

2010

Town of Buckfield Maine Ordinances

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TOWN OF BUCKFIELD APPEALS BOARD ORDINANCE

Section 1: Reestablishment

The Town of Buckfield hereby reestablishes a Board of Appeals. The Board which has been acting as a Board of Appeals is hereby reestablished as the Appeals Board. The actions which it has taken prior to the adoption of this Ordinance are hereby declared to be the acts of the legally constituted Board of Appeals of the Town of Buckfield.

Section 2: Appointment

- A. Members of the Appeals Board shall be appointed by the municipal officers and be sworn by the municipal clerk or other person authorized to administer oaths.
- B. The Board shall consist of five (5) members.
- C. Each member shall serve staggered terms of three years.
- D. When there is a permanent vacancy, the municipal officers shall appoint a person to serve for the unexpired term. A vacancy shall occur upon the resignation or death of any member, or when a member fails to attend four (4) consecutive regular meetings without a reasonable excuse, or when a member ceases to be a registered voter of the Town. The municipal officers may remove members of the Board of Appeals by majority vote, for cause, after notice and hearing.
- E. Neither a municipal officer nor his or her spouse may serve as a member of the Appeals Board.

Section 3. Organization, Rules and Procedures

- A. The Board shall elect a Chairman and a Secretary from among its full voting members and create and fill such other offices as it may determine. The term of all offices shall be one (1) year with eligibility for reelection.
- B. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member who is being challenged.

- C. The Chairman shall call one regular meeting each month, provided there is business to conduct. Public notice, at least seven days prior to the date of the Meeting shall at least include the date, time and location of the Meeting. Notice shall also be provided to the Code Enforcement Officer and the chairman of the Planning Board.
- D. The Chairman may call a Special Meeting providing a twenty-four (24) hour public notice is given.
- E. The order of business at meetings of the Board shall be as follows:
 - a. the Meeting is called to order;
 - b. declare a quorum;
 - c. approval of the Minutes of the preceding Meeting;
 - d. public hearing (when scheduled);
 - e. action on held cases;
 - f. other business; and
 - g. adjournment
- F. Notice of all public hearings shall be published in a newspaper of general circulation. The date of publication shall be at least seven (7) days before such hearing and the notice shall be posted in at least three (3) prominent places and when available, posted electronically on the Towns' Web Page and Towns' Public Access Channel #2 at least seven (7) days before such hearing. The notice shall set forth the nature of the hearing, the time, date and the place of the hearing.
- G. The order of business at public hearings of the Board shall be as follows:
 - a. the public hearing is called to order;
 - b. declare a quorum;
 - c. a statement of the case is given and all correspondence and reports received are read;
 - d. the Board determines whether it has jurisdiction over the appeal;
 - e. the Board decides whether the applicant has the right to appear before the Board;
 - f. the applicant or his/her representative and witnesses are given the opportunity to present his/her case without interruption;
 - g. the Board and interested parties may ask questions of the appellant through the Chairman;

- h. the interested parties are given the opportunity to present their case. The Board may call its own witnesses, such as the Code Enforcement Officer.
 - i. the applicant may ask questions of the interested parties and Board witnesses through the Chairman.
 - j. all parties are given the opportunity to refute or rebut statements made throughout the hearing.
 - k. the Board shall receive comments and questions from all observers and interested citizens who wish to express their views;
 - l. the Board shall receive and retain copies of any written statements and documents offered to the Board by the interested parties and by other parties;
 - m. The hearing is closed after all parties have been heard. If additional time is needed, the hearing may be continued to a later date. All participants shall be notified of the date, time and place of the continued hearing;
 - n. written testimony may be accepted by the Board for seven days after the close of the hearing.
- H. All meetings of the Board shall be open to the public, except executive sessions. No votes may be taken by the Board except in public meeting. The Board shall not hold executive sessions except as permitted by the Right to Know Law.

Section 4: Duties and Powers

- A. The Appeals Board shall perform such duties and exercise such powers as are provided by Ordinance and the laws of the State of Maine.
- B. The Appeals Board may adopt rules and procedures in addition to Section 3 for transaction of business and the secretary shall keep a record of its resolutions, transactions, correspondence, findings and determinations.
- C. The Appeals Board shall file all rules and procedures and subsequent revisions with the municipal clerk. Copies shall be provided to the municipal officers for their information.
- D. The Appeals Board may obtain goods and services necessary to its proper function within the limits of appropriations made for their purpose.

- E. The Appeals Board may reconsider any decision. The Board must decide to reconsider any decision, notify all interest parties and make any change in its original decision within thirty (30) days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony. Reconsideration should be for one of the following reasons:
- a. The record contains significant factual errors due to fraud or mistake regarding facts upon which the decision was based; or
 - b. The Board misinterpreted the ordinance, followed improper procedures, or acted beyond its jurisdiction.

Section 5: Severability Clause

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

Section 6: Effective Date

This Ordinance shall take effect immediately upon its approval at the Annual Town Meeting of the Town of Buckfield on June 18, 2003. Any amendment shall take effect immediately upon approval of the Town Meeting.

TOWN OF BUCKFIELD, MAINE

BUILDING PERMIT ORDINANCE



A TRUE COPY
ATTEST: _____

Cynthia M. Dunn

TOWN CLERK

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SECTION I: PURPOSE

The purpose of this Ordinance is to establish 1) minimum lot sizes, 2) required setbacks, 3) exceptions for certain pre-existing buildings and nonconforming lots, and 4) the process and fees for obtaining a Building Permit, in order to promote the health, safety, and welfare of the residents of the Town of Buckfield and to protect the environment.

SECTION II: LOT SIZE REQUIREMENTS

A. Minimum Lot Sizes for Principal Buildings

1. No principal building (structure) shall be constructed upon or moved to any lot with an area less than 40,000 square feet unless the lot was a lot of record prior to the adoption of the "Town of Buckfield Building Permit Ordinance" on June 24, 1987, and has no existing principal building.

Exception to 1: Single dwellings that meet the requirements of 7.9 Cluster Development of Buckfield's Subdivision Regulations, as adopted and amended, may be built on lots of less than 40,000 square feet in accordance with said Regulations.

2. If more than one principal structure is constructed on a single parcel of land, the minimum area requirement shall apply to each principal structure, e.g., a lot with two separate houses on it must contain at least 80,000 square feet. Before placing a third principal structure or building on a lot in any given five-year period, property owners should consult with Buckfield's CEO or Planning Board, since, under Maine State Law, such placement may come under Buckfield's Subdivision Regulations.

Exception to 2: In the case of conversion of an accessory building, such as a garage, to a secondary dwelling, or construction of a single separate secondary dwelling on a lot, only 60,000 square feet will be required, provided that the footprint of the secondary dwelling is no more than a) 750 sq. feet, or b) 40% of the footprint of the principal building.

3. Lots of 80,000 square feet or more may be divided at a future time into separate lots only if minimum lot size requirements are met, and all principal and accessory buildings meet setback requirements from the newly created lot lines.

Exception to 3: Individual lot sizes may be less than 40,000 square feet if buildings are clustered, and open space has been set aside in an easement to be maintained as open space in perpetuity, so that the total area of lots, combined with the maintained open space, is equivalent to the total of the minimum lot sizes required under this Ordinance for each house.

B. Lot Size for Multi-Unit Buildings

1. No multi-unit building, either residential or commercial, shall be constructed, expanded, or placed upon any lot that does not contain at least 40,000 square feet for the first unit, and 20,000 square feet for each additional unit.

Exception to 1 above: This minimum lot size does not apply to the conversion of certain existing buildings into multi-unit apartments or businesses, as long as the conversion does not change the dimensions of the building. (See 2 below)

2. Conversions of buildings from single to three or more units within a five-year period will come under subdivision review, by MSRA Title 30A§ 4401, with the following exception:

Exception to 2: Conversion of existing buildings to three or more units is not defined as subdivision under Maine law if:

- a. Construction of the building was begun prior to September 23, 1988, and the building has not been expanded since that date,
and
- b. conversion will not involve further expansion,
and
- c. The building has not been used for commercial or industrial purposes.

It is recommended that persons proposing to increase the number of units in a building consult with the CEO or Planning Board before proceeding.

C. Lot Size for Mobile Home Parks

1. In compliance with State law regarding individual homes in a mobile home park,
 - a. Individual mobile homes served by a central septic system may not be placed on a lot of less than 12,000 square feet.
 - b. A mobile home served by an individual septic system may not be placed on a lot that is smaller than 20,000 square feet.

For setback requirements and other rules regarding land use in mobile home parks, see Buckfield's Subdivision Regulations, Article VII, § 13.

SECTION III – SETBACK REQUIREMENTS

- A. All structures must be set back at least twenty-five (25) feet, horizontal distance, from the near edge of the public right-of-way.
- B. All structures must be set back at least twenty-five (25) feet, horizontal distance, from any boundary lot line. Where an application meets the criteria for a waiver from the setback requirements, as set forth in Section XIII, the Board of Appeals may grant a waiver.
- C. Setback requirements as prescribed herein must be met on vacant non-conforming lots.

Exception to C above: If a non-conforming building is moved, destroyed or demolished, the replacement or reconstruction of said building will be permitted on the same lot as long as setbacks equal or exceed the setbacks of the original building. It will be the responsibility of the owner of record to submit to the Buckfield Town Office, at least fourteen (14) days before existing evidence of the footprint is removed, information regarding the footprint of the original building such as, but not limited to, a site plan with setbacks, photographs, etc. It shall be the responsibility of the Code Enforcement Officer to visit the site and verify the evidence and information within fourteen (14) days of its submission.

- D. The Board of Appeals may grant a variance in setbacks for a public building for the purpose of making that building accessible to persons with disabilities. The Board of Appeals may also grant a variance to an owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The Board shall restrict any variance granted under this subsection solely to the installation of equipment or construction of structures necessary for access to or egress from the dwelling¹ by the person with the disability. The Board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the building.
- E. A lot of record as of June 24, 1987 on which two or more dwellings currently exist or existed on June 24, 1987, may be divided so that each dwelling is located on a separate lot. Each lot so created must conform to the State minimum lot size law and must conform as closely as possible to the lot size and setback requirements of this Ordinance.

Dwellings on lots to be divided that were placed or constructed on the lot of record after June 24, 1987 must conform to the setback requirements for lots set out in Paragraphs A, B, and C above. (Note the exception in Section II C for clustered dwellings on a lot to be divided.)

¹ Including railing, wall or roof systems necessary for the safety or effectiveness of the structure.

- F. This Ordinance shall not be interpreted to prohibit the construction or placement of accessory buildings on a dwelling lot. Accessory buildings constructed or placed on a dwelling lot are subject to all requirements prescribed herein with the exception of the lot size requirement.

SECTION IV: BUILDING PERMIT

Prior to the construction, relocation, placement, expansion and/or renovation of any building, the owner or his agent shall obtain a Building Permit from Buckfield's Code Enforcement Officer.

Exception: A Building Permit is not required for ordinary repairs and maintenance or when renovations total a fair market value of \$5,000.00 or less and an expansion of footprint is not involved.

If construction, relocation, placement, expansion and/or renovation of any building is near a body of water, requirements of Buckfield's Shoreland Zoning Ordinance, as adopted and amended, must be met.

SECTION V: BUILDING PERMIT APPLICATION

Building Permit Applications will be available at the Buckfield Town Office and must be submitted to the Town's Code Enforcement Officer for approval.

The Building Permit Application will include the following:

- A. For all permits, the applicant shall provide
 - a. The name, address and telephone number of the applicant.
 - b. Location of the lot by existing street address or tax map number.
 - c. A brief description of the project with an estimate of project cost.
- B. For all construction, relocation, placement, expansions, or conversions, the applicant shall also provide a site plan sketch indicating the following information, where applicable:
 - a. The shape and dimension of the lot of record with notes as to how the corners are marked on the ground.
 - b. Location of the septic system.
 - c. Location of well and/or water supply line.
 - d. Location and dimensions of proposed building(s) or expansion(s) to existing building(s).
 - e. Setback measurements from all boundary lines and abutters' buildings.
 - f. Measurements from all proposed buildings and/or expansions to the near edge of the public right-of-way.
 - g. Measurements from all buildings and/or expansions to the high water mark of a water body.
 - h. Location of parking and driveway.

SECTION VI: FEES

The fee schedule for a Building Permit will be set by the Board of Selectmen and will be voted upon at the Town Meeting. The fee must be paid when application is submitted.

SECTION VII: LIFE OF PERMIT

A Building Permit will remain valid for a term of three (3) years from the date of issuance; a renewal may be obtained upon repayment of the permit fee. In the case of new construction or expansion, substantial construction must be completed at the end of two (2) years, or a new permit will be required.

SECTION VIII: ENFORCEMENT

It will be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance.

SECTION IX: VIOLATIONS

In the event the Code Enforcement Officer determines any provision of this Ordinance is being violated, written notice will be issued to the owner(s) of record. The notice will include the nature of the violation(s) and the action necessary to correct it. A copy of the notice will be maintained as a permanent record.

SECTION X: PENALTY

Any person who violates any provision of this Ordinance, after proper notice has been given by the Code Enforcement Officer, and six (6) months has elapsed, shall be subject to a fine of not more than \$100.00 for each offense. Each day the violation exists shall constitute a separate offense. Additionally, violators will be responsible for any court costs that may result from the enforcement of this Ordinance.

SECTION XI: CONFLICTING PROVISIONS

Whenever the regulations made under the authority hereof differ from those described by any federal or state statute, ordinance, or other regulations, that provision which imposes the greater restriction or the higher standard will govern.

SECTION XII: VALIDITY

If any section, clause, provision, portion or phrase of this Ordinance is determined to be invalid or unconstitutional by any court of complete authority, such holdings will not affect, impair or invalidate any other section, clause, provision, portion or phrase of this Ordinance.

SECTION XIII: WAIVERS

The Board of Appeals may grant a waiver from the strict application of this Ordinance, subject to the following provisions:

- A. The need for a waiver is due to the unique circumstances of the property and not to the general condition of the neighborhood.
- B. The granting of a waiver will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties.
- C. The need for a waiver is not the result of action taken by the applicant or a prior owner.
- D. No other feasible alternative to a waiver is available to the applicant.
- E. The granting of a waiver will not unreasonably adversely affect the natural environment.
- F. The granting of a waiver will not create a safety or fire hazard. The Buckfield Fire Chief, the Code Enforcement Officer and/or the Road Commissioner will help the Board of Appeals assess the safety considerations of the proposed waiver.
- G. If the property is located in whole or in part within the shoreland areas as described in Buckfield's Shoreland Zoning Ordinance it must meet all criteria under that Ordinance as well.

SECTION XIV: EFFECTIVE DATE

This Ordinance will take effect immediately upon its approval at the annual Town Meeting of the Town of Buckfield on June 22, 2005. Any amendment will take effect immediately upon approval of the Town Meeting.

The "Town of Buckfield Building Permit Ordinance" enacted on June 24, 1987 and amended on June 22, 1988, June 27, 1990, June 22, 1994, and June 17, 2003 is hereby repealed and replaced by the text of this Ordinance.

SECTION XV: DEFINITIONS

Terms that are not defined below will have their common dictionary meaning.

BUILDING (STRUCTURE): Anything built for the support, shelter or enclosure of persons, animals, goods, or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences and wells. The term includes structures temporarily or permanently located, such as decks and satellite dishes.

COMMERCIAL BUILDING (STRUCTURE): Anything constructed or placed for the support, shelter or enclosure of goods or property of any kind and associated with a profit seeking enterprise. Farms are excluded from being classified as commercial.

DIMENSIONAL REQUIREMENTS: Any requirement of this ordinance which regulates spatial aspects of land, structures, and uses, including lot width, lot area, setbacks, height, and maximum building footprint.

DWELLING UNIT: A group of rooms providing living quarters containing independent cooking, sleeping, and bathroom facilities for one household.

EXPANSION: An increase in the floor area or volume of a building, including all extensions such as, but not limited to, attached decks, garages, porches and greenhouses.

LOT OF RECORD: A parcel of land or property described by a document recorded in the Oxford County Registry of Deeds.

MIXED USE: Any combination of residential and non-residential uses on the same lot or in the same building or building complex, excluding farm uses.

NON-CONFORMING STRUCTURE: A structure which does not meet one or more of the dimensional requirements of this ordinance but which was lawfully constructed before the adoption of the Ordinance provisions which cause it to be non-complying.

NON-CONFORMING LOT: A lot of less than 40,000 square feet which was a lot of record prior to the adoption of the "Town of Buckfield Building Permit Ordinance" on June 24, 1987.

PRINCIPAL STRUCTURE (BUILDING): Any structure or building in which the primary use of the lot is conducted.

SUBSTANTIAL CONSTRUCTION: By visual observation, the completion of a foundation or a slab, and a septic system, if required.

UNIT: Shop or office space for one distinct business or housing for one family. A family business operated in the home does not constitute a separate unit.

TOWN OF BUCKFIELD CULVERT PLACEMENT POLICY

When a driveway entrance/curb-cut is to be established along a Town road:

1. It shall be the responsibility of the property owner or his/her agent to notify the Buckfield Road Commissioner;
2. It shall be the responsibility of the property owner or his/her agent to clearly mark the area where the driveway entrance/curb-cut is to be established;
3. It shall be the responsibility of the Road Commissioner and/or the Road Foreman to determine if a culvert is needed. If so, the length, diameter and type of culvert shall be determined by the Road Commissioner and/or the Road Foreman. Said determinations shall be based on the existing drainage system for that particular road;
4. It shall be the responsibility of the Road Commissioner to order the culvert in accordance with the Towns' purchasing policy;
5. It shall be the responsibility of the property owner or his/her agent to pay the Town of Buckfield for the cost of the culvert. The property owner or his/her agent shall be notified of the cost by a written statement issued by the Town Manager; and
6. Upon receipt of payment, the Buckfield Road Crew shall install the culvert in a timely and proper fashion.

When a driveway culvert needs to be replaced:

1. It shall be the full responsibility of the Town to do so in a timely and proper fashion.

This Policy was approved by the Board of Selectmen at a Meeting duly called on December 9, 2003.

**TOWN OF BUCKFIELD
E911 ADDRESSING ORDINANCE**

SECTION 1. PURPOSE

The purpose 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 I 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 administrated by the Buckfield E911 Addressing Committee in conjunction with the Buckfield Town Manager who shall assign road names and numbers to all properties, both on existing and proposed roads. The Buckfield E911 Addressing Committee in conjunction with the Buckfield Town Manager shall be responsible for maintaining the following official records of this ordinance:

- a. Town of Buckfield 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 the Town of Buckfield that serve two or more addresses shall be named regardless of whether ownership is public or private. A road name assigned by the Town of Buckfield 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 of similar-sounding (e.g, Beech and Peach, Pine Road and Pine Lane) names.

SECTION 5. NUMBERING SYSTEM

Numbers shall be assigned every 50 (fifty) feet in congested areas and 100 (one hundred) feet in rural areas along both sides of the road and even numbers appearing on the left side of the road and odd numbers appearing on the right 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 the Town of Buckfield 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 principal use or occupancy shall have a separate number for each use or occupancy, (i.e. duplexes will have two separate numbers; apartments will have one road number with an apartment number, such as 235 Maple Street, Apt. 2).

SECTION 6. COMPLIANCE

All owners of a structure shall 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, mailbox, 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 E911 Addressing Committee in conjunction with the Buckfield Town Manager 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 residents and other occupants are requested 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 numbered 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 Buckfield E911 Address Committee. This shall be done at the time of the 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 streets 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 June 21, 1995.

SECTION 9. COMPLIANCE DATE

It shall be the duty of the Town of Buckfield to notify by mail each owner and the Post Office of the new address. It shall be the duty of each property owner to comply with this ordinance within 30 (thirty) days of notification of their number assignment. On new structures, numbering will 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 Buckfield Road Names

* Private Road

Road Name	Road Name	Road Name
Allen School Rd	Judah Keen Rd	Turner St
* Allen Way	Keene Rd	Village Rd
Back Bryant Rd	* Lady Bear Ln	* Willy's Way
Bean Rd	Loring Hill Rd	* Wolf Star Dr
Bear Pond Rd	Lyn Rd	Young Rd
Bennett Rd	McAlister Rd	
Benson Rd	* Memory Ln	
* Bessey Ln	Morrill St	
* Bridgham Rd	Mountain Rd	
Brock School Rd	N. Buckfield Rd	
Bryant Rd	N. Hill Rd	
* Casserly Ln	N. Hodgdon Hill Rd	
* Chick a Dee Ln	N. Whitman School Rd	
* Conejo Ln	* Nature's Way	
Cross Rd	Old Mountain Rd	
Cummings Rd	* Old Riverland Dr	
* D & B Ln	Old Sumner Rd	
* Daniel Ln	* Old Town Farm Rd	
Darnit Rd	* Orchard Ln	
* Deere Dr	Paris Hill Rd	
Depot St	* Park Cir	
* Don Ln	* Pleasant Hill Ln	
* Downey Dr	Purkis Rd	
E. Buckfield Rd	* Railroad Bed Rd	
Earl Jack Rd	Rhodes Rd	
Faunce Rd	* Richardson's Dr	
* Fiddle Head Ln	River Rd	
Gammon Rd	Roundabout Rd	
* Gershun Davis Rd	S. Hill Rd	
Gesner Rd	S. Hodgdon Hill Rd	
* Hallie Way	S. Whitman School Rd	
* Hammond Hill Dr	* School Bus Dr	
Hebron Rd	Shedd Hollow Rd	
High St	* Shymor Ln	
* Hillrock Cir	Sodom Rd	
Irish Hill Rd	Streaked Mtn Rd	
* J & A Ln	Sumner Rd	
Jim Warren Rd	Town Line Rd	
John Ellingwood Rd	* Trenoweth Ln	
Jordan Rd	Tucker Rd	

TOWN OF BUCKFIELD ENTRANCE / DRIVEWAY ORDINANCE

Section 1: PURPOSE

The purpose of this Ordinance is to protect the health, safety and general welfare of the inhabitants of the Town of Buckfield by establishing safe, adequate entrances and driveways onto all town roads.

Section 2: 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 Section 3001 (Home Rule).

Section 3: APPLICABILITY

This Ordinance applies to first time construction or change of use of an entrance/driveway. This Ordinance does not apply to entrances/driveways that enter onto Route 140, Route 124 or Route

Section 4: AMENDMENTS, VALIDITY AND SEVERABILITY AND EFFECTIVE DATE

A. Amendments

1. An amendment to this Ordinance may be initiated by:
 - a. A majority vote of the Planning Board at a duly called Meeting;
 - b. A majority vote of the Board of Selectmen at a duly called Meeting;
or
 - c. A written petition containing a number of current Buckfield registered voters signatures equal to at least 10% of the votes cast in the Town in the last gubernatorial election, but in no case less than 10 signatures.
2. The initiating Board or in the case of a written petition, the Board of Selectmen, shall hold a public hearing on the proposed amendment(s). Notification of the hearing shall be posted in the Buckfield Municipal Center and at least 4 additional conspicuous public places within Buckfield at least thirteen (13) days before the hearing and published in a newspaper of general circulation Buckfield at least two times - with the date of the first publication being at least twelve (12) days before the hearing and the date of the second publication being at least seven (7) days before the hearing.
3. Any amendment to this Ordinance must be adopted by a majority vote of a duly called regular or special town meeting.

B. 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.

C. Effective Date

This Ordinance shall take effect immediately upon its approval at the annual Town Meeting of the Town of Buckfield on June 20, 2009.

Section 5: ADMINISTRATION

- A. The Road Commissioner or his/her designee shall administer this Ordinance.
- B. After the effective date of this Ordinance, no person shall install, change, or change the use of an entrance/driveway without first obtaining from the Road Commissioner an Entrance/Driveway Permit, hereinafter referred to as Permit.
- C. An application for Permit, provided by the Road Commissioner, shall be submitted in writing. The Road Commissioner may require the submission of additional information necessary to determine conformance with the provisions of this Ordinance.

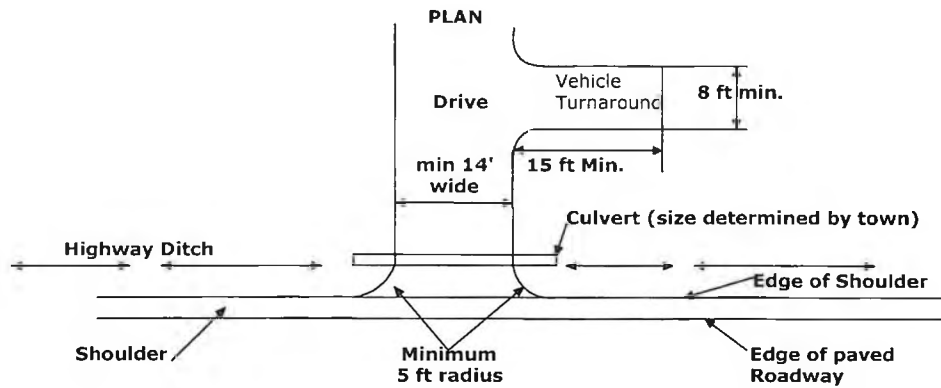
- D. Permits shall not be denied if the driveway/entrance is found to be in conformance with the provisions of this Ordinance. All permits shall be approved, approved with conditions, or denied within fourteen (14) days of receipt of a completed application.
- E. All Permits issued by the Road Commissioner shall expire if substantial construction has not begun within six (6) months after the date on which the Permit was issued except as may be provided for in other sections. All work must be completed within twelve (12) months of issuance. Prior to substantial construction, the driveway/entrance culvert must be installed as specified in this Ordinance. After the expiration of the time period set forth above, a Permit shall become null and void.
- F. Following a public hearing, the Selectmen at a duly called Board meeting may establish/amend and enact permit fees. Notification of the public hearing and its' purpose shall be posted in at least five (5) conspicuous public places within Buckfield at least seven (7) days prior to the Board meeting.

TOWN OF BUCKFIELD ENTRANCE/DRIVEWAY DETAILS

Standard Typical:

Illustration #1

TOWN OF BUCKFIELD ENTRANCE / DRIVEWAY DETAILS



TOWN OF BUCKFIELD ENTRANCE/DRIVEWAY DETAILS (Continued)

Profiles:

Illustration #2

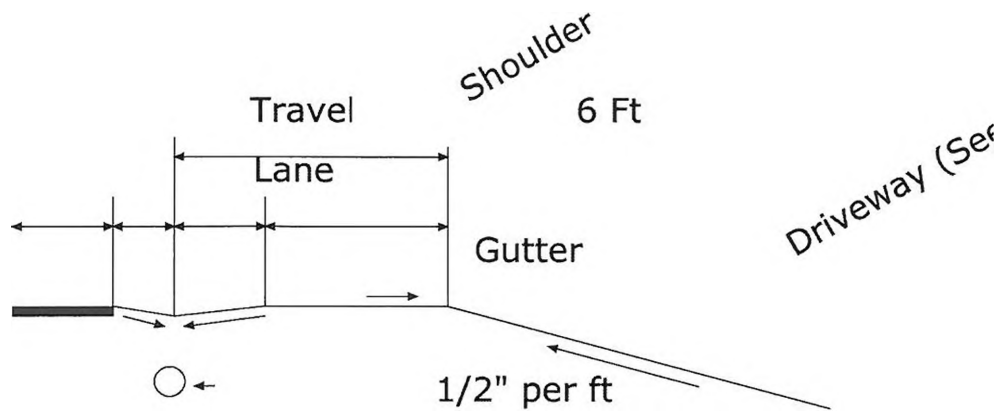
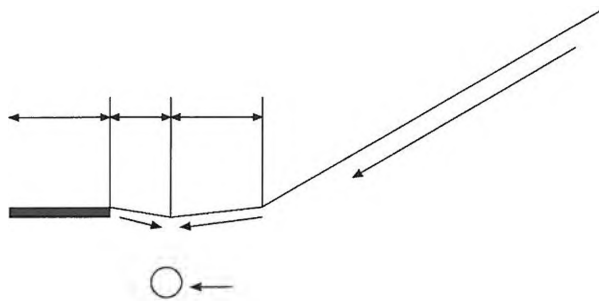


Illustration #3

Culver, if Specified

Note:

Grade of existing shoulder should be maintained to create a minimum of three inches below the edge of the traveled lane. Distance of the gutter from the edge of the traveled lane should be the same as existing shoulder or a minimum of 4 feet.

20 Ft Platform

Travel
Lane

Shoulder

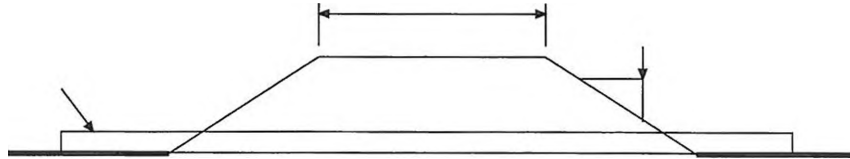
6 Ft

14 Ft

1/2" per ft

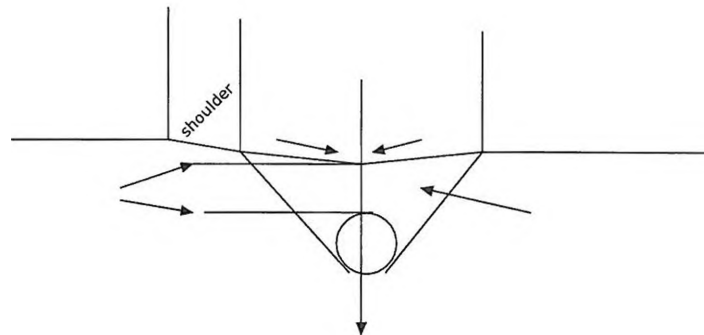
TOWN OF BUCKFIELD ENTRANCE/DRIVEWAY DETAILS
(Continued)

Illustration #4



DRIVEWAY

Driveway/Entrance Culvert typical installation



1
Width

Illustration #5

Section 6: STANDARDS

An entrance/driveway shall meet the typical standards, as depicted in Illustration #1 through Illustration #5, to the greatest extent possible as determined by the Road Commissioner.

A. General Notes

1. All portions of an entrance/driveway with a 10% or more grade sloping toward the roadway shall be paved to the road edge right of way, as a minimum, and maintain ditches to adequately control runoff.
2. An entrance/driveway sloping toward the roadway shall be crowned at a minimum of one half (1/2") inch per foot
3. To the maximum extent practical and at the point of access, an entrance/driveway must be constructed perpendicular to the roadway. Except where curbing exists or is proposed, the minimum radius on the edge of an entrance/driveway connecting to the town road must be five (5') feet or as otherwise required as shown in illustration #1
4. It is recommended an entrance/driveway provide an adequate turn-around area on site to allow any vehicle to maneuver and park without backing onto the roadway.
5. An entrance/driveway and other associated work directing water (runoff) toward the roadway must be performed with appropriate temporary/permanent erosion control materials in accordance with Maine Department of Transportation's (MDOT's) *Best Management Practices (BMP)*. A copy of the *BMP* is available at the Buckfield Town Office.
6. An entrance/driveway must comply with the standard typical as shown in Illustration 1 through Illustration 5 on Pages 3 - 5.
7. An entrance/driveway must be placed in a location that at least meets the sight distance. The site distance is equal to the designated speed limit times ten (10). (Example: designated speed limit is 35 mph times 10 equals a site distance of 350). If the site distance cannot be met, the Road Commissioner or his/her designee shall determine, to the greatest extent possible, the site distance. If it is determined by the Road Commissioner or his/her designee the site distance(s) is/are not adequate, the property owner shall be required to install on his/her/their property a turnaround area a minimum of eight (8') feet wide by fifteen (15') feet long *Blind Drive* signs, meeting MDOT requirements, shall be installed by the Town at landowners expense.

