is adopted pursuant to the provisions of Title 30-A, M.R.S.A., Section 3001, Home Rule, and 3004, Revision of Ordinances.

SECTION 4: EFFECTIVE DATE

The effective date of the Ordinance shall be the date it is adopted by a vote of the legislative body of the Town of Bristol.

SECTION 5: 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 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 this 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 ordinance, regulation or statute, 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 Bristol.

SECTION 9: LAND USE REQUIREMENTS

Except as hereinafter specified, no structure, manufactured housing, or land shall hereafter be used or occupied; no structure or manufactured housing or part thereof shall hereafter be erected, constructed, expanded, moved or altered; and no new lot or private way to any Town Road shall be created except in conformity with all the regulations herein specified.

SECTION 10: LAND USE STANDARDS

A. Minimum Lot Size, excluding Planning Board approved cluster development within a subdivision

The minimum lot size for new lots created in the Town of Bristol shall be one (1) acre. Owners of abutting lots, whether conforming or non-conforming, which existed prior to March 3, 1979 may convey, one to the other for the purposes of subsurface disposal systems, up to twenty (20) percent of the lot without obtaining a variance, regardless of whether the grantor's remaining lot is thereby made non-conforming or diminished in its prior non-conformity (see Ordinance adopted March 3, 1979). The width, depth, shape and orientation of lot division shall be appropriate for the location of the lot division and for the type of development contemplated. Side lot lines shall be generally

perpendicular to the street or to the tangent of the curve of the street unless parcel configuration or lot topography justifies otherwise. The depth of a lot with a front line of less than two-hundred (200) feet shall not exceed the front line length by ratio of more than a depth of three (3) to a width of one (1) and shall be of such dimensions that the lot will accommodate within its boundaries a square of not less than one-hundred (100) feet on a side.

B. Nonconforming Lots

1. Nonconforming Lot: a single lot of record not located in the Shoreland Zone which on or after March 3, 1979 does not meet the minimum one acre lot size.

A nonconforming lot may be built upon without need of a variance, provided that such a lot is in separate ownership and not contiguous with any other lot in the same ownership and that all provisions except lot size can be met.

2. Contiguous Built Lots: if two or more contiguous lots or parcels are in a single or joint ownership of record at the time or since the adoption of the one acre minimum lot size requirement, if all or parts of the lots do not meet the one acre minimum lot size, and if a principal use or structure exists on each lot, the nonconforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law and Subsurface Wastewater Disposal Rules are complied with.

C. Housing Density, excluding Planning Board approved cluster development within a subdivision

No other dwelling may be placed or constructed on any lot with an existing dwelling which creates a housing density greater than one (1) dwelling per acre. The term "dwelling" shall apply to all seasonal and year-round residences, including both frame and manufactured housing (see Ordinance adopted March 7, 1983).

D. Multiple Dwelling Unit Housing

1. After March 22, 2005 multiple dwelling unit housing may be permitted as follows:

(a.) A new duplex house may be constructed on a vacant conforming (one acre minimum) lot. For the purpose of administering Paragraph 10.C. Housing Density (see above) a duplex house shall be deemed to be a single "dwelling."

(b.) A single-family home constructed before September 23, 1988, on a conforming or non-conforming lot may be divided into two or more dwelling units. The division of a residential structure constructed after that date into more than two dwelling units within a five year period is a subdivision and subject to the Bristol Subdivision Ordinance.

2. When reviewing any application for multiple dwelling unit housing for approval, the Planning Board shall consider the following criteria and, before approval, must determine that:

(a.) There is sufficient water supply available for the reasonably foreseeable needs of the proposed housing; and

(b.) If the multiple dwelling unit housing is proposed on a lot without public sewer and water supply, documentation is provided showing that the requirements of 12 M.R.S.A. Section 4807-A, Minimum Lot Size and 30-A Section 4211, Plumbing Regulations are met; and

(c.) Two (2) off-street parking spaces are provided for each proposed dwelling unit.

E. Accessory Dwelling Units

Accessory dwelling units shall adhere to the following standards:

1. One accessory dwelling unit (ADU) may be established within a new or existing single-family dwelling. The ADU must be included in the principal structure or an addition to a principal dwelling. Detached ADUs are not permitted. ADUs are not permitted in accessory structures. Original construction or modification made to a dwelling in connection with the establishment of an ADU shall be designed and undertaken in such a manner as to maintain the appearance of a single-family residence. The design of the ADU shall be such that conversion back to a single-family residence may be readily accomplished.
2. The principal dwelling and the ADU shall remain under common ownership. At least one of the dwelling units shall be occupied by one owner of record. Occupancy shall be defined as physically living in the dwelling unit for at least six months of the calendar year.
3. The occupants of the accessory and principal units must be members of the same extended family, or a certified medical caregiver of a family member. Extended family shall mean: father, mother, son, daughter, sister, brother, (or in-law relationships of any of the preceding), grandparent, aunt or uncle.
4. Guest occupancy of an accessory unit by an unrelated party is permissible so long as the total of such occupancies does not exceed ninety (90) days in any calendar year and no rent or other consideration is received for such occupancy.
5. The existing or proposed septic system must be of a size appropriate to serve both the principal dwelling and the accessory unit, as certified by the CEO or Plumbing Officer.
6. The accessory unit may not exceed six hundred fifty (650) square feet of finished living space, calculated to include closets, but excluding stairs, chimneys and mechanical spaces, and shall not have more than one bedroom.
7. Proper ingress and egress shall be provided to the accessory unit.
8. Upon approval of the accessory apartment by the CEO, a deed restriction shall be placed on the property, which shall be recorded at the Lincoln County Registry of Deeds. The restriction shall restate the limited use of the accessory unit, as specified in this section.
9. Should the owners of the principal structure be found in non-compliance with the requirements contained in this section, the CEO shall order that occupancy of the accessory unit be discontinued.
10. Nothing in this section shall restrict a properly permitted bed and breakfast or other place of lodging for transitory guests.

F. Setbacks

1. All structures and manufactured housing erected or placed in the Town of Bristol shall be set back fifty (50) feet from the edge of the traveled way of any public or private road and ten (10) feet from any boundary (see Ordinance adopted March 3, 1979). No structure or manufactured housing erected prior to March 3, 1979 which is less than the required setback from the edge of the traveled way of any public or private road or any boundary shall be expanded toward that traveled way or boundary. Such a structure may be added to or expanded pursuant to a permit issued by the Planning Board provided that the addition or expansion does not further reduce a non-conforming setback (see Ordinance adopted March 3, 1979 as amended March 11, 1996).

2. The Selectmen may approve a permit for a public building or to an owner of a residential dwelling for the purpose of making the public building or the dwelling accessible to a person with a disability who resides in or regularly uses the public building or the dwelling. The Selectmen shall restrict any permit granted under this section solely to the installation of equipment or the reasonable construction of structures necessary for access to or egress from the public building or the dwelling by the person with the disability and regardless of the setback to any boundary or public road. The Selectmen may impose conditions on the permit including limiting the permit to the duration of the disability or to the time that the person with the disability uses the public building or uses or lives in the dwelling. The term "structures necessary for access to or egress from the public building or the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.
3. The setback for a temporary structure of less than 200 square feet, such as a school bus stop shelter, a farm stand or other seasonal use structure, may be reduced to 15 feet from the edge of the traveled way of any public or private road, provided that the structure does not have poured-in-place concrete foundation or other feature which would make the structure incapable of being easily moved. If the Board of Selectmen approves a special exception for any of these uses, a condition of approval shall be that the structure will be relocated to a distance of at least 50 feet from the edge of the traveled way of any public or private road once the structure is no longer being used for any of these uses.

G. Height of a Structure

No new structure or existing structure, added to or replaced, shall exceed 35 feet in height. The Board of Selectmen may authorize a height in excess of 35 feet if the structure is any of the following, provided that it does not constitute a hazard, and that it occupies not more than 10% of the roof area: church spires, belfries, monuments, tanks, water and fire towers, ornamental towers and spires, chimneys, elevator bulkheads, smokestacks and flag poles, stage towers and scenery lofts, silos, cooling towers, windmills and communication towers.

H. Repair and Maintenance

This Ordinance allows, without a permit, the normal upkeep and maintenance of uses and structures including repairs or renovations which do not involve expansion of the use or structure, and such other changes in a use or structure as federal, state, or local building and safety codes may require.

I. Travel Trailers, Campers and Recreational Vehicles

Travel trailers, campers or recreational vehicles shall not be used as mobile homes. A travel trailer, camper or recreational vehicle in use as a temporary dwelling for more than 120 days per calendar year shall be stationed only in an authorized campground or trailer park. Travel trailers, campers or recreational vehicles may be stored on the premises of the owner. Travel trailers, campers or recreational vehicles used as temporary offices and/or storage facilities during construction may be in use in excess of 120 days with written permission from the Board of Selectmen.

J. Utility Poles

1. Pole Construction: Poles within the highway limits shall be single-pole construction.
2. Multiple Pole Lines: Multiple pole lines are not permitted within the highway limits.

K. Signs

1. There shall be no exterior electronically changeable (digital) signs over six (6) square feet allowed in the town of Bristol. Any signs over 6 (six) square feet that are legally existing prior to March 20, 2018 may remain in their original location until (a) such time as they are removed, replaced for any reason, or destroyed or (b) 5 years from the above date, whichever is earlier.
2. All allowed electronically changeable (digital) signs shall conform to the following restrictions:
 - (a.) No electronically changeable (digital) sign shall remain illuminated between the hours of 10pm and 4am.
 - (b.) No electronically changeable (digital) sign shall change its screen more than once every 10 minutes, and shall not scroll or flash.

SECTION 11: ADMINISTRATION

A. Administering Bodies and Agents

This Ordinance shall be administered by the Board of Selectmen, the Code Enforcement Officer, the Planning Board and the Board of Appeals previously established pursuant to state law by the Town of Bristol.

B. Permits Required

C. Permit Applications

1. After the effective date of this Ordinance no person, firm, or corporation shall, without first obtaining a permit: (1) construct, reconstruct, enlarge, relocate, erect, or place any structure or manufactured housing on any lot, existing or newly created. Garden or tool shed type accessory structures of one floor and 200 square feet or less shall not require a permit.
2. Every applicant for a permit shall submit to the Board of Selectmen at the Town Office a written application, including a scaled site plan, on a form provided by the Town.
3. 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 submit a letter of authorization from the owner or lessee.
4. All applications shall be dated and the Town Office shall note upon each application the date of its receipt.
5. If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector or by a state-certified professional shall be submitted whenever the nature of the proposed structure would require the installation of a subsurface sewage disposal system.

D. Procedure for Administering Permits

1. The Code Enforcement Officer, Planning Board, or the Board of Selectmen, as applicable, shall screen each submission and notify the applicant either that the application is complete, or, if it is incomplete, that specified additional material is needed to make it complete.

2. Complete applications which require the issuance of a Subdivision or a Shoreland Permit shall be first referred to the Planning Board/Code Enforcement Officer. Those which require a variance shall then be referred to the Board of Appeals prior to further action on the application by the Board of Selectmen/Code Enforcement Officer/Planning Board as applicable.
3. Prior to approving any application, the Board of Selectmen, the Planning Board or the Board of Appeals may direct the Code Enforcement Officer to review the application and/or inspect the site and to make a written report for their guidance.
4. The Board of Selectmen may at its discretion establish and publish a schedule of permit fees.
5. Permits shall be approved by the Board of Selectmen/Code Enforcement Officer if the proposed land use activity is found to be in conformance with the purposes and provisions of this Ordinance and the applicant has paid any required fees. The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance. If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance or regulation or any State law which the municipality is responsible for enforcing.

E. Expiration of Permit

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

F. Installation of Public Utility Services

No public utility, water district, sanitary district, or any utility company of any kind may install services to any new building or manufactured housing located in the Town of Bristol 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 Board of Selectmen or the Planning Board. Following installation of service, the company or district shall forward the written authorization to the Board of Selectmen indicating that the installation has been completed.

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

2. Variance Appeals. Variances may be granted only under the following conditions:
 - (a.) Variances may be granted only from dimensional requirements including but not limited to lot area 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 10, except for the specific provision which has 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:
 - I) That the land in question cannot yield a reasonable return unless a Variance is granted;
 - II) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - III) That the granting of a variance will not alter the essential character of the locality; and
 - IV) That the hardship is not the result of action taken by the applicant or a prior owner.
 - (d.) The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformity 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. Administrative Appeals

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

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

4. Appeal Procedure

(a.) Making an Appeal

1. An administrative appeal 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 Board of

Selectmen, except for enforcement-related matters as described in 11.G.(1)(a) above. Such an appeal shall be taken within thirty (30) days 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 appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:
 - (I) A concise written statement indicating what relief is requested and why it should be granted.
 - (II) A sketch drawn to scale showing the lot lines, location of existing structures and other physical features of the lot pertinent to the relief sought.
3. Upon being notified of an appeal, the Code Enforcement Officer or the Board of Selectmen, 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 the appeal within 35 days of its receipt of a complete written application for appeal, unless this time period is extended by the parties.

(b.) Decision by the Board of Appeals

1. No action shall be taken by the Board of Appeals unless a quorum is present. A majority 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 Board of Selectmen or the Code Enforcement Officer, 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 Board of Selectmen or the Code Enforcement Officer 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 35 days after the close of the hearing, and shall issue a written decision on all appeals.
5. All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, and the appropriate order, relief or denial thereof.

5. Appeal to Superior Court

Except as provided by 30-A M.R.S.A. section 2691(3)(G) any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

6. Reconsideration

In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a

decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification of the landowner, petitioner, Board of Selectmen, Code Enforcement Officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

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

H. Enforcement

1. Nuisances

Any violation of this Ordinance shall be deemed to be a nuisance.

2. Board of Selectmen

(a.) It shall be the duty of the Board of Selectmen to enforce the provisions of this Ordinance. If the Board of Selectmen shall find that any provision of this Ordinance is being violated, it 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 the discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal structures, and abatement of nuisance conditions. A copy of such notices shall be maintained as a permanent record.

(b.) The Board of Selectmen shall keep a complete record of all essential transactions, including applications submitted, permits granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found and fees collected.

3. Code Enforcement Officer

At the direction of the Board of Selectmen or the Planning Board, 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 complaints of alleged violations when directed to do so by the Board of Selectmen or the Planning Board.

4. Legal Action

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 Town. The Municipal Officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat to public health and safety or will result in substantial environmental damage.

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, M.R.S.A., Subsection 4452 as amended from time to time.

NOTE: Current penalties include fines of not less than \$100.00, nor more than \$2,500.00 per violation for each day the violation continues.