B. Standard Permit Conditions

The applicant shall:

1. Comply with all design information, plans, and proposals contained in the approved application.
2. Provide, erect and maintain all necessary barricades, lights, warning signs and other devices to properly safeguard traffic while an entrance/driveway and other associated construction is in progress.
3. At no time, cause the Town road to be closed to traffic.
4. Completely remove the existing curb, curb and gutter, and/or sidewalk as may be required to create an entrance/driveway and restore drainage when an entrance/driveway is located within a curb, curb and gutter, and/or sidewalk section. An entrance/driveway abutting sidewalk sections shall meet the requirements set forth in the *Americans with Disabilities Act* of 1990, 42 U.S.C. Sec. 12131 et. seq.
5. Not alter, without the express written consent of the Road Commissioner, any culverts or drainage swales within the town road right-of-way.
6. Construct and maintain entrance/driveway side slopes to be a ratio no steeper than 3 horizontal to 1 vertical. (See Illustration #4)
7. Notify the Road Commissioner of a proposed change of use served by entrance/driveway when increase in traffic flow is expected to occur.

C. Further Permit Conditions

1. The Permit expires if construction work has not commenced within six (6) months of issuance. Prior to substantial construction an entrance/driveway culvert must be installed as specified in this Ordinance.
2. The Road Commissioner or his/her designee shall, within five (5) business days of approving the Permit, mail a copy of the approved Permit to the abutter(s).
3. The owner shall assume the defense of, and pay all damages, fines, and penalties for which he/she shall become liable, and shall indemnify and hold harmless the Town of Buckfield, its representatives, agents and employees from liability, action against all suits, claims, damages for wrongful death, personal injuries or property damage suffered by any person or association which results from the willful or negligent action or inaction of the owner/applicant/agent and its proceedings of every kind arising out of the construction and maintenance of an entrance/driveway, including snow removal. Nothing herein shall, nor is intended to, waive any defense, immunity or limitation of liability which may be available to the Town of Buckfield, their officers, agents or employees under the Maine Tort Claims Act or any other privileges and/or immunities provided by law. It is a further condition that the owner will agree to keep the road right-of-way inviolate for public road purposes and no signs (other than traffic signs and signals), posters, billboards, roadside stands, culvert end walls or private installations shall be permitted within road right-of-way limits.

Section 7: ENFORCEMENT

- A. It shall be the duty of the Road Commissioner or his/her designee to enforce the provisions of this Ordinance.
- B. Whoever willfully violates the provisions of this Ordinance shall, upon conviction, be penalized in accordance with Title 30-A MRSA Section 4452.

Section 8: APPEALS

If the Road Commissioner or his/her designee denies a Permit or grants a Permit with conditions 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 the Ordinance has been misconstrued or wrongfully interpreted, the applicant, an abutting landowner or aggrieved party may appeal the decision of the Road Commissioner or his/her designee in writing to the Appeals Board within thirty (30) days of the date of the decision. A majority vote of the members of the Appeals Board shall be necessary to reverse a decision, condition or determination of the Road Commissioner or his/her designee.

TOWN OF BUCKFIELD FIRE CHIEF SELECTION ORDINANCE

1. PURPOSE

To provide a clearly defined and fair process to select a Fire Chief for the Town of Buckfield Fire Department (hereinafter referred to as the Department).

2. PROCESS

The selection of a Fire Chief shall consist of an election and appointment as follows:

- a. Nominations:** Nominations, with no second necessary, shall be accepted by the Fire Chief from any Department member who has served for at least the previous six (6) months from the date of nominations and taken from the floor at the Departments' regularly scheduled April monthly meeting. All firefighters eligible to submit a nomination shall be notified by the Chief or his/her designee by mail at least fourteen (14) but no more than thirty (30) days prior to this meeting informing them of the date, time and location of nominations. A list of the nominees shall be given to the Town Clerk within three (3) business days from the date of nominations.
- b. Written Ballot:** Ballots of uniform size, color and containing an alphabetical list of persons nominated for Chief by the process outlined above shall be provided by the Town Clerk. Written ballots may only be cast by Department members who have served for at least the previous six (6) months from the date of nominations. Ballots shall be distributed and cast at the Departments' regularly scheduled May monthly meeting. All firefighters eligible to cast a ballot shall be notified by the Chief or his/her designee by mail at least fourteen (14) but no more than thirty (30) days prior to this meeting informing them of the date, time and location of balloting.
- c. Counting of Ballots:** The ballots shall be counted by the Town Manager and Town Clerk or their designees immediately following the balloting.
- d. Appointment:** The name of the person elected by the Departments' members shall be the Departments' recommendation for Fire Chief and presented as such by the Town Manager to the Board of Selectmen (hereinafter referred to as the Board) at their next regular meeting following the date of balloting. The Board shall take action on the recommendation as presented until a majority vote is obtained. If, for any reason, the majority vote of the Board is to not accept the recommendation as presented, the Department shall again conduct the nomination and balloting process outlined above with the exception that said process shall take place in two month intervals beginning at the Departments' regularly scheduled monthly meeting following the Board's meeting at which the recommendation was not accepted.

- e. **Term:** The length of a term shall be four (4) years or until a replacement is appointed. All terms shall commence on the July 1st following the previous Chief's term. Terms to fill a vacancy shall be for the duration of the original term.

3. VACANCY

In the event the Chief vacates his/her position or is otherwise unable to fulfill his/her duties as Chief, one of the Assistant Chiefs will assume the position of Chief. The chain of command shall prevail. The Assistant shall hold the position until a new Chief is appointed through the process as outline in 2 above. A meeting to commence the process as outlined in 2 above shall be called by the acting Chief within thirty (30) days of the date of vacancy.

4. OTHER OFFICERS

The Chief, at his/her discretion, shall have complete authority to appoint and/or remove officers of the Department at any time during their term of office.

5. EFFECTIVE DATE

This Ordinance shall be effective June 20, 2009 upon Town Meeting approval.

TOWN OF BUCKFIELD



FLOODPLAIN MANAGEMENT ORDINANCE

Enacted: June 20, 2009 - Annual Town Meeting, Article 38

Certified By: Cynthia M. Dunn, Town Clerk

Town of Buckfield

FLOODPLAIN MANAGEMENT ORDINANCE

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60.3 (c) Rev. 2/09
(ordinance prepared Feb- 17, 2009 by SPO/dlt)

ARTICLE I - PURPOSE AND ESTABLISHMENT

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

The areas of special flood hazard, Zones A and AE for Town of Buckfield, Maine, Oxford County Maine, identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study – Oxford County dated July 7, 2009 with accompanying "Flood Insurance Rate Map,"
Panels:

1080, 1085, 1090, 1095, 1105, 1110, 1115, 1120, 1260, 1280, 1285

derived from the county wide digital flood insurance rate map entitled "Digital Flood Insurance Rate Map, Oxford County," which are hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II - PERMIT REQUIRED

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

ARTICLE III - APPLICATION FOR PERMIT

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

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

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

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

- H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or to a locally established datum in Zone A only, of the:
 - 1. base flood at the proposed site of all new or substantially improved structures, which is determined:
 - a. in Zones AE, from data contained in the "Flood Insurance Study – Oxford County, Maine" as described in Article I; or,
 - b. in Zone A:
 - (1) from any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265/July 1995), including information obtained pursuant to Article VI.K. and VIII.D.;
 - (2) from the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a Professional Land Surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or, in the absence of all other data,
 - (3) to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.
 - 2. highest and lowest grades at the site adjacent to the walls of the proposed building;
 - 3. lowest floor, including basement; and whether or not such structures contain a basement; and,
 - 4. level, in the case of non-residential structures only, to which the structure will be floodproofed;
- I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article VI;

- J. A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate;
- K. The following certifications as required in Article VI by a registered professional engineer or architect:
 - 1. a Floodproofing Certificate (FEMA Form 81-65, 01/03, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article III.H.4.; Article VI.G.; and other applicable standards in Article VI;
 - 2. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.L.2.a.;
 - 3. a certified statement that bridges will meet the standards of Article VI.M.;
 - 4. a certified statement that containment walls will meet the standards of Article VI.N.;
- L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
- M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee of \$50 shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

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

ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Planning Board shall:

- A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have been, or will be met;
- B. Utilize, in the review of all Flood Hazard Development Permit applications:
 - 1. the base flood and floodway data contained in the "Flood Insurance Study – Oxford County, Maine," as described in Article I;

2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Planning Board shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.b.; Article VI.K.; and Article VIII.D., in order to administer Article VI of this Ordinance; and,
 3. when the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.1.b., the community shall submit that data to the Maine Floodplain Management Program in the State Planning Office.
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;
 - D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;
 - E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program in the State Planning Office prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;
 - F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits based on the type of development:
 1. A two part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer or architect based on the Part I permit construction, "as built", for verifying compliance with the elevation requirements of Article VI, paragraphs F, G, or H. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,
 2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Article VI.G.1.a., b., and c. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,
 3. A Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes, but is not limited to: accessory structures as provided for in Article VI.I., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves and piers.

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

ARTICLE VI - DEVELOPMENT STANDARDS

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

A. All Development - All development shall:

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

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

C. Sanitary Sewage Systems - All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.

D. On Site Waste Disposal Systems - On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.

E. Watercourse Carrying Capacity - All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.

F. Residential - New construction or substantial improvement of any residential structure located within:

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

G. Non Residential - New construction or substantial improvement of any non-residential structure located within:

1. Zones AE, shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
 - a. be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - c. be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K. and shall include a record of the elevation above mean sea level to which the structure is floodproofed.
2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article VIII.D., or
 - a. together with attendant utility and sanitary facilities meet the floodproofing standards of Article VI.G.1.

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

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

- (3) all components of the anchoring system described in Article VI.H.1.c.(1)&(2) shall be capable of carrying a force of 4800 pounds.

2. Zone A shall:

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

I. **Recreational Vehicles** - Recreational Vehicles located within:

1. Zones A and AE, shall either:

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

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

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

K. Floodways -

1. In Zones AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's Digital Flood Insurance Rate Map, Oxford County unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 2. In Zones AE and A riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article VI.K.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:
 - a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,
 - b. is consistent with the technical criteria contained in Chapter 5 entitled "Hydraulic Analyses," *Flood Insurance Study - Guidelines and Specifications for Study Contractors*, (FEMA 37/ January 1995, as amended).
 3. In Zones AE and A riverine areas for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.
- L. **Enclosed Areas Below the Lowest Floor** - New construction or substantial improvement of any structure in Zones AE and A that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs F, G, or H and is elevated on posts, columns, piers, piles, "stilts," or crawlspaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:
1. Enclosed areas are not "basements" as defined in Article XIII;
 2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:
 - a. be engineered and certified by a registered professional engineer or architect; or,
 - b. meet or exceed the following minimum criteria:
 - (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;
 - (2) the bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,

- (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;

3. The enclosed area shall not be used for human habitation; and,

4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.

M. Bridges - New construction or substantial improvement of any bridge in Zones AE and A shall be designed such that:

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

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

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

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

1. wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and

2. for commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

ARTICLE VII - CERTIFICATE OF COMPLIANCE

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

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

ARTICLE VIII - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

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

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

described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

ARTICLE IX - APPEALS AND VARIANCES

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

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

- A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances shall be granted only upon:
 - 1. a showing of good and sufficient cause; and,
 - 2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,
 - 3. a showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and,
 - 4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:
 - a. that the land in question cannot yield a reasonable return unless a variance is granted; and,
 - b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
 - c. that the granting of a variance will not alter the essential character of the locality; and,
 - d. that the hardship is not the result of action taken by the applicant or a prior owner.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as it deems necessary.
- D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
 - 1. other criteria of Article IX and Article VI.K. are met; and,

2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:
1. the development meets the criteria of Article IX, paragraphs A. through D. above; and,
 2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- F. Any applicant who meets the criteria of Article IX, paragraphs A. through E. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:
1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage;
 2. such construction below the base flood level increases risks to life and property; and,
 3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.
- G. Appeal Procedure for Administrative and Variance Appeals
1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.
 2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
 3. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.
 4. The person filing the appeal shall have the burden of proof.
 5. The Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing, and shall issue a written decision on all appeals.
 6. The Board of Appeals shall submit to the Planning Board a report of all variance actions, including justification for the granting of the variance and an authorization for the Planning

Board to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.

7. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five days from the date of any decision of the Board of Appeals.

ARTICLE X - ENFORCEMENT AND PENALTIES

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A MRSA § 4452.
- B. The penalties contained in Title 30-A MRSA § 4452 shall apply to any violation of this Ordinance.
- C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, shall submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of;
 1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
 2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;
 3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;
 4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,
 5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

ARTICLE XI - VALIDITY AND SEVERABILITY

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

ARTICLE XII - CONFLICT WITH OTHER ORDINANCES

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

ARTICLE XIII - DEFINITIONS

Unless specifically defined below, words and phrases used in this Ordinance shall have the same meaning as they have at common law and to give this Ordinance its most reasonable application. Words used in

the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

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

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

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

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

Basement - means any area of the building having its floor subgrade (below ground level) on all sides.

Building - see **Structure**.

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

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

Development - means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials.

Elevated Building - means a non-basement building

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

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

Elevation Certificate - An official form (FEMA Form 81-31, 02/06, as amended) that:

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

Flood or Flooding - means:

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

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

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

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

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

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

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

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

Floodway - see **Regulatory Floodway**.

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

Freeboard - means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave

action, bridge openings, and the hydrological effect of urbanization of the watershed, that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

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

Historic Structure - means any structure that is:

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

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

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

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

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

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

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

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

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

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

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

Recreational Vehicle - means a vehicle which is:

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

Regulatory Floodway -

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

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

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

Start of Construction - means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

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

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

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

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

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

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

ARTICLE XIV - ABROGATION

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

60.3 (c) Rev. 2/09

Prepared by SPO/fpm/dlt

TOWN OF BUCKFIELD KEY LOCK BOX ORDINANCE

ORDINANCE REQUIRING STRUCTURES TO HAVE A KEY LOCK BOX INSTALLED ON THE EXTERIOR OF THE STRUCTURE FOR FIRE SAFETY PURPOSE

WHEREAS, the Board of Selectmen have determined that the health, safety, and welfare of the citizens of the Town of Buckfield are promoted by requiring certain structures to have a key lock box installed on the exterior of the structure to aid the Buckfield Fire Department and the Buckfield Rescue Department in gaining access into the structure when responding to calls for emergency service; and

WHEREAS, the key lock box system is being adopted nationally and will operate on a master key basis that will expedite entry into a structure during an emergency; and

WHEREAS, the key lock box system will eliminate forced entries into structures thereby avoiding costly and time-consuming efforts in gaining access into locked structures during an emergency; and

WHEREAS, the Town of Buckfield is authorized to pass this Ordinance pursuant to its home rule authority.

SECTION 1

This Ordinance is hereby enacted with the following provisions:

- A. The following structures shall be equipped with a key lock box at or near the main entrance or such other location determined by the Buckfield Fire Chief:
 - a. commercial or industrial structures protected by an automatic alarm system or automatic suppression system or such structures that are secured in a manner that restricts access during an emergency;
 - b. multi-family residential structures that have restricted access through locked doors and have a common corridor for access to the living units;
 - c. governmental structures.
- B. All newly constructed structures subject to this Ordinance shall have a key lock box installed and operational prior to occupancy. All structures in existence on the effective date of this Ordinance and subject to this Ordinance shall have one year from the effective date of this Ordinance to have a key lock box installed and operational.
- C. The Fire Chief shall designate the type of key lock box system to be implemented within the Town.
- D. The owner or operator of a structure required to have a key lock box shall, at all times, keep a key in the lock box that will allow access into the structure.
- E. The Fire Chief shall be authorized to implement rules and regulations for the use of the key lock box system.
- F. Any person who owns or operates a structure subject to this Ordinance and fails to comply with this Ordinance shall be subject to a fine of not more than \$100.00 per day.

SECTION 2

This Ordinance shall take effect on June 20, 2009 upon Town Meeting approval.

ORDINANCE REGULATING NO THRU TRUCK TRAFFIC

WHEREAS: The Town of Buckfield is granted authority under Title 30-A M.R.S.A. § 3009 to enact ordinances regulating traffic to promote the general welfare and safety of the citizens of Buckfield or any other individuals using the streets of Buckfield.

WHEREAS, The Town of Buckfield is granted authority under Title 30-A M.R.S.A. § 3009 Sec. 1- B (1) to regulate the operation of vehicles on the streets and highways.

WHEREAS, the allowance of thru truck traffic on certain town owned streets has raised serious and immediate concerns.

Therefore be it hereby ordained:

For purposes of this ordinance, the following are defined to wit:

Truck - a commercial vehicle having more than two axles.

Thru traffic - transversing town streets without commercial reason to stop.

Exemptions-emergency vehicles, moving vans, school buses, trucks belonging to trucking companies established in a street subject to no thru truck traffic and delivery trucks delivering on a street subject to no thru truck traffic.

The State Police and Oxford County Sheriffs Department are empowered by this ordinance to restrict thru truck traffic on any town owned street providing that:

- A. A notice be published in a publication having a general circulation in the Town of Buckfield to announce a public hearing to be held by the Board of Selectmen.
- B. Such notice shall identify the street to be so restricted and such notice shall be published at least seven days before the hearing and provide the date time and place of such hearing.
- C. The Board of Selectmen shall place on its agenda the issue of regulation of thru truck traffic on the particular street for action at its next regular meeting.
- D. Any operator who operates a truck in contravention of this ordinance shall be subject to a fine not to exceed \$50 for the first offense and \$100 for each additional offense.

Ordinance will go into effect on 11/01/08 per Board of Selectmen on 10/21/08.
Amended 12/2/08

TOWN OF BUCKFIELD
NORTH POND SWIMMING PROHIBITION ORDINANCE

SECTION I. Title

This Ordinance shall be known and cited as the North Pond Water Swimming Prohibition Ordinance, and will be referred to as this " Ordinance."

SECTION II. Purpose

The purpose of this Ordinance is to protect the health, safety and general welfare of the inhabitants of the Town of Buckfield and the customers of the Buckfield Village Corporation's Water System by providing water quality protection by prohibiting swimming in North Pond.

SECTION III. Authority

This Ordinance is hereby adopted and hereafter amended pursuant to and consistent with Article VII-A of the Maine Constitution and the provisions of Title 22 M.R.S.A. Section 2642.

SECTION IV. Applicability

This Ordinance applies to the area of that portion North Pond located within the boundaries of Buckfield. No person shall swim in that area of North Pond located within the boundaries of Buckfield.

SECTION V. Amendments, Validity and Severability and Effective Date

A. Amendments

1. An amendment to this Ordinance may be initiated by:

a. The Board of Selectmen provided a majority of the Board has so voted;
or

b. Written petition of a number of voters equal to at least 10% of the number of votes cast in the municipality in the last gubernatorial election.

2. The Selectmen shall hold a public hearing on the proposed amendment. At least fifteen (15) days prior to the hearing notice shall be published in a news paper in general circulation in Oxford County and such notice shall be sent by registered mail to each of property abutting North Pond.

3. An amendment to this Ordinance may be adopted by the majority vote of the Board of Selectmen.

B. 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.

C. Effective Date

The effective date of this Ordinance is the date of adoption by the Board of Selectmen. This Ordinance shall become void upon the expiration of one year from the date of adoption unless sooner adopted by vote of Town Meeting.

SECTION VI. ENFORCEMENT

A. Code Enforcement Officer

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance.

B. Fines

Whoever willfully violates the provisions of this Ordinance shall, upon conviction, be penalized in accordance with Title 30-A M.R.S.A. Section 4452.

SECTION VII. DEFINITIONS

Swim: Bathing and other human contact with the waters of North Pond.

TOWN OF BUCKFIELD

NORTH POND WATER INTAKE PROTECTION ORDINANCE

SECTION I. Title

This Ordinance shall be known and cited as the North Pond Water Intake Protection Ordinance, and will be referred to as this " Ordinance".

SECTION II. Purpose

The purpose of this Ordinance is to protect the health, safety and general welfare of the inhabitants of the Town of Buckfield and the customers of the Buckfield Village Corporation's water supply by providing water quality protection in the vicinity of Corporation's intake pipe in North Pond.

SECTION III. Authority

This Ordinance is hereby adopted and hereafter amended pursuant to and consistent with Article VII-A of the Maine Constitution and the provisions of Title 22 M.R.S.A. Sections 2642 and 2648.

SECTION IV. Applicability

This Ordinance applies to the surface area of North Pond defined as the area from the so called North Pond Dam to a point 900 feet northwesterly of said dam and further defined by a straight line between the red posts located on the easterly and westerly shores. Within the above described area ice fishing shall be prohibited.

SECTION V. Amendments, Validity and Severability and Effective Date

A. Amendments

1. An amendment to this Ordinance may be initiated by:
 - a. The Board of Selectmen provided a majority of the Board has so voted; or
 - b. Written petition of a number of voters equal to at least 10% of the number of votes cast in the municipality in the last gubernatorial election.
2. The Selectmen shall hold a public hearing on the proposed amendment. At least fifteen (15) days prior to the hearing notice shall be published in a news paper in general circulation in Oxford County and such notice shall be sent by registered mail to each of property abutting North Pond.
3. An amendment to this Ordinance may be adopted by the majority vote of the Board of Selectmen.

B. 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.

C. Effective Date

The effective date of this Ordinance is the date of adoption by the Board of Selectmen. This Ordinance shall become void upon the expiration of one year from the date of adoption unless sooner adopted by vote of Town Meeting.

SECTION VI. ENFORCEMENT

A. Code Enforcement Officer

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance.

B. Fines

Whoever willfully violates the provisions of this Ordinance shall, upon conviction, be penalized in accordance with Title 30-A M.R.S.A. Section 4452.

SECTION VII. DEFINITIONS

Ice Fishing: Fishing through the ice.

TOWN OF BUCKFIELD
NORTH POND WATER QUALITY PROTECTION ORDINANCE

SECTION I. Title

This Ordinance shall be known and cited as the North Pond Water Quality Protection Ordinance, and will be referred to as this " Ordinance".

SECTION II. Purpose

The purpose of this Ordinance is to protect the health, safety and general welfare of the inhabitants of the Town of Buckfield and the customers of the Buckfield Village Corporation's Water System by providing water quality protection by prohibiting domestic pets on the frozen surface of North Pond.

SECTION III. Authority

This Ordinance is hereby adopted and hereafter amended pursuant to and consistent with Article VII-A of the Maine Constitution and the provisions of Title 22 M.R.S.A. Section 2642.

SECTION IV. Applicability

This Ordinance applies to the frozen surface area of that portion North Pond located with in the boundaries of Buckfield. No owner of a domestic pet shall allow it to roam, travel or occupy space on the frozen surface of that portion of North Pond located within the boundaries of Buckfield.

SECTION V. Amendments, Validity and Severability and Effective Date

A. Amendments

1. An amendment to this Ordinance may be initiated by:
 - a. The Board of Selectmen provided a majority of the Board has so voted; or
 - b. Written petition of a number of voters equal to at least 10% of the number of votes cast in the municipality in the last gubernatorial election.
2. The Selectmen shall hold a public hearing on the proposed amendment. At least fifteen (15) days prior to the hearing notice shall be published in a news paper in general circulation in Oxford County and such notice shall be sent by registered mail to each of property abutting North Pond.
3. An amendment to this Ordinance may be adopted by the majority vote of the Board of Selectmen.

B. 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.

C. Effective Date

The effective date of this Ordinance is the date of adoption by the Board of Selectmen. This Ordinance shall become void upon the expiration of one year from the date of adoption unless sooner adopted by vote of Town Meeting.

SECTION VI. ENFORCEMENT

A. Code Enforcement Officer

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance.

B. Fines

Whoever willfully violates the provisions of this Ordinance shall, upon conviction, be penalized in accordance with Title 30-A M.R.S.A. Section 4452.

SECTION VII. DEFINITIONS

Domestic Pet: Dogs other than guide or hearing dogs.

TOWN OF BUCKFIELD

NORTH POND WATERSHED PROTECTION ORDINANCE

SECTION 1. FINDINGS AND PURPOSE

A. Findings

The town finds that the quality of water in North Pond is directly related to the use and condition of the land in its watershed. When land use changes and disturbs the natural cycling of nutrients, particularly phosphorus, degradation of water quality results. Development increases phosphorus runoff in the short term through disturbance of the ground cover and resulting soil erosion and sedimentation. Long term, permanent increases in phosphorus runoff result from land use changes which cause changes in the surface runoff patterns allowing more runoff to reach the pond laden with more phosphorus from lawn and garden fertilizers, detergents, and fine soil particles. Phosphorus runoff from development can exceed natural levels from forested areas by a factor of ten.

B. Purpose

It is the purpose of this Ordinance to control phosphorus export to North Pond from new development and other land use activities resulting from erosion and changes in runoff in order to protect North Pond's water quality.

SECTION 2. AUTHORITY AND ADMINISTRATION

A. Authority

1. This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and Title 30-A, M.R.S.A., Section 3001.
2. This Ordinance shall be known as the "North Pond Watershed Protection Ordinance" of the Town of Buckfield, Maine, adopted and effective by vote of the Town Meeting of June 26, 1996. Sections 7.C and 7.D shall become effective on the date(s) that the procedures established in Title 12 M.R.S.A. Section 8869.8 and Title 17 M.R.S.A. Section 2805.4 have been met.

B. Administration

The Planning Board of the Town of Buckfield shall administer this Ordinance.

SECTION 3. APPLICABILITY

A. The following development and land use proposals shall require a permit from the Planning Board whenever located in that portion of the direct watershed of North Pond, located in Buckfield, except where noted under C below. For the purposes of this Ordinance the boundaries of the North Pond Watershed shall be as delineated on the North Pond Watershed Map dated May 1995 and on file at the Buckfield Town Office. When the boundaries of the watershed are disputed due to lack of sufficient detail on the North Pond Watershed Map, the applicant or agent may submit evidence prepared by a professional engineer, geologist or individual agreed on by the Planning Board which identifies actual field locations of the watershed.

1. New commercial, retail, industrial, institutional and recreational buildings(s), structure(s) and uses not exempted under Section 3.C.
2. The expansion in any five- (5) year period of any structure or building in excess of twenty-five (25%) percent of its gross finished living space for residential uses and in excess of twenty-five (25%) percent of its gross floor space for all other uses or by an expansion, structural or building, in excess of 1,000 square feet of gross floor space, whichever is less.
3. The expansion in any five- (5) year period of any existing land use which will result in land not being revegetated if such expansion is greater than twenty-five (25%) percent of the existing non-vegetated land area or 1,500 square feet of gross non-vegetated land area, whichever is less.
4. Campground, motels and hotels, and rental cottages or cabins.
5. Subdivisions as defined in Title 30-A, M.R.S.A., Section 4401 except as provided for in Section 3.C.2 of this Ordinance.
6. Timber Harvesting.
7. Agriculture.
8. Road construction or reconstruction greater than 200 linear feet and/or driveway construction greater than 550 linear feet.

- B. The following activities and development proposals shall qualify for a Simplified Review Procedure (Section 4A) and shall require a permit from the Planning Board whenever located in the direct watershed of North Pond except where noted under C below.
1. Construction of one detached single-family dwelling, the placement of one manufactured home, or one duplex dwelling on a lot and accessory structures for the use of the residents thereof.
 2. Road construction and reconstruction involving less than 200 linear feet and driveways between 200 and 550 linear feet unless associated with any of the activities defined in paragraphs A.1 through A.6 above.
 3. Any of the proposals listed under Section 3.A which involve no more than 20,000 square feet of clearing or land disturbance including but not limited to areas cleared for lawns, buildings, and driveways.
- C. **This Ordinance does not apply to:**
1. Legally existing buildings, structures, and uses of land existing at the time of adoption of this Ordinance.
 2. Subdivisions and lots within subdivisions approved by the Planning Board prior to the effective date of this Ordinance provided the review and approval of the subdivision considered limits to phosphorus export pursuant to "Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New Development," Maine Department of Environmental Protection et al., September 1989 with revisions in 1992 and as may be amended.

SECTION 4. APPLICATION PROCEDURES

A. Simplified Review Permits

1. Any person requiring review under this subsection shall submit an application addressed to the Planning Board at least seven (7) days prior to a scheduled meeting of the Planning Board. A complete application shall consist of an application form together with all submissions listed in Section 5 herein, and a fee of \$25.00 payable to the Town of Buckfield.
2. Within thirty (30) days of receiving an application, the Planning Board shall notify the applicant in writing that the application is complete or incomplete, and shall specify additional material that may be needed to make a complete application. After the Planning Board has determined that a complete application has been filed,

the applicant shall be notified and the review shall commence.

3. Within thirty (30) days of receiving a completed application, the Planning Board shall either approve, approve with conditions, or disapprove the application. The time limit for review may be extended by mutual agreement with the applicant.

B. Standard Review Permits

1. Preapplication Meeting:

- a. Prior to submitting an application, the applicant or authorized agent should appear informally at a regular or special meeting of the Board to discuss the proposed development.
- b. The applicant shall present to the Planning Board at this time, for informal review and comment, a sketch plan of the proposed activity. The sketch plan shall consist of a rough outline of the proposed activity and may be a freehand, pencilled sketch of the parcel showing the proposed layout of buildings, roads and other features which may be of assistance to the Planning Board in making its determinations.
- c. The Board may request that the applicant arrange for an inspection of the site with the Planning Board or an individual appointed by the Board Chairman to act as the Board's representative.
- d. No binding commitments shall be made between the applicant and the Planning Board at this stage. The purpose of the pre-application meeting shall be to understand what is proposed, what is possible, and what is acceptable. There shall be no fee for a pre-application review and such review shall not cause the Plan to be a pending application.

2. Application:

Any person requiring review under this section shall submit an application for approval at least seven (7) days prior to a scheduled meeting of the Planning Board. A complete application shall consist of an application form together with fees and all submissions listed in Section 5 herein. The applicant or his duly authorized agent shall attend the meeting of the Planning Board to discuss the application. A determination of completeness shall be made within thirty (30) days of receipt of the application.

3. Fees:

- a. All applications shall be accompanied by an application fee payment of \$25.00. Said application fees shall be made by check payable to the Town of Buckfield, Maine.
- b. There shall be an additional payment of \$150.00. This portion of the application fee shall be known as the Planning Board Review Escrow Account. The monies shall be made by check payable to the Town of Buckfield, Maine. These funds or portion thereof may, from time to time, be used by the Town, at the request of the Planning Board, for purposes to be determined by the Planning Board in order to make payments for reasonable costs, expenses and services incurred by, or contracted for by the Town through the Planning Board at its discretion which relates directly to the review of the Application. Such services may include, but not be limited to, consulting engineering fees, land use planner fees and attorney fees. All such fees must relate to the review of the application pursuant to the review criteria of this Ordinance and the laws of the State of Maine. If the balance in the applicant's portion of the Review Escrow Account shall be drawn down by 75 percent, the Planning Board shall require that an additional 50 percent of the original Planning Board Review Escrow Account Fee be deposited. The Planning Board shall continue to notify and require an additional 50 percent of the original Planning Board Review Escrow Account Fee be deposited as necessary whenever the balance of the account is drawn down by 75 percent of the original deposit. The Town, at the request of the Planning Board, shall refund all the remaining monies in the account upon payment of all costs and services related to the Planning Board review. Such payment of remaining monies shall be made no later than sixty (60) days after the approval, denial, or approval with conditions of the application. Such refund shall be accompanied by a final accounting of expenditures from the fund. The monies in such fund shall not be used by the Planning Board for any enforcement purposes.