SECTION 12: DEFINITIONS

Accessory Dwelling Unit: means a second dwelling unit located within a detached single-family dwelling unit situated on an individual lot. Such a dwelling unit shall be subordinate to the principal dwelling in terms of size, location and appearance.

Accessory Structure or use: means 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.

Addition: means an expansion in volume and/or area directly adjoining the principal dwelling and sharing a common wall.

Apartment: means a dwelling unit consisting of a room or suite of rooms located in a building occupied by more than one household.

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

Driveway: A vehicular accessway serving two lots or less.

Duplex: means a two-family house with separate but similar dwelling units.

Dwelling: means a building designed or used as the permanent or seasonal living quarters for one or more families, having a toilet, food preparation area and sleeping quarters.

Dwelling Unit: means a room or a group of rooms designed and equipped exclusively for use as living quarters for one family including living, cooking, sleeping, bathing and sanitary facilities.

Height of a Structure: means 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.

Highway: means a public way including all of the right-of-way that may have been laid out by the State, County or Town.

Lot: means an area of land in one ownership or one leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the Planning Board and recorded in the Lincoln County Registry of Deeds.

Manufactured Housing: means 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 purpose of this section, two types of manufactured housing are included. Those two types are:

1. 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 and 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 this subparagraph, except the size

requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States 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 Code, Title 42, Section 5401, et seq.; and

2. Those units commonly called “modular homes,” which the manufacturer certifies are constructed in compliance with Title 10, Chapter 975, 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.

Multiple Pole Lines: Two or more sets of utility poles located along a highway for the conveyance of transmission or distribution wires or cables, not including service lines.

Retaining Wall: means a vertical wall used to restrict the movement of soil or water.

Signs, electronically changeable (digital): Any on premise sign created, designed, manufactured or modified in such a way that its message may be electronically or digitally altered by the complete substitution or replacement of one display by another.

Structure: means anything built for 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, retaining walls and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located such as decks, patios, and ground mounted solar arrays.

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

Travel Trailers, Campers and Recreational Vehicles: means a vehicle, vehicular attachment or any structure intended for or so constructed that it will be primarily suitable for living or sleeping quarters, or for office purposes, mounted upon wheels or any other device upon which it may readily be transported, either by its own power or some externally applied effort. This definition shall include other short-term sheltered vehicles and devices.

Ordinance Prohibiting Retail Marijuana Establishments and Retail Marijuana Social Clubs in the Town of Bristol

Enacted August 22, 2017

Section 1. Authority.

This ordinance is enacted pursuant to the Marijuana Legalization Act, 7 M.R.S.A. c. 417; and Municipal Home Rule Authority, Maine Constitution article VIII, part 2; and 30-A M.R.S.A. § 3001.

Section 2. Definitions.

For purposes of this ordinance, retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, and retail marijuana social clubs are defined as set forth in 7 M.R.S.A. § 2442.

Section 3. Prohibition on Retail Marijuana Establishments and Retail Marijuana Social Clubs.

During the term of this ordinance:

- Retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation, facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, and retail marijuana social clubs are expressly prohibited in this municipality.
- No person or organization shall develop or operate a business that engages in retail or wholesale sales of a retail marijuana product, as defined by 7 M.R.S.A. § 2442.

Nothing in this ordinance is intended to prohibit any lawful use, possession or conduct pursuant to the Maine Medical use of Marijuana Act, 22 M.R.S.A. c.558-C.

Section 4. Effective date; duration.

This ordinance shall take effect immediately upon enactment by the municipal legislative body.

This ordinance shall be repealed 180 days after the effective date of any legislation passed by the State of Maine, which is determined by the Selectmen to substantially regulate retail sales and production of marijuana for recreational use, and which would supersede this ordinance; unless previously repealed by a vote of the municipal legislative body.

Section 5. Penalties.

This ordinance shall be enforced by the municipal officers or their designee. Violations of this ordinance shall be subject to the enforcement and penalty provisions of 30-A M.R.S.A. § 4452.



**Town of Bristol
Ordinance Exempting Eligible Active Duty Military Personnel
from Motor Vehicle Excise Tax**

Section 1. Authority.

This ordinance is enacted pursuant to 36 M.R.S.A. § 1483-A, which expressly authorizes such ordinances.

Section 2. Excise tax exemption; qualifications.

Vehicles owned by a resident of this municipality who is on active duty serving in the United States Armed Forces and who is either permanently stationed at a military or naval post, station or base outside this State or deployed for military service for a period of more than 180 days and who desires to register that resident's vehicle(s) in this State are hereby exempted from the annual excise tax imposed pursuant to 36 M.R.S.A. § 1482.

To apply for this exemption, the resident must present to the municipal excise tax collector certification from the commander of the post, station or base, or from the commander's designated agent, that the resident is permanently stationed at that post, station or base or is deployed for military service for a period of more than 180 days.

For purposes of this section, "United States Armed Forces" includes the National Guard and the Reserves of the United States Armed Forces.

For purposes of this section, "deployed for military service" has the same meaning as in 26 M.R.S.A. § 814(1) (A).

For purposes of this section, "vehicle" has the same meaning as in 36 M.R.S.A. § 1481(5) and does not include any snowmobiles as defined in 12 M.R.S.A. § 13001.

Section 3. Effective date; duration.

This ordinance shall take effect immediately upon enactment by the Bristol Town Meeting unless otherwise provided and shall remain in effect unless and until it or 36 M.R.S.A. § 1483-A is repealed.

Approved at Town Meeting on: March 26, 2013

/s/ Selectmen

TOWN OF BRISTOL
SHELLFISH CONSERVATION ORDINANCE

Amended March 16, 2010

Amended March 26, 2013

Amended March 18, 2014

Amended March 17, 2015

Amended August 22, 2017

- 1. Authority:** This ordinance is enacted in accordance with 12 MRSA Section 6671.
- 2. Purpose:** To establish a shellfish conservation program for the Town of Bristol which will insure the protection and optimum utilization of shellfish resources within its limits. These goals will be achieved by means which may include:
 - A. Licensing.
 - B. Limiting the number of shellfish harvesters.
 - C. Restricting the time and area where harvesting is permitted.
 - D. Limiting the minimum size of shellfish taken.
 - E. Limiting the amount of shellfish taken daily by a recreational harvester.
- 3. Shellfish Conservation Committee:** The Shellfish Conservation Program for the Town of Bristol will be administered by the Shellfish Conservation Committee consisting of five (5) regular members, terms of three (3) years, and two (2) alternate members, terms of one (1) year, to be appointed by the Selectmen.

The Committee's responsibilities include:

- A. Establishing annually in conjunction with the Department of Marine Resources the number of shellfish harvesting licenses to be issued.
 - B. Reviewing annually the status of the resource using the results of clam flat, harvester, or dealer surveys and other sources of information and preparing in conjunction with and subject to the approval of the Department a plan for implementing conservation measures.
 - C. Submitting to the Board of Selectmen proposals for the expenditures of funds for the purpose of shellfish conservation.
 - D. Keeping this ordinance under review and making recommendations for its amendments.
 - E. Securing and maintaining records of shellfish harvest from the Town's managed shellfish areas and closed areas that are conditionally opened by the Department of Marine Resources.
 - F. Recommending conservation closures and openings to the Board of Selectmen in conjunction with the area biologists of the Department of Marine Resources.
 - G. Submitting an annual report to the municipality and the Department of Marine Resources covering the above topics and all other committee activities.
- 4. Definitions:**
- A. *Resident:* The term "resident" refers to a person who has been domiciled in this

municipality for at least one year next prior to the time his claim of such residence is made.

B. *Non-Resident*: The word “non-resident” means anyone not qualified as a resident under this ordinance.

C. *Shellfish, Clams and Intertidal Shellfish Resources*: When used in the context of this ordinance the words “shellfish,” “clams,” and “intertidal shellfish resources” mean soft-shell clams (*Mya arenaria*), hard-shell clams (*Mercenaria mercenaria*), American/eastern oysters (*Crassostrea virginica*), European oysters (*Ostrea edulis*), and razor clams (*Ensis directus*).

D. *Municipality*: Refers to the Town of Bristol, Maine.

5. Licensing: A municipal shellfish harvesting license is required for anyone ten (10) years or older. It is unlawful for any person to harvest shellfish from the shores and flats of this municipality without having a current license issued by this municipality as provided by this ordinance. A commercial harvester must also have a valid State of Maine Shellfish Commercial Harvesting License issued by the Department of Marine Resources.

A. Designation, Scope and Qualifications:

1.) *Resident Commercial Shellfish License*: This license is available to residents of The Town of Bristol and entitles the holder to dig and take any amount of shellfish from the shores and flats of this municipality and reciprocating municipalities.

2.) *Non-Resident Commercial Shellfish License*: This license is available to non-residents of this municipality and entitles the holder to dig and take any amount of shellfish from the shores and flats of this municipality and reciprocating municipalities.

3.) *Resident Student Commercial Shellfish License*: This license is available to resident students enrolled in a primary or secondary education program, from 6th grade through 12th grade. Students 16 and under are exempt from conservation.

4.) *Resident Recreational Shellfish License*: This license is available to residents of this municipality and entitles the holder to dig and take no more than one peck of shellfish in any one day for personal use. A person holding a State of Maine Shellfish Commercial Harvesting License may not be issued or hold a resident recreational shellfish harvest license.

5.) *Taxpayer Recreational Shellfish License*: This license is available to real estate and personal property taxpayers of this municipality and entitles the holder to dig and take no more than one peck of shellfish in any one day for personal use. A person holding a State of Maine Shellfish Commercial Harvesting License may not be issued or hold a taxpayer recreational shellfish harvest license.

6.) *Non-Resident Recreational Shellfish License*: This license is available to non-residents of this municipality and entitles the holder to dig and take no more than one peck of shellfish in any one day for personal use. A person holding a State of Maine Shellfish Commercial Harvesting License may not be issued or hold a non-

resident recreational shellfish harvest license.

- 7.) *License must be signed:* The licensee must sign the license to make it valid. By signing the license the harvester acknowledges that he/she must submit to inspection by the Warden. The license must be in the licensee's possession when engaged in harvesting.
- 8.) *Grandfathered Licenses:* Any municipal commercial licensed harvester who has completed or purchased 12 hours of conservation work shall be considered grandfathered. Grandfathered licenses will be issued from the first (1st) business day after January 1 for a period of 28 days. Any licenses remaining after the 28 day period will be dispersed by lottery as allocated. Licenses remaining after 90 days from the 1st day of sale shall be available to residents and non-residents alike, on a first come, first served basis.

Licensed members of the Municipal Shellfish Conservation Committee who are members in good standing shall retain grandfathered status provided they attend 50% of the meetings held during the calendar year.

B. Application Procedure: Any person may apply to the Town Clerk for the licenses required by this ordinance on forms provided by the municipality.

- 1.) *Contents of the Application:* The application must be in the form of an affidavit and must contain the applicant's name, current address, birth date, height, weight, signature and whatever information the municipality may require.
- 2.) *Misrepresentation:* Any person who gives false information on a license application will cause said license to become invalid and void.

C. Fees: The fees for licenses must accompany in full the application for the respective license. Effective January 1, 2018 resident or non-resident commercial shellfish licenses being renewed may be purchased without performing conservation work. However, the performance of conservation work will reduce a resident or non-resident commercial shellfish license fee by \$20 for each hour worked, up to twelve (12) hours. The Town Clerk shall pay all fees received to the Town Treasurer. Fees received for shellfish licensing shall be used by the town for shellfish management, conservation and enforcement. All fees for shellfish licenses shall be recommended annually by the Shellfish Committee and submitted to the Board of Selectmen by October 1st for approval.

D. Limitation of Harvesters: Because shellfish resources are limited and because commercial or recreational harvesters can be expected to harvest a certain volume of shellfish per year, the number of harvesters must be controlled. This number will vary from year to year depending upon estimates of the resource capabilities and management requirements consistent with good resource utilization. The following procedures will be followed to exercise control:

- 1.) Prior to November 1, the Shellfish Conservation Committee with the approval of the Commissioner of Marine Resources will establish the number of commercial and non-commercial licenses to be permitted following the requirements of 12 MRSA Section 6671 (3).
- 2.) The Shellfish Conservation Committee will notify the Town Clerk in writing prior to December 1 of the number of licenses to be issued.
- 3.) Notice of the number of licenses to be issued and the procedure for application shall be published in a trade or industry publication, or in a newspaper or combination of newspapers with general circulation, which the municipal officers consider effective in reaching persons affected, not less than 10 days prior to the period of issuance and shall be posted in the municipal offices until the period concludes.
- 4.) A license may not be returned to the Town and re-issued or transferred in the same year it was issued.

E. License Expiration Date: Each license issued under authority of this ordinance expires at midnight on the 31st day of December next following date of issue.

F. Reciprocal Harvesting Privileges: Commercial licensees from any other municipality cooperating with this municipality on a joint shellfish management program may harvest shellfish according to the terms of their licenses.

G. Recreational Shellfish License: Resident recreational shellfish license fees will be waived for applicants 65 years or older and 12 years or younger.

H. Suspension: Any shellfish licensee having three convictions for a violation of this ordinance within three years shall have their shellfish license automatically suspended for a period of ninety (90) days.

- 1.) A licensee whose shellfish license has been suspended pursuant to this ordinance may re-apply for a license only after the suspension period has expired.
- 2.) The suspension shall be effective immediately.
- 3.) Any licensee whose shellfish license has automatically been suspended pursuant to this section shall be entitled to a hearing before the Shellfish Conservation Committee. A written request must be filed with the Town Clerk within fifteen (15) days of the effective date of suspension. The licensee may appeal the decision of the Shellfish Conservation Committee before the Board of Selectmen by filing a written request for appeal with the Town Clerk within seven (7) days of the decision of the Shellfish Conservation Committee.

6. Opening and Closing of Flats: The Municipal Officers, upon the approval of the Commissioner of Marine Resources, may open and close areas for shellfish harvest. Based on the status of shellfish resources and other factors bearing on sound management, openings/closings will be made upon recommendation of the Shellfish Conservation Committee and concurrence of the Department of Marine Resources area biologist, . The town will provide notification to the public of the conservation closure/openings in accordance with Department Regulations Chapter 7.50 (1) (c). This section requires a 5 day notice of

openings and closings. It shall be unlawful for any person to harvest, take or possess shellfish from any closed area in the town. This is a violation and is punishable under 12 MRSA sec 6671.

- 7. Minimum Legal Size of Soft-shell Clams:** It is unlawful for any person to possess soft-shell clams within the Town of Bristol, Lincoln County, which are less than two (2) inches in the longest diameter except as provided by subsection B. of this section.