4. Public Hearing:

- a. The Board may, at its discretion, schedule a public hearing for the next available time on the Board's agenda but not more than thirty (30) days from the time of determination that the application is complete. Public notice of the hearing shall be placed in a newspaper of general circulation within the town at least twice, the date of the first notice to be at

least seven (7) days prior to the date of the hearing. The Board shall also send notice to the CEO, Buckfield Village Corporation and to all abutters provided that failure of those notified to receive such notice shall not invalidate the decision of the Board.

5. Complete Application:

The applicant shall be notified by certified mail that the application is complete, of the timetable for review, and any additional requirements or questions associated with the application.

6. Decision:

- a. Within thirty (30) days of the public hearing, or within sixty (60) days of receipt of a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact on the application and approve, approve with conditions, or deny the application. The Board shall specify in writing its findings of fact and reasons for any conditions or denial.
- b. Conditions of the Board's approval shall be intended to ensure conformance with the performance standards contained for this Ordinance. They may include but are not limited to increased setbacks, specifications for type of sewage and water supply facilities, off-site improvements, vegetative or structural buffers and screens, location of buildings, docks, or parking areas, and deed restrictions.

7. Performance Guarantees:

- a. **Types of Guarantees:** Where improvements for the construction of phosphorus and erosion control structures have been approved, the applicant shall provide one of the following performance guarantees committing one hundred (100%) percent of the estimated cost of said improvements:
 - (1) Either a certified check payable to the Town or a savings account or certificate of deposit naming the Town as owner for the establishment of an escrow account;
 - (2) A performance bond payable to the Town issued by a surety company, approved by the Municipal Officers; or

- (3) An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision or site plan, from which the Town may draw if construction is inadequate, approved by the Municipal Officers.

The conditions and amount of the performance guarantee shall be determined by the Board with the advice of the Road Commissioner, Municipal Officers, and/or Town Attorney.

- b. **Contents of Guarantee:** The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the applicant, and a date after which the applicant will be in default and the Town shall have access to the funds to finish construction.
- c. **Escrow Account:** A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the applicant, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the applicant.
- d. **Performance Bond:** A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the applicant and the procedures for collection by the municipality. The bond documents shall specifically reference the application for which approval is sought.
- e. **Letter of Credit:** An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the project and may not be used for any other project or loan.
- f. **Release of Guarantee:** Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction, in part upon the report of the Code Enforcement Officer and whatever other agencies and departments may

be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.

- g. **Default:** If upon inspection the Code Enforcement Officer finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he shall so report in writing to the Municipal Officers, the Board, and the builder. The Municipal Officers shall take any steps necessary to preserve the Town's rights.

8. Notice to CEO:

The Board shall send copies of the approval to the CEO and the Buckfield Village Corporation. The CEO shall issue no (building or occupancy) permit until conditions of the approval have been carried out.

9. Permit Expiration:

The approval of the Board shall expire if work on the development is not commenced within six (6) months or substantially completed within one (1) year. The Board may, by formal action, grant an extension of the completion deadline for a period of no more than one (1) additional year.

SECTION 5. SUBMISSION REQUIREMENTS

A. Submission Requirements for Simplified Review Permits

1. A map showing the location of the proposed use and indicating the tax map and lot numbers.
2. A map or set of maps of the proposed use drawn at a scale of 1"=50' unless otherwise approved by the Planning Board showing:
 - a. the location and dimensions of all existing and proposed structures and driveways;
 - b. existing ground cover and wetlands;
 - c. areas to be cleared for construction or landscaping;

- d. proposed location of the septic system if on-site waste disposal is proposed;
 - e. drainage features and patterns including the location and drainage directions of any intermittent or perennial water bodies, drainage swales, road ditches, and culverts, and overland drainage from the site; and
 - f. vegetative buffer strips or runoff infiltrations systems proposed for phosphorus control in accordance with the standards set forth in Section 6 of this Ordinance.
- 3. An erosion and sedimentation control plan.
 - 4. A subsurface wastewater disposal plan prepared by a registered site evaluator which meets the standards set forth in Section 6.4 of this Ordinance.
 - 5. Documentation of the applicant's legal interest in the property.

B. Submission Requirements for Standard Review Permits

The following information is required of all applicants. Additional requirements may be specified in Section 6, Performance Standards.

- 1. A completed application for standard review shall consist of seven (7) copies of required plans on sheets measuring no smaller than 11" x 17" and no larger than 24" x 36" and ten (10) sets of attachments. Plans shall be drawn to a scale of no greater than 1"=30' for development under ten (10) acres, and 1"=50' for all or as may be approved by the Planning Board.
- 2. The submission shall contain the following items unless the Planning Board waives specific requirements as set forth in Section 5.C.
 - a. A title block in the lower right-hand corner containing the name and address of the applicant and property owner, the name and address of the preparer of the plan, with professional seal, if applicable, location of the property according to municipal tax maps, the date of plan preparation or revision, and an identification number unique to the plan.

- b. A standard boundary survey conducted by a surveyor licensed in the State of Maine, with sufficient information to identify and locate interior and exterior boundaries, rights-of-way and street alignments.
- c. An arrow showing true north and the magnetic declination, a graphic scale, and a signature block for members of the Planning Board.
- d. A location map showing the property in relation to other properties and roads in the general vicinity.
- e. A land cover map showing existing and proposed areas in forest, fields, wetlands, water bodies, and developed areas. Acreage must be indicated for each of the following: delineated wetlands over one acre in size, road ditch, road surface, lawns, and impervious surfaces including buildings and paved areas which are not road surfaces.
- f. A drainage map, showing all intermittent and perennial water bodies, diversion ditches, and swales; and drainage areas and patterns before and after development. Culverts and road ditches shall be clearly shown and the drainage patterns thereto and therefrom indicated. Where drainage areas extend beyond the proposed project property boundaries, the size, in acres, of off-site drainage areas entering the property must be indicated.
- g. A copy of the county soil survey map of the area (SCS medium intensity survey).
- h. Existing contours and finished grade elevations within the site together with proposed landscaping and buffering treatments. Areas of sustained slopes exceeding twenty-five (25%) percent and covering more than one (1) acre must be indicated.
- i. A plan for the control of erosion and sedimentation meeting the standards set forth in Section 6 of this Ordinance.
- j. A phosphorus impact analysis and control plan conducted using the procedures set forth in "Phosphorus Control in Lake Watersheds: A technical Guide to Evaluating New Developments" (Maine DEP et al., September 1989 with revisions in 1992 or as may be amended) and meeting the standards set forth in Section 6 of this Ordinance including a long-term maintenance plan for all phosphorus control measures.

- k. Description of the type and placement of subsurface wastewater disposal facilities:
 - (1) Where disposal will be by an engineered private system, prior approval by the Department of Human Services.
 - (2) Where subsurface waste disposal is to be used, a registered site evaluator's plan which meets the standards defined in Section 6.3 of this Ordinance and a signed permit from the Local Plumbing Inspector.
- l. Documentation of the applicant's legal interest in the property.
- m. Text of all encumbrances currently on the property and all deed restrictions or encumbrances proposed to be placed on the property.
- n. A list containing names and mailing addresses of all abutters and copies of letters to the abutting landowners and selectmen notifying them of the proposed development by certified mail.

In its consideration of an application, the Board may require the applicant to submit such additional materials, studies, analyses and proposals as it may deem necessary for a complete understanding of the development.

C. Submission Waivers

Where the Planning Board makes written findings of fact that there are special circumstances of a particular application, it may waive portions of the submission requirements, unless otherwise indicated in this Ordinance, provided that the applicant has demonstrated that the standards of this Ordinance have been or will be met, the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan and this Ordinance.

SECTION 6. PERFORMANCE STANDARDS

A. Erosion and Sedimentation Control

The requirements of the Subsection shall be met by employing the best management practices (BMPs) contained in Section(s) 1.0 - 14.0 of the publication, "Maine Erosion and Sediment Control Handbook for

Construction: Best Management Practices," Cumberland County SWCS, Department of Environmental Protection, March 1991 and as amended. The terms of Sections 1.0 - 14.0 of the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices" are hereby specifically incorporated herein and shall be enforced in accordance with this Ordinance.

B. Phosphorus Control

1. Phosphorus Export Standards

Projects proposed within the direct watershed of North Pond shall be designed to limit phosphorus runoff to the levels defined below. The Board shall keep an accurate record of permits issued and shall review actual development rates and recommend adjustments to the Table at five- (5) year intervals subject to a reasonable appropriation by the Town to conduct such a reassessment or the availability of adequate State or regional grant programs or technical assistance programs. Adjustments shall be made by amendment of this Ordinance and the Town's Comprehensive Plan.

Waterbody	Water Quality Category	Lake Protection Level	Projected Watershed Development (50 Yr.) (Acres)*	Allowable Phosphorus Export per Acre*
North Pond	Good	High	40	0.025 lbs.

*If the proposed development is greater than twenty-five (25%) percent of the projected area of watershed development, the allowable phosphorus export per acre must be adjusted using Appendix F of the manual "Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New Developments" (Maine DEP et al., September 1989 with revisions in 1992 or as may be amended).

2. Phosphorus Control Plans for Simplified Review Permits

A permit shall be issued for a proposed activity if it complies with the standards contained in Chapter 4 of the manual "Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New development" (September 1989 with revisions in 1992 or as may be amended) to calculate appropriate vegetative buffer depths and other phosphorus control measures required for roads, driveways, and other developments subject to the simplified review procedures according to Section 3.B.3 of this Ordinance.

- a. Maintenance and use restrictions for phosphorus control measures shall meet the standards set forth in Section 6.B.3.c of this Ordinance.

3. Phosphorus Control Plans for Standard Review Permits

The following standards are to be used by the Board in reviewing permit applications and shall serve as a minimum requirement for approval. An application shall be approved unless in the judgement of the Board the applicant is not able to reasonably meet one or more of these standards. In determining that the application reasonably meets the standards, the Board shall review the site constraints and shall determine that the applicant has presented a plan which maximizes phosphorus control within the constraints of the site. The Board shall not make such a determination if the applicant can redesign the proposal to include less impervious surface area or road length, or more vegetative buffer areas; or can include additional structural controls; or can support some other use with less phosphorus export, except that the Board shall not deny an application for a single family residence due to site constraints which limit the ability to control phosphorus runoff. In all instances, the burden of proof shall be on the applicant and such burden of proof shall include the production of evidence necessary to complete the application.

a. Phosphorus Export

Phosphorus export from a proposed development shall be calculated according to the procedures defined in "Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development" (Maine DEP et al, September 1989 with revisions in 1993 or as may be amended). Copies of all worksheets and calculations shall be made available to the Board. Supporting documentation shall include:

- (1) Copies of DEP worksheets A-1 to A-5 ("Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development" (Maine DEP et al, September 1989 with revisions in 1992 or as may be amended) showing phosphorus export permitted and expected from the proposed development.
- (2) For residential developments:
 - (a) A map showing the hydrologic soil class of all areas to be cleared or where clearing will be permitted with the area indicated in square feet for each lot. Do not include driveways in excess of 150 feet. (Map scale not greater than 1"=100'.)

- (b) Calculated road length including driveways in excess of 150 feet.
 - (c) If the development utilizes on-site septic systems, test pit analyses of proposed septic system sites. If sites will not be designated, test pit analyses must be submitted for all soil types on the site.
- (3) For multi-unit housing, commercial, and industrial developments:
- (a) A map showing the area in acres and hydrologic soil class of all proposed land surfaces including lawns, road ditches, road surfaces, and impervious surfaces (drawn at a scale of not more than 1"=100').
 - (b) If the development utilizes on-site septic systems, test pit analyses as defined in Subsection b.(3) above.

b. Phosphorus Control Measures

Phosphorus control measures shall meet the design criteria contained in "Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development" (Maine DEP et al, September 1989 with revisions in 1992 or as may be amended). The Board shall require the reasonable use of vegetative buffers, limits on clearing, and minimizing road lengths, and shall encourage other non-structural measures such as clustering or reduction in the number of lots prior to allowing the use of high-maintenance structural measures such as infiltration systems and wet ponds. The following supporting documentation shall be submitted to the Board.

- (1) Engineering calculations and worksheets, detailed construction specifications and diagrams for all control measures.
- (2) For areas designated as vegetative buffer strips, a map showing:
 - (a) Contours with elevation intervals of five (5') feet;

- (b) Locations and dimensions of designated buffer strips;
 - (c) Classification of the buffer vegetation as wooded or non-wooded, as defined in "Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development" (Maine DEP et al, September 1989 with revisions in 1992 or as may be amended).
 - (d) Soils types, hydrologic class and boundaries as determined by a medium intensity soils survey, or ground-confirmed SCS soils map.
- (3) For runoff infiltration systems:
- (a) A map locating the infiltration systems and showing setbacks from waterbodies, wastewater disposal areas, ditches, slopes greater than 3:1; floodplains, wetland, and property lines.
 - (b) A contour map showing two (2') foot contours before and after construction of all areas to be served by infiltration systems.
 - (c) A high intensity soils analysis of proposed infiltration areas specifying hydrologic class, depth to bedrock or restrictive layer; seasonal high water table, and depth to sand or gravel layers.
- (4) For wet ponds:
- (a) A map showing the drainage area and number of acres served by the wet pond.
 - (b) A high intensity soils analysis of the wet pond site specifying soil type, hydrologic class; depth to seasonal high water table; depth to bedrock; and presence or absence of fractured bedrock.

- (c) A contour map showing elevations at two (2') foot intervals for the wet pond site both before and after construction including all areas to be regraded in association with its construction and areas designated for disposal of dredge spoils resulting from its maintenance.
- (d) An analysis of the impact of wet pond discharges on receiving waters noting the presence or absence of a cold water fishery (as determined by the regional biologist from the Maine Department of Inland Fisheries and Wildlife) and measures taken to avoid adverse impacts.
- (e) Outlet structure specifications designed and certified by a licensed professional engineer including design calculations, cross-sectional plans and construction specifications.

c. Maintenance and Inspections

Provisions for adequate monitoring, inspections, and maintenance of phosphorus control measures shall be included in the application.

(1) "No Disturbance" Wooded Buffers

Where buffers are located within 250 feet of North Pond or tributary and in hydrologic Class D soils, or where slopes in the buffer area are predominately over twenty (20%) percent, the following standards shall apply:

- (a) Buffers must be inspected annually for evidence of erosion or concentrated flows through or around the buffer. All eroded areas must be seeded and mulched. A shallow stone trench must be installed as a level spreader to distribute flows evenly in any area showing concentrated flows.
- (b) All existing undergrowth (vegetation less than four (4') feet high), forest floor duff layer, and leaf litter must remain undisturbed and intact except that one winding walking path, no wider

than six (6') feet is allowed through the buffer. This path cannot be a straight line to the lake as it would allow water to channelize. This path must remain stabilized.

- (c) Pruning of live tree branches that do not exceed twelve (12') feet above the ground level is permitted provided that at least the top two-thirds of the tree canopy is maintained.
- (d) No cutting is allowed of trees except for normal maintenance of dead, wind blown, or damaged trees.
- (e) Buffers shall not be used for all-terrain vehicle or vehicular traffic.

(2) "Limited Disturbance" Wooded Buffers

In all other cases, the clearing of trees and other vegetation within the buffer strip is limited to the following:

- (a) There shall be no cleared openings and an evenly distributed stand of trees and other vegetation shall be maintained.

For the purposes of this Section, an "evenly distributed stand of trees and other vegetation" shall be defined as maintaining a minimum rating score of twelve (12) in any 25 by 25 foot square (625 square feet) area within one hundred (100') feet of the normal high-water line of a Waterbody as determined by the following rating scheme:

Diameter of Tree at 4-1/2 Feet Above Ground Level (Inches)	Points
2" - 4"	1
4" - 12"	2
>12"	4

- (b) Activity within the buffer shall be conducted so as to minimize disturbance of existing forest floor, leaf litter and vegetation less than four (4') feet in height. Where the existing ground cover is disturbed and results in exposed mineral soil, that area shall be immediately stabilized as soon as possible to avoid soil erosion.
- © Removal of vegetation less than four (4') feet in height is limited to that necessary to create a winding footpath no wider than six (6') feet. This path cannot be a straight line to the lake. The path must remain stabilized.
- (d) Pruning of live tree branches that do not exceed twelve (12') feet in height above the ground level is permitted provided that at least the top two-thirds of the tree canopy is maintained.
- (e) Where the removal of storm-damaged, diseased, unsafe, or dead trees results in a cleared opening being created, those openings shall be replanted with native trees at least three (3') feet in height unless existing new tree growth is present.
- (f) Buffers shall not be used for all-terrain vehicle or vehicular traffic.

(3) Non-Wooded Buffer Standards

Non-wooded buffers, as defined in "Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New Developments" (Maine DEP et al., September 1989 with revisions in 1992 or as may be amended) shall be maintained as follows:

- (a) Non-wooded buffers, (i.e., fields or reverting fields) may be allowed to revert or to be planted to forest in which case the standards applicable to "No Disturbance" or "Limited Disturbance" wooded buffers shall apply.

- (b) A buffer must maintain a dense, complete and vigorous cover of "non-lawn" vegetation which shall be mowed no more than once a year. Vegetation may include grass, other herbaceous species, shrubs and trees.
- © Activity within the buffer shall be conducted so as to prevent damage to vegetation and exposure of mineral soil. Burning of vegetation shall be prohibited.
- (d) Buffers shall not be used for all-terrain vehicles or other vehicular traffic.

(4) Infiltration Systems

Applicants shall be responsible for maintenance of individual infiltration systems according to the standards specified in the manual "Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New Development" (Maine DEP et al., September 1989 with revisions in 1992 or as may be amended). Alternatively the applicant may designate some other entity to be contracted to take the responsibility. Any such contractual agreement shall include the above referenced maintenance provisions.

(5) Wet Ponds

The applicant shall be responsible for maintaining any wet ponds, private entity agrees or is contracted to assume inspection and maintenance duties. Documentation establishing an agreement or contract with another entity shall include the maintenance standards specified in the manual "Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New Developments" (Maine DEP et al., September 1989 with revisions in 1992 or as may be amended).

C. Timber Harvesting

The requirements of this Subsection shall be met by employing the best management practices (BMPs) contain in the publication Best Management Practices for Erosion Control and Water Quality Protection

in Timber Harvesting Operations, Bureau of Forestry, June 1991 and as amended. The terms are hereby specifically incorporated herein and shall be enforced in accordance with this Ordinance.

D. Agriculture

The requirements of this Subsection shall be met by employing the best management practices (BMPs) contained in the publication Strategies for Managing Nonpoint Source Pollution from Agricultural Spaces and Best Management Practices System Guidelines, NPS Agricultural Task Force, October 1991 and as amended. The terms are thereby specifically incorporated herein and shall be enforced in accordance with this Ordinance.

SECTION 7. ENFORCEMENT

A. Violation and Enforcement

The Code Enforcement Officer, upon finding that any provision of this Ordinance or the condition(s) of a permit issued under this Ordinance is being violated, is authorized to issue notices of violations, orders and schedules to correct, and to institute legal proceedings to enjoin violations of this Ordinance and to recover fines and costs.

B. 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 MRSA Section 4452.

SECTION 8. VALIDITY AND SEPARABILITY AND CONFLICT WITH OTHER VARIANCES

A. Validity and Separability

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 the Ordinance.

B. Conflict with Other Ordinances

Whenever the requirements of this Ordinance are inconsistent with the requirements of any other ordinance, code, or statute, the more restrictive requirements shall apply.

SECTION 9. APPEALS

An appeal from a decision of the Planning Board or Code Enforcement Officer may be taken to Superior Court pursuant to Rule 80K, Maine Rules of Civil Procedure.

SECTION 10. AMENDMENTS

This Ordinance may be amended by a majority vote at any Town Meeting. Amendments may be initiated by a majority vote of the Planning Board or by a request of the Board of Selectmen to the Planning Board or by a petition containing the names of registered voters equal to at least ten (10%) percent of the votes cast in the last gubernatorial election in the Town. The Planning Board shall conduct a public hearing on any proposed amendment.

SECTION 11. DEFINITIONS

Abutter: One whose property abuts, is contiguous, or joins at a border or boundary including the property across the street, road, public way or private way.

Accessory Use or Structure: A subordinate use of a building, other structure or land, or a subordinate building or other structure:

1. whose use is customary in connection with the principal building, other structure or use of land;
2. whose use is clearly incidental to the use of the principal building, other structure or use of land; and
3. which is located on the same lot with the principal building, other structure or use of land, or on a lot adjacent to such lot if in the same ownership or part of the same establishment.

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

Amusement Center: Any private, commercial premises which are maintained or operated primarily for the amusement, patronage, or recreation of the public containing four (4) or more table sports, pinball machines, video games, or similar mechanical or electronic games whether activated by coins, tokens, or discs or whether activated through remote control by the management.

Area of Special Flood Hazard: Means the land in the flood plain having a one percent or greater chance of flooding in any given year.

Authorized Agent: Anyone having written authorization to act on behalf of a property owner signed by the property owner.

Basement: The enclosed area underneath a structure typically having a masonry floor and walls which comprise the structure's foundation. The clear height up to the joists supporting the floor directly above it is three (3') feet or greater.

Body of Water: Shall include the following:

1. Pond - North Pond.
2. Stream or River - a free flowing drainage outlet with a defined channel and flowing water.

Building: Any structure having a roof or partial roof supported by columns or walls used for the shelter or enclosure of persons, animals, goods or property of any kind. A building shall include a multiple family dwelling.

Campground: An area devoted to overnight recreational or educational use where the land area is divided into sites or lots for which a charge is made; either on a short or a long-term basis by sale, rent or lease or condominium type of financing.

Channel: A natural or artificial watercourse to confine and conduct continuously or periodically flowing water. Channel flow is water flowing within the limits of the defined channel.

Code Enforcement Officer: A person appointed by the Municipal Officers to administer and enforce this Ordinance.

Commercial: Connected with the buying or selling of goods or services or the provision of facilities for a fee.

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

Construction: Structural changes or additions to a building or structure other than repairs and modification in building equipment.

Developed Area: The sum of all areas of land or water subject to clearing or grading.

Direct Watershed of a Lake or Pond: Any land area which contributes storm water runoff by either surface or subsurface flow to a great pond without such runoff traveling to or through another great pond. For the purposes of this Ordinance, the lake watershed boundaries shall be delineated on a watershed map on file at the town offices. Due to the scale of the map, there may be small inaccuracies in the delineation of the watershed boundary. Where there is some dispute as to where the watershed boundary lies on a particular property, the Planning Board or its designee and the landowner shall conduct an on-site investigation to determine where the drainage divide lies. If the Planning Board and the landowner cannot agree on the location of the drainage divide based on the on-site investigation, the burden of proof shall lie with the landowner to provide the Planning Board with information from a registered land surveyor showing where the drainage divide lies.

Diversion Ditch: A ditch to intercept and divert surface water runoff away from a disposal area.

Drainage Ditch: A constructed ditch receiving and diverting surface water runoff.

Dwelling: Any building, mobile home or structure or portion thereof designed or used for residential purposes.

1. **Single-Family Dwelling** shall mean any building containing only one (1) dwelling unit for occupation by not more than two (2) families.
2. **Two-Family Dwelling** shall mean a building containing only two (2) dwelling units for occupation by not more than two (2) families.
3. **Multi-Family Dwelling** shall mean a building containing three (3) or more dwelling units, such buildings being designed for residential use and occupancy by three (3) or more families living independently of one another with the number of families not exceeding the number of dwelling units.

Dwelling Unit: Shall mean a room or suite of rooms designed and equipped exclusively for use by one family as a habitation and which contains independent living, cooking, sleeping, bathing and sanitary facilities. The term includes manufactured housing and mobile homes but not recreational vehicles or motel units.

Expansion: In relation to a building, expansion shall mean: enlargement of floor area or enlargement of building enclosure. In relation to use: the addition of weeks or months to a business' operating season, the addition of hours to a business day, the use of more floor area or ground area, or the provision of additional seats or seating capacity.

Family: One or more persons occupying a premise and living as a single housekeeping unit.

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

Flood Plain: The lands adjacent to a body of water which have been or may be covered by the base flood.

Forest Management Activities: Includes timber cruising and other forest resource evaluation activities, pesticide application, timber stand improvement, pruning, timber harvesting and other forest harvesting, regeneration of forest stands, and other similar associated activities, but not the construction, creation or maintenance of truck roads.

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

Home Occupation: An occupation or profession which is customarily carried on in a dwelling unit or structure accessory to a dwelling unit which is incidental to residential use and employs two or less full-time equivalent outside employees.

Increase of Intensity: Any modification in use which results in increased traffic flow, increased noise levels or increase in wastes generated.

Industrial: Connected with the assembling, fabrication, finishing, manufacturing, packaging or processing of goods or the extraction of minerals.

Institutional: A building devoted to some public, governmental, educational, charitable, medical or similar purpose.

Intermittent Drainage Way: Any drainage way which exhibits channelized flowing water resulting from surface runoff or the position of the ground water table which occurs for a period of not more than six (6) consecutive months during the year.

Manufactured Housing Unit: A structure transportable in one or more sections by the use of its own chassis or an independent chassis which were constructed in a manufacturing facility and are transported to a building site and designed to be used as dwellings when connected to the required utilities.

Manufacturing: The making of goods and articles by hand or machinery. Manufacturing shall include assembling, fabricating, finishing, packaging or processing operations.

Mobile Home Park: An area designed or planned approved by the placement of three (3) or more manufactured homes under unified ownership.

Multiple Family Dwelling: A building(s) consisting of three (3) or more attached dwelling units.

Perennial Water Body: Standing or flowing water lasting or continuing for more than six (6) consecutive months of the year.

Persons: Means any person, firm, association, partnership, corporation, municipal or other local government entity, quasi-municipal entity, state agency, educational or charitable organization or institution, or other legal entity.

Recreational Vehicle: A vehicle or vehicular attachment for temporary sleeping or living quarters for one or more persons which is not a dwelling and which may include a pick-up camper, travel trailer, tent trailer and motor home.

Retail: connected with the sale of goods to the ultimate consumer for direct use and consumption and not for trade.

Setback: The horizontal distance from a lot line to the nearest part of a structure.

Sign: A display surface, fabric or device containing organized and related elements (letters, pictures, products, or sculptures) composed to form a single unit, designed to convey information visually and which is exposed to the public view. In cases where matter is displayed in a random or unconnected manner without an organized relationship, each such component shall constitute a sign.

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 right-of-way for vehicular access other than driveways, farm roads or non-permanent logging roads.

Structure: Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind together with anything constructed or erected with a fixed location on or in the ground exclusive of fences. The term includes structures temporarily or permanently located such as decks and satellite dishes.

Timber Harvesting: The cutting or removal of at least 50 cords of timber for the primary purpose of selling or processing forest products.

Truck Road: A road constructed to provide truck transport of forest products from yards or landings.

Use: Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied; also any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

Wetland: Swamps, bogs, marshes and similar areas that are:

- a. Inundated or saturated by surface or groundwater 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
- b. Not considered part of great pond, river, stream or brook.

Yard: The area between a structure and the property boundary.

TOWN OF BUCKFIELD, MAINE

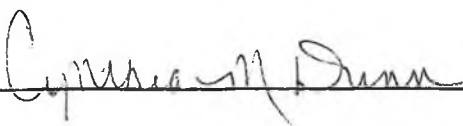
SHORELAND ZONING ORDINANCE



ADOPTED:

JUNE 20, 2009 - ANNUAL TOWN MEETING, ARTICLE #37

CERTIFIED BY:



TOWN CLERK

Note: The Cover Page for this Ordinance is a separate document in the Ordinance & Regulations file & Shoreland Zoning Ordinance file.

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Shoreland Zoning Ordinance for the Municipality of

BUCKFIELD

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

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

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

4. **Effective Date**

A. Effective Date of Ordinance and Ordinance Amendments. This Ordinance, which was adopted by the municipal legislative body on June 20, 2009, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment, within forty-five (45) days of his/her receipt of the Ordinance, or Ordinance Amendment, it shall be automatically approved.

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

B. Repeal of Municipal Timber Harvesting Regulation. The municipal regulation of timber harvesting activities is repealed on the statutory date established under 38 M.R.S.A. section 438-A(5), at which time the State of Maine Department of Conservation's Bureau of Forestry shall administer timber harvesting standards in the shoreland zone. On the date established under 38 M.R.S.A section 438-A(5), the following provisions of this Ordinance are repealed:

- Section 14. Table of Land Uses, Column 3 (Forest management activities except for timber harvesting) and Column 4 (Timber harvesting);
- Section 15(O) in its entirety; and
- Section 17. Definitions, the definitions of "forest management activities" and "residual basal area".

5. **Availability.** A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable

cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

6. **Severability.** Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.
7. **Conflicts with Other Ordinances.** Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the municipality, the more restrictive provision shall control.
8. **Amendments.** This Ordinance may be amended by majority vote of the legislative body. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

9. Districts and Zoning Map

A. Official Shoreland Zoning Map. The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map(s) which is (are) made a part of this Ordinance:

- (1) Resource Protection
- (2) Limited Residential
- (3) Limited Commercial
- (4) General Development I
- (5) General Development II
- (6) Stream Protection

B. Scale of Map. The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

C. Certification of Official Shoreland Zoning Map. The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office. In the event the municipality does not have a municipal office, the Municipal Clerk shall be the custodian of the map.

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

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

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

12. Non-conformance.

A. Purpose

- (1) 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.

C. Non-conforming Structures

- (1) Expansions. A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure, and is in accordance with subparagraphs (a), and (b) below.
 - (a) Legally existing non-conforming 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 all other applicable standards contained in this Ordinance are met.
 - i. Expansion of any portion of a structure within 25 feet, horizontal distance, 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.
 - ii. 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 or wetland setback requirement.
 - iii. For structures located less than 75 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total floor area for all portions of those structures within that 75-foot distance is 1,000 square feet, and the maximum height of any portion of a structure that is within 75 feet, horizontal distance, of a water body, tributary stream or upland edge of a wetland is 20 feet or the height of the existing structure, whichever is greater.

- iv. For structures located less than 100 feet, horizontal distance, 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 floor area for all portions of those structures within that 100-foot distance is 1,500 square feet, and the maximum height of any portion of a structure that is within 100 feet, horizontal distance, of a great pond is 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet, horizontal distance from the normal high-water line of a water body, tributary stream, or the upland edge of a wetland must meet the floor area and height limits of division (iii).

For the purposes of Section 12(C)(1)(a), a basement is not counted toward floor area.

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

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

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

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

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

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

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

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

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

D. Non-conforming Uses

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

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

E. Non-conforming Lots

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

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

- (3) Contiguous Lots - Vacant or Partially Built: If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements. This provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on 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 Limited Commercial or General Development I Districts need not be included within the Resource Protection District.

- (1) Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of May 1, 2006. For the purposes of this paragraph "wetlands associated with great ponds and rivers" shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river.
- (2) Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils.
- (3) Areas of two or more contiguous acres with sustained slopes of 20% or greater.
- (4) Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland as defined, and which are not surficially connected to a water body during the period of normal high water.
- (5) Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.

B. Limited Residential District. The Limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, or Stream Protection District, and areas which are used less intensively than those in the Limited Commercial District or the General Development Districts.