A. Definitions:

- 1.) *Lot:* The word “lot” as used in this ordinance means the total number of soft shell clams in any bulk pile. Where soft-shell clams are in a box, barrel, or other container, the contents of each box, barrel, or other container constitutes a separate lot.
- 2.) *Possess:* For the purpose of this section, “possess” means dig, take, harvest, ship, transport, hold, buy, and sell retail and wholesale soft-shell clam shell stock.

B. Tolerance: Any person may possess soft-shell clams that are less than two (2) inches if they comprise less than 10% of any lot. The tolerance shall be determined by the numerical count of not less than one peck or more than four pecks taken at random from various parts of the lot or by a count of the entire lot if it contains less than one peck.

C. Penalty: Any person who violates any provision of this section shall be punished as provided by 12 MRSA Section 6681.

- 8. Penalty:** A person who violates this ordinance shall be punished as provided by MRSA Section 6671 (10) & (10A) & (10B).

- 9. Effective Date:** This ordinance, which has been approved by the Commissioner of Marine Resources, shall become effective after its adoption by the municipality provided a certified copy of the ordinance is filed with the Commissioner within twenty (20) days of its adoption.

- 10. Period of Ordinance:** This ordinance shall remain in effect until amended or repealed by the Town’s legislative body.

- 11. Severability:** If any section, subsection, sentence, or part of this ordinance is for any reason held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining portions of this ordinance.

- 12. Repeal:** Any ordinances regulating the harvesting or conservation of shellfish in the town and any provisions of any other Town ordinance which is inconsistent with this ordinance are hereby repealed.



SHORELAND ZONING ORDINANCE

Town of Bristol Planning Board

Enacted March 4, 1974

Amended:

March 1976 ▪ March 2, 1981 ▪ March 1983 ▪ March 1986 ▪ March 1988 ▪ March 1990 ▪
March 1991 ▪ December 1991 ▪ March 1992 ▪ March 1983 ▪ March 1994 ▪ March 1999 ▪
March 2003 ▪ March 2008 ▪ March 2009 ▪ March 2011 ▪ March 2014 ▪ March 2017 ▪
March 2018 ▪

Approved by State of Maine Department of Environmental Protection:

April 1992 ▪ January 1995 ▪ April 1999 ▪ March 2007 ▪ April 2008 ▪ May 2011 ▪ March 2015 ▪
May 2017 ▪

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Town of Bristol, Maine
Amended 03/21/2018

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Shoreland Zoning Ordinance for the Municipality of Bristol, Maine

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

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

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

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

NOTE: Pursuant to 38 M.R.S.A. section 440, municipalities may extend or adopt zoning controls beyond the limits established in Section 3, above, in order to protect the public health, safety, and welfare and to avoid problems associated with floodplain development.

4. **Effective Date of Ordinance and Ordinance Amendments.** This Ordinance, which was adopted by the municipal legislative body on March 21, 2017, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment, within forty-five (45) days of his/her receipt of the Ordinance, or Ordinance Amendment, it shall be automatically approved.

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

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

Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

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

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

12. Non-conformance

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

B. General

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

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

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

C. Non-conforming Structures

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

- (a) Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement.
- (b) Notwithstanding paragraph (a), above, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable municipal land use standards are met and the expansion is not prohibited by Section 12(C)(1).
 - (i) The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.
- (c) All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal land use standards are met and the expansion is not prohibited by Section 12(C)(1) or Section 12(C)(1)(a), above.
 - (i) For structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.
 - (ii) For structures located less than 100 feet from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater. Any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(C)(1)(b)(i) and Section 12(C)(1)(c)(i), above.
 - (iii) In addition to the limitations in subparagraphs (i) and (ii), for structures that are legally nonconforming due to their location within the Resource Protection District when located at less than 250 feet from the normal high-water line of a water body or the upland edge of a wetland, the maximum combined total footprint for all

structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed at the time the Resource Protection District was established on the lot, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(C)(1)(b)(i) and Section 12(C)(1)(c)(i), above.

- (d) An approved plan for expansion of a nonconforming structure must be recorded by the applicant with the registry of deeds, within 90 days of approval. The recorded plan must show the existing and proposed footprint of the non-conforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the Shoreland zone boundary and evidence of approval by the municipal review authority.
- (2) **Foundations.** Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 12(C)(3) Relocation, below.
- (3) **Relocation.** A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board or its designee, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

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

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

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

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

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

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

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

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

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

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health

and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

D. Non-Conforming Uses

- (1) **Expansions.** Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as allowed in Section 12(C)(1) above.
- (2) **Resumption Prohibited.** A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.
- (3) **Change of Use.** An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, including water dependent uses in the Village District, than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12(C)(5) above.

E. Non-conforming Lots

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

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

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

NOTE: Consistent with 38 M.R.S.A. section 438-A(1-A)(B), the immediately following exception may be adopted at the end of Section 12(E)(3) above if the municipality wishes to grandfather certain contiguous lots that were conforming and under the same ownership at the time lot size and shore frontage requirements were increased beyond those found in subparagraph E(3)(a).

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

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

13. Establishment of Districts

A. Resource Protection District. The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the Shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed and areas which meet the criteria for the Village District and the Public Recreation District need not be included within the Resource Protection District.

- (1) Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by MDIF&W. For the purposes of this paragraph "wetlands associated with great ponds and rivers" shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river.
- (2) Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood

of record, or in the absence of these, by soil types identified as recent floodplain soils. This district shall also include 100 year floodplains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

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

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

- (5) Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement, and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.

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

C. Village District. The Village District includes, but is not limited to, areas in the Shoreland Zone adjacent to coastal waters which are intended for a mixture of residential, commercial and recreational development. Commercial and business uses in this district may include: wholesaling, warehousing, retail trade, lodging and restaurants, other service activities and commercial fishing and maritime activities. Industrial uses are prohibited, as are activities which involve intensive recreational development such as, but not limited to, race tracks, amusement parks and fairgrounds.

The several areas included in the Village District are identified and delineated to scale on the Official Shoreland Zoning Map. The exact boundaries of these areas include that portion of the properties (as designated on the Official Tax Maps of the Town of Bristol), *listed on the following page*, which fall into the Shoreland Zone as defined in this ordinance:

VILLAGE DISTRICT	TAX MAP NUMBER	LOTS IN THE SHORELAND ZONE
NEW HARBOR	20	All
	21	All
	22	1-6,6-A,6-B, 6-C, 6-D, 6-E, 7-10,10-A, 11-13
ROUND POND	14	37-40, 55, 61-64, 66-72, 80, 86, 87-B, 89, 93-94
	16	All
MUSCONGUS	9	70-72, 72-A
PEMAQUID HARBOR	4	56
PEMAQUID FALLS	4	133, 133-C, 133-E, 141-A
	6	34, 65-68
	13	All
PEMAQUID BEACH	26	1, 2, 3, 5, 5-A, 5-B, 6-C, 8
	27	2-6, 27, 30-37, 39-A, 39-42, 42-A, 43, 43-A, 43-B, 43-C, 44-49, 50, 51, 52, 53, 54, 55, 56, 56-A, 56-B, 56-C, 57-59
BRISTOL MILLS	17	All

- D. Public Recreation District.** The Public Recreation District includes, but not limited to, areas in the Shoreland Zone adjacent to coastal waters on which are located any public facilities, including but not limited to: buildings, property, areas and roads which are owned, leased, or otherwise operated or funded by a governmental body of public entity and which are open to the general public for recreational use. Permits for allowed uses in this district will be issued only to, or with the prior written concurrence of the appropriate governmental body or public entity.

The areas included in the Public Recreation District are identified and delineated to scale on the Official Shoreland Zoning Map. The exact boundaries of these areas include that portion of the properties (as designated on the Official Tax Maps of the Town of Bristol) listed on the following page which fall into the Shoreland Zone as defined in this ordinance:

PUBLIC RECREATION	TAX MAP NUMBER	LOTS IN THE SHORELAND ZONE
COLONIAL PEMAQUID	26	7 (Restoration Park and Fort)
PEMAQUID BEACH	27	12-A (Pemaquid Beach Park)
PEMAQUID POINT	32	38 (Lighthouse Park)
BRISTOL MILLS	10	20-A (Ellingwood Park)
MOXIE COVE	16	31 (Moxie Cove Boat Ramp & Picnic Area)
HANNA LANDING	4C	24-F (Hanna Landing Boat Ramp & Picnic Area)

- E. Residential District.** The Residential District includes areas in the Shoreland Zone adjacent to coastal waters, freshwater wetlands, and great ponds which are intended primarily for residential development. Permitted commercial uses in this district are limited to: individual campsites; campgrounds accommodating not more than 15 parties; bed and breakfasts; home occupations; and functionally water-dependent facilities for hauling and storing a maximum of ten boats and for individually-operated lobstering and fishing activities. The Residential District includes all areas in the Shoreland Zone of coastal waters, great ponds, and rivers, and freshwater and coastal wetlands that are not included in the Village District, Resource Protection and the Public Recreation Districts.

NOTE: Unstable or highly unstable coastal bluffs as designated in the official Shoreland zone map is an overlay and shall be included in the immediately adjacent Shoreland zone district.

- 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 and floodplains as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

Key to Table 1:

- Yes - Allowed (no permit required but the use must comply with all applicable land use standards.)
- No - Prohibited
- PB - Allowed with permit issued by the Planning Board or its designee
- CEO - Allowed with permit issued by the Code Enforcement Officer
- LPI - Allowed with permit issued by the Local Plumbing Inspector

TABLE 1. LAND USES IN THE SHORELAND ZONE

<u>LAND USES</u>		<u>DISTRICT</u>				
		Stream Protection	Resource Protection	Public Recreation	Residential	Village
1.	Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes	yes
2.	Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes
3.	Forest management activities except for timber harvesting & land management roads	yes	yes	Yes	yes	yes
4.	Timber Harvesting (REPEALED 03/21/2017)					
5.	Timber Harvesting – Statewide Standards (REPEALED 03/21/2017)					
6.	Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO ¹	yes	yes	yes
7.	Fire prevention activities	yes	yes	yes	yes	yes
8.	Wildlife management practices	yes	yes	yes	yes	yes
9.	Soil and water conservation practices	yes	yes	yes	yes	yes
10.	Mineral exploration	no	yes ²	yes ²	yes ²	yes ²
11.	Mineral extraction including sand and gravel extraction	no	PB ³	PB	PB	PB
12.	Surveying and resource analysis	yes	yes	yes	yes	yes
13.	Emergency operations	yes	yes	yes	yes	yes
14.	Agriculture	yes	PB	no	yes	yes
15.	Aquaculture	PB	PB	PB	PB	PB
16.	Principal structures and uses					
	A. One and two family residential, including driveways	PB ⁴	PB ⁹	no	CEO	CEO
	B. Multi-unit residential	no	no	no	PB	PB
	C. Commercial	no	no ¹⁰	PB ⁵	no ¹⁰	PB
	D. Industrial	no	no	no	no	no
	E. Governmental and institutional	no	no	PB	PB	PB
	F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB ⁴	PB	PB	CEO	CEO
17.	Structures accessory to allowed uses	PB ⁴	PB	PB	CEO	CEO
18.	Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland					
	A. Temporary	CEO ¹¹	CEO ¹¹	CEO ¹¹	CEO ¹¹	CEO ¹¹
	B. Permanent	PB	PB	PB	PB	PB
19.	Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI	LPI
20.	Home occupations	PB	PB	PB	PB	PB
21.	Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI	LPI
22.	Essential services					
	A. Roadside distribution lines (34.5kV and lower)	CEO ⁶	CEO ⁶	yes ¹²	yes ¹²	yes ¹²
	B. Non-roadside or cross-country distribution lines involving ten poles or less in the Shoreland zone	PB ⁶	PB ⁶	CEO	CEO	CEO
	C. Non-roadside or cross-country distribution lines involving eleven or more poles in the Shoreland zone	PB ⁶	PB ⁶	PB	PB	PB
	D. Other essential services	PB ⁶	PB ⁶	PB	PB	PB
23.	Service drops, as defined, to allowed uses	yes	yes	yes	yes	yes
24.	Public and private recreational areas involving minimal structural development	PB	PB	PB	CEO	CEO
25.	Individual, private campsites	CEO	CEO	CEO	CEO	CEO
26.	Campgrounds	no	no ⁷	PB	PB	PB
27.	Road construction	PB	no ⁸	PB	PB	PB
28.	Land management roads (REPEALED 03/21/2017)					
29.	Parking facilities	no	no ⁷	PB	PB	PB
30.	Marinas	PB	no	PB	PB	PB
31.	Filling and earth moving of <10 cubic yards	CEO	CEO	CEO	yes	yes
32.	Filling and earth moving of >10 cubic yards	PB	PB	PB	CEO	CEO
33.	Signs	yes	yes	yes	yes	yes
34.	Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO
35.	Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO
36.	Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB
37.	Shoreland Zone Utility Installation (as defined)	PB	PB	PB	PB	PB

- 1) In RP not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.
- 2) Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.
- 3) In RP not allowed in areas so designated because of wildlife value.
- 4) Provided that a variance from the setback requirement is obtained from the Board of Appeals.
- 5) Functionally water-dependent uses, uses accessory to such water dependent uses and proposed uses that have no greater adverse impact on the subject and adjacent properties and resources
- 6) See further restrictions in Section 15 (L)(2).
- 7) Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.
- 8) Except as provided in Section 15 (H)(3).
- 9) Single family residential structures may be allowed by special exception only according to the provisions of Section 16(E), Special Exceptions. Two-family residential structures are prohibited.
- 10) Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.
- 11) Excluding bridges and other crossings not involving earthwork, in which case no permit is required.
- 12) Permit not required but must file a written "notice of intent to construct" with CEO.

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

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

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

A. Minimum Lot Standards	Minimum Lot Area (sq. ft.)	Minimum Shore Frontage (ft.)
(1)		
(b) Residential per dwelling unit		
(i) Within the Shoreland Zone Adjacent to Tidal Areas	1 acre	150 ft.
(ii) Within the Shoreland Zone Adjacent to Non-Tidal Areas	1 acre	200 ft.
(c) Governmental, Institutional, Commercial or Industrial per principle structure		
(i) Within the Shoreland Zone Adjacent to Tidal Areas: Exclusive of functionally water dependent uses	1 acre	200 ft.
(ii) Within the Shoreland Zone Adjacent to Tidal Areas for functionally water dependent uses	NONE	NONE
(iii) Within the Shoreland Zone Adjacent to Non-Tidal Areas	1 acre	300 ft.

(d) Public and Private Recreational Facilities

- | | | |
|---|--------|---------|
| (i) Within the Shoreland Zone | 1 acre | 200 ft. |
| Adjacent to Tidal Areas and Non-Tidal Areas | | |

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

B. Principal and Accessory Structures

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

In addition:

- (a) The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
- (b) For principal structures, water and wetland setback measurements shall be taken from the top of a coastal bluff that has been identified on Coastal Bluff maps as being “highly unstable” or “unstable” by the Maine Geological Survey pursuant to its “Classification of Coastal Bluffs” and published on the most recent Coastal Bluff map. If the applicant and the permitting official(s) are in disagreement as to the specific location of a “highly unstable” or “unstable” bluff, or where the top of the bluff is located, the applicant may at his or her

expense, employ a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, a Maine State Geologist, or other qualified individual to make a determination. If agreement is still not reached, the applicant may appeal the matter to the board of appeals.

- (c) On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

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

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

- (2) Principal or accessory structures excluding piers, docks, wharfs and bridges shall not be permitted on two acres or more of sustained slopes of 20% or greater, excluding the Village District and the Public Recreation District. However, if the applicant demonstrates that a site of 10,000 square feet or more with slopes of 20% or less exists within the sustained slope area, that site is excluded from the sustained slope area. A new structure may be permitted within this "excluded site" provided that it is at least five feet from the edge of the excluded site.
- (3) All new and expanded structures must conform to the provisions of the Bristol Flood Plain Management Ordinance.
- (4) Principal or accessory structures and expansions of existing structures which are permitted in the Shoreland Zone shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.

NOTE: A municipality may also exempt a cupola, dome, widow's walk or other similar feature from the height limits in accordance with 38 M.R.S.A. Section 439-A(9).

- (5) The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood-

plain soils. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2005 version, or later version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph.

- (6) With the exception of the Village Districts located adjacent to coastal wetlands and rivers that do not flow to great ponds, non-vegetated surfaces shall not exceed a total of twenty (20) percent of the portion of the lot located within the Shoreland zone. This limitation does not apply to public boat launching facilities regardless of the district in which the facility is located.

In the Village District located adjacent to coastal wetlands, or rivers that do not flow to great ponds, non-vegetated surfaces shall not exceed a total of seventy (70) percent of the portion of the lot located within the Shoreland zone.

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

- (7) The codes enforcement officer in accordance with 30-A MRSA §4353-A, may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The CEO shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The CEO may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure. Any permit issued pursuant to this subsection is subject to Sections 16(H)(2)(f) and 16(H)(4)(b)(iv) below.)
- (8) Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:
- (a) The site has been previously altered and an effective vegetated buffer does not exist;
 - (b) The wall(s) is (are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;
 - (c) The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
 - (d) The total height of the wall(s), in the aggregate, are no more than 24 inches;
 - (e) Retaining walls are located outside of the 100-year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the

flood of record, or in the absence of these, by soil types identified as recent flood plain soils.

- (f) The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and
- (g) A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:
 - (i) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;
 - (ii) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
 - (iii) Only native species may be used to establish the buffer area;
 - (iv) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;
 - (v) A footpath not to exceed the standards in Section 15(P)(2)(a), may traverse the buffer

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

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

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

- (1) No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single lot; except that when a single lot contains at least twice the minimum shore frontage as specified in Section 15(A), a second structure may be allowed and may remain as long as the lot is not further divided.
- (2) Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
- (3) The location shall not interfere with existing developed or natural beach areas.

- (4) The facility shall be located so as to minimize adverse effects on fisheries.
- (5) The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf in non-tidal waters shall not be wider than six feet for non-commercial uses.
- (6) No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.

NOTE: A structure constructed on a float or floats is prohibited unless it is designed to function as, and is registered with the Maine Department of Inland Fisheries and Wildlife as a watercraft.

- (7) New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the *Natural Resources Protection Act*.
- (8) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.
- (9) Except in the Village District, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.
- (10) Vegetation may be removed in excess of the standards in Section 15(P) of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.
 - (a) When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than 12 feet in width. When the stabilization project is complete the construction equipment access way must be restored.
 - (b) Revegetation must occur in accordance with Section 15(S).

NOTE: A permit pursuant to the *Natural Resource Protection Act* is required from the Department of Environmental Protection for Shoreline Stabilization activities.

NOTE: New permanent structures, and expansions thereof, projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the

Natural Resources Protection Act, 38 M.R.S.A. section 480-C. Permits may also be required from the Army Corps of Engineers if located in navigable waters.

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

- (1) Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, or on sustained slopes of 20% or greater, and land below the normal high-water line of a water body shall not be included in calculating land area per site.
- (2) The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

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

- (1) One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the Shoreland zone, whichever is less, may be permitted.
- (2) When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite separately.
- (3) Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
- (4) Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.
- (5) The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District or on sustained slopes of 20% or greater shall be limited to one thousand (1000) square feet.
- (6) A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
- (7) When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be

met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

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

- (1) Auto washing facilities
- (2) Auto or other vehicle service and/or repair operations, including body shops
- (3) Chemical and bacteriological laboratories
- (4) Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms

NOTE: 22 M.R.S.A. section 1471-U requires municipal ordinances that apply to pesticide storage, distribution or use be filed with the Maine Board of Pesticides Control, 28 State House Station, Augusta, ME 04333. If a municipality's ordinance is more inclusive or restrictive than these Guidelines, as it pertains to pesticides, a copy of the ordinance must be filed with the Board of Pesticides Control.

- (5) Commercial painting, wood preserving, and furniture stripping
- (6) Dry cleaning establishments
- (7) Electronic circuit assembly
- (8) Laundromats, unless connected to a sanitary sewer
- (9) Metal plating, finishing, or polishing
- (10) Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas
- (11) Photographic processing
- (12) Printing

G. Parking Areas

- (1) Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located, except that in the Village District parking areas shall be set back at least twenty-five (25) feet, horizontal distance, from the shoreline. The setback requirement for parking areas serving public boat launching facilities in Districts other than the Village District shall be no less than fifty (50) feet, horizontal

distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.

- (2) Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.
- (3) In determining the appropriate size of proposed parking facilities, the following shall apply:
 - (a) Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
 - (b) Internal travel aisles: Approximately twenty (20) feet wide.
- (4) Parking areas shall not be established on sustained slopes of 20% or greater.

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

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

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

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

- (2) Existing public roads may be expanded within the legal road right of way regardless of their setback from a water body, tributary stream or wetland.
- (3) New roads and driveways are prohibited in a Resource Protection District and in areas with sustained slopes of 20% or greater, 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 and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 15(T).
- (5) Road and driveway grades shall be no greater than ten (10) percent except for 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 un-scarified 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 un-scarified 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 un-scarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:
 - (a) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road, or driveway at intervals no greater than indicated in the following table:

Grade (Percent)	Spacing (Feet)
0 - 2	250
3 - 5	200 - 135
6 - 10	100 - 80
11 - 15	80 - 60
16 - 20	60 - 45
21 +	40

- (b) Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.
 - (c) On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.
 - (d) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

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

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

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

J. Stormwater Runoff

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

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

K. Septic Waste Disposal

- (1) All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following: a) clearing or removal

of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland and b) a holding tank is not allowed for a first-time residential use in the Shoreland zone.

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

L. Essential Services

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

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

Mineral extraction may be permitted under the following conditions:

- (1) A reclamation plan shall be filed with, and approved, by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 15 (M)(4) below.
- (2) No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.
- (3) Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:

- (a) All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

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

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

N. Agriculture

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

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

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

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

NOTE: 7 M.R.S.A. section 155 requires a municipality to provide the Commissioner of Agriculture, Conservation and Forestry with a copy of any proposed ordinance that impacts farm operations. The law further requires the Commissioner to review the proposed ordinance and advise the municipality if the proposed ordinance would restrict or prohibit the use of best management practices. A copy of a Shoreland zoning ordinance that regulates no more restrictively than contained in these Guidelines need not be provided to the Commissioner of Agriculture, Food and Rural Resources.

O. Timber Harvesting (REPEALED 03/21/2017)

O-1. Timber Harvesting – Statewide Standards (REPEALED 03/21/2017)

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

- (1) In a Resource Protection District or on sustained slopes of 20% or greater abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove hazard trees as described in section Q.

Elsewhere, in any Resource Protection District or on sustained slopes of 20% or greater the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

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

defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

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

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

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

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

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

The following shall govern in applying this point system:

- (i) The 25 foot by 50 foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
- (ii) Each successive plot must be adjacent to, but not overlap a previous plot;
- (iii) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
- (iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by 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(P)(2)(b) "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

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

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

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

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

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

- (1) Hazard trees in the Shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:

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

- (iii) Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree; and
- (iv) If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every eighty (80) square feet of lost canopy.
- (b) Outside of the shoreline buffer, if the removal of storm damaged trees exceeds 40% of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above the ground level in any ten (10) year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the Shoreland zone or ten thousand (10,000) square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

R. Exemptions to Clearing and Vegetation Removal Requirements

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

- (1) The removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of removal of vegetation every two (2) years, reverts back to primarily woody vegetation, the requirements of Section 15(P) apply;
- (2) The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of section 15(B) are not applicable;
- (3) The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;
- (4) The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of section 15(N) are complied with;
- (5) The removal of vegetation associated with brownfields or voluntary response action program (VRAP) projects provided that the removal of vegetation is necessary for remediation activities to clean-up contamination on a site in a general development district, commercial fisheries and maritime activities district or other equivalent zoning district approved by the Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant 38 M.R.S.A section 343-E, and that is located along:
 - (a) A coastal wetland; or

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

NOTE: An updated list of non-native invasive vegetation is maintained by the Department of Agriculture, Conservation and Forestry's Natural Areas Program:
http://www.maine.gov/dacf/mnap/features/invasive_plants/invasives.htm

- (7) The removal of vegetation associated with emergency response activities conducted by the Department, the U.S. Environmental Protection Agency, the U.S. Coast Guard, and their agents.

S. Revegetation Requirements

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

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

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

- (b) Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and
- (c) Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.

T. Erosion and Sedimentation Control

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

- U. Soils.** All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after

construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

V. Water Quality. No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream or wetland.

W. Archaeological Site. Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

NOTE: Municipal officials should contact the Maine Historic Preservation Commission for the listing and location of Historic Places in their community.

X. Shoreland Zone Utility Installations-Permit Required. Prior to engaging in any construction within the scope of the definition of Shoreland Zone Utility Installation as set forth in this Ordinance, the applicant shall acquire a Shoreland Zone Utility Permit from the Planning Board. The Planning Board may, at a minimum, require that the permit applicant show compliance with any and all provisions of this Ordinance as they relate to Shoreland Zone Utility Permit's specifically and/or Land Use Permitting in general. Specifically a Shoreland Zone Utility Permit applicant shall comply with:

(1) Permit Application requirements as set forth in Section 16(C) of this Ordinance;

(2) Installation Standards

Land based associated activities shall each be governed by the application standards in this ordinance and reviewable and governed by those standards, including but not limited to, Essential Services.

(3) Decommissioning Standards for Shoreland Zone Utility Installations

(a) The applicant or current owner/operator at time of decommission of any offshore utility or telecommunications installation associated with a Shoreland Zone Utility Installation in the Town of Bristol, shall, at its expense, complete decommissioning of the Shoreland Zone Utility Installation within: 1) twelve (12) months after the end of the useful life of the power generation facility to which the infrastructure is connected, or; 2) as specified in the materials provided at the time of application. The Shoreland Zone Utility Installation will be presumed to be at the end of its useful life if no electricity or telecommunications are generated or transmitted over the permitted infrastructure for a continuous period of twelve (12) months.

- (b) Decommissioning shall include removal of all buildings, cabling, electrical components, roads, and any other associated facilities located within the Shoreland Zone which were installed or modified in conjunction with any Permit issued under this Ordinance. Restore to pre-construction condition or as approved by the Planning Board. All such components or facilities shall be removed unless, at the end of the useful life, as determined in accordance with Section 15(U)(3)(a), the applicant provides written evidence of plans for continued beneficial use of these components, and this evidence is approved by the Planning Board.
- (c) Except as otherwise provided by Section 15(U)(3)(b), disturbed earth shall be graded and re-seeded, with applicable permits for said activity to be acquired from the Planning Board.
- (d) The Applicant or subsequent owner/operator shall post and maintain decommissioning funds in an amount equal to 100% of the Estimated Decommissioning Costs as described in Section 3(b) above. The decommissioning funds shall be posted and maintained with a bonding company or Federal or State-chartered lending institution chosen by the Applicant, provided that the bonding company or lending institution is authorized to conduct such business within the State and is approved by the Town of Bristol. No work can begin within the Shoreland Zone before the decommissioning bond is issued and approved and deposit of fund proven to the Planning Board.
- (e) Decommissioning funds may be in the form of a performance bond, surety bond, or other form of financial assurance as may be acceptable to the Town of Bristol.
- (f) If the Applicant or current Owner/Operator does not complete decommissioning within the periods prescribed by this Section they shall be deemed to be in violation of this Ordinance and the Town of Bristol may take such measures as necessary, including court action, to ensure the completion of decommissioning at the expense of the applicant. The Town may additionally seek recovery of legal and other expenses associated with enforcement of this Ordinance.
- (g) The escrow agent shall release the decommissioning funds when the applicant or current owner/operator has demonstrated and the Planning Board concurs that the decommissioning has been satisfactorily completed, or upon written approval of the Town in order to implement the decommissioning plan.

16. Administration

A. Administering Bodies and Agents

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

- B. Permits Required.** After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the

district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

- (1) A permit is not required for the replacement of an existing road culvert as long as:
 - (a) The replacement culvert is not more than 25% longer than the culvert being replaced;
 - (b) The replacement culvert is no longer than 75 feet; and
 - (c) Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.
- (2) A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.
- (3) Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

C. Permit Application

- (1) Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.
- (2) All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.
- (3) All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
- (4) If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.
- (5) When an excavation contractor will perform an activity that requires or results in more than one (1) cubic yard of soil disturbance, the person responsible for management of erosion and sedimentation control practices at the site must be certified in erosion control practices by the Maine Department of Environmental Protection. This person must be present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation control measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion. The name and certification number of the person who will oversee the

activity causing or resulting in soil disturbance shall be included on the permit application. This requirement does not apply to a person or firm engaged in agriculture or timber harvesting if best management practices for erosion and sedimentation control are used; and municipal, state and federal employees engaged in projects associated with that employment.

- (6) For all Shoreland Zone Utility Permit Applications, the following submission standards are also required.

All information in the application, unless specified, will become part of the public record. Information submitted by the Applicant must be continuously updated throughout the application process as changes are made or new information becomes available.