C. Limited Commercial District. The Limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District, which should not be developed as intensively as the General Development Districts. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

D. General Development I District. The General Development I District includes the following types of existing, intensively developed areas:

- (1) Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:
 - (a) Areas devoted to manufacturing, fabricating or other industrial activities;

- (b) Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and
 - (c) Areas devoted to intensive recreational development and activities, such as, but not limited to amusement parks, race tracks and fairgrounds.
- (2) Areas otherwise discernible as having patterns of intensive commercial, industrial or recreational uses.

E. General Development II District. The General Development II District includes the same types of areas as those listed for the General Development I District. The General Development II District, however, shall be applied to newly established General Development Districts where the pattern of development at the time of adoption is undeveloped or not as intensively developed as that of the General Development I District.

Portions of the General Development District I or II may also include residential development. However, no area shall be designated as a General Development I or II District based solely on residential use.

In areas adjacent to great ponds classified GPA and adjacent to rivers flowing to great ponds classified GPA, the designation of an area as a General Development District shall be based upon uses existing at the time of adoption of this Ordinance. There shall be no newly established General Development Districts or expansions in area of existing General Development Districts adjacent to great ponds classified GPA, and adjacent to rivers that flow to great ponds classified GPA.

F. Stream Protection District. The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland. Where a stream and its associated shoreland area are located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

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

Key to Table 1:

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

Abbreviations:

- RP - Resource Protection
- LR - Limited Residential
- SP - Stream Protection
- GD - General Development I and General Development II
- LC - Limited Commercial

TABLE 1. LAND USES IN THE SHORELAND ZONE

<u>LAND USES</u>	<u>DISTRICT</u>				
	<u>SP</u>	<u>RP</u>	<u>LR</u>	<u>LC</u>	<u>GD</u>
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	yes	yes	yes	yes	yes
4. Timber harvesting	yes	CEO	yes	yes	yes
5. Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO ¹	yes	yes	yes
6. Fire prevention activities	yes	yes	yes	yes	yes
7. Wildlife management practices	yes	yes	yes	yes	yes
8. Soil and water conservation practices	yes	yes	yes	yes	yes
9. Mineral exploration	no	yes ²	yes ²	yes ²	yes ²
10. Mineral extraction including sand and gravel extraction	no	PB ³	PB	PB	PB
11. Surveying and resource analysis	yes	yes	yes	yes	yes
12. Emergency operations	yes	yes	yes	yes	yes
13. Agriculture	yes	PB	yes	yes	yes
14. Aquaculture	PB	PB	PB	yes	yes
15. Principal structures and uses					
A. One and two family residential, including driveways	PB ⁴	PB ⁹	CEO	CEO	CEO
B. Multi-unit residential	no	no	PB	PB	PB
C. Commercial	no	no ¹⁰	no ¹⁰	PB	PB
D. Industrial	no	no	no	no	PB
E. Governmental and institutional	no	no	PB	PB	PB
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB ⁴	PB	CEO	CEO	CEO
16. Structures accessory to allowed uses	PB ⁴	PB	CEO	CEO	yes
17. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland					
a. Temporary	CEO ¹¹	CEO ¹¹	CEO ¹¹	CEO ¹¹	CEO ¹¹
b. Permanent	PB	PB	PB	PB	PB
18. Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI	LPI
19. Home occupations	PB	PB	PB	CEO	yes
20. Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI	LPI
21. Essential services	PB ⁶	PB ⁶	PB	PB	PB
A. Roadside distribution lines (34.5kV and lower)	CEO 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
22. Service drops, as defined, to allowed uses	yes	yes	yes	yes	yes
23. Public and private recreational areas involving minimal structural development	PB	PB	PB	CEO	CEO
24. Individual, private campsites	CEO	CEO	CEO	CEO	CEO
25. Campgrounds	no	no ⁷	PB	PB	PB
26. Road construction	PB	no ⁸	PB	PB	PB
27. Parking facilities	no	no ⁷	PB	PB	PB
28. Marinas	PB	no	PB	PB	PB
29. Filling and earth moving of <10 cubic yards	CEO	CEO	yes	yes	yes
30. Filling and earth moving of >10 cubic yards	PB	PB	CEO	CEO	CEO
31. Signs	yes	yes	yes	yes	yes
32. Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO
33. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO
34. Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB

¹In RP not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.

²Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.

³In RP not allowed in areas so designated because of wildlife value.

⁴Provided that a variance from the setback requirement is obtained from the Board of Appeals.

⁶See further restrictions in Section 15(L)(2).

⁷Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.

⁸Except as provided in Section 15(H)(4).

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

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

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

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

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

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

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

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

A. Minimum Lot Standards

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

B. Principal and Accessory Structures

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

In addition:

- (a) The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.

- (b) All principal structures along Significant River Segments as listed in 38 M.R.S.A. section 437 (see Appendix B), shall be set back a minimum of one hundred and twenty-five (125) feet, horizontal distance, from the normal high-water line and shall be screened from the river by existing vegetation. This provision does not apply to structures related to hydropower facilities.
 - (c) 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.
 - (d) A tributary stream may be perennial or intermittent. Where a tributary stream is present within the shoreland zone, setback standards from that tributary stream are applicable.
- (2) Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, Limited Commercial, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.
 - (3) The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood-plain soils. 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.
 - (4) The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed, except in the General Development District adjacent to rivers that do not flow to great ponds classified GPA, where lot coverage shall not exceed seventy (70) percent.
 - (5) Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:
 - (a) The site has been previously altered and an effective vegetated buffer does not exist;
 - (b) The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;

- (e) 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;
- (f) 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, 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 or tributary stream, a permit pursuant to the Natural Resource Protection Act is required from the Department of Environmental Protection.

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

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

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

- (2) The location shall not interfere with existing developed or natural beach areas.
- (3) The facility shall be located so as to minimize adverse effects on fisheries.
- (4) The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf shall not be wider than six feet for non-commercial uses.
- (5) No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.
- (6) New permanent piers and docks shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.
- (7) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.
- (8) Except in the General Development Districts, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

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

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

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

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

- (1) One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.

- (2) Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
- (3) Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.
- (4) The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.
- (5) A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
- (6) When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

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

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

- (12) Printing

G. Parking Areas

- (1) Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities in Districts other than the General Development I District shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.
- (2) Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.
- (3) In determining the appropriate size of proposed parking facilities, the following shall apply:
 - (a) Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
 - (b) Internal travel aisles: Approximately twenty (20) feet wide.

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

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

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

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

- (2) Existing public roads may be expanded within the legal road right of way regardless of their setback from a water body, tributary stream or wetland.
- (3) New permanent roads are not allowed within the shoreland zone along Significant River Segments except:

- (a) To provide access to structures or facilities within the zone; or
 - (b) When the applicant demonstrates that no reasonable alternative route exists outside the shoreland zone. When roads must be located within the shoreland zone they shall be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.
- (4) New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.
 - (5) Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 15(Q).
 - (6) Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.
 - (7) In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
 - (8) Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:
 - (a) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road, or driveway at intervals no greater than indicated in the following table:

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

- (b) Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.

- (c) On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.
- (d) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.
- (9) Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

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

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

J. Storm Water Runoff

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

NOTE: The Stormwater Management Law (38 M.R.S.A. section 420-D) requires a full permit to be obtained from the DEP prior to construction of a project consisting of 20,000 square feet or more of impervious area or 5 acres or more of a developed area in an urban impaired stream watershed or most-at-risk lake watershed, or a project with 1 acre or more of developed area in any other stream, 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) Developers of new gravel pits along Significant River Segments shall demonstrate that no reasonable mining site outside the shoreland zone exists. When gravel pits must be located within the zone, they shall be set back as far as practicable from the normal high-water line and no less than seventy-five (75) feet and screened from the river by existing vegetation.
- (4) Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
 - (a) All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

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

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

N. Agriculture

- (1) All spreading of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).
- (2) Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.
- (3) Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.
- (4) There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.

- (5) Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, of other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams and 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.

O. Timber Harvesting

- (1) In a Resource Protection District abutting a great pond, timber harvesting shall be limited to the following:
 - (a) Within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, timber harvesting may be conducted when the following conditions are met:
 - (1) The ground is frozen;
 - (2) There is no resultant soil disturbance;
 - (3) The removal of trees is accomplished using a cable or boom and there is no entry of tracked or wheeled vehicles into the 75-foot strip of land;
 - (4) There is no cutting of trees less than 6 inches in diameter; no more than 30% of the trees 6 inches or more in diameter, measured at 4 ½ feet above ground level, are cut in any 10-year period; and a well-distributed stand of trees and other natural vegetation remains; and
 - (5) A licensed professional forester has marked the trees to be harvested prior to a permit being issued by the municipality.
 - (b) Beyond the 75 foot strip referred to in Section 15(O)(1)(a) above, timber harvesting is permitted in accordance with paragraph 2 below except that in no case shall the average residual basal area of trees over 4 ½ inches in diameter at 4 1/2 feet above ground level be reduced to less than 30 square feet per acre.
- (2) Except in areas as described in Section 15(O)(1) above, timber harvesting shall conform with the following provisions:
 - (a) Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:
 - (i) Within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clearcut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.
 - (ii) At distances greater than one-hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5000) square feet they shall be

at least one hundred (100) feet, horizontal distance, apart. Such clearcut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.

- (b) Timber harvesting operations exceeding the 40% limitation in Section 15(O)(2)(a) above, may be allowed by the planning board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this Ordinance. The planning board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the planning board's decision.
- (c) No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.
- (d) Timber harvesting equipment shall not use stream channels as travel routes except when:
 - (i) Surface waters are frozen; and
 - (ii) The activity will not result in any ground disturbance.
- (e) All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.
- (f) Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.
- (g) Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet, horizontal distance, in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty five (25) feet, horizontal distance, from the normal high-water line of a water body or upland edge of a wetland.

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

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

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

(2) Except in areas as described in Section P(1), above, and except to allow for the development of permitted uses, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

- (a) There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created.
- (b) Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of Section 15(P)(2)(b) a "well-distributed stand of trees" adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

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

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

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

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

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

The following shall govern in applying this point system:

- (i) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
- (ii) Each successive plot must be adjacent to, but not overlap a previous plot;
- (iii) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
- (iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by is Ordinance;

- (v) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

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

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

- (c) In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 15(P) paragraphs (2) and (2)(a) above.
- (d) Pruning of tree branches, on the bottom 1/3 of the tree is allowed.
- (e) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

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

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

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

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

Q. Erosion and Sedimentation Control

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

R. Soils. All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

- S. Water Quality.** No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream or wetland.
- T. Archaeological Site.** Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

16. Administration

A. Administering Bodies and Agents

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

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

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

C. Permit Application

- (1) Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.

- (2) All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.
- (3) All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
- (4) If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.

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

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

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

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

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

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

- (1) There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.
- (2) The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.
- (3) All proposed buildings, sewage disposal systems and other improvements are:
 - (a) Located on natural ground slopes of less than 20%; and
 - (b) Located outside the floodway of the 100-year flood-plain along rivers and artificially formed great ponds along rivers, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year flood-plain elevation; and the development is otherwise in compliance with any applicable municipal flood-plain ordinance.

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

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

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

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

H. Appeals

- (1) Powers and Duties of the Board of Appeals. The Board of Appeals shall have the following powers:
- (a) Administrative Appeals: To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.
 - (b) Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance.
- (2) Variance Appeals. Variances may be granted only under the following conditions:
- (a) Variances may be granted only from dimensional requirements including, but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
 - (b) Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
 - (c) The Board shall not grant a variance unless it finds that:
 - (i) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and
 - (ii) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:
 - a. That the land in question cannot yield a reasonable return unless a variance is granted;
 - b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - c. That the granting of a variance will not alter the essential character of the locality; and
 - d. That the hardship is not the result of action taken by the applicant or a prior owner.
 - (d) Notwithstanding Section 16(H)(2)(c)(ii) above, the Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from

the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

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

(3) Administrative Appeals

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

When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings 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. On a biennial basis, a summary of this record shall be submitted to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection.
- (3) **Legal Actions.** When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.
- (4) **Fines.** Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A. section 4452.

17. Definitions.

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

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

Agriculture - the production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy

products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and greenhouse 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Great pond 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.

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, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

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

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

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

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

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

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

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

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

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

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

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

Structure - anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, and poles, wiring and other aerial equipment normally associated with service

drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes.

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

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

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

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

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 freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

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

Volume of a structure - the volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Water body - any great pond, river or stream.

Water crossing - any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables

as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

Wetland - a freshwater wetland.

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

STATUTORY AUTHORITY: 38 M.R.S.A. Section 438-A(5)

EFFECTIVE DATE: June 20, 2009

AMENDED:

NON-SUBSTANTIVE CORRECTIONS:

TOWN OF BUCKFIELD SPECIAL AMUSEMENT ORDINANCE

SECTION 1: ESTABLISHMENT

Pursuant to M.R.S.A., Title 28-A §1054 (2), a Town must enact an Ordinance for the approval of special amusement on premises that serve alcohol. This Ordinance shall be entitled Special Amusement Ordinance.

SECTION 2: AUTHORITY

This Ordinance shall authorize the Board of Selectmen to issue a Special Amusement Permit pursuant to M.R.S.A., Title 28-A §1054.

SECTION 3: PURPOSE

The purpose of this Ordinance is to allow and control special amusement on a premises serving liquor in conjunction with live entertainment.

SECTION 4: DEFINITIONS

For the purposes of this Ordinance, the following meanings shall apply.

Live Entertainment shall mean any music, dancing, amusement, performance, and/or exhibition permitted by the License on premises of a licensed establishment. Radios, TV's or other mechanical devices are not considered live entertainment.

Licensee shall mean the holder of a license issued in accordance with Maine law relative to alcoholic beverages.

Premises shall mean a tract of land including its building(s) where a licensed business exists.

SECTION 5: STANDARDS OF ISSUANCE AND REVOCATION

- A. A Special Amusement Permit is required. A Licensee selling liquor to be consumed at the licensed establishment shall not allow, on the licensed premises, entertainment unless the Licensee shall have first obtained from the Board of Selectmen a Special Amusement Permit. Said Permit shall be signed by the majority of the Board of Selectmen at a meeting duly called.
- B. An application (provided by the Buckfield Town Office), for a Special Amusement Permit shall be made in writing to the Board of Selectmen. The application shall, at a minimum, state the name of the applicant; the physical location of the premises; the nature of the establishment; whether or not the applicant has ever had a similar license and/or permit and if so, indicate if the license and/or permit was ever denied or revoked and if so, a statement specifically describing the circumstances for said denial/revocation; whether or not the applicant, corporate officer(s), and/or business partner(s) have ever been convicted of a felony and if so, a statement describing the circumstances for said conviction.

- C. A Public Hearing to receive public comment on an application for a Special Amusement Permit must be held. The Board of Selectmen shall set a Public Hearing date within fifteen (15) days from the date the Special Amusement Permit application is received by the Buckfield Town Office. The Town's Code Enforcement Officer shall post at least seven (7) days prior to the date of the Public Hearing a notice of the Public Hearing in at least five (5) conspicuous public places within the Town limits; on the Town's web page; on the Town's public access channel; and mail a Notice of Public Hearing to all abutters of the establishment.
- D. Unless the Board of Selectmen determines the issuance of a Special Amusement Permit shall be detrimental to the public health/safety or it proves conditions of previous Permit(s) have been violated, the Board of Selectmen shall grant the Permit at a meeting duly called and shall issue the Permit the next business day following the date of approval.
- E. A Special Amusement Permit shall be valid for the same term as the Licensee's valid liquor license, unless suspended or revoked.
- F. The Board of Selectmen at a duly called Meeting may, after a duly called Public Hearing and written notice to interested parties, suspend or revoke a Special Amusement Permit on the basis that the entertainment conducted at the licensed premises constitutes a detriment to the public health or public safety.

SECTION 6. RULES AND REGULATIONS

- A. Live entertainment as defined in this Ordinance shall be allowed.
- B. Entertainment which includes nudity or sexual acts shall not be allowed. Any violation of this Section shall be grounds for suspension or revocation of the Licensee's Special Amusement Permit in accordance with Section 5.f of this Ordinance.
- C. All complaints shall be in writing. Written complaints shall be filed with the Buckfield Town Office and presented to the Board of Selectmen within fifteen (15) days from the date the written complaint is received. A copy of the written complaint must be presented to the Licensee prior to notification to the Board of Selectmen. The Board of Selectman, at a duly called meeting, must schedule a Public Hearing within fifteen (15) days from the date of the meeting for the purpose of receiving public comment on the written complaint. The Town Manager shall post at least seven (7) days prior to the date of the Public Hearing a notice of the Public Hearing in at least five (5) conspicuous public places within the Town limits; on the Town's web page; on the Town's public access channel; and mail a Notice of Public Hearing to all abutters of the premises. The author of the written complaint must attend the Public Hearing in order for the public to comment on the written complaint.
- D. If it is determined the licensed premises is in violation of the provisions of this Ordinance or conditions of their Special Amusement Permit and the Board of Selectmen suspend the Licensee's Special Amusement Permit, the Licensee shall be subject to the following fines.
 - a. 1st offense: 30 day Permit suspension
 - b. 2nd offense: 90 day Permit suspension and up to a \$500.00 fine.
 - c. 3rd offense: 1 year Permit suspension and up to a \$1,000.00 fine.

SECTION 7: APPEAL

Any licensee who has applied for a Special Amusement Permit and has been denied or whose permit has been revoked or suspended, may within thirty (30) days of the denial, suspension or revocation, appeal the decision to the Town's Appeals Board. The Appeals Board may, after due process and in accordance with the Town of Buckfield Appeals Board Ordinance, grant or reinstate the Permit if it finds that the permitted activities would not constitute a detriment to the public health, safety or welfare, or that the denial, revocation or suspension was not based by a preponderance of the evidence on a violation of any ordinance, article, bylaw, or rule or regulation of the Town of Buckfield and/or State of Maine.

SECTION 8: VALIDITY

Each section/provision of this Ordinance shall be deemed independent of all other sections/provisions. If any section/provision of this Ordinance is deemed invalid, all other sections/provisions shall remain valid and enforceable.

SECTION 9: AMENDMENTS

Amendments to this Ordinance are valid upon approval of the legislative body at a duly called Town Meeting.

SECTION 10: ENACTMENT DATE

This Ordinance shall be effective upon approval of the legislative body at a duly called Town Meeting.

Note: This Ordinance was enacted by the legislative body at a duly called Town Meeting on December 8, 2012.

TOWN OF BUCKFIELD STOPPING, STANDING AND PARKING ORDINANCE

SECTION 1: PURPOSE

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control device, in any of the following places:

1. On a sidewalk, bridge, culvert, or crosswalk;
2. In front of any public or private driveway; nor within ten feet of either side of any driveway;
3. Within an intersection;
4. Within fifteen (15) feet of a fire hydrant;
5. Within twenty (20) feet of the near corner of the curbs at an intersection, unless otherwise designated;
6. Within twenty (20) feet of the driveway entrance of any fire or Rescue station and on the side of the street opposite the entrance of any fire station within seventy-five (75) feet of that entrance;
7. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic;
8. On the road way side of any vehicle stopped or parked at the edge or curb of the street or double parked, so-called;
9. At any place where official signs prohibit stopping;
10. On any street or highway that is the traveled portion of said street or highway; or
11. On any street or highway where parking is allowed, with the vehicle facing in the opposite direction.

SECTION 2: PASSENGER AND FREIGHT LOADING ZONES

The Municipal Officers may establish passenger zones and freight loading zones and place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this Ordinance are applicable.

SECTION 3: NO PARKING ZONES

The Municipal Officers may establish and then erect and maintain signs indicating that no parking is permitted on the side of said street.

SECTION 4: VEHICLES NOT TO OBSTRUCT

- A. It shall be unlawful for the operator of any vehicle to place the same in any street so as to prevent or obstruct the passing of other vehicles or passenger bus, and it shall be unlawful for any operator to double park a vehicle or stop the same abreast of another vehicle lengthwise or otherwise in any street at any time.

- B. Large vehicles. No owner, operator, or person in charge of any vehicle which has a carrying capacity of more than three thousand pounds or which, including load, is more than eighteen feet in length, or which, including load, is more than eight feet in width, or which, including load, is more than twelve feet six inches in height, shall permit the same to stand upon any public street in the town for a longer period than two hours, except when loading and unloading.
- C. No vehicle specified in section (b) as large vehicles shall park within the compact or built up area for a longer period than 20 minutes and then only when loading and unloading.

SECTION 5: SPECIFIC PARKING RESTRICTIONS

- A. The following street intersections are hereby declared to be hazardous areas and no vehicle shall be permitted to stop, stand, or park within twenty-five feet (25) of a point where the curb lines extended would intersect at the following street corners or intersections:
 - 1. Turner Street and Loring Hill Road
 - 2. Turner Street and High Street
 - 3. Turner Street and North Hill Road
 - 4. Turner Street and Cross Road
 - 5. High Street and Morrill Street
 - 6. High Street and Faunce Road
- B. No vehicle shall be allowed to stop, stand or park:
 - 1. On either side of Depot Street from a point starting at the intersection John Ellingwood Road and ending at the intersection of Loring Hill Road except as designated in front of current established businesses.
 - 2. On either side of Turner Street from a point starting at the intersection Loring Hill Road and ending at the intersection of Cross Road except as designated in front of current established businesses.
 - 3. On south side of High Street from a point starting at the intersection Route 117 and ending at the intersection of Old Sumner Road.
 - 4. On east side of Morrill Street/Route 140 from a point starting at the intersection of High Street and ending at the entrance to the SAD 39/RSU 10 Bus Garage.

SECTION 6: PARKING NEAR THE FIRE STATION

- A. Authority of the Chief. The Chief of Rescue or the Fire Chief or both are hereby authorized to set out, make and maintain parking signs, lines and barriers near the fire stations in accordance with other provisions of this Section.
- B. Fire & Rescue Personnel. Parking for fire & Rescue personnel only shall be permitted in the stalls marked as "Fire & Rescue Personnel."
- C. The Fire & Rescue Chiefs' are authorized to regulate parking by means of signs within 75 feet of the fire station.

SECTION 7: HANDICAPPED PARKING

No person shall park or cause to be parked any motor vehicle or motorcycle in a parking space clearly marked as a handicapped parking space, unless that vehicle or motorcycle displays a special registration license plate or placard issued under Title 29-A M.R.S.A. sections 521, 522 or 523, or a similar license plate or placard issued by another state.

SECTION 8: MUNICIPAL PARKING LOTS

- A. It shall be unlawful and a violation of this Ordinance for any person to permit any vehicle owned by or under the control of such person to remain or stand in any Municipal Parking Lot at any time unless such vehicle complies with the laws of the State of Maine made and established for the licensing of such vehicle.
- B. Any Municipal Official of the Town of Buckfield may cause an unlicensed motor vehicle found in any Municipal Parking Lot of the Town of Buckfield to be towed away at the expense of the owner of such vehicle.
- C. No person shall park any vehicle in any Municipal Parking Lot in the Town of Buckfield for a period exceeding twenty-four (24) hours at any one time. For the purpose of this Ordinance, Municipal Parking Lots are hereby defined as lots of land owned and set aside by the Town of Buckfield as off-street parking areas for the parking of vehicles. Such areas are for public usage under the regulations of this Ordinance.

SECTION 9: SNOW REMOVAL

- A. No vehicle shall park so as to interfere with or hinder the removal of snow from any street, way or sidewalk. The Town Manager may cause a vehicle so parked on any street, way or sidewalk to be removed from the street, way or sidewalk and towed to a tow companies property or designated area for safety, at the expense of the vehicle owner.
- B. For the purpose of facilitating the removal of snow from the streets and sidewalks of the Town, the Town Manager may cause to be placed properly marked signs along any street or streets as he or she shall from time to time deem necessary. It shall be unlawful for the operator of vehicles to enter upon, stop, stand or park within the space indicated by such signs.

SECTION 10: WINTER PARKING BAN

No vehicle shall be parked on any street or way of the Town from November 1 to March 31 of the following year, between the hours of 12:00 a.m. and 5:00 a.m. Any vehicle so parked may be removed or caused to be moved within the scope of the towing guidelines of the Town of Buckfield. Emergency vehicles and doctors vehicles within the scope of their duty are accepted.

SECTION 11: EMERGENCY PARKING

When, in the best judgment of the Municipal Officers or the Town Manager, an emergency exists or is about to exist because of snow, ice, hurricane, or other weather hazard, or because of a large gathering such as a fair or concert, the Municipal Officers or the Town Manager may, notwithstanding any other provision of this Ordinance determine and designate, by proper emergency signs, streets or portions of streets, on which no stopping or parking of vehicles may be permitted and also to determine and designate, by proper emergency signs, streets, or portions of streets, on which vehicular traffic may move only in one direction.

SECTION 12: PENALTIES

- A. Any person who violates a provision of the parking ordinance shall be subject to the following penalties:
 - 1. Overtime Parking \$5.00
 - 2. Vehicle in Crosswalk or in Sidewalk \$10.00
 - 3. Obstructing Traffic \$10.00
 - 4. Obstructing Driveway \$10.00
 - 5. Parking in Restricted Area \$10.00
 - 6. Double Parking \$10.00
 - 7. Parking Overnight/Winter Ban Parking \$10.00
 - 8. Other \$10.00
 - 9. Handicapped Parking Violation \$50.00
- B. If the penalty is not paid within 30 days after notice of the violation, a civil summons may be issued charging that person with the specific violation under this ordinance. Upon adjudication, that person shall be punished by a fine according to this ordinance, Section 12, Penalties. The District Court in addition to the penalty may assess a fee not to exceed \$100.00 to cover the cost to the Town for the District Court process.
- C. Penalties are to be collected by the Buckfield Town Clerk's office and handled according to the Town cash control policy. A duplicate copy of the account will be forwarded to the Town Treasurer.

SECTION 13: SCOFFLAWS

Offenders who have three or more unpaid parking tickets issued by the County or State Police under this ordinance shall be considered scofflaws. Any vehicle of a scofflaw found to be in violation of this ordinance may be removed and stored at the owner's expense until all fines, penalties, storage, and towing charges are paid. In the event that such vehicle has not been redeemed pursuant to Title 29 M.R.S.A. Section 2610, it shall be deemed to have been abandoned by its owner.

SECTION 14: HABITUAL OFFENDERS

Any person who shall have committed more than six (6) offenses within the period of one (1) year may be designated by the Town Manager to be a habitual offender. Habitual offenders may be issued a civil citation to District Court and be subject to a fine up to \$250.00 if adjudicated to have committed the offense alleged.

SECTION 15: EMERGENCY REMOVAL


The Town Manager or his or her designee may cause the removal, at the owner's expense, of any motor vehicle in violation of this ordinance which is posing an immediate threat to public safety.

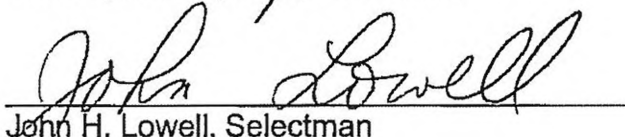
SECTION 16: ENACTMENT

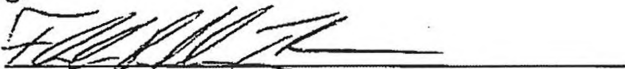
This Ordinance is enacted this 5th day of May 2009.

SECTION 17: REPEAL

This Ordinance repeals any and all parking related ordinances previously enacted by the Board of Selectmen and/or Town Meeting.



Christopher Hayward, Selectman

John H. Lowell, Selectman

Floyd E. Richardson Jr., Selectman

STREET CONSTRUCTION STANDARDS FOR BUCKFIELD, MAINE

PURPOSE

These Construction Standards are designed to promote the health, safety and public welfare of Buckfield by requiring all new public roads and certain reconstructed public roads to meet or exceed minimum standards and to insure that all new public roads and certain reconstructed public roads are constructed in a manner to permit efficient maintenance and serviceability.

DEFINITIONS

Maintenance: Roadwork involving surface repair; ditching; culvert replacement and other minor drainage improvements; and/or minor alignment changes.

Major Street: Major streets include arterials primarily designed for travel between and through towns and collector streets which move traffic from minor streets to other collectors or arterials. Generally, major streets are signed to accommodate through traffic.

Minor Streets: Minor streets are local streets used primarily for access to abutting properties. Generally, minor streets are designed to accommodate little or no through traffic.

Reconstruction: Roadwork involving replacement of the base, major drainage improvements, and/or major grade and alignment changes.

APPLICABILITY

These Standards apply to all roads to be proposed to the Town of Buckfield for acceptance as public ways.

These Standards are advisory to the Selectmen with respect to the reconstruction of existing public ways except where such reconstruction involves a public way with an average daily traffic of 100 or more vehicles or which provides access to 15 or more developed abutting parcels of land within the corporate limits of Buckfield, in which case these standards shall be mandatory.

These Standards do not apply to routine highway maintenance on existing public ways.

These Standards should not be construed to restrict the authority of the legislative body of Buckfield to establish or discontinue public ways.

RESPONSIBILITY

It shall be the responsibility of those proposing a road for acceptance as a public way to ensure that the road meets or exceeds these Construction Standards.

DESIGNS AND CONSTRUCTION STANDARDS

	<u>Major Street</u>	<u>Minor Street</u>
Minimum right of way width	66'	50'
Minimum travel way width	24'	20'
Minimum grade	.5%	.5%
Maximum grade	8%	8%
Maximum grade with 50' of intersection	3%	3%
Minimum width of shoulder on each side of travel way	4'	4'
Minimum centerline radii of curves	200'	200'
Minimum length of straightaway between reverse curves	200'	100'
Minimum road crown	1/4"/1'	1/4"/1'
Minimum radius of turn around at end of dead-end street	65'	65'
Minimum angle of intersection	60°	60°

	<u>Major Street</u>	<u>Minor Street</u>
Minimum depth of road base on soils rated "fair" or "good" for road location according to the "Soil Suitability Guide for Land Use Planning in Maine" (overall depth)*	18"	18"
(a) Minimum depth of sub-base consisting of "fair" to "good" road fill material according to the U.S.D.A. "Soil Survey"	12"	12"
(b) Minimum depth of upper base or surface of gravel	6"	6"
Minimum depth of road base on poorly drained soils or where the soils are rated "poor" or "very poor" for road location according to the "Soil Suitability Guide for Land Use Planning in Maine" (overall depth)*	24"	24"
(a) Filter fabric will be used where this type of soil exists prior to laying sub-base		
(b) Minimum depth of sub-base consisting of "fair" to "good" road fill material according to the "U.S.D.A. Soil Survey".	18"	18"
(c) Minimum depth of upper base or surface of gravel	6"	6"

* = Determination of the depth of base required shall be made by the Road Commissioner in consultation with the Selectmen or the Planning Board in consultation with the above in the case of roads developed as part of subdivisions. The Soil Conservation Service or other expert witness may be consulted.

DRAINAGE

All streets shall be provided with adequate drainage facilities, including ditching, sloping, and culverts, etc., to provide for the removal of storm water to prevent flooding, erosion, and surface deterioration. Side slopes of shoulders shall not be steeper than 3 feet horizontal to 1 foot vertical unless otherwise protected and shall be stabilized to prevent erosion.

SURFACE

Any road interconnecting with an existing public way and proposed to be accepted as a public way must be surfaced with the same type of material as the existing public way it will interconnect with. No road or street will be paved when air temperature is below 40° and no pavement will be placed on any frost within the travel way.

FLOOD ZONE AREA

Any new street that is constructed in areas of special flood hazard Zone A, as identified by the Federal Emergency Management Agency (FEMA) in a map entitled "Flood Insurance Rate Map" of Buckfield, Maine, Oxford County shall be constructed with a surface elevation one foot above the 100 year flood plain elevation as defined by FEMA or the Town of Buckfield.