The Applicant shall include a written application, which shall include:

- (a) Applicant's name and contact information.
- (b) Legal owner/operator and contact information (if different from the Applicant).
- (c) Description of the legal structure of the Applicant including a corporate organizational chart.
- (d) Location map of the project showing the location of the each utility cable or transmission line, associated facilities, all property under partial or total control of the Applicant including easements and those under lease with private landowners, roads, municipal boundaries, proximity to all major geographical features in the Town of Bristol.
- (e) Detailed site plan showing the location of each utility cable, transmission line and associated infrastructure and any of the following features located within the Shoreland Zone: property boundaries, required setbacks, topographic contour lines (maximum 2-foot interval), buildings (identify use), roads, driveways, right-of-ways, overhead utility lines, Scenic Features, tree cover, wetlands, streams, water bodies, areas proposed to be cleared of vegetation or re-graded, and areas proposed to be excavated or blasted.
- (f) Construction plans showing the detailed drawings of the proposed infrastructure, elevations, cross sections, plan view, capacity and installation requirements.
- (g) Copies of all private landowner agreements and easement agreements.
- (h) Copies of any deeds or purchase agreements for land owned or under option by the Applicant.
- (i) Receipt showing payment of application fees and escrow for professional and public hearing fees.
- (j) Proof of financing.
- (k) Documentation demonstrating a construction site erosion plan and stormwater runoff control plan as may be required by Section 15J of this Ordinance that minimizes potential adverse impacts on streams and wetlands and the Shoreland Zone.
- (l) Photographs of existing conditions of the proposed site(s) within the Shoreland Zone where surface disturbance, construction activity and installation of cables, transmission lines and associated facilities are proposed to be located.
- (m) An additional set of photographs of the existing conditions shall have the above ground portions of proposed cable or lines and associated infrastructure superimposed on it to accurately simulate the project when built.

- (n) Proof of Liability Insurance in the amount of two million dollars (\$2,000,000.00) per occurrence.
- (o) A plan for construction including: time-line showing all aspects of the construction, location of all activities within the Town and a list of contact persons for all stages of construction.
- (p) A map shall be provided showing all transmission lines/cables and rights-of-way that will need to be built or upgraded to accommodate the utility cable, transmission lines, and associated infrastructure. Applicant shall submit copies of signed letters of intent to grant easements, long-term leases or other property rights from involved landowners and any governmental unit responsible for access, approval or construction of transmission and distribution lines. The Applicant shall submit an affidavit stating that no property will need to be taken by eminent domain to facilitate the proposed activity within the Shoreland Zone necessary to support the project.
- (q) A written summary of all routine operation and maintenance procedures that may take place within the Shoreland Zone prior to decommissioning of the installation.
- (r) Document all potential hazardous wastes that will be used within the Shoreland Zone and how these wastes will be transported, handled, stored, cleaned up if spilled, and disposed of during any time prior to the decommissioning of the installation.
- (s) A road and property use and risk assessment plan in compliance with Section 16.C.5.bb.
- (t) A decommissioning plan in compliance with Section 15.U.3.
- (u) Copies of all written agreements and disclosure of all verbal promises, for contracts, subcontracts, employment, consulting fees, gifts or other payments in excess of \$10 (cash or in-kind) to property owners (or their assigns) or businesses in Bristol, either previously made or contingent on permitting of this project.
- (v) Applicant shall deliver a letter by certified mail to the owner of any property that the Applicant proposes to be impacted by the Permit. The letter will state that the Applicant has filed an application, list future development that will be restricted or impacted, and to what extent it will be restricted or impacted, by virtue of the permit being granted. Examples of restrictions include, but are not limited to, restrictions on building structures, digging or disrupting the earth or zones in which future utilities installations can expect interference from the installations proposed under this permitting process including all addendums and extensions to the permit. Applicant must provide fair compensation to any impacted or restricted landowners for restricting future development of their property.
- (w) Other relevant studies, reports, certifications and approvals as may be reasonably requested by the Planning Board to ensure compliance with this Ordinance.
- (x) Signed affidavit from the Applicant that Applicant has read the Shoreland Zoning Ordinance of the Town of Bristol and agrees to abide by its provisions, as may be amended from time to time.
- (y) Impact Statement

The applicant shall submit to the Planning Board plans showing the proposed location of the Shoreland Zone Utility Installation along with a statement describing the short and long term impacts associated with cables, line, and infrastructure construction,

installation, operation and maintenance including but not limited to the disruption of earth, soils, ramps or paved areas and plans for restoration of disrupted areas.

In addressing how construction, installation and short or long term maintenance and operation of the cables, lines and infrastructure , as it lies in the Shoreland zone, will impact existing marine and Shoreland activities and marine and Shoreland resources, the statement must specifically address each of the following areas of impact:

- (i) impact on water pollution;
- (ii) impact on natural beauty and open space;
- (iii) impact on shore cover;
- (iv) impact on freshwater and coastal wetlands;
- (v) impact on fish spawning areas, aquatic life, bird and wildlife habitat;
- (vi) protection of buildings and structures from flooding;
- (vii) location of new buildings or infrastructure associated with the Shoreland Zone Utility Permit;
- (viii) impact on public access to the water including parking and loading activities, circulation of traffic and avoidance of congestion;
- (ix) impact on commercial fishing and the maritime industry; and
- (x) impact on archaeological and historic resources

(7) Proof of required permitting

The applicant shall additionally provide proof of issuance of all State and Federal Permits associated with the offshore utility/telecommunications installation which is associated with the Shoreland Zone Utility Installation. If the permit has not been issued, the applicant shall provide proof of application or consultation and an explanation as to the status of the review or consultation, or evidence of denial of the permit. Proof of permitting includes but is not limited to the following departments and agencies:

- (i) US Army Corps of Engineers-River and Harbors Act Section 10 Permit
- (ii) Maine Historic Preservation and/or Tribes
- (iii) Bureau of Ocean Energy Management
- (iv) CMP Utility Form 1190
- (v) Maine DEP – NRPA Section 9 Permit by Rule
- (vi) NOAA-NMFS, USFWS – ESA Section 7 Consultation
- (vii) NMFS and USFWS – Fish and Wildlife Coordination Act
- (viii) NMFS – Marine Mammal Protection Act, Consultation
- (ix) NMFS – Magnuson – Stevens Fishery Conservation and Management Act, EFH Consultation
- (x) US Coast Guard – Ports and Waterways Safety Act, Consultation
- (xi) Maine DOACF, Maine Coastal Program – CZMA Section 307(c)(3) Consultation (part of DEP permit process)
- (xii) Maine State Historic Preservation Office – National Historic Preservation Act, Section 106 Consultation

(8) Plan and Risk Assessment for Road and Property Use within the Shoreland Zone

An application for a Shoreland Zone Utility Permit shall include a road and property use and risk assessment plan containing the following information and meeting the following requirements. All references to public and private roads or ways or private or public property in this section shall be presumed to refer to such roads or property to the extent that they lie within the Shoreland Zone.

- (i) A description and map of all public and private ways, and other property, in the Shoreland Zone of the Town of Bristol to be used or affected in connection with the construction of the proposed infrastructure, including a description of how and when such ways and property will be used or affected.
 - (ii) A description of the type and length of vehicles and type, weight and length of loads to be conveyed on all public or private ways in the Town of Bristol Shoreland Zone.
 - (iii) A complete assessment of the proposed use of public ways in the Town of Bristol Shoreland Zone in connection with the construction of the proposed infrastructure, including: the adequacy of turning radii; the ability of the ways to sustain loads without damage; the need to remove or modify (permanently or temporarily) signs, trees, utilities, or anything else; any reasonably foreseeable damage to public or private ways or other property, public or private; any reasonably foreseeable costs that the Town may incur in connection with the use of property in the Town, including but not limited to costs relating to traffic control, public safety, or damage to public ways, or to other public or private property.
 - (iv) A traffic control and safety plan relating to the use of public ways in the Town in connection with the construction of the proposed infrastructure.
 - (v) Any additional relevant information that the Planning Board may request relating to the use of public or private ways or other effects on public and private property that may occur in connection with the construction and operation of the proposed infrastructure.
 - (vi) The Planning Board will evaluate the risk assessment plan with assistance from such consultants that it deems appropriate, including without limitation a third-party engineer chosen by the Planning Board, the cost to be solely borne by the Applicant. The Planning Board may document the condition of public ways and other property to be used in connection with the construction of the proposed infrastructure in such manner as it deems appropriate. The Planning Board may require changes to the risk assessment plan that it deems to be appropriate to protect public safety, to protect public and private property, and to address anticipated costs to the Town associated with construction.
 - (vii) If the Applicant requires the temporary closure of any public way, the Planning Board may require the Applicant to enter into an agreement relating to the use of the public way which may involve a construction schedule which accounts for accommodating heavy flow and tourism related traffic.
 - (viii) The Applicant shall be responsible for paying for any damage to any public way. If the risk assessment anticipates damage to any public way, the Planning Board may require the Applicant to provide a surety in an amount that the Planning Board determines appropriate to secure any obligation under the agreement, including but not limited to any obligation relating to alterations or modifications to public ways made in connection with the applicant's activities.
- (9) The Applicant for a Shoreland Zone Utility Permit shall submit an Estimate of Decommissioning Costs to the Planning Board at the time of the permit application. Such Estimate shall describe any work required to be completed to meet the standards set forth in Section 15.U.3 Decommissioning Standards for Shoreland Zone Utility Installation above and the estimated cost of completion of that work.

D. Procedure for Administering Permits.

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

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

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

- (a) Will maintain safe and healthful conditions;
- (b) Will not result in water pollution, erosion, or sedimentation to surface waters;
- (c) Will adequately provide for the disposal of all wastewater;
- (d) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
- (e) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
- (f) Will protect archaeological and historic resources as designated in the comprehensive plan;
- (g) Will not adversely affect existing commercial fisheries, and other functionally water-dependent uses;
- (h) Will avoid problems associated with floodplain development and use; and
- (i) Is in conformance with the provisions of Section 15, Land Use Standards.

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

- (2) In addition to the above, all Shoreland Zone Utility Permits shall be subject to the additional submission standards below:

- (a) When reviewing a Shoreland Zone Utility Permit for completeness, the Planning Board will notify the Applicant within 90 days from the date of submission whether the application is complete.

This completeness review period is specific to a Shoreland Zone Utility Permit application and supersedes the 35 day completeness review set forth in Section 16 D of this Ordinance. Specific studies may be required for a consideration of completeness including but not limited to State Agency certification and permitting, and environmental impact studies. If the application is deemed to be incomplete the Planning Board shall indicate the additional information needed. The application shall be deemed abandoned unless the Applicant provides the information requested, demonstrates that additional time is needed to complete required studies, or obtain permits, or submits in writing the reason for any delay within 30 days from the date of notice indicating the application is incomplete.

- (b) Professional Services: In reviewing a Shoreland Zone Utility Permit application for compliance with this Ordinance, the Board may retain professional services as necessary to assist with its review, including but not limited to those of an attorney, engineer, biologist, or land use planner. Within fourteen (14) days of filing an application the Applicant shall deposit in a joint escrow account with the Town the sum of \$1,000.00 as partial payment for the appropriate Town expenses in hiring consultants and experts, as the Permitting Authority shall, at its discretion, deem necessary. If at any time the balance of the fund falls below \$1,000.00, the Applicant upon notice shall submit additional funds to maintain a balance of no less than \$1,000.00 so that the Town's full and actual expenses of examining and verifying the data presented by the Applicant can be paid in full by the Applicant. If at any time the balance of this fund falls below \$1,000.00 for a period of 30 days after notification the application shall be considered to have been withdrawn. The balance of the escrow account shall be returned to the Owner/operator after all expenses have been paid, and after a permit is granted or the Applicant has withdrawn. Also See Town of Bristol Permit Fee Schedule.

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

- (1) There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.
- (2) The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.
- (3) All proposed buildings, sewage disposal systems and other improvements are:
- (a) Located on natural ground slopes of less than 20%; and

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

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

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

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

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

H. Appeals

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

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

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

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

- (a) Variances may be granted only from dimensional requirements including, but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
- (b) Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
- (c) The Board shall not grant a variance unless it finds that:
 - (i) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and
 - (ii) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:
 - a. That the land in question cannot yield a reasonable return unless a variance is granted;
 - b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - c. That the granting of a variance will not alter the essential character of the locality; and
 - d. That the hardship is not the result of action taken by the applicant or a prior owner.
- (d) The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.
- (e) A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

(3) **Administrative Appeals**

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

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

(4) Appeal Procedure

(a) Making an Appeal

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

(b) Decision by Board of Appeals

- (i) A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.
- (ii) The person filing the appeal shall have the burden of proof.
- (iii) The Board shall decide all administrative appeals and variance appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.
- (iv) The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the

Board's decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.

- (5) **Appeal to Superior Court.** Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.
- (6) **Reconsideration.** In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

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

I. Enforcement

- (1) **Nuisances.** Any violation of this Ordinance shall be deemed to be a nuisance.
- (2) **Code Enforcement Officer**
 - (a) It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
 - (b) The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.
 - (c) The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected.
- (3) **Legal Actions.** When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the

name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

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

NOTE: Current penalties include fines of not less than \$100 nor more than \$2500 per violation for each day that the violation continues. However, in a resource protection district the maximum penalty is increased to \$5000 (38 M.R.S.A. section 4452).

17. Definitions

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

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

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

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

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

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

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

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

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

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

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

NOTE: All areas below the highest annual tide level are coastal wetlands. These areas may consist of rocky ledges, sand and cobble beaches, mud flats, etc., in addition to salt marshes and salt meadows.

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

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

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

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

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

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

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

Expansion of a structure - an increase in the footprint of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses.

Expansion of use - the addition of one or more months to a use's operating season; or the use of more footprint of a structure or ground area devoted to a particular use.

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

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

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

Footprint - the entire area of ground covered by the structure(s) on a lot, including but not limited to cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios and decks.

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

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

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

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

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

Functionally water-dependent uses - Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that cannot be located away from these waters.

The following are considered functionally water-dependent uses:

- Working waterfront land
- Commercial fishing and boating facilities
- Uses compatible with commercial fishing activities
- Finfish and shellfish processing
- Fish-related storage
- Retail and wholesale fish marketing facilities
- Shipyards and boat launching facilities
- Navigation aids
- Basins and channels

- Shoreline structures necessary for erosion control purposes
- Waterfront dock and port facilities
- Uses that provide public access to coastal or inland waters
- Marine research and education

The following may be considered functionally water-dependent uses, with PB approval, as long as the proposed use does not adversely affect existing commercial fishing activities.

- Mixed uses that are compatible with the primary fisheries use
- Other uses that depend upon water to function
- Recreational fishing and boating facilities
- 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.
- Marinas
- Excursion vessels

The following are not considered functionally water-dependent uses:

- Recreational boat storage buildings
- Condos and other housing
- Restaurants
- Uses incompatible with commercial fishing activities

Definitions:

Working waterfront land - A parcel of land, or a portion thereof, abutting water to the head of tide or land located in the intertidal zone that is used primarily or used predominantly to provide access to or support the conduct of commercial fishing activities.

Support the conduct of commercial fishing activities means:

- A. To provide access to the water or the intertidal zone over waterfront property to persons directly engaged in commercial fishing activities.
- B. To conduct commercial business activities that provide goods or services that directly support commercial fishing activities.

Used predominantly means: used more than 90% for commercial fishing activity, allowing for limited uses for noncommercial or non-fishing activities if those activities are minor and purely incidental to a property's predominant use.

Used primarily means: used more than 50% for commercial fishing activity.

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

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

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

Hazard tree - a tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes; hurricane-force winds; tornados; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

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

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

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

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

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

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

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

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

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

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

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

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

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

Native – indigenous to the local forests.

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

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

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

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

Non-native invasive species of vegetation - species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.

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

NOTE: Adjacent to tidal waters, setbacks are measured from the upland edge of the “coastal wetland.”

Outlet stream - any perennial or intermittent stream, as shown on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map that flows from a freshwater wetland.

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

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

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

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

Principal structure - a structure other than one which is used for purposes wholly incidental or accessory to the use of another structure or use on the same lot.

Principal use - a use other than one which is wholly incidental or accessory to another use on the same lot.

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

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

· Fryburg	· Hadley	· Limerick	· Lovewell	· Medomak
· Ondawa	· Alluvial	· Cornish	· Charles	· Podunk
· Rumney	· Suncook	· Sunday	· Winoosko	

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

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

Replacement system - a system intended to replace:

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

Residential dwelling unit - a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

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

River - a free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth.

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

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

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

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

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

Seedling - a young tree species that is less than four and one half (4.5) feet in height above ground level.

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

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

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

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

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

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

Storm-damaged tree - a tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event.

Stream - a free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent, highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map to the point where the stream becomes a river or where the stream meets the Shoreland zone of another water body or wetland. When a stream meets the Shoreland zone of a water body or wetland and a channel forms downstream of the water body or wetland as an outlet, that channel is also a stream.

Structure – anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind or anything constructed or erected on or in the ground. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in Title 30-A, section

4201, subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; or wells or water wells as defined in Title 32, section 4700-E, subsection 8.

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

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

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

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

Timber harvesting - the cutting and removal of timber for the primary purpose of selling or processing forest products. "Timber harvesting" does not include the cutting or removal of vegetation within the Shoreland zone when associated with any other land use activities. The cutting or removal of trees in the Shoreland zone on a lot that has less than two (2) acres within the Shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15 (P), *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting*.

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

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

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

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

Upland edge of a wetland - the boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the highest annual tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland

vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) feet) tall or taller.

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

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

Water body - any great pond, river or stream.

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

Wetland - a freshwater or coastal wetland.

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

Town of Bristol

Subdivision Ordinance

Adopted
3/17/2009
Amended
3/15/2011
3/13/2012
3/17/2015

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SUBDIVISION ORDINANCE

A. GENERAL PROVISIONS

1. Subdivision: A subdivision shall mean a division of a tract or parcel of land or its equivalent, as defined in 30-A MRSA §4401. The term subdivision for the purposes of this ordinance, refers both to the creation of lots, the building of dwelling units, and the division of existing buildings into dwelling units as covered in the state subdivision law. This does not apply to the exceptions as defined in M.R.S.A. Title 30-A §4402. The following review criteria as set forth in 30-A MRSA §4404 shall be used. See Appendix B.
2. Density Determination: Subdivisions are categorized as either low density or high density based on the concentration of dwelling units and the concentration of resources required and waste products produced. The criteria for determining which density category a proposal falls in is given below:
 - a. Low Density: If each lot of a subdivision or the parcel surrounding each proposed dwelling unit meets the front, side and rear yard setback and minimum lot size standards, acreage and road or water front requirements each dwelling unit has an independent sewage treatment system and water supply, the subdivision is a Low Density (L) project.
 - b. High Density: Any subdivision that does not meet the criteria for a Low Density project is a High Density (H) project. Apartment building, condominium, or cluster developments are High Density projects.
3. Size Determination: subdivisions are also categorized by size based on the number of lots or dwelling units being created whichever is greater. Determination is based on the following table:

SIZE DETERMINATION TABLE

<i>Rating</i>	<i>Size</i>	<i>Maximum # of Lots or Dwelling Units</i>
Sm	Small	14 or less
L	Large	15 or more

B. PROCEDURE

1. Pre-Application
 - a. Prior to submitting an Application for subdivision approval and the Preliminary Plat Plan, the Applicant shall attend a Pre-Application Meeting to discuss the proposed subdivision.
 - b. The Applicant may present to the Board, for informal review and comment, a sketch plan of the proposed subdivision. The sketch plan shall consist of a rough outline of the proposed subdivision, and may be a free-hand, penciled sketch of the parcel, showing the proposed layout of streets, lots, and other features which may be of assistance to the Board in making its determinations.
 - c. The purpose of the Pre-Application Meeting is to informally discuss the proposal and the provisions of Town ordinances. No binding commitments may be made between the Applicant and the Board on a Pre-Application or sketch plan.

- d. During the Pre-Application Meeting, Board members may request to view the site. If requested, the Applicant must arrange an inspection of the site with the Board before submission and acceptance of the Preliminary and/or Final Plat Plan.
 - e. Upon submission of a sketch plan, the Board shall decide the specific requirements for Preliminary Plat Plan submission. If the Board finds the proposed subdivision is a small, low density subdivision, it may waive the requirement for a Preliminary Plat Plan, in which case the Final Plat Plan shall be submitted with the Application.
2. Application
- a. The Applicant shall submit the Application to the Town Office.
 - b. When submitting the Application, the Applicant shall pay to the Town a non-refundable Application Fee as established by the Selectmen.
 - c. When submitting the Preliminary or Final Plat Plan, the Applicant shall pay to the Town a consulting cost fee in an amount equal to fifty dollars (\$50.00) for each proposed lot or dwelling unit (whichever is greater) in the subdivision. That fee shall be in addition to the Application Fee. It shall be deposited in an account and identified to the Application. The fee may be used at the Board's direction to provide consulting, engineering, or other professional services to the Board in evaluating the Preliminary and Final Plans. The Board may require an additional deposit if it finds that additional professional services may be required by the Board. Any balance remaining in the consulting cost fee shall be returned to the Applicant.
 - d. An Application for subdivision approval is not complete until a Final Plat Plan, based on a survey, has been submitted and accepted as complete. A Final Plat Plan and related materials may be submitted without prior contact, but an Applicant is advised to use the Pre-Application Procedure.

C. APPLICATION CONTENTS

The following shall be required on all applications. Appendix A and Section F of this ordinance contain further requirements.

- 1. The Application Form, available online or at Town Hall
 - a. Name of Owner
 - b. Name of Applicant (if other than owner)
 - c. If Applicant is a corporation, state whether the corporation is licensed to do business in Maine, and attach a copy of Secretary of State's Registration.
 - d. Name of Applicant's authorized representative, if applicable.
 - e. Name, address, and number of Registered Professional Engineer, Land Surveyor, or other Professional.
 - f. Address to which all correspondence from the Board should be sent.
 - g. The interest the Applicant has in the parcel to be subdivided (option, land purchase contract, record ownership, etc.)
 - h. The interest the Applicant has in any property abutting the parcel to be subdivided.

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- i. State whether Preliminary Plat Plan covers entire, continuous holdings of Applicant or not.
 - j. Location of property: book and page (from Registry of Deeds) and map and lot (from the Assessor's Office).
 - k. Current zoning of property.
 - l. Acreage of parcel to be subdivided
 - m. Indicate the nature of any restrictive covenants to be placed on deeds.
2. Attachments
- a. A copy of the organizational charter of the subdivision, and any restrictive covenants.
 - b. A soils report, identifying soil types and evidence of soil suitability tested for sewage disposal for each lot prepared by a Licensed Soil Evaluator together with the location of a test pit on each lot. Based on soil test results, certain modifications of the Preliminary Plat Plan may be required (attach a copy of soils report to application). There shall be at least one soil test per lot.
 - c. A letter from the Maine Historic Preservation Commission or a qualified professional that there is or is not a high potential of an archaeological site on the parcel.
 - d. A location map, consisting of a Topographical Map, showing the relation of the proposed subdivision to adjacent properties and to the general surrounding area. The location map shall show all the area within two-thousand five hundred (2500) feet of any property line of the proposed subdivision.
 - e. A soil erosion and sedimentation control plan.
3. Preliminary Plat Plan
- The following items are to be shown on the Plat Plan
- a. Proposed area of subdivision.
 - b. Lots shall be numbered.
 - c. Date, North point, graphic map scale.
 - d. Proposed lot lines with dimensions.
 - e. Locations of subsurface sewage disposal sites for each lot.
 - f. Location of temporary markers adequately located to enable the Board to locate lots readily and appraise basic lot layout in the field.
 - g. Names of property owners abutting parcel to be subdivided, and on opposite side of any road from parcel to be subdivided.
 - h. Location of parcels to be dedicated to public use, the conditions of such dedication, and the location of all natural features or site elements to be preserved.
 - i. Perennial and intermittent watercourses and wetlands, and other essential existing physical features. The boundaries of any wetlands depicted on the plans shall be delineated by a wetlands scientist.

- j. Identification of significant or unique natural resources, habitats, areas, or environments, including outstanding river segments and flood plains.
- k. Certification by a Registered Land Surveyor or Professional Engineer, survey to be tied to established reference points.
- l. The Preliminary Plat Plan shall not be less than twenty-four inches (24") by thirty-six inches (36"), and shall be drawn to a scale of not greater than one inch (1") equals one-hundred feet (100'): The Board may allow plans on a scale of one inch (1") equals two-hundred feet (200') for subdivisions greater than one-hundred (100) acres, if all details are clearly depicted. At least four (4) copies shall be provided.

4. Optional Information.

The Board may also require the following information if it deems it useful to its consideration of the Application:

- a. Location and size of existing buildings.
- b. Location and size of any existing septic systems and wells, and culverts and drains.
- c. Location, names and widths of existing and proposed streets, highways, easements, building lines, parks and other open spaces.
- d. Contour lines at an interval of not more than five, ten or twenty (5, 10, 20) feet in elevation, as specified by the Board, referred to U.S. coastal and Geodetic survey benchmarks if such exists within five-hundred (500) feet of the subdivision.
- e. Typical cross-sections of proposed grading for roadways, sidewalks, and storm drainage facilities.
- f. The approximate route of proposed underground utility wiring or above ground utility poles. Developers are encouraged to consider underground utility wiring.
- g. Other information not indicated above, as specified by the Board.

5. Informational Statements

a. Public Safety/Environmental Protection Factors

Based on the requirements in Appendix A, informational statements addressing the specific measures proposed to ensure the public safety and environmental protection are required in the following areas:

- i. Water Supply
- ii. Sewage Treatment
- iii. Soils Conservation Measures
- iv. Road Safety Standards
- v. Storm Water Management Plan

b. Town and Public Services

Based on potential impact of town services, written informational statements addressing the below listed services may be required. Written informational statements are required for large subdivisions.

- i. Fire protection
- ii. School enrollment and busing
- iii. Public/Private water service
- iv. Town refuse handling and treatment
- v. Public roads

D. BOARD ACTION

1. Upon receipt of the Application by the Board or its designee a dated receipt shall be issued.
2. Within thirty (30) days of the date of issuance of the receipt, the Board shall review the Application and shall notify the Applicant in writing either that:
 - a. With the exception of the submission of a Final Plat Plan, the Application is complete;
 - b. In addition to the submission of a Final Plat Plan, specific additional materials may have to be submitted to make a complete Application. The Board shall list the specific additional items that must be submitted.
3. If there are deficiencies with the material submitted which require correction before the submission of the Final Plat Plan, the Board shall in writing identify these deficiencies. Submission of the Final Plat Plan without correcting these deficiencies shall be grounds for disapproval.
4. On determination that the Application is complete, the Board shall notify the Applicant and schedule a public hearing, after public notice. The hearing shall be held within thirty (30) days of determining that an Application is complete.

E. FINAL SUBMISSION

1. Within six (6) months of the notice that the Application has been approved as complete, the Applicant shall submit the Final Plat Plan. Failure to submit within the designated period shall void the Application.
2. The Final Plat Plan shall consist of one original transparency (mylar) and three copies of each plan, map or drawing. In addition to the items required on the Preliminary Plat Plan, the following items shall be required on a Final Plat Plan:
 - a. The name, registration number, and seal of the registered land surveyor who prepared the Final Plat.
 - b. The location of all rights-of-way, streets or roads, including, lengths of all straight lines, the deflection of angles, radii, length of curves, and central angles of all curves, and tangent distances and bearings. The Final Plan shall show a line in the center of each street with dots every fifty (50) feet as an aid in assigning numbers to structures subsequently erected. Approval by the Planning Board shall authorize the assignment of road names and lot numbers in the subdivision.
 - c. The designation of all easements, areas reserved for or dedicated to public use and areas reserved by the Applicant.
 - d. The location, bearings, and length of every lot line, with all lots to be numbered.

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- e. The location of permanent markers set at all lot corners.
- f. Suitable space to record on the approved plat the date and conditions of approval, if any.

This space shall be similar to the following example:

Approved Town of Bristol Planning Board

Signed

Date _____, Chairman

_____, Member

_____, Member

_____, Member

_____, Member

Conditions:

- 3. A performance guarantee to secure completion of all required improvements and written evidence that the selectmen are satisfied with the legal sufficiency of the guarantee (see Paragraph F, 13).
- 4. Copies of any restrictive covenants or similar documents and written evidence that the Board is satisfied with the legal sufficiency of those documents.
- 5. If owners are to share commonly owned land within the subdivision or share in the use and maintenance of common water supply, sewage treatment system or road, organization documents or the organization authorized to conduct these functions, and documents specifying owners' responsibilities and liabilities.
- 6. Board Action
 - a. Notification of Completed Subdivision Application.
 - 1. On receipt of the Final Plat Plan and all of the required information, the Board shall provide the Applicant with a dated receipt.
 - b. Final Decision.
 - 1. The Board shall, within sixty (60) days of receiving a final Plat Plan, issue a decision either denying or granting approval of the application or granting approval on such terms and conditions as it may deem advisable to satisfy the criteria contained in this ordinance.
 - 2. On approval of the Final Plat Plan, the Board shall sign all four (4) copies. The original mylar shall be filed with the Lincoln County Registry of Deeds by the Applicant. One (1) copy shall be returned to the Applicant, one (1) copy shall be retained by the Board, and one (1) shall be filed with the Town Clerk.
 - 3. The Board shall maintain a permanent record of their action on the Final Plat Plan.