SAFETY

All street intersections and curves shall be designed to permit adequate visibility and to provide for safe vehicular traffic flow.

MODIFICATIONS TO STANDARDS

In cases where a public way is proposed where an old town, county, or range road previously existed as evidenced by stone walls, the minimum standards for right-of-way width, slope, curve radius, and intersection angle may be varied to a moderate extent to conform to pre-existing road limits as long as the proposed road will not constitute a public safety hazard. New roads cannot always be restricted to old roadways since pre-existing alignments may not accommodate modern traffic needs.

CERTIFICATION OF CONSTRUCTION

Upon completion of street construction and prior to a vote by the Municipal Officers to submit a proposed public way to the legislative body, a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the Municipal Officers at the expense of the applicant, certifying that the proposed way meets or exceeds the designs and construction requirements of these Standards. "As Built" plans shall be submitted to the Municipal Officers.

ENFORCEMENT

All determinations of whether the provisions of these regulations are being met shall be made by the Selectmen. In making these determinations, the Selectmen may consult the Road Commissioner, Planning Board, and engineer, or other witness.

Adopted: March 26, 1977 - Article #14

Amended: June 22, 1988 - Article #28 & #29

Amended: June 22, 1994 - Article #57

Amended: June 17, 2003 - Article #51

TOWN OF BUCKFIELD, MAINE



SUBDIVISION REGULATIONS

Effective Date: June 5, 2006

A True Copy
Attest:

Cynthia M. Dunn

Town Clerk

ARTICLE I: PURPOSES

The purpose of these Regulations is to assure the comfort, convenience, safety, health and welfare of the people of the Town of Buckfield, to protect the environment and to promote the development of an environmentally and economically sound, stable, and sustainable community. To this end, in approving subdivision within the Town of Buckfield, Maine, the Planning Board shall consider the following criteria, and before granting approval, shall make finding of fact that the provisions of these Regulations have been met and that the proposed subdivision will meet the guidelines of Title 30-A, M.R.S.A. Section 4404 stated below.

- 1.1 Pollution.** The proposed subdivision will not result in undue water or air pollution. In making this determination, the Board shall at least consider the elevation of the land above sea level and its relation to the flood plains; the nature of soils and sub-soils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents, the availability of streams for the disposal of effluents, and the applicable state and local health and water resource rules and regulations.
- 1.2 Sufficient water.** The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision.
- 1.3 Municipal water supply.** The proposed subdivision will not cause an unreasonable burden on existing water supply, if one is to be used.
- 1.4 Erosion.** The proposed subdivision will not cause unreasonable soil erosion or reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
- 1.5 Traffic.** The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed; and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway, or highway right-of-way, as defined in Title 23, Section 53, "Classification of Highways," of the M.S.R.A., the subdivider has secured a written permit from the Department of Transportation, as required by Title 23, Section 704, "Entrances to Highways Regulated."
- 1.6 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.
- 1.7 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.
- 1.8 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 right to physical or visual access to the shoreline.
- 1.9 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.

- 1.10 **Financial and technical capacity.** The subdivider has adequate financial and technical capacity to meet the standards of these regulations and review criteria.
- 1.11 **Surface waters.** 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, Chapter 3, Subchapter I, Article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.
- 1.12 **Ground water.** The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
- 1.13 **Flood areas.** If the proposed subdivision, or any part of it, is in a flood-prone area, as defined by the Federal Emergency Management Agency's Boundary and Floodway Maps and the Flood Insurance Rate Map for Buckfield, the subdivider shall indicate the 100-year flood elevation and flood hazard boundaries within the subdivision. As a condition of plan approval, the proposed subdivision plan must include the requirement that principal structures within the subdivision be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.
- 1.14 **Freshwater wetlands and vernal pools.** All freshwater wetlands and vernal pools within (or if they receive drainage from, adjacent to) the subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands or vernal pools. Any mapping of freshwater wetlands may be done with the help of the Oxford County Soil and Water Conservation District.
- 1.15 **Rivers, streams, or brooks.** Any river, stream, or brook within the proposed subdivision, or nearby if it will receive drainage from 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, §480-B, Subsection 9.
- 1.16 **Storm water.** The proposed subdivision will provide for adequate storm water management in accordance with existing state stormwater laws.
- 1.17 **Spaghetti-lots prohibited.** If any lots in the proposed subdivision have shore frontage on a river, stream, brook, or great pond as defined in Title 38, §480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1.
- 1.18 **Lake phosphorous 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.
- 1.19 **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.

ARTICLE II: AUTHORITY AND ADMINISTRATION

2.1 Authority

- A. These standards have been prepared in accordance with provisions of M.R.S.A. Title 30A. Sections 4401-4407.
- B. These standards shall be known and may be cited as "Subdivision Regulations of the Town of Buckfield, Maine".

2.2 Administration

- A. The Planning Board of the Town of Buckfield, hereinafter called the Board, shall administer these standards.
- B. The provisions of these standards shall pertain to all land proposed for subdivision, as defined in Title 30-A, M.R.S.A. Sections 4401-4407, within the boundaries of the Town of Buckfield.

ARTICLE III: DEFINITIONS

In general, words and terms used in these regulations shall have their customary dictionary meanings. More specifically, certain words and terms used herein are defined as follows:

Cluster Subdivision: A subdivision in which the lot sizes are reduced below those required in Buckfield's "Building Permit, Lot Size, and Setback Requirement Ordinance" for individual lots, in return for the provision of permanent open space owned in common by lot/unit owners, the town, or a land conservation organization. Clustering shall not be used to increase the overall new residential density of the development. (For Regulations regarding cluster development, see Article VII, 7.9 on Pages 17 & 18.)

Complete application: The submission of the required fee and all information required by these Regulations for consideration of a Preliminary Plan, together with a signed receipt by the Board stating that it has found the information sufficiently complete to begin consideration.

Comprehensive Plan: A document or interrelated documents adopted by the Town of Buckfield containing an inventory and analysis of existing conditions, a compilation of goals for the development of the community, an expression of policies for achieving these goals, and a strategy for implementation of the policies.

Contiguous Lots: Lots which adjoin at any line or point, or are separated at any point by a body of water less than fifteen feet wide.

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

Driveway: A vehicular access-way serving two or fewer dwelling units.

Dwelling Unit: Any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multi-family housing, condominiums, time-share units and apartments.

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: Freshwater swamps, marshes, bogs, and similar areas which are:

1. 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;
2. Not considered part of a great pond, river, stream, or brook.
These areas may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

High Intensity Soil Survey: A soil survey conducted by a certified soil scientist, meeting the standards of the National Cooperative Soil Survey, which identifies soil down to 1/10 acre or less at a scale equivalent to the subdivision plan submitted. The mapping units shall be the soil series. Single soil test pits and their evaluation shall not be considered to constitute high intensity soil surveys.

100 Year Flood: The highest level of flood that, on the average, is likely to occur once every 100 years (that has a one percent chance of occurring in any given year), as delineated on the Federal Emergency Management Agency (FEMA) map (as revised.)

Industrial Park or Development: A subdivision planned for industrial uses and developed and managed as a unit, usually with provisions for common services for the users.

Mobile Home Park: A parcel of land under unified ownership approved by the Town of Buckfield's Planning Board pursuant to the Town of Buckfield Subdivision Regulations for the placement of three (3) or more mobile homes.

Net Residential Acreage: The total acreage available for the subdivision, and shown on the proposed subdivision plan, minus the area for streets or access and the areas which are unsuitable for development as outlined in Section 7.3.

Net Residential Density: The average number of dwelling units per net residential acre.

New Structure: Any structure for which construction began on or after September 23, 1988. The area included in the expansion of an existing structure is deemed a new structure for the purpose of this definition.

Normal High Water Elevation of Inland Waters: That line on the shores of banks on non-tidal waters which is apparent because of the different character of the contiguous soil or the vegetation due to the prolonged action of the water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominately terrestrial. (By way of illustration, aquatic vegetation includes but is not limited to the following plants and plant groups: water lily, pond lily, pickerel weed, cattail, wild rice, sedges, rushes, and marsh grasses; terrestrial vegetation includes but is not limited to the following plants and plant groups: upland grasses, aster, lady slipper, wintergreen, partridge berry, sarsaparilla, pines cedars, oaks, ashes, alders, elms, and maples.) In places where the shore or bank is of such character that the high water mark cannot be easily determined, (rockslides, ledges, rapidly eroding or slumping banks,) the normal high water elevation shall be estimated from the places where it can be determined by the above method.

Official Submittal Date: The date upon which the Planning Board issues a receipt indicating a complete application has been submitted.

Person: Includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

Planned Unit Development (PUD): A development controlled by a single developer for a mix of residential, commercial, and industrial uses. A PUD is undertaken in a manner that treats the developed area in its entirety to promote the best use of land, including the creation of open space, a reduction in the length of road and utility systems, and the retention of the natural characteristics of the land.

Planning Board: The planning board of the Town of Buckfield, created under Title 30-A, M.R.S.A. Section 3001 as amended.

Preliminary Subdivision Plan: 1) The completed application form, including any submissions required in the application form; 2) the preliminary maps and design drawings for the subdivision; and 3) any submissions required by these Regulations.

Principal Structure: Any building or structure in which the main use of the premises takes place.

Resubdivision: The division of an existing subdivision or any change in the plan for an approved subdivision which affects the lot lines, including land transactions by the subdivider not indicated on the approved plan.

Solar Energy System: A complete design or assembly consisting of a solar energy collector, an energy storage facility (when used), and components for the distribution of transformed energy.

Streets: Public and private ways such as alleys, avenues, boulevards, highways, roads, and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way.

Street Classifications:

Arterial Street: A road primarily designed for travel between and through towns. In Buckfield, the arterial streets are Routes 117, 140, and 124.

Collector Street: A street that serves as a feeder to an arterial street, and a collector of traffic from minor streets.

Minor Street: A street designed to accommodate local, rather than through, traffic.

Private Right-of-Way: A vehicular accessway serving no more than two dwelling units.

Subdivision– "Subdivision" means the division of a tract or parcel of land into 3 or more lots within any 5-year period, which period begins after September 22, 1971, whether accomplished by sale, lease, development, buildings or otherwise, unless exempt through conditions noted below. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land, and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period. The area included in the expansion of an existing structure is deemed a new structure for the purpose of this paragraph.

In determining whether a tract or parcel of land is divided into three (3) or more lots, the first dividing of such tract or parcel, by whomever accomplished, shall be considered to create the first two lots, and the next dividing of either of the first two lots, by whomever accomplished, shall be considered to create the third lot, unless

- 1) Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single family residence that has been the subdivider's principal residence for a period of at least five years immediately preceding the second division;
or
- 2) The division of the tract or parcel is otherwise exempt under the Title 30-A §4401 definition of a subdivision as outlined below:

Exemptions:

- 1) The division of a tract or parcel of land into 3 or more lots upon each of which lots permanent dwelling structures existed before September 23, 1971 is not a subdivision.
- 2) A division accomplished by devise, by condemnation, by order of the court, or by a gift to a municipality, (provided the municipality accepts the gift), is not considered a subdivision, unless the intent of the gift is to avoid the objectives of existing state and local subdivision laws and regulations.
- 3) A division accomplished by gift to a person related to the donor of an interest in property held by the donor for a continuous period of 5 years prior to the division by gift does not create a lot or lots for the purposes of subdivision, unless the intent of the transferor is to avoid the objectives of existing state and local subdivision laws and regulations. However, if the real estate exempt under this paragraph is transferred within five years to another person not related to the donor of the exempt real estate as provided in this paragraph, then the previously exempt division creates a lot or lots for the purposes of this definition. "Persons related to the donor" means a spouse, parent, grandparent, brother, sister, child, or grandchild related by blood, marriage, or adoption. A gift under this paragraph cannot be given for consideration that is more than 1/2 the assessed value of the property.
- 4) A division accomplished by the transfer of any interest in land to the owners of the land abutting that land does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within five years to another person without all of the merged land, then the previously exempt division creates a lot or lots for the purposes of this definition.

In determining the number of dwelling units in a structure, the provisions regarding the determination of the number of lots shall apply, including exemptions from the definition of a subdivision of land.

The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to subdivision regulation, do not become subject to subdivision regulation by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. However, the Planning Board shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.

Tract or Parcel of Land: All contiguous land in the same ownership, whether or not the tract is separated at any point by an intermittent or non-navigable stream. 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 the land on both sides thereof.

Vernal Pool: A naturally occurring, seasonal body of water, free of predatory fish populations, that provides essential breeding habitat for one or more of Maine's four vernal pool indicator species – spotted and blue-spotted salamanders, wood frogs, and fairy shrimp. Vernal pools are most likely to occur in the spring and fall.

ARTICLE IV: ADMINISTRATIVE PROCEDURE

- 4.1 Purpose:** The purpose of this article is to establish an orderly, equitable and expeditious procedure for reviewing subdivisions.
- 4.2 Agenda.** In order to avoid unnecessary delays in processing applications for subdivision review, the Board shall prepare an agenda for each regularly scheduled meeting. Applicants shall request to be placed on the Board's agenda at least one week in advance of a regularly scheduled meeting by contacting the Town Manager. Applicants who attend a meeting but who are not on the Board's agenda may be heard, but only if time permits, and a majority of the Board so votes.

ARTICLE V: PREAPPLICATION

- 5.1 Procedure**
- A. Applicant presentation and submission of sketch plans and pre-application plans.
 - B. Question and answer period.
 - C. Discussion: Board makes specific suggestions to be incorporated by the applicant into the Preliminary Plan.
 - D. Decision by Board that sketch plan is feasible, and scheduling of on-site inspection.
 - E. Public notice of site visit and invitations from the Board to abutters, Fire Chief, Road Commissioner, School Superintendent, and, if use of public water is planned, Buckfield Water District Superintendent.
- 5.2 Submission:** The pre-application sketch plan shall show, in simple sketch form, the proposed layout of streets, lots, and other features in relation to existing conditions. The sketch plan, which may be a free-hand penciled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It is recommended that the sketch plan be superposed on or accompanied by a copy of the Assessor's tax map(s) on which the land is located. The sketch plan should include the names and addresses of the current owners of record of adjacent property, including any property directly across an existing public street from the subdivision. The sketch plan shall be accompanied by a portion of the U.S.G.S. Topographic Map of the area showing the outline of the proposed subdivision.
- 5.3 Contour Interval and On-site Inspection.** If the Board determines that the sketch plan is feasible, it shall, within thirty days, hold an on-site inspection of the property, and determine and inform the applicant in writing, preferably at the site visit, of the required contour interval on the Preliminary Plan.

- 5.4 Rights Not Vested.** The submittal or review of the pre-application sketch plan shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1, M.R.S.A., Section 302, as amended.

ARTICLE VI: PRELIMINARY SUBDIVISION PLAN

6.1 Procedure.

- A. No more than six months after the on-site inspection by the Board, and at least seven days prior to a scheduled meeting of the Board, the subdivider shall submit a Preliminary Plan that includes the completed Application Form, Fee, and all required submissions. Failure to do so shall require resubmission of the sketch plan to the Board. The Preliminary Plan shall reflect changes to the sketch plan resulting from recommendations made by the Board or information provided by consultants.
- B. All applications for Preliminary Plan approval for a subdivision shall be accompanied by an application fee of \$100.00 per lot, dwelling unit, or unit contained in a shopping center or similar commercial establishment, payable by check to the Town of Buckfield. There shall be an additional payment of \$150.00 for each lot or dwelling unit or for each unit contained in a shopping center, mini mall, business complex or similar commercial establishment. This portion of the application fee shall be known as the Planning Board Review Escrow Account, a dedicated account. The monies shall be made by check payable to the Town of Buckfield, Maine. These funds or portion thereof may, from time to time, be used by the Planning Board, for purposes to be determined by the Planning Board, in order to make payments for reasonable costs, expenses and services incurred by or contracted for by the Town through the Planning Board at its discretion. These costs must relate directly to the review of the subdivision application. Such services may include, but need not be limited to, consulting engineering fees, architectural fees, land use planner fees, and attorney fees. If the balance in the applicant's portion of the Planning Board Review Escrow Account should be drawn down by 75%, the Board shall require that an additional \$50.00 per lot or dwelling unit or unit contained in a commercial or business complex be deposited by the applicant. The Board shall continue to notify the applicant and require that an additional \$50.00 per lot or unit be deposited as necessary whenever the balance of the account is drawn down to 75% of the original deposit. The Town at the request of the Planning Board shall refund all the remaining monies in the account upon the payment of all costs and services related to the Planning Board review. Such payment of remaining monies shall be made no later than 30 days after the approval, denial, or approval with conditions of the application. Such refund shall be accompanied by a final accounting of all expenditures from the fund. The monies in such fund shall not be used by the Planning Board for any enforcement purposes.
- C. It is strongly recommended that the subdivider or his/her duly authorized representative attend the meeting of the Board to discuss the Preliminary Plan.

- D. Upon receipt at a Board meeting of the Preliminary Plan application, the Board shall give a dated receipt to the applicant. The Board shall notify in writing all owners of abutting property, and the Planning Board of any municipality which is within 500 feet of the proposed subdivision, that an application for subdivision approval has been submitted, specifying the location of the proposed subdivision and including a general description of the project. If any portion of the subdivision crosses municipal boundaries, the Board shall make provision for joint reviews of the subdivision, as required by Title 30A §4403 1-A Joint Meetings. The Board shall also notify the Road Commissioner, School Superintendent, Water Superintendent, if applicable and Fire Chief of the receipt of a Preliminary Plan, the number of dwelling units proposed, the length of roadways, and the size and construction characteristics of any multi-family, commercial, or industrial buildings. The Planning Board shall request that these officials comment upon the adequacy of their departments' existing capital facilities to serve the proposed subdivision.
- E. Within thirty days of receipt by the Board of a Preliminary Plan Application and fee, if the application is complete, the Board shall notify the applicant in writing and begin its full evaluation of the proposed subdivision. If the Board has determined that the application is still incomplete, it will notify the applicant of the specific additional material needed to complete the application.
- F. If the Board decides to hold a public hearing on a Preliminary Plan Application for subdivision approval, it shall hold the hearing within thirty days of determining it has received a complete application. The Board shall have notice of the date, time, and place of the hearing:
 - 1. Given to the applicant, and
 - 2. Published, at least two times, in a newspaper having general circulation in the municipality in which the subdivision is proposed to be located. The date of the first publication must be at least 7 days before the hearing. The Board should also post a notice of the hearing on the Town web site and its public access channel, if they are operational.
- G. The Board shall, within thirty (30) days of a public hearing, or, if no public hearing is held, within sixty days of receipt of a complete application, or within another time limit as may be otherwise mutually agreed to by the Board and the Subdivider, make findings of fact that the proposed subdivision does or does not meet the review criteria of Title 30A § 4404, and approve, approve with conditions, or deny the Preliminary Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.
- H. When granting approval to a Preliminary Plan, the Board shall state the conditions of such approval, if any, with respect to:
 - 1. The specific changes which it will require in the Final Plan;
 - 2. The character and extent of any waivers requested by the applicant which, in the Board's opinion, may be granted without jeopardy to public health, safety, the general welfare, or the environment; and
 - 3. Any performance guarantees which it will require as a prerequisite to the approval of the Final Plan.

- I. Approval of a Preliminary Plan shall not constitute approval of the Final Plan or intent to approve the Final Plan, but rather it shall be deemed an expression of approval of the design of the Preliminary Plan and a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Board upon fulfillment of the requirements of these Regulations and the conditions of Preliminary Approval, if any. Prior to the approval of the Final Plan, the Board may require additional changes as a result of the further study of the subdivision or as a result of new information received.

In certain subdivisions, at the discretion of the Board, if all requirements of these Regulations have been fulfilled, if the Preliminary Plan is approved without conditions, and if all applicable requirements of the Final Plan have been met, the Board may accept, by unanimous vote, the Preliminary Plan as the Final Plan if the Preliminary Plan has been submitted and accepted, at that meeting or a subsequent meeting, in a form such that it may be signed by the Board and recorded by the Registry of Deeds.

6.2 Submissions for the Preliminary Plan

- A. All costs of submissions are to be borne by the applicant.
- B. Location Map. The Preliminary Plan shall be accompanied by a location map of scale no more than 2000' to the inch, adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Board to locate the subdivision within the municipality. The location map shall show:
 1. Existing subdivisions within a mile and a half of the proposed subdivision.
 2. Locations of existing streets within a mile and a half of the proposed subdivision and proposed streets within the subdivision.
 3. Boundaries of Shoreland Zoning districts, Flood Hazard Areas, and any other zoning districts created by ordinance subsequent to the approval of these Regulations.
 4. An outline of the proposed subdivision and any remaining contiguous portion of the owner's property.
- C. Preliminary Plan. The Preliminary Plan shall be submitted in eight copies of one or more maps or drawings which may be printed or reproduced on paper as well as eight copies of all accompanying information. The Preliminary Plan shall be drawn to a scale of not more than one hundred feet to an inch, with all dimensions shown in feet or decimals of a foot. The Board may allow plans for subdivisions containing more than one hundred acres to be drawn at a scale of not more than two hundred feet to the inch, provided all necessary detail can be easily read. The following information shall either be shown on the Preliminary Plan or shall accompany the application for Preliminary Approval:
 1. Proposed name of the subdivision and name(s) of the municipality(ies) in which it is located, plus a copy of the Tax Assessor's tax map and lot numbers.

2. An actual field survey of the boundary lines of the entire tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each lot corner.
3. A copy of the deed upon which the survey was based. A copy of all covenants or deed descriptions, easements, rights-of-way, or other encumbrances currently affecting the property.
4. A draft of any proposed covenants, easements, or deed restrictions intended to cover all or part of the lots in the subdivision.
5. Contour lines at the interval specified by the Planning Board, showing elevations in relation to mean sea level.
6. The number of acres within the proposed subdivision including all contiguous land in which the applicant has a legal interest, location of property lines, existing buildings, watercourses, vegetative cover type, and other essential existing physical features.
7. Indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by subsurface sewage disposal systems, test pit analyses, prepared by a licensed site evaluator shall be provided. A map showing the location of all test pits dug on the site shall be submitted. Two sites per dwelling unit, or two sites per septic system if a common septic system or shared systems are used, shall be identified by the licensed site evaluator.
8. Indication of the type of water supply system(s) to be used in the subdivision.
 - a) When water is to be supplied by the Buckfield Village Corporation, a letter from the Buckfield Village Corporation shall be submitted indicating there is adequate supply and pressure for the subdivision, and approving the plans for extensions where they are necessary. Where the District's supply line is to be extended, a written statement from the Fire Chief, approving the location of fire hydrants, shall be submitted.
 - b) The location of any pond, fire cistern and dry hydrant, together with specifications and a draft easement shall be submitted to be approved by the Fire Chief, unless the Board has found that such a system is not needed.
9. The date the Plan was prepared, magnetic north point, graphic map scale, names and addresses of the owner of record, subdivider, and individual or company who prepared the plan.
10. The names and addresses of owners of record of adjacent property, including any property directly across an existing public street from the subdivision.
11. The location of any shoreland zoning or other zoning boundaries affecting the subdivision. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.

12. The location of all rivers, streams, brooks, freshwater wetlands and vernal pools within, near or adjacent to the proposed subdivision. If the proposed subdivision is in the direct watershed of a great pond, the application shall indicate which great pond.
13. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
14. The location, names, and widths of existing streets, highways, easements, buildings, parks and other open spaces, or public improvements on or adjacent to the subdivision shown on the E-911 map and/or the Comprehensive Plan, if any.
15. The width, and location and, if applicable, name of any proposed streets, public improvements, easements, or open spaces within the subdivision.
16. The proposed lot lines and building envelopes within lots, with dimensions and lot areas, as well as areas to be reserved as buffer zones.
17. A soil erosion and sedimentation control plan endorsed by the Oxford County Soil and Water Conservation District (OCSWCS), and employing Best Management Practices established by the Maine Department of Environmental Protection pursuant to M.R.S.A. Title 38 §420 C.
18. A plan for the disposal of surface drainage water, prepared by a registered professional engineer, and designed in accordance with the standards outlined in these Regulations Article VIII, Section 8.4 "Storm Water Management Design Standards", and Section 8.5 "Storm Drainage Construction Standards" and Maine DEP Standards for Storm Water Management established pursuant to M.R.S.A. Title 38 §420 D.
19. A copy of that portion of the county soil survey covering the subdivision. If the medium intensity soil survey shows soils which are generally unsuitable for the uses proposed, the Board may require the submittal of a report by a registered soil scientist indicating the suitability of soil conditions for those uses.
20. A hydrogeologic assessment, prepared in accordance with Article VIII, of these Regulations, Section 8.8 A, by a certified geologist or registered professional engineer experienced in hydrogeology, when the subdivision is not served by public sewer and
 - a. Any part of the subdivision is located over a sand and gravel aquifer, as shown on a map entitled "Hydro-geologic Data for Significant Sand and Gravel Aquifers," by the Maine Geological Survey.
and
 - b. The subdivision has an average density of less than 100,000 square feet per dwelling unit.
21. Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the Comprehensive Plan, and areas, such as cemeteries, of historic interest or value.

22. If the proposed subdivision is in the direct watershed of North or South Ponds, a phosphorus control plan shall be submitted which includes the following:
 - a) A phosphorous impact analysis and control plan conducted using the procedures set forth in "Phosphorous Control in Lake Watersheds: A Technical guide for Evaluating New Development," published by the Maine Department of Environmental Protection, May 1990, and as may be revised.
 - b) A long-term maintenance plan for all phosphorus control measures.
 - c) Areas with sustained slopes greater than 25% covering more than one acre shall be delineated.
23. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
24. The location of any open space to be preserved, and an indication of its improvement and management. (See Section 7.2: Retention of Open Spaces and Natural or Historic Features.)

ARTICLE VII: GENERAL STANDARDS

In reviewing applications for a subdivision, the Board shall consider the following general standards and make findings that each has been met prior to the approval of a final plan. In all instances the burden of proof shall be upon the applicant.

7.1 Conformance with the Comprehensive Plan. All proposed subdivisions shall be in conformity with the policies set out in the Comprehensive Plan, and with the provisions of all pertinent State and local ordinances.

7.2 Retention of Open Spaces and Natural or Historic Features.

- A. In any major subdivision larger than thirty-five acres, or more than twenty lots or dwelling units, the subdivider shall provide ten percent of his total area as open space. In smaller subdivisions, the Board may require the subdivider to provide up to ten percent of his total area as open space. In any subdivision with areas of exceptional historic or natural resource value, the Board shall require that those areas be preserved as open space. Open space created through the use of clustered housing will be credited toward meeting the ten percent requirement. In some cases, where it would be of benefit to the community, the Board may waive the requirement for open space within the subdivision and give the subdivider an option to make a payment instead into a municipal land acquisition fund.
- B. Land reserved for open space purposes shall be of a character, configuration, and location suitable for the particular use intended. A site intended to be used for active recreation purposes, such as a playground or a playing field, should be relatively level and dry, have a total frontage on one or more streets of at least 200 feet, and have no major dimensions of less than 200 feet. Sites selected primarily for scenic or passive recreation purposes shall have such access as the Board deems suitable with no less than twenty-five feet of road frontage. The Board shall approve the configuration of such sites with regard to scenic attributes to be preserved, sufficient areas for trails, lookouts, etc. where necessary and appropriate.

- C. The Board may require, as a condition of approval, the dedication of acceptable reserved land to the Municipality.
- D. The Board may require that the subdivision plans include a landscape plan that will show the retention or replacement of trees and vegetation, graded contours, streams, and the preservation of scenic, historic, or environmentally significant areas. Cutting of trees on the northerly borders of lots should be avoided as far as possible to retain a natural wind buffer.

7.3 Land Not Suitable for Development. The following lands shall not be included in the calculations of lot area for the purpose of meeting the requirements of the minimum lot size law.

- Land which is situated below the normal high water mark of any water body.
- Land which is located within the 100-year frequency flood plain as identified by the Federal Emergency Management Agency (FEMA) maps, (including all future amendments).
- Land which is part of a right-of-way, or easement, including utility easements.
- Land which has a water table within ten inches of the surface for at least three months of the year as identified by the Oxford County Soil Survey.
- Land that has been created by filling or draining a pond or wetland.

7.4 Blocks. Where street lengths exceed 1,000 feet between intersections with other streets, the Board may require a utility/pedestrian easement, at least 20 feet in width, to provide for underground utility crossings and/or a pedestrian pathway of at least five feet in width constructed in accordance with design standards in Section 8.2 M. Maintenance obligations of the easements shall be included in the written descriptions of the easement.

7.5 Lots.

- A. All lots shall meet minimum lot requirements, although lots in cluster developments are exempt from this requirement. Whenever possible the lot configuration should be designed to maximize the use of solar energy on building sites with suitable orientation.
- B. Lot configuration and area shall be designed to provide for adequate off-street parking.
- C. The subdivision of tracts into parcels with more than twice the required minimum lot size shall be laid out in such a manner as either to provide for or preclude future re-subdivision. Where public utilities could be extended to the subdivision in the foreseeable future, the subdivision shall be designed to accommodate the extensions of utilities.
- D. If a lot on one side of a stream, road, or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the stream, or road to meet the minimum lot size.
- E. Flag lots and other oddly shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited. The ratio of length to width shall not be more than three to one unless waived by the Board.

7.6 Utilities.

- A. Whenever possible, utilities shall be installed underground.
- B. Underground utilities shall be installed prior to the installation of the final gravel base of the road.
- C. The size, type, and location of street lights, electric and gas lines, telephone, and other utilities shall be shown on the plan approved by the Board.

7.7 Required Improvements. The following improvements are required for all subdivisions unless waived by the Board in accordance with provisions of these Regulations.

A. Monuments.

- 1. Stone monuments shall be set at all street intersections and points of curvature, and no further than 750 feet apart along street lines without curves or intersections.
- 2. Stone monuments shall be set at all corners and angle points of the subdivision where the interior angle of the subdivision boundaries is 135 degrees or less.
- 3. Stone monuments shall be a minimum of four inches square at the top and four feet in length, and shall be set in the ground at a final grade level. After they are set, drill holes, 1/2 inch deep, shall locate the point or points described above.
- 4. All other subdivision boundary corners and angle points, as well as all lot boundary corners and angle points, shall be marked by suitable monumentation.

B. Water Supply.

- 1. When a subdivision is to be served by the Buckfield Village Corporation water system, the complete supply system, including fire hydrants, shall be installed at the expense of the subdivider.
 - a. The subdivider shall provide a written statement from the water company that adequate water for both domestic and fire fighting purposes can be provided without placing an undue burden on the source, treatment facilities, or distribution system involved. The subdivider shall be responsible for paying the costs of system improvements necessary to serve the subdivision.
 - b. The size and location of mains, gate valves, hydrants, and service connections shall be reviewed and approved in writing by the Buckfield Village Corporation and the Buckfield Fire Chief.
- 2. When the location of a subdivision does not allow for a financially reasonable connection to the public water supply system, the Planning Board may allow the use of individual wells or a private community water system.
 - a. If a central water supply system is provided by the subdivider, the location and protection of the source, and the design, construction and operation of the system shall conform to the most recent standards of the Maine Rules relating to drinking water.