F. GENERAL REQUIREMENTS AND PERFORMANCE STANDARDS

1. The subdivision must conform to all local, State, and Federal statutes, laws and ordinances. If the subdivision meets the definition of subdivision as defined in the Site Location Act, 38 M.R.S.A §482, the Applicant must secure the approval of the Board of Environmental Protection and the Planning Board.

When a subdivision requires approval of the Planning Board and the Board of Environmental Protection, each review may be conducted simultaneously. However, each review is independent, and the Planning Board may deny approval even though the Board of Environmental Protection has granted an approval.

2. No utility installations, no ditching, grading, or construction of roads, no grading of land or lots, and no construction of buildings shall be done on any part of the parcel until a Final Plat Plan has been approved and recorded in the Lincoln County Registry of Deeds.
3. Plans for road construction, grading and ditching shall be reviewed by the Selectmen for recommendations prior to Board approval. Before construction of required improvements begins, the Applicant shall provide the Code Enforcement Officer with adequate written notice and a proposed schedule of construction. In addition, there shall be at least one (1) on-site inspection by the Selectmen or their designee during construction, with the assistance of the Applicant's engineer. Inspections may be conducted at any time by the Planning Board, CEO or a Selectman. If any of the above officials finds that required improvements have not been constructed in accordance with the plans and specifications approved by the Planning Board, the Applicant shall be notified in writing and required to take appropriate action to correct the problem(s). The CEO shall be notified by the Applicant when remedial action has been taken. If the Selectmen deem a professional registered engineer is required to assist them, the fees shall be borne by the applicant. The Applicant or his engineer shall certify completion and compliance with road standards for road construction to the Selectmen.
4. A storm water management plan, prepared by a registered professional engineer, shall be designed so that the post-development storm water runoff does not exceed the pre-development storm water runoff for the 24-hour duration, 2-, 10-, and 25-year frequency storm events. The storm water plan shall be prepared in accordance with *Stormwater Management for Maine: Best Management Practices*, latest edition. The storm water plan shall include the following information for the pre- and post-development conditions: drainage area boundaries, hydrologic soils groups, ground cover type, time of concentration flow paths, modeling methodology, calculations, and background data. The Board may require review and endorsement of the stormwater plan and calculations by the Knox-Lincoln Soil and Water Conservation District.
5. If the subdivision requires a Stormwater Permit from the Department of Environmental Protection (DEP), the Board may accept the Stormwater Permit issued by DEP.
6. An erosion and sediment control plan shall be prepared in accordance with the *Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices*, latest revision, prepared by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, which is incorporated herein by reference and made a part thereof. The plan shall be prepared either by a professional civil engineer or by a Certified Professional in Erosion and Sediment Control (CPESC). At a minimum, the following items shall be provided:

- a. The name, address, and telephone number of the person responsible for implementation of the plan.
- b. A vicinity map showing the location of waterbodies that may be affected by erosion and sedimentation from the project.
- c. Existing and proposed drainage patterns, including drainage channels that drain to surrounding waterbodies.
- d. A sequence of work that outlines how the project will be constructed and specifically addressing how soil disturbance will be minimized during the construction process.
- e. Clear definition of the limits of work and any buffer areas that will remain undisturbed and an indication of how these areas will be protected during construction.
- f. Description of temporary and permanent erosion control practices that will be used.
- g. Identification of the locations of the temporary and permanent erosion control practices.
- h. Identification of how and where collected sediment will be disposed.
- i. Dust control measures.
- j. Inspection and maintenance procedures, including schedule and frequency.

The Board may require the review and endorsement of this plan by the Knox-Lincoln Soil and Water Conservation District.

7. A phosphorous control plan for any portion of the subdivision within the watershed of a great pond, if required by the DEP.
8. The Applicant shall provide for the installation of ditches, catch basins, piping systems or other appurtenances for the conveyance, control or disposal of surface waters. Adequate drainage shall be provided so as to reduce the danger of flooding and erosion, on and off-site.
9. The Board may require the Applicant to provide easements for drainage or other utilities to individual lots when necessary to insure those services can be provided within the subdivision.
10. The Board shall consider the criteria set forth in the Guidelines contained in 30-A M.R.S.A. §4404, and shall determine that they have been, or will be, met.
See Appendix B.
11. Lots and Density shall be as follows:
 - a. The width, depth, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development contemplated. Side lot lines shall be generally perpendicular to the street or to the tangent of the curve of the street unless parcel configuration or lot topography justifies otherwise. The depth of a lot with a front line of less than two-hundred (200) feet shall not exceed the front line length by a ratio of more than a depth of three (3) to a width of one (1) and shall be of such dimensions that the lot will accommodate within its boundaries a square of not less than one-hundred (100) feet on a side.

- b. For cluster developments, overall net density shall not be greater than the density that would result from the creation of individual, non-clustered lots. Density shall be calculated by dividing the net residential acreage within the subdivision (including open spaces or common recreational areas) by the number of proposed units.
12. In calculating the area for minimum lot sizes, open space or non-residential acreage in a cluster development, the Board shall not include:
- a. Land below the normal high water mark of a water body.
 - b. Land within the one-hundred (100) year frequency flood plain. In determining the flood plain, the elevation of filled or made land shall not be considered. (FEMA Flood Maps.)
 - c. Land subject to a right of way or easement preventing construction, including a utility easement.
 - d. Land created by filling or draining a water-body or wetland.
 - e. Land within a Resource Protection District.
13. A performance guarantee is to be provided as follows:
- a. The Board shall require that the Applicant file at the time of submission of the Final Plat Plan adequate proof of the availability of a performance guarantee. This may be tendered in the form of a certified check payable to the Treasurer of the Municipality, a performance bond endorsed to the municipality and issued by a surety company acceptable to the Municipality, an irrevocable letter of credit from which the Municipality may draw, or an equivalent guarantee. The conditions and amount of such performance guarantee shall be determined by the Board with the approval of the Selectmen. The amount shall be at least equal to the total cost of furnishing, installing, connecting and completing all public improvements specified on the Final Plat Plan including public or private roads or streets, storm drainage, shared sewage treatment systems and other public utilities or improvements. The performance guarantee shall provide for completion of the improvements within two (2) years of the date of the performance guarantee.
 - b. The Board may recommend to the Selectmen, and the Selectmen may grant a maximum extension of twelve (12) months to the performance guarantee period when the Applicant can demonstrate, to the satisfaction of the Board good cause for such extension.
 - c. The Board may recommend to the Selectmen, and the Selectmen may relieve an Applicant from all or part of his obligation under the performance guarantee, as improvements have been satisfactorily completed in accordance with all applicable standards.
 - d. The Board may waive the requirement of a performance guarantee or a portion thereof and accept a properly executed conditional agreement with the Municipality. That agreement shall be endorsed in writing on the Final Plat Plan. The endorsement shall state that the Board approved the Final Plat Plan, on the condition that no lot may be sold and no building permit may be issued for construction of any building until the Board or their designee shall have certified that all improvements have been made.
 - e. Before construction may begin, the Applicant shall file the approved performance guarantee with the Town.

14. Changes, Erasures, Modifications and Revisions:

- a. **Minor Field Changes:** If at any time it is necessary to modify the plans before or during the construction of the required improvements, the CEO is authorized to approve Minor Field Changes that do not alter lot lines or affect the approval criteria due to unforeseen circumstances (such as encountering hidden outcrops of bedrock, natural springs, etc). The CEO shall issue any approval of said Minor Field Changes under this section in writing and shall transmit a copy of the approval to the Planning Board. Revised plans shall be submitted to the CEO as a Subdivision Amendment, as described below.
- b. **Major Field Changes:** Other modifications, such as relocation of rights of way and property boundaries and changes of grade by more than 1% shall require a Subdivision Amendment, as described below.
- c. **Existing Subdivisions:** Any changes, erasures, modifications or revisions to an existing Subdivision shall require a Subdivision Amendment, as described below.
- d. **Subdivision Amendment:** If the CEO determines that the revision, change or modification requires approval of the Planning Board, an application for a Subdivision Amendment shall be submitted. A proposed amendment is not required to go through the complete review process as a new subdivision unless, in the judgment of the Planning Board, the amendment is so substantial as to alter the character of the originally approved subdivision.
 1. **Procedure:** The Applicant shall attend a meeting with Planning Board to discuss the proposed change. The Planning Board, at that time, may establish the requirements for the amended plans, and application information, notices, or hearings as deemed appropriate.
 2. **Submissions Requirements:** The final submission shall include one (1) 24" x 36" mylar and three (3) 24" x 36" copies of the proposed Amendment and an Application. The Application shall also include the appropriate supporting information to allow the Board to make a determination that the proposed revision meets the standards of this Ordinance and the criteria of 30-A M.R.S.A. §4404, as such may be amended from time to time. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the original name of the subdivision and the map book and page/sheet on which the original plan is recorded at the Registry of Deeds, as well as a revision date and description of said revision.
 3. **Scope of Review:** The Planning Board's scope of review shall be limited to those portions of the plan that are proposed to be changed and the impacts and effects of such changes.
- e. **Non-compliance:** In the event that an amended Final Plan is recorded without complying with this requirement, it shall be considered null and void and the Planning Board shall institute proceedings to have the plan stricken from the records of the municipal officers and the registry of deeds and/or to enjoin any development attempted or commenced pursuant to said plan.
- f. **The Selectmen shall, in conjunction with the Planning Board, establish the application fees.**

15. As a minimum, the design and construction of all streets and roads shall comply with the specifications below. All other roads shall be constructed and maintained to private road standards listed below. The Board may require additional road requirements based on the recommendations of a qualified person, Fire Company or the Office of Superintendent of Schools. Owner maintenance responsibilities shall be included in the organization charter.

The following construction standards apply to roads:

Right of Way - Fifty (50) feet wide.

Clearing - Thirty-two (32) feet wide, leaving healthy trees between cleared area and outside edge of right of way.

Excavation - Stumps and rocks over six (6) inches in diameter which will be less than eighteen (18) inches below the finished top must be removed.

Road width - Minimum of twenty (20) feet on finished top, plus three (3) foot shoulders.

Culverts - Fifteen (15) inch diameter to be placed at water bed level over prepared base.

Gravel

1. Sub-grade-Minimum of twelve (12) inches, eighteen (18) inches or more over ledges.
2. Base-Coarse material of six (6) inch minus grade to be applied to a minimum of twelve (12) inches deep.
3. Surface-Screened gravel three-quarter (3/4) inch or crushed aggregate applied two (2) inches in depth, or bituminous.

Ditches - Flow line to be two (2) feet below sub-grade breakpoint. Ditches and embankments to be seeded with a desirable grass mix.

Slope - Not to exceed ten percent (10%) slope on any road.

Turn-around - Adequate turn-around at end of dead end roads with diameter of one-hundred (100) feet wherever possible. See Exhibit 1 for examples.

Intersection where the private road meets the public road - the point of intersection must be of sufficient width to allow for an unobstructed view and safe turning into traffic lane.

Entrance onto a state road requires DOT approval.

Emergency Vehicles - Each road must be adequate to allow emergency vehicles to safely maneuver.

For small, low density subdivisions, the Board may reduce the clearing and road width requirements, when it determines that a lesser requirement would still clearly assure an adequate and safe roadway for the public and landowners.

16. Formal documents in the form of Covenants, Association Rules, or similar shall be required for the following purpose:

To clearly delineate the lot owner's responsibility and liability to maintain the sewage treatment, water supply, roads, common areas, and other common interest as appropriate. Conveyances shall include mandatory assignment of ownership obligations.

Such documents may not be altered with regards to maintenance obligations without

approval of the Planning Board.

An exception may be granted for subdivisions with NO common interests shared (i.e. roads, sewer, water, rights of way, common area, etc.).

17. The following restrictions shall be included in the Covenants that are attached to the deed to each property in an approved subdivision and on the final approved plan:
 - a. Any maintenance, plowing, planting, lighting, traffic control or improving of private roads and their maintenance will be the responsibility of the Applicant until the property-owners association assumes these functions. The Town assumes no responsibility for these within the subdivision.
18. The following provisions apply to a subdivision using cluster development:
 - a. In addition to all other requirements, the following provisions shall apply:
 1. Dimensional requirements, including setbacks and individual lots sizes may be altered consistent with the permitted clustering;
 2. The minimum area of land in a cluster development shall be three acres;
 3. The plan shall indicate the location of all proposed roads, rights of way, easements, structures, parking areas, footpaths and common open space; and
 4. Where it is abutting a water-body a common area to the water body shall be provided.
 - b. The following provisions shall apply to commonly held land in the cluster development:
 1. It shall be owned jointly or in common by the owners of the dwelling units by means of an association, or owned by a non-profit corporation which has as its principal purpose the conservation or preservation of land in essentially its natural condition, or by the municipality.
 2. Further division of the common land is prohibited.
 3. Use of the common land located within the Shoreland Zone shall be regulated by the standards of the resource protection district under Section 13, Bristol Shoreland Zoning Ordinance, except that the uses prohibited under Table 1, Section 14, shall also be prohibited.
 4. The common land shall be shown on the Final Plan with appropriate notation on the plan to indicate that it shall not be used for future building lots.
19. If, on the basis of a letter from the Maine Historic Preservation Commission or a qualified professional stating that there is a high potential of an archaeological site on the parcel, the Planning Board may require additional information such as an archaeological site survey report. The Planning Board may limit the development of the parcel to preserve or protect that site or may approve a plan or conditions to provide for appropriate evaluation, excavation or protection of the site.

APPENDIX A: PUBLIC SAFETY AND ENVIRONMENTAL PROTECTION

1. In a High Density Subdivision, proof acceptable to the Planning Board of an adequate water supply of tested quality shall be submitted with the final application. This statement should

contain as a minimum the number of dwelling units the system is to support, water volume required for this number of dwelling units, the flow volume available and its effect on the supply, and the quality test results of the water available.