- b. If the proposed subdivision is more than one and a half miles from the nearest Buckfield Village Corporation hydrant or a currently maintained dry hydrant, or is within a mile and a half but elevated more than 200 feet above that hydrant, and if the subdivision will consist of more than six residential lots, the subdivider shall construct and maintain one or more ponds and/or fire cisterns with dry hydrants, consistent with NFPA 1231, Standard on Water Supplies for Suburban and Rural Fire Fighting, to provide for adequate water storage for fire-fighting purposes. An easement for access to the dry hydrants shall be granted to the Municipality where necessary.

C. Sewage Disposal - Private Systems

- 1. The subdivider shall submit evidence of soil suitability for subsurface sewage disposal prepared by a Maine licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules. Two sites with suitable soils shall be shown for each lot, to allow for a reserve for future replacement. The reserve area shall be shown on the plan and restricted so as not to be built upon. A second site shall also be required in lots of clustered housing which do not have a shared septic system.
- 2. In no instance shall a disposal area be permitted on soils or on a lot that requires a new system variance from the subsurface wastewater disposal rules.

D. Surface Drainage.

- 1. Where a subdivision is traversed by a stream, river, or surface water drainage, or where the Board feels that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins, or other means of channeling surface water within the subdivision and over other properties. This stormwater management system shall be designed by a registered professional engineer.
- 2. Drainage easement for existing watercourses or proposed drainage ways shall be provided and indicated on the plan. They shall be at least thirty feet wide, conforming substantially with the lines of existing natural drainage.
- 3. The subdivider shall provide a statement from the designing engineer or the Natural Resources Conservation Service (NRCS) that the proposed subdivision will not create erosion, drainage, or runoff problems either in the subdivision or in other properties. Where the peak runoff from the subdivision onto other properties is increased either in volume or duration, easements from the abutting property owners, allowing such additional discharge, shall be obtained.
- 4. A storm water drainage plan, showing ditching, culverts, storm drains, easements, and other proposed improvements, and meeting the standards of Section 8.4 "Storm Water Management Design Standards" shall be submitted.

7.8 Land Features

- A. Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.
- B. Except for normal thinning, landscaping, and cutting trees to provide access to direct sunlight, existing vegetation shall be left intact to prevent soil erosion. The Board shall require a developer to take measures to correct and prevent soil erosion in the proposed subdivision. The subdivider shall, by notes on the Final Plan and by deed restrictions, limit the clearing of trees to those areas designated on the Plan.
- C. To prevent soil erosion of shoreland areas, Shoreland Zoning Regulations shall apply.
- D. The subdivider shall make every effort to preserve natural and historic features of the land such as rock outcroppings, natural contours, and stone walls.
- E. 25' buffers shall be preserved along all streams not protected by Shoreland Zoning Laws.

7.9 Cluster Developments.

The following cluster development standards are optional and should be used as a means to preserve open space, including farm and forestland on parcels of 10 acres or more. Cluster development is one of the most important ways of controlling sprawl and minimizing the conversion of open space to residential use, while allowing residential development to take place.

1. Purposes.

The purposes of these provisions are:

- a. To provide for efficient use of land not possible under traditional lot-by-lot size requirements, provided that the net density shall be no greater than is permitted, unless a density bonus is granted to the applicant;
- b. To provide for the preservation of parks, recreation, and open space areas;
- c. To provide for a more attractive, varied arrangement of dwelling units and open space on a particular parcel;
- d. To provide for the location of housing units and other uses where they are least visible and hidden by topography or vegetation, therefore minimizing perceived densities;
- e. To provide for orderly development in the rural areas and maintain the rural character of the community by preserving tree masses, stream valleys, woodlands, of views and scenic vistas, and other significant natural features;
- f. To provide for reasonable standards for the perpetual maintenance of community or privately owned facilities necessary to service the development;
- g. To preserve and protect environmentally sensitive areas; and
- h. To allow for new and innovative approaches to housing development and discourage the location of housing units in strip fashion along rural roads.

Notwithstanding other provisions of this and other ordinances relating to dimensional requirements, the Planning Board, in reviewing and approving proposed residential developments, may modify said provisions related to dimensional requirements to permit innovative approaches to housing and environmental design in accordance with the following standards. This shall not be construed as granting variances to relieve hardship.

2. Application Procedures.

- a. The Planning Board may allow subdivided development on reduced lot sizes in return for open space where the Board determines that the benefits of the cluster approach will prevent the loss of natural features without increasing the net density of the development. Where a developer elects or is required to cluster, a written application shall be submitted to the Planning Board. Two sketch plans shall be submitted with one layout as a standard traditional subdivision and the other as a cluster development indicating open space and significant natural features. Each lot in the standard traditional subdivision shall meet the minimum lot size and lot width requirements, and if not serviced by public sewer have an area suitable for subsurface wastewater disposal according to the Maine Subsurface Wastewater Disposal Rules. The number of lots in the cluster may exceed the number of lots in the standard subdivision (density bonus), with approval from the Planning Board.
- b. The written statement shall describe the natural features which will be preserved or enhanced by the cluster approach. Natural features include, but are not limited to, moderate to high value wildlife and waterfowl habitats, moderate to high yield aquifers, preserving prime agricultural and forestland areas and soils, large trees, woods, ponds, rock outcrops, and other important natural or historic sites. The statement shall also compare the impact upon the community by both proposals. Examples of impacts are, municipal costs for roads, schools, school busing, solid waste management, utility efficiency, recreational opportunities, protection of flood water storage areas, and environmental impacts on sensitive lands.
- c. For purposes of this section, the tract or parcel to be developed shall be in single ownership, or the subject of an application filed jointly by the owners of all the property included.
- d. Estimated costs of infrastructure development (roads, utilities, etc.) shall accompany the plan. The developer shall file with the municipality, at the time of submission of the final plan for subdivision approval, a performance guarantee.

3. Basic Requirements for Cluster Development.

- a. Cluster development shall be a minimum of 10 acres and shall meet all requirements for a subdivision, the Town's road standards, all other applicable Town ordinances or regulations, and state laws and regulations.
- b. Each building shall be an element of an overall plan for site development. Only developments having a total site plan for structures will be considered. The developer shall illustrate the placement of buildings and the treatment of spaces, paths, roads, service, and parking and in so doing shall take into consideration all requirements of this section and of other relevant sections of this Ordinance.

- c. The maximum allowed reduction in the size of individual lots is 25%. However a larger reduction can be made if site conditions can be proven by the applicant to support smaller lot sizes.
- d. The maximum net density allowed in cluster developments shall be calculated on the basis of the "Qualifying Land Area" standards contained below.
- e. Unless a public sewer or community sewage collection and treatment system is provided, no lot shall be smaller than 20,000 square feet. No unit shall be constructed on any lot with soil considered as being "very poorly" drained.
- f. The total area of open space within the development shall equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally required, except where density bonuses are permitted.
- g. Every building lot that is reduced in area below the amount normally required should abut the open space area for a distance of 50 feet, or be within 1000 feet distance from the open space area.
- h. Distance between buildings shall not be less than 20 feet.
- i. In rural areas, no individual lots shall have frontage on an existing road at the time of development. There shall be a setback of 50 feet from the main public access road and from interior roads that are constructed as part of the cluster development. Access from public ways, internal circulation, and parking shall be designed to provide for vehicular and pedestrian safety and convenience, emergency and fire equipment maneuverability, snow removal, road maintenance, and delivery and collection services.
- j. In no case shall shore frontage and setback be reduced below the minimums normally required by the Buckfield Shoreland Zoning Ordinance.
- k. Where a cluster development abuts a body of water, a usable portion of the shoreline, which shall be a minimum of 100 feet, as well as reasonable access to it, shall be a part of the open space land.
- l. When individual wells are to be utilized, a drilled well with casing, shall be provided on each lot by the developer/builder. The location of all wells shall be shown on the plan. The applicant shall demonstrate the availability of water adequate in quantity and quality for domestic purposes, as well quantity for fire safety. The Planning Board may require the construction of fire ponds and/or dry hydrants.
- m. The location of subsurface sewage disposal systems and an equivalent reserve area for a replacement system(s) shall be shown on the plan. The report of a licensed Site Evaluator shall accompany the plan. The reserve areas shall be restricted so as not to be built upon. The report of a licensed Site Evaluator shall accompany the plan. If the subsurface disposal system is an engineered system, approval from the Department of Human Services, Division of Health Engineering shall be obtained prior to Planning Board approval.

4. Siting and Buffering Standards.

- a. Buildings shall be oriented with respect to views and scenic vistas, natural landscape features, topography, south facing slopes (wherever possible), and natural drainage areas, in accordance with an overall plan for site development and landscaping. A

site inspection shall be conducted by the Planning Board prior to approval. Once approved, the plan shall not be altered in any manner, without prior approval of the Planning Board.

- b. Buildings shall be designed and planned to protect bedroom windows from light invasions by vehicle headlights or glare from existing outdoor lighting or illuminated signs, where allowed, insofar as practical.
- c. Where parking spaces or storage areas are located in areas abutting existing residential properties, a permanent wood or masonry screen, at least 4 feet high, shall be erected along the property line, in addition to the "green" perimeter strip described below.
- d. Other than any land within shoreland zoning, a "green" vegetative perimeter strip, not less than 20 feet wide, shall be maintained with grass, bushes, flowers, scrubs, and/or trees alongside all lot or rear lot lines of the property as a whole, and (except for entrance and exit driveways) along the entire frontage of such lot. Such "green" strip shall not be built upon, paved, or used for parking or storage. There shall be no removal of trees over 4" in diameter within this buffer. In the shoreland zoning area, vegetation shall be retained in its natural state.
- e. Except for normal thinning and landscaping, existing vegetation shall be left intact to prevent soil erosion. Adequate provision shall be made for storm waters, with particular concern for the effects of erosion from the site. Erosion resulting from any improvements to the site shall be prevented by landscaping or other means.
- f. All utilities shall be installed underground, whenever possible. Transformer boxes, pumping stations, and meters shall be located so as to not to be unsightly, hazardous to the public, or detract from the natural beauty of the development.

5. Preservation and Maintenance of Open Space and Facilities.

- a. Common open space shall be dedicated upon approval of the project. There shall be no further subdivision of open space. Open space shall be used for agriculture, non-commercial recreation, forestry, or conservation. However, easements for public utilities may be permitted in the open space area, with prior approval of the Planning Board.
- b. There shall be no land development within the open space without the prior approval of the Planning Board.
- c. The open space(s) shall be shown on the development plan and with appropriate notation on the face thereof to indicate that:
 - 1. The open space shall not be used for future buildings lots or development; and
 - 2. A part or all of the open space may, at the option of the Town, be dedicated for acceptance by the Town. Such dedication shall take place after final approval of the project. Final acceptance by the Town of dedicated open space rests with the Town.
- d. If any or all of the open space is to be reserved as common open space for use by the residents, the by-laws of the proposed homeowners association shall specify maintenance responsibilities and shall be submitted to the Planning Board prior to approval. The developer shall maintain control of such open space(s) and be

responsible for its maintenance until development sufficient to support the association has taken place. Such determination shall be made by the Planning Board upon the request of the homeowners association or the developer.

- e. Covenants for mandatory membership in the association, setting forth the owner's rights and interest and privileges in the association and the common land, shall be reviewed by the Planning Board and included in the deed for each lot (i.e. annual fee to the association for lawn mowing, snow removal, solid waste management, municipal assessments, neighborhood recreational facilities, etc..). A clause should be added to every deed that any unpaid association fees, plus interest, shall be paid at the time of a deed transfer and the association will receive first "dibs".
- f. Open space land may be leased for agriculture or forestry purposes provided that development rights for the open space land are held by the homeowners association. The legal instruments for the development rights shall be submitted to and reviewed by the Planning Board and approved by the homeowners association.

6. Qualifying Land Area.

To determine the number of lots/dwelling units permitted in a subdivision, the applicant shall perform the following calculations and submit evidence in the form of plans and data to verify the calculations.

Net Buildable Acreage Calculation

A. From the gross acreage of the site (___ acres) subtract the following:

1. Existing road rights-of-way 1 _____ acres
2. Proposed right-of-way 1 _____ acres
3. Noncontiguous land 2 _____ acres
4. 100% of the RP and SP Districts 3 _____ acres
5. 100% of the 100 year floodplain land 4 _____ acres
6. 100% of the wetlands, NRPA Class I and II 4 _____ acres
7. 50% of the wetlands, NRPA Class III 4 _____ acres
8. 100% of ponds or lakes _____ acres
9. 50% of slopes from 15-25% _____ acres
10. 85% of slopes over 85% _____ acres

Net Buildable Acreage (NBA) _____ acres

1. Include shoulder and ditches in wide calculation
2. Land separated by roads or railroads, or land linked by a strip less than 50' wide.
3. Resource Protection and Stream Protection
4. Where this overlaps, the overlapping acreage shall be counted only once

Net Density Calculation:

A. Multiply the (NBA) by the minimum lot size requirement.

(this figure is determined by dividing 43,560 by the minimum lot size requirement... i.e. 40,000 square feet = 0.9183)

_____ lots

B. Multiply the result by 10% (density bonus)

_____ lots

C. Add the results of "A" and "B"

**Total Allowable
Lots**

_____ lots

Dimensional Standards

A. Maximum reduction in size of individual lots is

_____ %

B. Traditional Minimum Lot Size

_____ sq ft.

C. Clustered Minimum Lot Size

_____ sq ft.

D. Minimum Lot Width

_____ feet

E. Minimum Yards

Front (from ROW)

_____ feet

Rear

_____ feet

Side

_____ feet

7.10 Dedication and Maintenance of Common Open Space and Services.

- A. All common land shall be owned jointly or in common by the owners of the dwelling units by means of a homeowners' association, by an association which has as its principal purpose the conservation or preservation of land in essentially its natural condition, or by the Municipality.
- B. Further subdivision of the common land or its use for other than non-commercial recreation or conservation purposes, except for easements for utilities, shall be prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land.
- C. The common open space shall be shown on the Final Plan with appropriate notation on the Plan to indicate that
 1. It shall not be used for future building lots; and
 2. A part or all of the common open space may be dedicated for acceptance by the municipality.
- D. If any or all of the common open space and services are to be reserved for use by the residents, the by-laws of the proposed homeowners' association shall specify maintenance responsibilities and shall be submitted to the Board prior to Final Plan approval.

- E. Covenants for mandatory membership in the homeowners' association setting forth the owners' rights, interests, and privileges in the association and the common property, shall be reviewed by the Board and included in the deed for each lot or dwelling.
- F. The homeowners' association shall have the responsibility of maintaining the common property.
- G. The Association shall levy annual charges against all owners of dwelling units to defray the expenses connected with the maintenance of common property and tax assessments.
- H. The subdivider shall maintain control of the common property, and be responsible for its maintenance until development sufficient to support the association has taken place.

7.11 Construction in Flood Hazard Areas.

When any part of a subdivision is located in a special flood hazard area as identified on the Federal Emergency Management Agency (FEMA) maps, a note on the Plan shall indicate that all principal structures on lots in the subdivision shall be constructed in accordance with the Buckfield Floodplain Management Ordinance.

7.12 Access Limitations.

A subdivision that abuts one or more state or town-maintained streets shall be limited to not more than one (1) curb cut (entrance) for the first four lots, not more than two (2) curb cuts in total for five to fourteen lots, and not more than three (3) curb cuts in total for fifteen or more lots. Where the standards of these Regulations regarding access from a subdivision onto a state-maintained road conflict with requirements of the Maine Department of Transportation (MDOT), the more restrictive standards shall apply.

7.13 Mobile Home Parks.

Mobile home parks and expansions of mobile home parks shall be considered a subdivision and shall comply with the provisions of these Regulations, and with the provisions contained in this section. Where provisions of these regulations conflict with specific provisions of this section, the provisions of this section shall prevail.

- A. Prior to the establishment or expansion of a mobile home park, an applicant shall apply for subdivision approval. The application shall include information required in Articles VI and IX (Preliminary and Final Plans), and the following:
 - 1. Location of existing and proposed manufactured housing units and other structures, and the location of each mobile park lot.
 - 2. Location of existing and proposed pedestrian walkways.
 - 3. Location, intensity, type, size and direction of all outdoor lighting.
 - 4. Location and proposed use of areas proposed for outdoor recreation.
 - 5. A report or reports by qualified professional(s) stating that the proposed mobile home park will have a sufficient quantity of drinking water that meets state water quality standards available for each manufactured housing unit within the mobile home park.
 - 6. A copy of proposed mobile home park regulations, consistent with state statute, which assure tenant compliance with the standards in this

ordinance, including off-street parking if required, and posted speed limits and trash disposal.

- B. Lot size, width, and density. Lots in a mobile home park not located within the area regulated by the Town of Buckfield Shoreland Zoning Ordinance shall meet the following minimum lot size, width and density requirements. Minimal requirements shall be based on Title 30-A, M.R.S.A. 4358-3.A
1. Lots served by public sewer:
Minimum lot area – 6500 square feet.
Minimum lot width – 50 feet.
 2. Lots served by individual subsurface sewage disposal system:
Minimum lot area – 20,000 square feet
Minimum lot width – 100 feet
 3. Lots served by a central on-site subsurface wastewater disposal system:
Minimum lot area – 12,000 square feet
Minimum lot width – 75 feet
 4. The overall density of a mobile home park served by a central subsurface sewage disposal system shall be no greater than one unit per 20,000 square feet of the total park area.
 5. Where lots front on a curved right-of-way or are served by a driveway, the frontage requirement shall be measured in a straight line perpendicular to the front of the mobile home.
 6. Lots within the area regulated by the Town of Buckfield Shoreland Zoning Ordinance shall meet the lot area, lot width, setback and shore frontage requirements as set forth in that ordinance.
 7. The overall density of the mobile home park shall be computed using the combined area of its mobile home lots plus:
 - a. the area required for road rights-of-way;
 - b. the area required for buffer strips, if any;
 - c. the area within the Municipality's shoreland setback.
- C. Lot Setbacks
1. The following lot setbacks shall apply to all manufactured housing units and accessory buildings:
Front setback: 20 feet
Side setback: 20 feet
Rear setback: 10 feet

If these requirements conflict with the requirements of the Shoreland Zone, the stricter standards shall apply. If a lot is on a public road, the setback shall conform with the residential setback requirements applicable to other residential dwellings.
 2. For aesthetic purposes, the Planning Board may allow the front setback on a private road within a mobile home park to be varied, provided that no home may be closer than 10 feet from the right-of way and the average distance is at least 20 feet for all units.

3. Carports of noncombustible materials are not subject to side setback requirements.
4. The Planning Board may allow lot side yard setbacks to be reduced to five (5) feet for the purpose of providing more usable space on one side of the home, provided a distance of 40 feet is maintained between manufactured housing units.

D. Buffer Strips.

A 50-foot wide buffer strip shall be provided along all property boundaries that:

1. abut residential land that has a gross density of less than half of that proposed in the park, or
2. abut residential land that is zoned at a density of less than half of that proposed in the park.

No structures, streets or utilities may be placed in the buffer strip except that they may cross a buffer strip to provide services to the park.

E. Parking Requirements.

For each mobile home lot, there shall be provided and maintained at least two (2) off-street parking spaces. Each parking space shall contain a minimum area of 200 feet with minimum dimensions of 10 feet by 20 feet. This requirement may be waived if a parking lane is provided.

In addition to occupant parking, it is recommended that off-street parking and service parking areas be provided within the boundaries of the park at a ratio of one (1) space for each two (2) mobile home park lots. Such parking areas shall be hard-surfaced.

F. Road Standards.

In addition to the standards contained in the Town of Buckfield Street Construction Ordinance, the following shall be complied with:

1. On-street parking shall be prohibited unless an 8-foot parking lane is provided, in which case on-street parking may be permitted on the side of the road where the parking lane is located.
2. No mobile home lot may have vehicular access directly onto a public street.
3. Two-way park roads shall have a minimum right of way of 23 feet, and a minimum paved surface of 20 feet. On-street parking shall be prohibited.
4. One-way streets shall have a minimum right-of-way of 18 feet and a minimum paved surface of 14 feet. On-street parking shall be prohibited.
5. Parking lanes shall be minimum of 8 feet in width, if provided.
6. If the applicant intends to dedicate roads within the mobile home park to the public, such roads shall meet all road construction standards contained in the Town of Buckfield Street Construction Ordinance.

G. Sanitary Standards for Sewage Disposal.

All water-carried sewage shall be disposed of by means of one of the following:

1. A centralized private sewer system approved by the Maine Department of Human Services (DHS), serving each mobile home lot in the mobile home park.

2. Individual subsurface sewage systems meeting the requirements of the State of Maine Subsurface Wastewater Disposal rules.
- H. Utility Requirements.
All mobile home parks shall provide permanent electrical, water and sewage disposal connections to each mobile home in accordance with applicable state and local rules and regulations.
- I. Refuse Disposal.
The storage, collection, and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. Mobile home parks shall provide a centralized rubbish collection facility which shall be screened from view of neighboring properties and streets. Refuse shall be removed from the site no less than once a week.
- J. Fire Protection.
Each lot shall be legibly marked for identification and easily accessible to emergency vehicles (permitting fire apparatus to approach within 100 feet.)
- K. Conversion Restrictions.
No subdivision which is approved as a mobile home park may be converted to another use without the approval of the Planning Board, and without meeting the appropriate lot size, lot width, setback and other requirements. The plan to be recorded at the Registry of Deeds and filed with the Municipality shall include the following restrictions as well as any other notes or conditions of approval:
1. The land within the park shall remain in the unified ownership and the fee to lots or portions of lots shall not be transferred.
 2. No dwelling unit other than a manufactured housing unit shall be located within the park.

Article VIII: STREET AND STORM DRAINAGE DESIGN AND CONSTRUCTION STANDARDS

8.1 General Requirements

- A. The Board shall not approve any subdivision plan unless proposed streets and storm water management systems are designed in accordance with any local ordinance designated by these regulations. Approval of the Final Plan by the Board shall not be deemed to constitute or be evidence of acceptance by the Municipality of any street or easement.
- B. Subdividers shall submit to the Board, as part of the Final Plan, detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed streets. The plan shall include the following information:
1. Date, scale, and magnetic or true north point..
 2. Intersections of the proposed street with existing streets.
 3. Roadway and right-of-way limits including edge pavement, edge of shoulder, sidewalks, and curbs.
 4. Kind, size, location, material, profile, and cross-section of all existing and proposed drainage structures and their location with respect

- to the existing natural waterways and proposed drainage ways.
 - 5. Complete curve data indicated for all horizontal and vertical curves.
 - 6. Turning radii at all intersections
 - 7. Center line gradients.
 - 8. Locations of all existing and proposed overhead and underground utilities, to include but not be limited to, water, sewer, electricity, telephone, lighting, and cable television.
 - 9. Any other requirements of the Buckfield Street Construction Standards.
- C. Upon receipt of plans for a proposed street, the Board shall forward one copy each to the Municipal officers and the Road Commissioner.

8.2 Street Design Standards.

- A. These design standards shall be met by all streets within subdivisions, and shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances.
- B. Streets shall be designed to discourage through traffic within a residential subdivision.
- C. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the Municipality.
- D. Where a subdivision borders an existing narrow street (not meeting the width requirements of the standards for streets in these Regulations), or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the plan shall indicate reserved areas for widening or realigning the road marked "reserved for road realignment (widening) purposes." Land reserved for such purposes may not be included in computing lot area or setback requirements of the "Building Permit, Lot Size, and Setback Requirement Ordinance." When such widening or realignment is indicated on the official map, the reserve area shall not be included in any lot, but shall be reserved to be deeded to the Municipality or State.
- E. Where a subdivision abuts or contains an existing or proposed arterial street, no residential lot may have vehicular access directly onto the arterial street. This requirement shall be noted on the Plan and in the deeds of any lot with frontage on the arterial street.
- F. Any subdivision containing fifteen dwelling units or more shall have at least two street connections with existing state or town maintained streets, or streets on an approved subdivision plan for which performance guarantees have been filed and accepted.
- G. Buckfield Street Construction Standards apply, except as otherwise specified in these Regulations.
- H. The centerline of the roadway shall be the center line of the right-of-way.
- I. Dead-end streets. In addition to the design standards, dead-end streets shall be

constructed to provide a cul-de-sac turnaround with the following requirements for radii: property line 65 feet; outer edge of the pavement 50 feet. The Board may require the reservation of a twenty-foot easement in line with the street to provide continuation of pedestrian traffic or utilities to the next street. The Board may also require the reservation of a fifty-foot easement in line with the street to provide continuation of the road where future subdivision is possible.

J. Grades, Intersections, and Sight distances.

1. Grades of all streets shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards above.
2. All changes in grade shall be connected by vertical curves to provide for the minimum sight distances below.
3. Where new street intersections or driveways' curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below.

Posted Speed Limit (mph)	Sight Distances
25	250
30	300
35	350
40	400
45	450
50	500
55	550

Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.

4. Cross (four-cornered) street intersections shall be avoided insofar as it is possible, except as shown on the Comprehensive Plan or at other important traffic intersections. A minimum distance of two hundred feet shall be maintained between centerlines of side streets.

K. Sidewalks. Sidewalks, if installed within subdivisions, shall meet these minimum requirements.

1. Bituminous Sidewalks.
 - a. The gravel aggregate sub-base course shall be no less than twelve inches thick.
 - b. The crushed aggregate base course shall be no less than two inches thick.
 - c. The hot bituminous pavement surface course shall be no less than two inches after compaction.
2. Portland Cement Concrete Sidewalks.
 - a. The sand base shall be no less than six inches thick.
 - c. The Portland cement concrete shall be reinforced with six inch square, Number 10 wire mesh and shall be no less than four inches thick.

- L. Where installed, curbing shall be granite or bituminous concrete and shall be installed on a thoroughly compacted gravel base of six inches minimum thickness, except bituminous curbing shall be installed on the base course of the pavement. The specified pavement width above shall be measured between the curbs.
- M. The developer shall pay for inspection and approval for each phase of road construction by an engineer to be hired by the Town.

8.3 Street Construction Standards

- A. Buckfield Street Construction Standards shall apply to all streets.
- B. Any street constructed in a subdivision interconnecting with a public way must be surfaced with the same type of material as the existing public way it will interconnect with.

8.4 Storm Water Management Design Standards.

- A. Adequate provision shall be made for disposal of all storm water generated within the subdivision, and any drained ground water through a management systems of swales, culverts, underdrain, and storm drains. The storm water management system shall be designed to conduct storm water flows to existing watercourses or storm drains.
 - 1. All components of the storm water management systems shall be designed to meet the criteria of a twenty-five year storm based on rainfall data for Buckfield, Maine.
 - 2. The minimum pipe size for any storm drainage pipe shall be twelve inches. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two feet. Pipe shall be bedded in a fine granular material, containing no stones larger than 3 inches, lumps of clay, or organic matter, reaching a minimum of six inches below the bottom of the pipe extending to six inches above the top of the pipe.
 - 3. Catch basins shall be installed where necessary and located at the curb line.
 - 4. Outlets shall be stabilized against soil erosion by stone riprap or other suitable materials to reduce storm water velocity.
- B. The storm water management system shall be designed to accommodate upstream drainage, taking into account existing conditions and approved or planned developments not yet built and shall include a surplus design capacity factor of 25% for potential increase in upstream runoff.
- C. Downstream drainage requirements shall be studied to determine the effect of the proposed subdivision. The storm drainage shall not overload existing or future planned storm drainage systems downstream from the subdivision. The subdivider shall be responsible for financing any improvements to existing drainage systems required to handle the increased storm flows.
- D. Whenever the storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided to the town allowing maintenance and improvement of the system.
- E. Where soils require a subsurface drainage system, the drains shall be installed and maintained separately from the storm water drainage system.

- F. The developer shall pay for review and approval by the Natural Resources Conservation Service. (NRCS)

8.5 Storm Drainage Construction Standards.

A. Materials.

1. Reinforced Concrete Pipe. Reinforced concrete pipe shall meet the requirements of ASTM designation C-76 (AASHTO M 170). Pipe classes shall be required to meet the soil and traffic loads with a safety factor of 1.2 on the .1 inch crack strength with a Class B bedding. Joints shall be of the rubber gasket type meeting ASTM designation C443-70, or of an approved preformed plastic jointing material such as "Ramnek". Perforated concrete pipe shall conform to the requirements of AASHTO M 175 for the appropriate diameters.
2. Asbestos Cement Pipe. Asbestos cement pipe shall meet the requirements of ASTM designation C-428 (AASHTO M 189). Pipe classes shall be required to meet the soil and traffic loads with a safety factor of 1.5 on the crushing strength. Joints shall be of the rubber gasket type meeting ASTM designation D-1869-63, or of an approved preformed plastic sleeve type.
3. Corrugated Metal Pipe. Corrugated metal pipe shall be bituminous coated meeting the requirements of AASHTO designation M 190 Type C for iron or steel pipe or AASHTO designation M 196 for aluminum alloy pipe for sectional dimensions and type of bituminous coating. Pipe gauge shall be as required to meet the soil and traffic loads with a deflection of not more than 5%.
4. ABS Pipe. ABS (acrylonitrile-butadiene-styrene) composite pipe and fittings shall conform to the requirements of AASHTO M 264 and AASHTO M 265. Perforated pipe shall conform to the requirements of AASHTO M 36, Type III.
5. Corrugated Plastic Pipe. Corrugated plastic pipe shall conform to the requirements of AASHTO M 252.
6. Manholes. Manholes shall be of pre-cast concrete truncated cone section construction meeting the requirements of ASTM designation C 478 or pre-cast concrete manhole block construction meeting the requirements of ASTM designation C 139, radial type. Bases may be cast-in-place 3,000 psi 28 day strength concrete or may be of pre-cast concrete, placed on a compacted foundation of uniform density. Metal frames and traps shall be set in full mortar bed with tops and shall conform to the requirements of AASHTO M 103 for carbon steel castings, AASHTO M 105, Class 30 for gray iron castings or AASHTO M 183 (ASTM A 283, Grade B or better) for structural steel.
7. Catch basins. Catch basins shall be of pre-cast concrete truncated cone section construction meeting the requirements of ASTM designation C 478 or pre-cast concrete manhole block construction meeting the requirements of ASTM designation C 139, radial type. Castings shall be square cast iron sized for the particular inlet condition with the gratings perpendicular to the curb line. Bases may be cast-in-place 3,000 psi 28 day strength concrete or may be of pre-cast concrete, placed on a

compacted foundation of uniform density. Metal frames and traps shall be set in full mortar bed and with tops shall conform to the requirements of AASHTO M 103 for carbon steel castings, AASHTO M 105, Class 30 for gray iron castings or AASHTO M 183 (ASTM A 283, Grade B or better) for structural steel.

- B. Drain inlet alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvilinear drain is obtained in writing from the Board, after consultation with a municipal engineer.
- C. Manholes shall be provided at all changes in vertical or horizontal alignment and at all junctions. On straight runs, manholes shall be placed at a maximum of 400-foot intervals.
- D. Upon completion, each catch basin or manhole shall be cleaned of all accumulation of silt, debris or foreign matter and shall be kept clean until final acceptance.

8.6 Additional Improvements and Requirements.

- A. Erosion Control. The procedures outlined in the Erosion and Sedimentation Control Plan shall be implemented during the site preparation, construction, and clean-up stages.
- B. Cleanup. Following street construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire street right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the plan, and be suitably covered with fill and topsoil, limed, fertilized, and seeded.
- C. Street Names, Signs, and Lighting. Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of the new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality, and shall be subject to the approval of the Board. The developer shall reimburse the Municipality for the costs of installing street name, traffic safety, and control signs. Street lighting shall be installed as approved by the Board.