2. Proof of the following shall be provided for sewage disposal systems:
 - a. In Low Density Subdivisions: proof of at least one acceptable soils test site on each lot.
 - b. In High Density Subdivisions: proof that the proposed system can adequately handle the anticipated volume of effluent. Specifically included must be:
 1. Anticipated daily volume of effluent per State/Town standards;
 2. Maximum daily capacity of the proposed system;
 3. Proof of adequate soils capable of handling the maximum capacity volume;
 4. Shortest distance from leach field to open bodies of water and detailed contour charts of the area between the leach field and the water bodies.
3. In a Large High Density Subdivision, a written statement, prepared by a qualified engineer, stating the adequacy of safeguards against erosion and contamination shall be required, including a list of the specific safeguards incorporated and the rationale for their implementation. Emphasis will be given to this category for projects proposing large areas of impervious surface (structures, paving, etc.) and lots encompassing grades in excess of twenty percent (20%) of their surface.
4. For a Large Low Density or Large High Density Subdivisions a written statement by a qualified engineer stating the adequacy of the proposed road design shall be required. This shall include as a minimum the following:
 - a. An estimate of normal traffic intensity levels and the maximum traffic levels the roads can safely handle;
 - b. The ability of roads to handle emergency vehicles;
 - c. The adequacy of roadbed quality and width including adequacy of proposed drainage conduits;
 - d. The safety of all intersections, both internal and meeting existing public roads, including grades and visibility at intersections;

APPENDIX B: SUBDIVISION REVIEW CRITERIA, TITLE 30-A MRSA

§4404. Review criteria

When adopting any subdivision regulations and when reviewing any subdivision for approval, the municipal reviewing authority shall consider the following criteria and, before granting approval, must determine that:

1. Pollution. The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:

- A. The elevation of the land above sea level and its relation to the flood plains
- B. The nature of soils and subsoils and their ability to adequately support waste disposal
- C. The slope of the land and its effect on effluents;
- D. The availability of streams for disposal of effluents; and
- E. The applicable state and local health and water resource rules and regulations;

2. Sufficient water. The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision;

3. Municipal water supply. The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used;

4. Erosion. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;

5. Traffic. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by Title 23, section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section;

6. Sewage disposal. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized;

7. Municipal solid waste disposal. The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized;

8. Aesthetic, cultural and natural values. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;

9. Conformity with local ordinances and plans. The proposed subdivision conforms with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans;

10. Financial and technical capacity. The subdivider has adequate financial and technical capacity to meet the standards of this section;

11. Surface waters; outstanding river segments. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, section 435-449, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

A. When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet.

(1) To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore.

(2) The frontage and set-back provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shoreland zoning, Title 38, section 435-449, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of Title 30-A section 4401, subsection 1, on September 23, 1983;

12. Ground water. The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;

13. Flood areas. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision;

14. Freshwater wetlands. All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district;

15. River, stream or brook. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, section 480-B, subsection 9;

16. Storm water. The proposed subdivision will provide for adequate storm water management;

17. Spaghetti-lots prohibited. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1;

18. Lake phosphorus concentration. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision;

19. Impact on adjoining municipality. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe

conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located; and

20. Lands subject to liquidation harvesting. Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. A municipal reviewing authority may request technical assistance from the Department of Conservation, Bureau of Forestry to determine whether a rule violation has occurred, or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76. If a municipal reviewing authority requests technical assistance from the bureau, the bureau shall respond within 5 working days regarding its ability to provide assistance. If the bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The bureau shall provide a written copy of its finding and determination to the municipal reviewing authority within 30 days of receipt of the municipal reviewing authority's request. If the bureau notifies a municipal reviewing authority that the bureau will not provide assistance, the municipal reviewing authority may require a subdivision applicant to provide a determination certified by a licensed forester.

For the purposes of this subsection, "liquidation harvesting" has the same meaning as in Title 12, section 8868, subsection 6 and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership. This subsection takes effect on the effective date of rules adopted pursuant to Title 12, section 8869, subsection 14.

APPENDIX C - DEFINITIONS

In general, words and terms used in these regulations shall have their customary dictionary meanings. More specifically, any word or term defined in the Bristol Shoreland Zoning Ordinance shall have the definition contained in that ordinance, unless defined differently below; other words and terms used herein are defined as follows:

Affordable Housing: Housing units which will meet the sales price and/or rental targets established by the comprehensive plan for housing affordability.

Applicant: The person applying for subdivision approval under these regulations.

Average Daily Traffic (ADT): The average number of vehicles per day that enter and exit the premises or travel over a specific section of road.

Buffer Area: A part of a property or an entire property, which is not built upon and is specifically intended to separate and thus minimize the effects of a land use activity (e.g. noise, dust, visibility, glare, etc.) on adjacent properties or on sensitive natural resources.

Capital Improvements Program (CIP): The municipality's proposed schedule of future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

Capital Investment Plan: The portion of the comprehensive plan that identifies the projects for consideration for inclusion within the capital improvements program, together with an estimate of the order of magnitude for the cost of each project.

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.

Common Open Space: Land within or related to a subdivision, not individually owned or within an individual lot, which is designed and intended for the common use or enjoyment of the residents of the development or the general public. It may include complementary structures and improvements, typically used for maintenance and operation of the open space, such as for outdoor recreation.

Complete Application: An application shall be considered complete upon submission of the required fee and all information required by these regulations unless waived, after the applicant's written request, by a vote by the Board. The Board shall issue a written statement to the applicant upon its determination that an application is complete.

Complete Substantial Construction: The completion of a portion of the improvements which represents no less than thirty percent of the costs of the proposed improvements within a subdivision. If the subdivision is to consist of individual lots to be sold or leased by the subdivider, the cost of construction of buildings on those lots shall not be included. If the subdivision is a multifamily development, or if the applicant proposes to construct the buildings within the subdivision, the cost of building construction shall be included in the total costs of proposed improvements.

Comprehensive Plan: A document or interrelated documents adopted by the Legislative Body, containing the elements established under Title 30-A M.R.S.A. §4326 sub-§§ 1 to 4, including the strategies for an implementation program which are consistent with the State goals and guidelines established under Title 30-A M.R.S.A. §§4311 through 4350.

Conservation Easement: A nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic

or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining air or water quality.

Density: The number of dwelling units per acre of land.

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

Direct Watershed of a Great Pond: That portion of the watershed which drains directly to the great pond without first passing through an upstream great pond. For the purposes of these regulations, the watershed boundaries shall be as delineated in the comprehensive plan, or as depicted in the drainage divide data layer provided by the Maine Office of GIS. Due to the scale of the map there may be small inaccuracies in the delineation of the watershed boundary. Where there is a dispute as to exact location of a watershed boundary, the Board or its designee and the applicant shall conduct an on-site investigation to determine where the drainage divide lies. If the Board and the applicant can not agree on the location of the drainage divide based on the on-site investigation, the burden of proof shall lie with the applicant to provide the Board with information from a professional land surveyor showing where the drainage divide lies.

Driveway: A vehicular accessway serving two lots or less.

Dwelling Unit: A room or suite of rooms used as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, and sleeping facilities; includes single family houses, and the units in a duplex, apartment house, multifamily dwellings, and residential condominiums.

Engineered Subsurface Waste Water Disposal System: A subsurface waste water disposal system designed, installed, and operated as a single unit to treat and dispose of 2,000 gallons of waste water per day or more; or any system designed to be capable of treating waste water with higher BOD5 and total suspended solids concentrations than domestic waste water.

Final Plan: The final drawings on which the applicant's plan of subdivision is presented to the Board for approval and which, if approved, may be recorded at the Registry of Deeds.

Freshwater Wetland: Areas which are inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and are not part of a great pond, coastal wetland, river, stream or brook. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the above criteria.

Great Pond: Any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has surface area in excess of thirty acres, except for the purposes of these regulations, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

High Intensity Soil Survey: A map prepared by a Certified Soil Scientist, identifying the soil types down to 1/8 acre or less at a scale equivalent to the subdivision plan submitted. The soils shall be identified in accordance with the National Cooperative Soil Survey. The map shall show the location of all test pits used to identify the soils, and shall be accompanied by a log of each sample point identifying the textural classification and the depth to a limiting factor such as seasonal high water table or bedrock at that location. Single soil test pits and their evaluation for suitability for subsurface waste water disposal systems shall not be considered to constitute high intensity soil surveys.

- 100-Year Flood:** The highest level of flood that, on the average, has a one percent chance of occurring in any given year.
- High Water Mark, Coastal Waters:** See DEP Chapter 1000 Minimum Guidelines for Municipal Shoreland Zoning Ordinances.
- High Water Mark, Inland Waters:** See DEP Chapter 1000 Minimum Guidelines for Municipal Shoreland Zoning Ordinances.
- Level of Service:** A description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the *Highway Capacity Manual*, most recent edition, published by the National Academy of Sciences, Transportation Research Board. There are six levels of service ranging from Level of Service A, with free traffic flow and no delays to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.
- Multifamily Development:** A subdivision which contains three or more dwelling units on land in common ownership, such as apartment buildings, condominiums or mobile home parks.
- Municipal Engineer:** Any registered professional engineer hired or retained by the municipality, either as staff or on a consulting basis.
- Net Residential Acreage:** The total acreage available for the subdivision, as shown on the proposed subdivision plan, minus the area for streets or access and the areas that are unsuitable for development as outlined in Article 10.
- Net Residential Density:** The average number of dwelling units per net residential acre.
- New Structure or Structures:** Includes any structure for which construction begins on or after September 23, 1988. The area included in the expansion of an existing structure is deemed to be a new structure.
- Person:** Includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
- Planning Board:** The Planning Board of the Town of Bristol.
- Preliminary Plan:** The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.
- Professional Engineer:** A professional engineer, registered in the State of Maine.
- Public Water System:** A water supply system that provides water to at least 15 service connections or services water to at least 25 individuals daily for at least 30 days a year.
- Recording Plan:** An original of the Final Plan, suitable for recording at the Registry of Deeds and which need show only information relevant to the transfer of an interest in the property, and which does not show other information presented on the plan such as sewer and water line locations and sizes, culverts, and building lines.
- Reserved Affordable Housing:** Affordable housing which is restricted by means of deed covenants, financing restrictions, or other binding long term methods to occupancy by households making 80% or less of the area median household income.
- Sight Distance:** The length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway. Used in these regulations as a reference for unobstructed road visibility.
- Sketch Plan:** Conceptual maps, renderings, and supportive data describing the project proposed by the applicant for initial review prior to submitting an application for subdivision approval.
- Street:** Public and private ways such as alleys, avenues, highways, roads, and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way for vehicular access other than driveways.

Street Classification:

Arterial Street: A major thoroughfare which serves as a major traffic way for travel between and through the municipality. The following roadways shall be considered arterial streets:

List streets designated as arterials in the comprehensive plan or other planning document.

Collector Street: A street with average daily traffic of 200 vehicles per day or greater, or streets which serve as feeders to arterial streets, and collectors of traffic from minor streets.

Cul-de-sac: A street with only one outlet and having the other end for the reversal of traffic movement.

Industrial or Commercial Street: Streets servicing industrial or commercial uses.

Minor Residential Street: A street servicing only residential properties and which has an average daily traffic of less than 200 vehicles per day.

Private Right-of-Way: A minor residential street servicing no more than eight dwelling units, which is not intended to be dedicated as a public way.

Subdivision: The term shall be defined as in Title 30-A M.R.S.A. §4401, sub-§4, as amended.

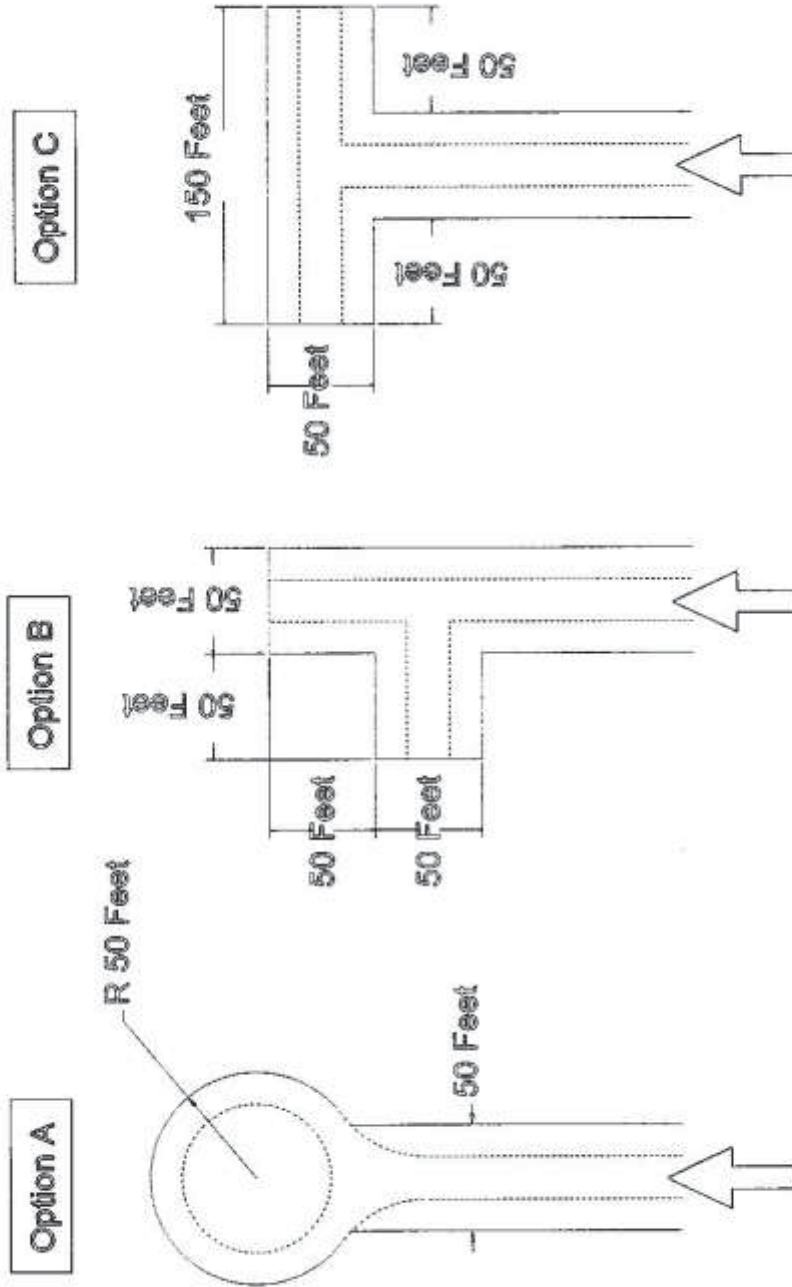
Optional addition to this definition: A lot of 40 or more acres shall not be counted as a lot for the purposes of this definition when the parcel of land being divided is located entirely outside any shoreland areas as defined in the Town of Bristol Shoreland Zoning Ordinance.

Tract or Parcel of Land: All contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof.

Usable Open Space: That portion of the common open space which due to its slope, drainage characteristics and soil conditions can be used for active recreation, horticulture or agriculture. In order to be considered usable open space, the land must not be poorly drained or very poorly drained, have ledge outcroppings, or areas with slopes exceeding 10%.

EXHIBIT 1

Subdivision Regulation (Bristol)



- Suggested modifications to
Subdivision Reg. adopted 10/12/1989
4A10 Minimum turn-around (dead end street):
- 1) Shall be staked out
 - 2) Shall conform to either option A, B, or C
 - 3) Roadway to have a min of 20' top width
 - 4) Roadway to have a min of 3' shoulder

Note: Dashed lines are for illustration only

3/6/2003