- 8.7 Certification of Construction.** Upon completion of street construction and prior to a vote by the Municipal officers to submit a proposed public way to the legislative body, a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the Municipal officers at the expense of the applicant, certifying that the proposed way "as built" meets or exceeds the design and construction requirements of these regulations. Plans shall be submitted to the Municipal officers.

8.8 Impact on Groundwater.

- A. When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:
 - 1. A map showing the basic soils types.
 - 2. The depth of the water table at representative points throughout the subdivision.
 - 3. Drainage conditions throughout the subdivision.
 - 4. Data on the existing groundwater quality, either from test wells in the

subdivision or from existing wells on neighboring properties.

5. An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential development, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision, at the subdivision boundaries and at a distance of 1,000 feet from potential contamination sources, whichever is a shorter distance. For subdivisions within the watershed of a lake, projections of the subdivision's impact on groundwater phosphate concentrations shall also be provided.
 6. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.
- B. Projections of groundwater quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
 - C. No subdivision shall increase any contaminant concentration in the ground water to more than one half of the primary drinking water standards. No subdivision shall increase any contaminant concentration in the ground water to more than the secondary drinking water standards.
 - D. If groundwater contains contaminants in excess of the primary standards, and the subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.
 - E. If groundwater contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.
 - F. Subsurface wastewater disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, these standards shall be included as a note on the Final Plan, and as restrictions in the deeds to the affected lots.

ARTICLE IX: FINAL PLAN FOR A SUBDIVISION.

9.1 Procedure

- A. The subdivider shall, within six months after the approval of the Preliminary Plan, and at least seven days prior to the Board meeting at which it will be discussed, file with the Board a final plan. If the Final Plan is not submitted within six months after Preliminary Plan approval, the Board may refuse without prejudice to act on the Final Plan and require resubmission of the Preliminary Plan. The Final Plan shall approximate the layout shown on the Preliminary Plan, plus any recommendations made by the Board during the Preliminary Plan approval process.
- B. If a public hearing on the Final Plan for the subdivision is deemed necessary by the Board, the costs of advertising and postal notification will be taken from the special account established during the Preliminary Plan approval process.
- C. It is strongly recommended that the subdivider, or his/her duly authorized representative, attend the meeting of the Board to discuss the Final Plan.

- D. Upon determination that a complete Final Plan has been submitted for review, the Board shall issue a dated receipt to the subdivider. The Board shall determine whether to hold a public hearing on the Final Plan application.
- E. Prior to submittal of the Final Plan application, the following approvals shall be obtained in writing, where appropriate:
 - 1. Maine Department of Environmental Protection, if
 - a) the project falls under the Site Location of Development Act,
 - b) the project falls under the Natural Resources Protection Act,
 - c) a Wastewater Discharge License is needed.
 - 2. If the existing public water service is to be used, a letter from the Buckfield Village Corporation with approval of the final plans for the water supply system.
 - 3. Maine Department of Human Services, if the subdivider proposes to provide a central water supply system.
 - 4. Maine Department of Human Services, if the subdivider proposes to use a centralized or shared subsurface sewage disposal system(s).
 - 5. U.S. Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.
- F. A public hearing may be held by the Planning Board within thirty (30) days after the issuance of a receipt for the submittal of a complete application. This hearing shall be advertised in a newspaper of local circulation at least two times, the date of the first publication to be at least seven days before the hearing. The notice of the hearing shall also be posted in at least three prominent places, which may include the town's web site or public access channel, at least seven days prior to the hearing. The Planning Board shall also notify the Road Commissioner, School Superintendent, and Fire Chief of the Public Hearing, and inform them of any changes in the Final Plan which might affect their role in serving the Proposed Subdivision. When a subdivision is located within 500 feet of a municipal boundary, and a public hearing is to be held, the Planning Board shall notify the clerk and the planning board of the adjacent municipality involved, at least ten days prior to the hearing.
- G. Before the Board grants approval of the Final Plan, the subdivider shall meet the performance guarantee requirements in Article XI which the Board has specified under Article VI 6.1 H 3 during the approval process for the Preliminary Plan.
- H. If the subdivision is located in more than one municipality, the Board shall have a joint meeting with the planning board of the adjacent municipality to discuss the plan.
- I. Within thirty days after the public hearing or, if no hearing is held, within sixty days of receiving a complete Final Plan, the Board shall make Findings of Fact, and conclusions relative to the standards contained in MRSA Title 30-A, Section 4404, as amended. If the Board finds that all standards of the statute have been met, they shall approve the Final Plan. If the Board finds that any of the standards of the Statutes and these Regulations have not been met, the Board shall either deny the application or approve the application with conditions to

ensure all of the standards will be met by the subdivision. The reasons for any conditions shall be stated in the records of the Board.

9.2 Submissions

The Final Plan shall consist of one or more maps, with notes, and drawings as required, drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than seventy-five acres may be drawn at a scale of not more than two hundred feet to the inch. Plans shall be no larger than 24 X 36 inches in size, and shall have a margin of two inches outside of the border line on the left side for binding and a one inch margin outside the border on the remaining sides. Space shall be reserved thereon for endorsement by the Board. The submitted plans shall include two reproducible stable based transparent originals, (also known as mylars), with the embossed seal and signature of a registered land surveyor attesting to the boundaries and of a registered professional engineer certifying the road and storm water design. One original is to be recorded at the Registry of Deeds for Oxford County; the other is to be filed at the Buckfield Town Office. In addition, ten signed copies of the Final Plan shall be submitted.

The Final Plan shall include all information and submissions required in the Preliminary Plan, (Section 6.2 C-2), in final form, ready to be recorded in the Registry of Deeds, with the following differences:

- A. Names and addresses of owners of record of adjacent properties do not need to be shown.
- B. Final versions, rather than drafts, of copies of covenants, deeds, easements, rights-of-way, or other encumbrances, must be submitted in the Final Plan.
- C. Regarding 6.2 C 15 in the Preliminary Plan, the Final Plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The length of all straight lines, the deflection angles, radii, length of curves, and central angles of curves, tangent distances, and tangent bearings shall be included. All streets shall be in conformity with Buckfield Street Construction Standards.
- D. The Plan should include information on all parcels of land proposed to be dedicated to public use and the conditions of such dedication, including written offers of cession to the Municipality of all public open spaces shown on the plan. Also, the Final Plan should include copies of agreements or other documents showing the manner in which open spaces to be retained by the subdivider or lot owners are to be maintained. If open space or other land, or easements on them are to be offered to the Municipality, written evidence that the Municipal officers are satisfied with the legal sufficiency of the written offer of cession shall be included.
- E. If the subdivider is constructing roads or structures, he/she should provide an itemized estimate of all construction costs, and evidence of financial commitments or resources to cover these costs. The subdivider shall also provide an estimate of the net increase in taxable assessed valuation at the completion of

the construction of the subdivision.

9.3 Final Approval and Filing.

- A. No plan shall be approved by the Planning Board as long as the subdivider is in default on a previously approved plan, or is in violation of any town or state regulations on the property.
- B. Upon Findings of Fact and determination that all standards in Title 30A Section 4404 and these Regulations have been met, and upon voting to approve the subdivision, the Board shall sign the Final Plan. A Final Plan or revision of a subdivision plan must be signed only at a formal meeting of the Board. The Board shall specify in writing its Finding of Facts and reasons for any conditions or denial. One copy of the signed plan shall be retained by the Board as part of its permanent records. One copy of the signed plan shall be forwarded to the Board of Assessors. One copy of the signed plan shall be forwarded to the Code Enforcement Officer.
- C. It shall be the responsibility of the manager of the Town of Buckfield to have the Final Subdivision Plan recorded in the Oxford County Registry of Deeds within 30 days of the date upon which the plan is approved, and to present proof of the recording to the Planning Board, in the form of a receipt including number assigned by the registry.
- D. At the time the Board grants Final Plan approval, it may permit the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to insure the orderly development of the Plan. If any Municipal or quasi-municipal department head notified of the proposed subdivision informs the Board that his/her department or district does not have adequate capital facilities to service the subdivision, the Board shall require the plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to allow the orderly planning, financing and provision of public services to the subdivision.
- E. No changes, erasures, modifications, or revisions shall be made in any final plan, except in accordance with Section 10.1 C, after approval has been given by the Planning Board and endorsed in writing on the Plan, unless the revised Final Plan is first submitted and the Board approves any modifications. The Board shall make Findings that the revised plan meets the standards of Title 30A Section 4404 and these Regulations. In the event that a plan is recorded without complying with this requirement, it shall be considered null and void, and the Board shall institute proceedings to have the plan stricken from the records of the Registry of Deeds.
- F. The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the Municipality of any street, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the Municipality, approval of the Plan shall not constitute an acceptance by the Municipality of such areas. The Board

shall require the filing of a written agreement between the applicant and the Municipal officers covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.

- G. Failure to commence substantial construction of the subdivision within five years of the date of approval and signing of the plan shall render the plan null and void. Upon determining that the subdivision's approval has expired under this paragraph, the Board shall have a notice placed in the Registry of Deeds to that effect.

Article X: Enforcement.

10.1. Inspection of Required Improvements.

- A. At least five days prior to commencing each major phase of construction of required improvements, the subdivider or builder shall notify the Code Enforcement Officer in writing of the time when he/she proposes to commence construction of such improvements, so that the Municipal officers can cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.
- B. If the inspecting official finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, he shall so report in writing to the Municipal officers, planning board, and the subdivider or builder. The Municipal officers shall take steps necessary to preserve the Municipality's rights.
- C. If at any time before or during the construction of the required improvements, it appears to be necessary or desirable to modify the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountered hidden outcrops of bedrock, natural springs, etc. The inspecting official shall transmit a copy of the approval to the Board. Revised plans shall be filed with the Town for major modifications, such as relocation of rights-of way, property boundaries, changes of grade by more than 1%, etc. The subdivider shall obtain permission to modify the plans from the Board.
- D. At the close of each summer construction season, the town shall, at the expense of the subdivider, have the site inspected by a qualified individual. By December 1st of each year during which construction was done on the site, the inspector shall submit a report to the Board based on that inspection, addressing whether stormwater and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate to do the job they were designed for. The report shall also include a discussion and recommendation on any problems which were encountered.
- E. Prior to the sale of any lot, the subdivider shall provide the Board with a letter from a registered land surveyor, stating that all monumentation shown on the plan has been installed.

- F. Prior to the sale of any lots within the subdivision, the boundaries of all building envelopes must be clearly marked.
- G. Prior to the sale of any lot, the subdivider shall demonstrate to the Code Enforcement Officer that the road to and including the entire frontage of that lot has been completed according to Buckfield Street Construction Standards and these Regulations.
- H. Upon completion of street construction and prior to a vote by the municipal officers to submit a proposed town way to a Town meeting, a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the municipal officers at the expense of the applicant, certifying that the proposed town way meets or exceeds the design and construction requirements of these Regulations. If there are any underground utilities, the utility shall certify in writing that they have been installed in a manner acceptable to the utility.
- I. Any person undertaking construction actively within an approved subdivision located in the direct watershed of North or South Ponds shall have a copy of the subdivision approval on site.
- J. The subdivider or builder shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the Municipality.

10.2 Violations and Enforcement.

- A. No plan of a division of land within the Municipality which could constitute a subdivision shall be recorded in the Registry of Deeds until a Final Plan has been approved by the Board in accordance with these regulations.
- B. No person, firm, corporation, or other legal entity may convey, offer or agree to convey any land in a subdivision which has not been approved by the Board and recorded in the Registry of Deeds. Unless a disclaimer is added to the offer, stating that any sale is subject to approval of the subdivision by the Planning Board
- C. No person, firm, corporation, or other legal entity may convey, offer or agree to convey any land in an approved subdivision which is not shown on the Final Plan as a separate lot.
- D. Any person, firm, corporation, or other legal entity who conveys, offers, or agrees to convey any land in a subdivision which has not been approved as required by these regulations shall be punished by a fine of not less \$100.00 and not more than \$2500.00 for each such conveyance, offering, or agreement. The Municipality may institute proceedings to enjoin the violation of this section, and may collect attorney's fees and court costs if it is the prevailing party.
- E. No public utility, water district, or any utility company of any kind shall serve any lot in a subdivision for which a final plan has not been approved by the Board.
- F. Development of a subdivision without the Board's approval shall be a violation of law. Development includes grading or construction of roads, grading of land or lots, or construction of buildings which require a final plan approval as provided in these Regulations and recorded in the Registry of Deeds.

- G. No lot in a subdivision may be sold, leased, or otherwise conveyed before the street upon which the lot fronts is completed in accordance with these Regulations up to and including the entire frontage of the lot. No unit in a multi-family development shall be occupied before the street upon which the unit is accessed is completed in accordance with these Regulations.

Article XI: Performance Guarantees

- 11.1 Types of Guarantees.** With submittal of the application for final plan approval, the subdivider shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs.
- A. Either a certified check payable to the Town of Buckfield or a savings account or certificate of deposit naming the Town of Buckfield as owner, for the establishment of an escrow account;
 - B. A performance bond payable to the Town of Buckfield issued by a surety company, approved by the Municipal officers;
 - C. An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision, from which the Town may draw if construction is inadequate, approved by the municipal officers; or
 - D. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed. The conditions and amount of the performance guarantee shall be determined by the Board with the advice of a licensed engineer, the Town Road Commissioner, Municipal officers and/or town attorney.
- 11.2 Contents of Guarantee.** The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and a date after which the developer will be in default and the Town shall have access to the funds to finish construction.
- 11.3 Escrow Account.** A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the Town of Buckfield, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the subdivider, the Municipality shall be named as owner or co-owner, and the consent of the Municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the subdivider unless the municipality has found it necessary to draw on the account, in which case the interest earned shall be divided between the subdivider and the Town in proportion to the amount returned to the subdivider and the amount withdrawn by the Town to complete the required improvements.
- 11.4 Performance Bond.** A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the subdivider, and the procedures for collection by the municipality. The bond documents shall specifically reference the subdivision for which approval is being sought.

- 11.5 Letter of Credit.** An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan.
- 11.6 Conditional Agreement.** The Board, at its discretion, may provide for the subdivider to enter into a binding agreement with the Municipality in lieu of the other financial performance guarantees. Such an agreement shall provide for approval of the Final Plan on the condition that up to four lots may be sold or built upon until either:
- A. It is certified by the Board, or its agent, that all of the required improvements have been installed in accordance with these Regulations and the regulations of the appropriate utilities; or
 - B. A performance guarantee, acceptable to the Municipality, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed. Notice of the agreement and any conditions shall be on the Final Plan which is recorded at the Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guarantee contained in Section 11.8.
- 11.7 Phasing of Development.** The Board may approve plans to develop a major subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.
- 11.8 Release of Guarantee.** Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction, in part upon the report of a licensed engineer and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.
- 11.9 Default.** If, upon inspection, the Code Enforcement Officer finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he shall so report in writing to the Municipal officers, the Board, and the subdivider or builder. The Municipal officers shall take any steps necessary to preserve the Town's rights.
- 11.10 Private Roads.** Where the subdivision streets are to remain private roads, the following words shall appear on the recorded plan:
- "All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town."
- 11.11 Improvements Guaranteed.** Performance guarantees shall be tendered for all improvements required by Section 7.7 of these Regulations, as well as any other improvements required by the Board.

Article XII Waivers

- 12.1** Where the Board makes written Findings of Fact that there are special circumstances of a particular lot proposed to be subdivided, it may waive portions of the submission requirements or standards, unless otherwise indicated in the Regulations, to permit a more practical and economical development, provided the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan, official maps, any ordinances, or these Regulations.
- 12.2** Where the Board makes written Findings of Fact that due to special circumstances of a particular lot proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or is inappropriate because of inadequate or lacking connecting facilities adjacent to or in the proximity of the proposed subdivision, it may waive the requirement for such improvements, subject to appropriate conditions.
- 12.3** In granting waivers to any of these Regulations in accordance with Sections 12.1 and 12.2, the Board shall require such conditions as will assure that the objectives of these Regulations are met.
- 12.4** When the Board grants a waiver to any of the improvements required by these Regulations, the Final Plan, to be recorded at the Registry of Deeds, shall indicate the waivers granted and the date on which they were granted.

Article XIII: Appeals

- 13.1** An aggrieved party may appeal any decision of the Board under these Regulations to Oxford County Superior Court.

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**Town Of Buckfield, Maine
Oxford County
ORDINANCE TO RECALL ELECTED OFFICIALS**

Section 1. Establishment

Under M.R.S.A. Title 30-A § 2602 (6), a town may enact an ordinance for the recall and removal of elected municipal officials with the exception of school board members as noted in Title 30—A, M.R.S.A § 2602.

Section 2. Authority

This ordinance is enacted pursuant to Title 30-A, M.R.S.A. §2528, §2602, §3001 and §3002.

Section 3. Purpose

This ordinance is created for the removal of elected officials in the Town of Buckfield, Maine. A recall petition is subject to section 4 in this document or any amendments added after the adoption of this original document.

Section 4. Causes for Removal

Reasoning for a recall will be left to the petitioner and shall be noted on such petition as required in section “6c” of this document.

Section 5. Limitations

- a) No petition for recall shall be filed against an official with fewer than 4 months in office, or with fewer than 60 days of a multiyear term remaining.
- b) If an office has been subjected to a recall election and not removed thereby, no recall petition shall be filed against that official until at least twelve months (1 year) have passed since said recall election.

Section 6. Procedure

- a) The petition for recall must contain only signatures of the registered voters from the Town of Buckfield, Maine, equal in number to ten percent (10%) of the number of votes cast in the town in the last gubernatorial election, but in all cases no less than fifty (50) registered voters.
- b) The petition shall be addressed to those members of the Board of Selectmen having no interest in the subject matter of the petition.
- c) The petition shall state the name and office of the person whose removal is being sought accompanied with an explanation for the recall.
- d) If recall of more than one official is being sought there shall be a separate petition for each official whose removal is being sought.
- e) Each page of petition shall provide a space for the voter's signature, address and printed name.
- f) All petition pages thereof shall be filed as one document.

Section 7. Incumbent Duties Continued

The incumbent (unless he/she has submitted a written resignation to the Selectmen) shall continue to perform the duties of the office until the results of the recall election are certified. If not recalled, the official shall continue in office of the remainder of the un-expired term, subject to the subsequent recall. If recalled, the official shall be deemed removed from the office upon certification of the election results.

Section 8. Clerk's Certification

Within five (5) days of receipt of the petition, the Town Clerk shall certify the signatures contained on the petition and shall determine if the petition meets all of the qualifications as set forth in section 5 of this ordinance. Should the petition be found insufficient, the petition will be filed in the clerk's office and the voter who filed the petition shall be notified.

Section 9. Calling the Recall Election

- a) If the petition is certified by the Town Clerk to be sufficient, he or she will submit the same with his or her certification to the Board of Selectmen at their next regular meeting and shall notify the official(s) whose removal is being sought of such action.
- b) Upon delivery to the Selectman a secret ballot election shall be held, pursuant to Title 30-A, M.R.S.A. §2528, on the fifth Tuesday following the delivery of said recall petition.

Section 10. Ballots for Recall Election

Unless the official(s) whose removal is being sought, have resigned with ten (10) days of receipt of the petition by the Board of Selectmen, the ballots shall be printed and shall read: **"SHALL _____ BE RECALLED?"** with the name of the official whose recall is being sought inserted in the blank space. In addition, the answer to the question shall be **"YES"** or **"NO"** in that order.

Section 11. Vacancies to be Filled

A vacancy resulting from removal from office under this ordinance shall be filled in accordance with Title 30-A, M.R.S.A., §2602.

Section 12. Validity

It is the intention of the municipality that each section of this ordinance shall be deemed independent of all other sections of this document, and that, if any provision within this ordinance is declared invalid, all other sections shall remain valid and enforceable.

Section 13. Amendments

This ordinance may be amended by a majority vote of any legal town meeting when such amendment is published in the warrant calling for the meeting.

Section 14. Effective Date

This ordinance shall be in full force and effective as soon as the town votes to enact it.

Adopted 9/7/10

**TOWN OF BUCKFIELD
TOWN MEETING
WARRANT ARTICLE POLICY**

1. PURPOSE

To provide the Board of Selectmen with a standard procedure on the inclusion of Articles for a Town Meeting Warrant.

2. PETITION REQUIRED

- A. When a Buckfield voter or voters, hereinafter referred to as Petitioner(s) want an Article included in a Town Meeting Warrant, a written voter petition signed by a number of voters equal to at least 10% of votes cast in the Town in the last gubernatorial election, but in no case less than ten (10), the Board of Selectmen shall include the petitioned-for Article in the next Town Meeting Warrant or within sixty (60) days call a Special Town Meeting for that Article's consideration. In either case, the Board of Selectmen will have the final say on setting the date, time and location for Town Meeting.
- B. Unless a Special Town Meeting must be called for the petitioned-for Article's consideration, any and all petitioned-for Article(s) must be submitted to the Board of Selectmen or the Town Clerk at least forty-five (45) days prior to the date of voting.
- C. If the Board of Selectmen unreasonably refuse to call a Town Meeting requested by a valid written voter petition, a notary public may call the Town Meeting in accordance with 30-A MRSA §2521. However, the final determination of what is reasonable or unreasonable refusal and the legality of any action taken at such Meeting can only be made by a Court.
- D. If said petition calls for an illegal act, is a reconsideration of recent Town Meeting action, is incomplete or unintelligible, the Board of Selectmen have authority to refuse including it in the Warrant since it will not be effective even if adopted.
- E. If said petition is ambiguous or poorly worded, the circulators of the petition will be notified that there is a problem with the proposed Article. The circulators can redraft the Article and commence the petition process again or take the risk that the ambiguous Article may not be valid if adopted. The Board of Selectmen also reserve the right to include, on their own initiative, an alternative Article.

- F. A Board, Committee, or Commission appointed by the Board of Selectmen to act in the Town's best interest may, by majority vote, submit Article(s) for inclusion in a Town Meeting Warrant without a written voter petition(s). However, should the Board of Selectmen determine said Article would not be in the best interest of the Town, a valid written voter petition must be submitted. The Board of Selectmen's determination must be by majority vote at a duly called Board of Selectmen Meeting.
- G. The Board of Selectmen, elected to act in the Town's best interest may, by majority vote, submit Article(s) for inclusion in a Town Meeting Warrant without written voter petition(s).

3. PETITION CONTENTS

- A. The Town Clerk shall make available petition forms upon request.
- B. The circulator(s) will be responsible for the wording of the Article(s) being petitioned.

4. CONFLICTING PROVISION

Whenever the Policy made under the authority hereof differ from those described by any federal or state statute or is not specifically included in this Policy, the statute will govern.

5. POLICY EFFECTIVE DATE

The Board of Selectmen adopted this Policy by majority vote at a duly called Meeting on March 14, 2003. The Board of Selectmen, by majority vote, reserve the right to amend or repeal this Policy.

TOWN OF BUCKFIELD



WIND ENERGY FACILITY ORDINANCE

Adopted: JUNE 26, 2010 – Annual Town Meeting, Article #36

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TOWN OF BUCKFIELD WIND ENERGY FACILITY ORDINANCE

Section 1 - Title

This Ordinance shall be known as the Town of Buckfield Wind Energy Facility (WEF) Ordinance.

Section 2 - Purpose

The purpose of this Ordinance is to regulate Wind Energy Facilities to protect and safeguard the health, safety, and general welfare of the citizens of Buckfield by establishing reasonable and uniform regulations.

Section 3 - Authority

This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution (Municipal Home Rule), the provisions of Title 30-A M.R.S.A. Section 3001 (Home Rule), and the provisions of the Planning and Land Use Regulation Act, Title 30-A M.R.S.A. Section 4312, etc. seq. (Comprehensive Planning and Land Use Regulation, or "Growth Management Act").

Section 4 - Conflicts with Other Ordinances, Laws and Regulations

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 from any Town of Buckfield, State of Maine or Federal regulation, the more restrictive provision shall control.

Section 5 - Validity and Severability

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

Section 6 - Effective Date

This Ordinance shall become effective upon the date of its Passage at the June 26, 2010 Annual Town Meeting.

Section 7 - Applicability

This Ordinance applies to any wind turbine that is the subject of a permit or license application pending before, or filed with the Town of Buckfield, after the effective date of the Ordinance.

Section 8 - Permitting Authority

8.1 The Town of Buckfield Planning Board is authorized to review all WEF applications and may approve, reject or conditionally approve such applications in accordance with the standards of the Ordinance.

8.2 The Maine Department of Environmental Protection (DEP) may be required to review WEF applications. The Planning Board shall consider, at a minimum and to the extent applicable, pertinent findings in the DEP certification when making its determination.

8.3 The following WEF's require authorization to participate in by a vote of the residents of the Town of Buckfield:

8.3.1 Any WEF to be built on property owned by the Town

8.3.2 Any WEF partially or totally owned by the Town.

Section 9 - Cumulative Effect of Multiple Permits

The Town of Buckfield reserves the right to limit the total number of WEF permits that are under review for approval at any given time. The Permitting Authority will process no more than one application at any one time, or the deadline for submission and review may be modified correspondingly to reflect the increased workload of multiple permits.

Section 10 - Appeals

10.1 All appeals of Planning Board decisions shall be filed with the Oxford County Superior Court.

10.2 A final Town vote as outlined in Section 8.3 shall not be subject to review.

Section 11 - Professional Services

In reviewing an application for compliance with this Ordinance, the Permitting Authority 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 provide to the Town Clerk for deposit into an escrow account funds in the amount of \$25,000 as partial payment for the appropriate Town expenses in hiring consultants, experts, mailings, printing and advertising costs as the Permitting Authority shall, at its discretion, deem necessary. If at any time the balance of the fund falls below \$5,000, the Applicant upon notice shall submit an additional \$25,000 so that the Town's full and actual expenses of examining and verifying the data presented by the Applicant can be paid. If at any time the balance of this fund falls below \$5000 for a period of 30 days after notification the application shall be considered to have been withdrawn. The balance of the account shall be returned to the Owner/operator after all expenses have been paid, and after a permit is granted / denied or withdrawn.

Section 12 - Classification of Wind Turbines and Meteorological Towers

For the purpose of clarification, all WEFs are classified according to the following definitions:

12.1 Wind Turbine Classifications

12.1.1 Type 1 — Small Wind Turbine means a single wind turbine with a nameplate capacity less than 10 kW, and a turbine height less than 100 feet.

12.1.1.1 This classification must meet sections 1, 2, 3, 4, 5, 6, 7, 8, 9.10, 12, 13, 14.1, 14.3.7, 16.1.1, 17.1, 17.4, 17.5, 17.6, 17.9, 18, 23, 24.1.1, 24.2.1, 24.2.2, 24.2.4, 24.2.5, 24.2.12, 24.2.51, 26, 30.1, 30.2, 30.5, 31, 32, 35.1.1, 35.2.3, 35.2.4, 36.1, 37.1.1, 37.2, 38, 44, 45 of this ordinance as well as section 25.1 which the Planning Board may reduce to one and one half times the turbine height and 17.3 which shall only require notification of the abutters until such time as the Town of Buckfield adopts a separate Ordinance to govern this class at which time section 12.1.1.1 shall be automatically repealed.

12.1.2 Type 2 — Intermediate Wind Turbine means a single wind turbine with a nameplate capacity less than 100 kW, and a turbine height less than 150 feet, and not requiring a Site Location of Development permit from the Maine Department of Environmental Protection (DEP).

12.1.2.1 This classification must meet sections 1, 2, 3, 4, 5, 6, 7, 8, 9.10, 12, 13, 14.1, 14.3.7, 16.1.1, 17.1, 17.4, 17.5, 17.6, 17.9, 18, 23, 24.1.1, 24.2.1, 24.2.2, 24.2.4, 24.2.5, 24.2.12, 24.2.51, 26, 30.1, 30.2, 30.5, 31, 32, 35.1.1, 35.2.3, 35.2.4, 36.1, 37.1.1, 37.2, 38, 44, 45 of this ordinance as well as section 25.1 which the Planning Board may reduce to one and one half times the turbine height and 17.3 which shall only require notification of the abutters until such time as the Town of Buckfield adopts a separate Ordinance to govern this class at which time section 12.1.2.1 shall be automatically repealed.

12.1.3 Type 3 — Large Wind Turbine means up to three wind turbines with a nameplate capacity of 100 kW to 1 MW, and a turbine height of 150 to 300 feet.

12.1.4 Type 4 — Industrial Wind Turbine means one or more wind turbines each with a nameplate capacity of greater than 1 MW, or a turbine height greater than 300 feet; or more than three Type 3 Wind Turbines.

12.2 Meteorological Towers (MET Towers)

MET towers shall be permitted under this Ordinance, with no height limitations, other than those imposed under State or Federal law. A Setback of 150% of the tower height shall be required from the nearest property line. A permit for a temporary MET tower shall be valid for a maximum of two years after which a single extension of up to one year may be granted. The site shall be restored to a condition that will not create erosion problems within 30 days following removal of the tower. Application for a MET Tower shall be submitted to the Town of Buckfield Code Enforcement Officer and he/she may issue a permit for construction after providing to the applicant a copy of this Ordinance and verification that the setback distance will be adhered to. The Code Enforcement Officer will have 45 days to inform the Planning Board of the issuance of a MET Tower permit.

Section 13 - Fees

All fees for this ordinance shall be set by the Buckfield Board of Selectmen and may be changed by them as they deem necessary. See Appendix E for a fee schedule.

Section 14 - Ethical Standards

14.1 Transparency, Public Participation and Highest Ethical Standards All public deliberations and decisions regarding WEFs and Community Owned Wind shall be conducted in an open, transparent manner that encourages the broadest public participation and adherence to the highest ethical standards.

14.2 Public Access

14.2.1 All deliberations concerning WEFs and Community Owned Wind, whether in writing or conducted verbally, by the Planning Board, Selectmen, and any subcommittees or working groups of the aforementioned bodies shall fully comply with the letter and spirit of State law regarding Freedom of Access pursuant to Title 1; Chapter 13; Subchapter 1. Specifically, all deliberations regarding WEFs between members of the Planning Board, Selectmen, and any subcommittees and working groups shall be conducted at public meetings, which have been duly posted. Exceptions will be made only for: 1) appropriately recorded and executed executive sessions, and 2) communicating the minimal information necessary to set up and facilitate public meetings. Detailed minutes of deliberations and decisions concerning WEFs and Community Owned Wind will be recorded and posted. Copies of all correspondence and e-mails will be made available to the public with the exception of those publicly identified and disclosed as being subject to "attorney-client privilege" by the Town attorney. All documents, correspondence and e-mails generated by consultants on behalf of the Planning Board, the Selectmen, their subcommittees and working groups shall be part of the public record.

14.3 Conflicts of Interest

14.3.1 The process to develop, permit and administer WEFs or Community Owned Wind shall be governed by a strict ethical code for conflicts of interest. No elected or appointed Town official or Town employee, their immediate family members, or their employees, who has a conflict of

interest shall be directly or indirectly involved in the planning process or decision-making process for WEFs. Conflicts of interest include but are not limited to:

14.3.1 Having a lease as a Participating Landowner for a Wind Turbine or transmission right-of-way,

14.3.2 Having an identified financial arrangement with a wind development company including a signed Mitigation Waiver with financial remuneration,

14.3.3 Serving as a paid representative of a wind development company, or a written or verbal promise for future employment or contracts from a wind development company;

14.3.4 Being directly or indirectly affiliated or related to an Applicant with a pending application for a WEF, and,

14.3.5 Knowing there is a substantial opportunity to accept bids, receive remuneration, or employment valued at greater than \$10,000 on behalf of a wind development company or as a subcontractor or employee of the Community Owned Wind.

14.3.6 Living within or having an immediate family member living within the setback area.

14.3.7 All decision-makers must be free from bias and able to evaluate an application in accordance with the provisions of this ordinance.

14.4 Individuals with a conflict of interest must identify the conflict of interest and recuse themselves from all direct and indirect planning and decision making regarding WEFs or Community Owned Wind, with the exception of voting and debating as a private citizen at any public meetings and public hearings.

14.5 Bidding and Contracting

14.5.1 All bidding, contracts and employment for WEF's the town has greater than 10% interest in or are being placed on town owned property must be awarded through a process of public notice and competitive bidding. The Town of Buckfield reserves the right to require the design of the bidding process to favor local contracts and local employment.

14.6 Code of Ethics for Wind Companies and Municipal Employees

14.6.1 Wind companies will not hire municipal employees or their relatives, give gifts of more than \$10 during a one-year period, or provide any other form of compensation that is contingent on any action before a municipal agency

14.6.2 Wind companies will not solicit, use, or knowingly receive confidential information acquired by a municipal officer in the course of his or her official duties.

14.6.3 Wind companies will submit to the Planning Board the names of all municipal officers or their relatives who have a financial stake in WEF development.

14.6.4 Wind companies will submit, in writing to the town clerk for public inspection, the nature and scope of the municipal officers' financial interest.

Section 15 - Jurisdiction Across Multiple Municipalities

This section addresses issues unique to the geography of the Town of Buckfield and its neighboring towns with which it shares a common boundary. In the event that potential sites for WEFs share multiple municipal jurisdictions, project permits should be coordinated to the fullest extent possible across town boundaries, while at the same time maintaining each individual Town's right to individual Home Rule.

15.1 This Ordinance applies to WEFs located wholly or partially in the Town of Buckfield to the fullest extent allowable by municipal, state, and federal law.

15.2 Approval to build or operate a WEF applies only to that portion of the WEF located within the boundaries of the Town of Buckfield. However, the application must take into account the entire WEF across municipal boundaries, including but not limited to the total number of Wind Turbines, Turbine Height, Wind Turbine location and all other relevant facts and data that may directly or indirectly affect the operation and viability of that portion of the WEF located in the Town of Buckfield.

15.3 Setback, Sound, Shadow Flicker and Mitigation Waiver standards for WEFs located and operated in the Town of Buckfield shall apply to property lines and roads irrespective of Town boundaries. For the purpose of this section a resident of such abutting towns is afforded the same protections as a resident of Buckfield.

15.4 This subsection applies to WEFs that are located partially in Buckfield and partially in neighboring Towns. The Applicant will comply with all portions of this ordinance as they apply to the portion within the town lines of Buckfield

15.5 The Town Clerk shall forward notice of WEF permit applications within 10 days of receipt, and notice of hearings and public meetings 14 days in advance, to the Selectmen and Planning Boards of adjacent communities for all WEFs if the neighboring community is located within a defined Setback of this Ordinance.

Section 16 - WEF Permit Requirement

16.1 Permit Requirement

16.1.1 A permit is required for each WEF built in the Town of Buckfield after the effective date of this Ordinance.

16.1.2 With the exception of Projects that are separated by substantial geographic distance, the Planning Board will aggregate, to the fullest and most practical extent possible, all Wind Turbines held under greater than 50% common or related ownership into a single WEF permit application.

16.1.3 Receipt of a permit under this Ordinance does not relieve the Owner/operator from the responsibility to obtain any other such permits, licenses or approvals as required under this or any other Town of Buckfield Regulations, Ordinance or pursuant to other State or Federal jurisdiction.

16.2.1 Where an Applicant is applying for a new or amended WEF Permit, the application for a WEF Operating License, or amended license, shall be submitted to the Planning Board in conjunction with the Permit application, and shall include the application form and the separate fee specified in Section 13.

Section 17 - Permit Review Procedure

17.1 Pre-application Meeting

10 copies of the pre-application shall be submitted to the Code Enforcement Officer at least 14 days in advance of the regularly scheduled monthly Planning Board meeting.

A pre-application meeting with the Planning Board will be scheduled at a regularly scheduled public Planning Board meeting. At the meeting the Applicant will review the type and scope of the project and the Planning Board will review Ordinance Standards and

submission requirements. The Planning Board will establish an application file at this time.

17.2 Site Inspection

Planning Board and Applicant will set a mutually agreeable time for the Planning Board to inspect the site. The inspection will be scheduled within 45 days of the pre-application meeting unless rendered impractical due to seasonal conditions. Site visits will normally be postponed if there is more than one foot of snow on the ground. The site inspection will be treated as a public meeting of the Planning Board with appropriate notices given to the community. While the Planning Board may set additional requirements for the site inspection at the pre-application meeting, the Applicant shall, at minimum, flag the location of the proposed WEF and relevant property boundaries. The Applicant or a representative will accompany the Planning Board to describe the project and answer any questions.

17.3 Notice to Abutters and residents within the Notification Area
In addition to any required public notices for the site inspection, the Planning Board will prepare a notice to property owners and residents within the Notification Area. The notice will briefly describe the proposed WEF and notify the recipient of the dates, times and places of the site inspection. The notice will be sent by certified mail to abutters and first class mail to all others with mailing costs paid for by the Applicant. The town will give residents no less than 14 days' notice of such a meeting.

17.4 Determine Submission Requirements

Within 63 days of the site inspection the Planning Board shall inform the Applicant in writing of any additional submission requirements for the application. The minimum submission requirements for WEFs are listed in Section 24. If the Applicant wishes to have any of the submission requirements waived, the Applicant must make the request in writing to the Planning Board. The Planning Board will notify property owners and residents within the Notification Area. The notice will be sent by certified mail to abutters and first class mail to all others with mailing costs paid for by the Applicant. The Planning Board will send the notice at least 14 days prior to the Planning Board meeting at which the Applicant's request will be considered.

17.5 Application Submission

The Applicant has up to 180 days after the determination of submission requirements to submit a completed application with the required fees to the Code Enforcement Officer. The application shall be deemed abandoned unless the application has been

received within 180 days of the determination of submission requirements unless an extension time frame is agreed to by the applicant and the Planning Board. The Code Enforcement Officer will forward the application to the Planning Board.

17.6 Completeness Review

The Planning Board will notify the Applicant within 80 days from the date of submission whether the application is complete. Specific studies may be required for a consideration of completeness including but not limited to sound studies, DEP 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 submits in writing the reason for any delay within 30 days from the date of notice indicating the application is incomplete.

17.7 Public Hearing

The Planning Board shall schedule a public hearing to be held within 63 days of the determination of completeness of the Application for the WEF.

17.8 Notice to Town of Buckfield

In addition to any required public notices for the public hearing, the Planning Board will prepare a notice to all residents and property owners in the Town of Buckfield and to property owners and residents within the Notification Area. The notice will briefly describe the proposed WEF and notify the recipient of the date, time and place of the public hearing. The notice will be sent by certified mail to all abutters and first class mail to all others with mailing costs paid for by the Applicant. The town will give residents no less than 14 days' notice of such a meeting.

17.9 Final Planning Board Determination

A decision to approve or reject the application, or to approve the application with conditions, will be made by the Planning Board within 63 days from the date of the public hearing.

17.10 Final Town Approval

Final Town approval is required if the WEF is located on Town property or if the WEF is wholly or partially owned by the Town.

Section 18 - Application Changes

18.1 Throughout the permit process, the Applicant shall promptly notify the Permitting Authority of any changes to the information contained in the permit application.

18.2 Material changes may not be made to a WEF after an application is determined to be complete, without initiating a new application process. Material changes include, but are not limited to, increasing the number of Wind Turbines, increasing the nameplate capacity of the Wind Turbines, increasing Turbine Height, changes to the location of Wind Turbines, or material changes to Associated Facilities. Non-material changes require a permit modification as determined by the Permitting Authority. The Permitting Authority shall have sole discretion for determining what is a material or non-material change.

Section 19 - Pre Application

A completed Pre Application form must be submitted 14 days prior to the Planning Boards regularly scheduled monthly meeting that an applicant wishes to have it reviewed. The Pre application may be obtained from the Town of Buckfield Code Enforcement Officer or see Appendix A.

Section 20 - Site Visit Checklist

The Planning Board will use the Site Visit Checklist found in Appendix B to gather information about the site to assist them in determining their needs in the application process.

Section 21 - Notification Area: Notice of Application and Site Visit

The Planning Board shall direct the Town Clerk to send out the notice as described in 17.3 to the best of her/his ability to all property owners within the Notification Area. This shall be accomplished by mailing a copy of the notice (Appendix C) to the last known address recorded in the Town of Buckfield Tax Assessment Records.

Section 22 - Town Wide Notification

The Planning Board shall direct the Town Clerk to send out the notice as described in 17.8 to the best of her/his ability to all residents and property owners. This shall be accomplished by mailing a copy of the notice (Appendix D) to occupant and supplying the Post Office with enough copies for each mailing address in the Town of Buckfield and preparing a

list of property owners that are not residents from the tax assessing record and mailing a copy to them as well. Only one copy of the notice must be mailed per address no matter the number of individuals living on or having claim to any given property. Failure of some individuals to receive notice in no way infringes on the review process of the application.

Section 23 - Final Determination

The Planning Board will provide a written finding of fact based on the requirements of the ordinance within 60 days of their final determination. The finding of facts will show the recorded vote of each criteria and the finding of facts associated with the criteria reviewed.

Section 24 - WEF Submission Standards and Fees

24.1 Fees and Bonds.

24.1.1 Application Fee: See Section 13

24.1.2 Professional Fees Escrow: See section 11

24.1.3 Decommissioning Bond: See Section 43.4

24.1.4 Road Damage Bond: See Section 39.3

24.2 Submission standards.

All information in this application, unless otherwise deemed confidential in accordance with Maine's Freedom of Access Law, 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:

24.2.1 Applicant's name and contact information.

24.2.2 Legal Owner/operator and contact information

24.2.3 Description of the legal structure of the WEF.

24.2.4 Description of the proposed WEF that includes the number of Wind Turbines, the nameplate capacity of each Wind Turbine, Turbine Height and manufacturer's specifications for each Wind Turbine, the aggregate generating capacity of the entire project, and a description of associated facilities.

24.2.5 Location map of the project showing the location of the each Wind Turbine, associated facilities, all property under partial or total control of Applicant including easements and those under lease with Participating Landowners, roads, municipal boundaries, proximity to all Scenic or Special Resource features in the Town of Buckfield and major geographical features.

24.2.6 Detailed site plan showing the location of each Wind Turbine and Associated Facility and any of the following features located within 1.5 times the required setback: property boundaries, required setbacks, topographic contour lines (maximum 20-foot interval), buildings (identify use), roads, driveways, right-of-ways, overhead utility lines, Scenic or Special Resources, tree cover, wetlands, streams, water bodies, areas proposed to be cleared of vegetation or re-graded, and areas proposed to be significantly excavated or blasted.

24.2.7 Copies of all Participating Landowner agreements and easement agreements.

24.2.8 Copies of any deeds or purchase agreements for land owned or under option by the Owner/operator.

24.2.9 Proof of financing.

24.2.10 Reference list of all previous WEFs with which the Owner/operator has been affiliated.

24.2.11 Proof of compliance with all required setbacks. The Applicant shall work with the Permitting Authority to complete a pre-construction sound study in accordance with Sections 26 & 41. This study must be completed before the permit can be approved.

24.2.12 A detailed sound prediction model for worst-case sound scenarios based on wind speed and wind direction for the WEFs. The study shall be projected onto a contour map for a minimum of two miles from each Wind Turbine. Worst-case scenarios for each property line within the 2-mile radius, measured horizontally from the Project Boundary, shall be reported in table form. The model will address the unique mountainous terrain of the area. Sound predictions will include both single source and line source origination. All underlying assumptions and algorithms in the model will be documented.

24.2.13 As part of the review process, the Applicant will provide written demonstration that the sound standards in this Ordinance will be met.

24.2.14 The Wind Turbine manufacturer's sound emission specifications for each Wind Turbine model.

24.2.15 A shadow flicker and blade reflection model for the proposed WEF. The model will provide a worst-case scenario (100%) seasonal representation for each Occupied Building within two miles of any Wind Turbine. The model will calculate maximum hours of shadow flicker and blade reflection in table form for each Occupied Building. A worst-case scenario shall also be constructed for vehicle traffic.

24.2.16 Copies of all executed Mitigation Waiver agreements concerning Setbacks, Sound and Shadow Flicker/Blade Reflection.

24.2.17 Written demonstration that the Wind Turbine Plan is consistent with all other Buckfield regulations, ordinances and policies.

24.2.18 Documentation showing compliance with Section 35.1.1, both during construction and post construction.

24.2.19 Documentation showing compliance with Section 35.2 and with Section 35.2.3.

24.2.20 Documentation showing compliance with Section 35.2.4. Documentation must include a construction site erosion plan and storm water runoff control plan that minimizes potential adverse impacts on streams and wetlands.

24.2.21 Documentation showing compliance with Section 35.2.5.

24.2.22 Documentation showing compliance with Section 35.2.6.

24.2.23 Written evidence that the Environmental Coordinator of the Maine Department of Inland Fisheries and Wildlife and the Maine Natural Areas Program have both been notified of the pending application and the location and Turbine Height of all proposed Wind Turbines.

24.2.24 A Location of Development permit from the Maine Department of Environmental Protection (DEP) or proof none is required

24.2.25 A visual impact assessment pursuant to Section 35.3

24.2.26 Photographs of existing conditions of each Wind Turbine and associated facility site.

24.2.27 Sight line, photographic, and elevation information shall be provided from: 1) each Occupied Building within the Setback; 2) from any Scenic or Special Resource location and other locations as the Permitting Authority deems necessary.

24.2.27.1 A Sight Line Representation shall be drawn that shows the lowest point to the Wind Turbine visible from each location. Each sight line shall be depicted in profile, drawn at one-inch equals 40 feet. The profiles shall show all intervening trees and physical structures.

24.2.27.2 Each Sight Line shall be illustrated by one four-inch by six-inch color photograph of the current view.

24.2.27.3 Each of the existing condition photographs shall have the proposed Wind Turbines superimposed on it to accurately simulate the WEF when built.

24.2.27.4 Elevations of the tops of any structures on the subject property relative to the elevation of the Wind Turbines(s)

24.2.27.5 The height and elevation relative to the Wind Turbine(s) of trees, both existing and proposed, that are to provide visual buffering. In the case of trees to be planted, the proposed height at the time of planting as well as the projected mature height is to be provided.

24.2.28 Demonstrate compliance with Section 30 Provide a written description of emergency and normal shutdown operations.

24.2.29 Demonstrate compliance with Section 31 Submit required permits from the Federal Aviation Administration or proof none are required.

24.2.30 Demonstrates compliance with Section 32

24.2.31 Submit contract with Maine licensed professional engineer to conduct post construction structural and operational inspection and written agreement by Applicant to submit proof of successful inspection as a condition of permitting before operating WEF

24.2.32 Proof of liability Insurance in the amount of one million dollars (\$1,000,000.00) per occurrence per turbine.

24.2.33 Time-line showing all aspects of the construction.

24.2.34 Photographs and detailed drawings of each Wind Turbine, including foundation design. Details must be provided of all significant excavation and blasting.

24.2.35 Demonstrate compliance with Section 36. A map shall be provided showing all transmission lines and rights-of-way that will need to be built or upgraded to accommodate the WEF. 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 electric transmission and distribution lines, whether part of the WEF or part of the local electrical distribution grid. The Applicant shall submit an affidavit stating that no property will need to be taken by eminent domain to facilitate transmission lines necessary to support the project.

24.2.36 A geological report from a registered geotechnical engineer demonstrating that the soils can support the Wind Turbines and the underlying ground is geologically stable. The report shall include a slope stability analysis and any underlying fault zones.

24.2.37 A written summary of all routine operation and maintenance procedures for the WEF.

24.2.38 Demonstrate compliance with Section 37. Provide an estimate of required new equipment and training to be provided.

24.2.39 Document all potential hazardous wastes that will be used on the WEF, including but not limited to any chemicals used to clean the Wind Turbine blades, and how these wastes

will be transported, handled, stored, cleaned up if spilled, and disposed of during any phase of the project's life.

24.2.40 A communication/electromagnetic interference study prepared by a registered professional engineer showing that the proposed WEF will comply with Section 38. The Owner/operator will sign an affidavit stating that the owner /operator shall be responsible for the full cost of remediation to remain in compliance with Section 38.

24.2.41 Demonstrate compliance with Section 39. Before and after photographs or videos of the roadways, in a format approved by the Permitting Authority, shall be submitted as part of the documentation process.

24.2.42 A road and property use and risk assessment plan in compliance with Sub-Section 39.6.

24.2.43 An affidavit agreeing to comply with all provisions in Section 40.

24.2.44 An affidavit agreeing to comply with all provisions in Section 44.

24.2.45 A decommissioning plan in compliance with Section 43.

24.2.46 Copies of all written agreements and disclosure of all verbal promises, for contracts, subcontracts, employment, consulting fees, gifts or other remuneration in excess of \$10 (cash or in-kind) to residents or businesses in Buckfield, either previously made or contingent on permitting of this project.

24.2.47 An Affidavit agreeing to comply with all provisions of Section 14

24.2.48 Applicant shall deliver a letter by certified mail to the owner of any property that the Applicant proposes to be restricted by the permit. The letter will state that the Applicant has filed an application, list future development that will be restricted, and to what extent it will be restricted, on abutting properties by virtue of the permit being granted. Examples of restrictions include, but are not limited to, building Occupied Buildings within the setback area without a Mitigation Waiver, building structures (i.e. Wind Turbines or cell towers that the WEF would interfere

with), zones in which future telecommunication installations can expect interference from the WEF. Applicant must provide fair compensation to any nonparticipating landowners within the setback areas for restricting future development of their property.

24.2.49 Proof that the Applicant has notified the following agencies via certified mail and received any necessary permits or permissions for the project:

24.2.49.1 Federal Aviation Administration.

24.2.49.2 Department of Defense facilities located within 50 miles from the proposed WEF.

24.2.50 Other relevant studies, reports, certifications and approvals as may be reasonably requested by the Permitting Authority to ensure compliance with this Ordinance.

24.2.51 Signed affidavit from the Owner/operator that Applicant has read the Town of Buckfield Wind Turbine Ordinance and agrees to abide by its provisions, as may be amended from time to time.

Section 25 - Setback Standards

25.1 Setback to Non-participating Landowner Property Lines is the greater of one (1) mile or thirteen times the turbine height. Property owners may waive this setback with a legally executed written Mitigation Waiver. (See Section 28).

25.2 Setback to Public Roads is no less than 4 times the turbine height, measured horizontally.

Section 26 - Sound Standards

For all WEF's, the primary guiding principle is that their operation must not be disruptive at any time of day or night. Sound measurement standards and procedures are described in Section 26 & 41

26.1 Sound Limits at Non-participating Property Lines

26.1.1 No WEF turbine shall be located so as to cause an exceedance of the preconstruction/operation background sound levels by more than 5 dBA or dBC for day and evening (as defined in section 41.17.1 & 41.17.2) .

26.1.2 No WEF turbine shall be located so as to exceed the preconstruction/operation background sound levels by more than 3 dBA or dBC at night (as defined in section 41.17.3)

26.2 Audible sound levels (dBA) due to wind turbine operation will not exceed the pre-construction ambient sound as defined in 26.1 as measured at any property line. Property owners may waive this sound restriction with a written Mitigation Waiver. (See Section 28)

26.3 Low frequency sound levels (dBC) due to wind turbine operation as measured inside any occupied structure or at any Property Line will not exceed:

26.3.1 Twenty (20) decibels (measured as dBC) above the pre-development ambient sound level (measured as dBA). There is a maximum not-to-exceed level of 50 dBC. Property owners may waive this sound restriction with a written Mitigation Waiver. (See Section 28.)

Section 27 - Shadow Flicker and Blade Reflection Standard

WEFs shall be designed and sited so that shadow flicker and/or blade reflection will not fall on a receptor as defined in Section 45.

Exceptions to this standard may be made based on the following condition only if the flicker or reflection does not exceed 10 hours per year for any given receptor. Property owners may waive the Shadow Flicker and Blade Reflection restriction with a written Mitigation Waiver. (See Section 28)

Section 28 - Mitigation Waivers

Non-participating Landowners may modify or waive certain specified protections in this Ordinance using a written, legally enforceable Mitigation Waiver negotiated between the Applicant and the Non-participating Landowner. Copies of executed Mitigation Waivers must be included with the application. The Mitigation Waiver must be recorded in the Register of Deeds office appropriate for the affected property. The deed must advise all subsequent owners of the burdened property.

28.1 The requirements permitted in Mitigation Waivers are:

28.1.1 Property line setbacks — Section 25

28.1.2 Audible sound levels — Section 26

28.1.3 Low frequency sound levels — Sub-Section 26.3

28.1.4 Shadow Flicker and Blade Reflection — Section 27

28.1.5 No Mitigation Waivers on other requirements set forth in this Ordinance are permitted.

28.2 The Mitigation Waiver must contain a separate paragraph for each specific requirement being modified or waived. Each paragraph must specify:

28.2.1 The requirement as set forth in this ordinance

28.2.2 The modified requirement to which the affected property owner is now agreeing.

Section 29 - Financial Performance Standard

The Applicant must demonstrate that the WEF is financially viable and that the Owner/operator has the financial ability to complete the project.

Section 30 - General Standards

All WEFs applicants shall comply with the all standards unless waived by the permitting authority. No WEF shall cause unreasonable health or safety conditions.

30.1 Building Codes. All components of the WEF shall conform to local, state and national building codes.

30.2 Electrical Components and Interconnections. All electrical components of the Wind Turbine and WEF shall conform to relevant and applicable local, state, and national codes.

30.3 Controls and Brakes. Each Wind Turbine shall be equipped with a redundant braking system that includes both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall operate in fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.

30.4 Blade Clearance. The minimum distance between the ground and all blades of a Wind Turbine shall be 100 feet as measured at the lowest arc of the blades.

30.5 Signal Interference. WEFs will be designed and sited to prevent the disruption or loss of radio, telephone, television, or similar signals. (See Section 38.)

30.6 Guy Wires and Blade Feathering.

Monopole towers with no guy wires are preferred to minimize bat and migratory bird fatalities, and bird fatalities in general. Bird flight diverters must be installed on any tower with guy wires.

Section 31 - Appearance Standards

31.1 Wind Turbines shall be a non-obtrusive color such as white, off-white or gray, or as may otherwise be required by another governmental agency with jurisdiction over the WEF

31.1.2 The design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the site to the natural setting and existing environment.

31.1.3 Wind Turbines shall not be artificially lighted, except to the extent consistent with Federal Aviation Administration recommendations or other applicable authority that regulates air safety or as is otherwise required by another governmental agency with jurisdiction over the WEF. Additional lighting standards must be met for Wind Turbines (see Section 35.2.7).

31.1.4 Wind Turbines shall not be used to support signs and shall not display advertising except for reasonable and incidental identification of the turbine manufacturer, facility owner and operator, emergency contact information, and for any appropriate warnings.

31.1.5 Each Wind Turbine shall be located to reasonably maximize the effectiveness of existing vegetation, structures and topographic features to screen views of the Wind Turbine(s) from Occupied Buildings of Non-participating Land Owners, Scenic Resources and public roads.

31.1.6 When existing features do not screen views of a Wind Turbine from Occupied Buildings of Non-participating Landowners, Scenic Resources and public roads, screening shall be provided, where feasible and effective, through the planting of trees and/or shrubs. Generally, such plantings should be of native varieties. In order to maximize the screening effect and minimize wind turbulence near the Wind Turbine, plantings should be situated as near as possible to the Occupied Buildings, Scenic Resources and/or public roads.

Section 32 - Safety Standards

32.1 Design. The design of the Wind Turbines and WEF shall conform to applicable industry standards, including those of the American National Standards Institute, (ANSI) and shall comply with standards promulgated by Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies or other similar certifying organizations appropriate for the turbines' size and classification.

32.2 Access. All ground-mounted electrical and control equipment and all access doors to a Wind Turbine shall be labeled and secured to prevent unauthorized access. A Wind Tower shall not be climbable up to fifteen (15) feet above ground surface.

32.3 Warnings. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

Section 33 - Inspections

Wind Turbines shall be inspected after construction is completed but before becoming operational, and at least every year thereafter, for structural and operational integrity by a Maine licensed professional engineer and the Owner/operator shall submit a copy of the inspection report to the Enforcing Authority. If such report recommends that repairs or maintenance are to be conducted, the owner shall provide the Enforcing Authority a written schedule for the repairs or maintenance. Failure to complete the repairs or maintenance in accordance with the schedule shall be deemed a violation of this Ordinance.

Section 34 - Liability Insurance

The Applicant shall maintain a current general liability policy for the WEF that covers bodily injury and property damage in an amount commensurate with the scope and scale of the Turbine or Project. The Applicant or its designee shall provide certificates of insurance to the Planning Board, and provide a copy of each annual renewal to the Planning Board. (See Sub-Section 24.2.33.)

Section 35 - Environmental Impact Standards

35.1 Environmentally Sensitive Area.

35.1.1 The plan for the WEF will reflect the natural capabilities of the site to support development.

Environmentally sensitive areas, including but not limited to wetlands, steep slopes, watersheds, floodplains, significant wildlife habitats, fisheries, habitat for rare or endangered plants and animals, unique natural communities and natural areas, sand and gravel aquifers will be maintained and preserved to the maximum extent. The Applicant shall demonstrate appropriate measures for protecting these resources, including both during construction and post construction.

35.1.2 Given that areas within the Town of Buckfield are wildlife management areas and that protected bird species and migratory birds are regularly observed within the boundaries of the Town, the applicant must comply with the "Guidelines for Wind Project Ecological Study" by the Maine Department of Environmental Protection and Maine Department of Inland Fisheries and Wildlife.

35.2 Wildlife Protection

35.2.1 The Applicant will demonstrate that the WEF will not have a significant adverse effect on area wildlife and wildlife habitat. Such analysis shall include but not be limited to adverse effects to birds, bats, game animals, and habitat fragmentation. In addition, the Applicant must demonstrate that the WEF will have no significant adverse effect on rare, threatened or endangered wildlife. The wildlife and habitat analysis must include appropriate pre-construction field studies and at least three sets of corresponding post construction field studies conducted at periodic intervals within 3 years after the Wind Turbines become operational. These studies will be conducted by a qualified wildlife biologist hired by the Town of Buckfield and paid for by the Applicant.

35.2.2 If the post-construction field studies demonstrate significant adverse effect to birds, bats, game animals or habitat fragmentation, the Town, the Owner/operator and the Maine Department of Inland Fisheries and Wildlife (MDIFW) shall develop an appropriate mitigation plan. The Owner/operator will be responsible for the full cost of implementing the mitigation plan under the supervision of MDIFW.

35.2.3 Raptor Habitat. To the extent practicable, the creation of artificial habitat for raptors or raptor prey shall be minimized. In making its determination under this subsection

the Planning Board shall consider comments and recommendations, if any, provided by the Maine Department of Inland Fisheries and Wildlife.

35.2.4 Erosion Control. The WEF will be designed, constructed and maintained in accordance with accepted erosion and sedimentation control methods. The acceptability of the proposed methods will be judged utilizing the "Maine Erosion Control Handbook for Construction: Best Management Practices", March 2003 or as revised. Whenever sedimentation is caused by stripping vegetation or grading it shall be the responsibility of the Owner/operator to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at the Owner/operator's expense as quickly as possible.

35.2.5 Groundwater Protection. The WEF will not adversely affect the quality or quantity of groundwater. The Applicant shall have to demonstrate to the Planning Board's satisfaction that there are no unusual risks to the groundwater, including underground rivers, created by the project. The Board may require as a condition of permit approval, that spill prevention and control measures be installed, and that all activities involving potentially permeable pollutants, including at delivery and transfer points, be conducted under cover and over an impervious surface surrounded by dikes. If a Wind Turbine foundation is proposed in a bedrock area, a baseline of all wells, springs and certified public water sources within a two-mile radius of the foundation shall be established. If degradation or contamination occurs, permanent remedies shall be the responsibility of the Owner/operator.

35.2.6 Light Pollution. The WEF shall be designed to minimize the amount of nighttime light pollution. The Applicant shall provide a plan showing lighting on and around all Wind Turbines and associated facilities. Lighting on Wind Turbines shall be illuminated to Federal Aviation Administration (FAA) minimal standards using only red rather than white lights, if possible. The minimum number of Wind Turbines will be illuminated, per FAA rules. Lighting shall be shielded from ground view to FAA maximum standards.

35.2.7 Relation to DEP Certification and Permitting. If DEP has issued a Site Location of Development Act permit for a WEF there is a rebuttable presumption that the development meets the requirements of Sub-Sections 35.2.2 and 35.2.3.

If a DEP Site Location of Development permit is required, the Planning Board will require the permit to be issued before the application is deemed complete and may take the recommendations under advisement to determine compliance with Sub-Sections 35.2.2 and 35.2.3.

35.3 Scenic or Special Resource Standards

35.3.1 Except as otherwise provided in this subsection, if a WEF is proposed for a location in, or is visible from, a Scenic or Special Resource, the Applicant shall provide the Planning Board with a visual impact assessment that addresses the evaluation criteria in subsection 35.3.3. There is a rebuttable presumption that a visual impact assessment is not required for those portions of a WEF that are located more than 3 miles, measured horizontally, from a Scenic or Special Resource. The Planning Board may require a visual impact assessment for portions of the WEF located more than 3 miles and up to 8 miles from a Scenic Resource if it finds that a visual impact assessment is needed to determine if there is the potential for significant adverse effects on the Scenic or Special Resource. Any interested Person must submit information intended to rebut the presumption to the Planning Board within 30 days of acceptance of the application as complete. The Planning Board shall determine if the presumption is rebutted based on a preponderance of evidence in the record.

35.3.2 The Planning Board shall determine, based on consideration of the evaluation criteria in sub-section 35.3.3, whether the WEF significantly compromises views from or of a Scenic or Special Resource such that the proposed facility has an unreasonable adverse effect on the scenic character or existing uses related to scenic character of that Scenic or Special Resource.

35.3.3 In making its determination pursuant to sub-section 35.3.2, and in determining whether an Applicant for a WEF located more than 3 miles from a Scenic Resource must provide a visual impact assessment and the Planning Board shall consider:

35.3.3.1 The significance of the potentially affected Scenic or Special Resource;

35.3.3.2 The existing character of the surrounding area;

35.3.3.3 The expectations of the typical viewer;

35.3.3.4 The WEF Project's purpose and the context of the proposed activity;

35.3.3.5 The extent, nature and duration of potentially affected public uses of the Scenic or Special Resource and the potential effect on the public's continued use and enjoyment of the Scenic or Special Resource; and

35.3.3.6 The scope and scale of the potential effect of views of the WEF on the Scenic or Special Resource, including but not limited to issues related to the number and extent of Wind Turbines visible from the Scenic or Special Resource, the distance from the Scenic or Special Resource and the effect of prominent features of the WEF Project on the landscape.

Section 36 - Construction/Design Standards

36.1 General Construction Standards. All Wind Turbines shall be constructed in compliance with Good Utility Practice for Wind Turbines. In the event that, after inspection by a qualified expert in Good Utility Practice, the Town concludes that any of the Wind Turbines were not constructed in compliance with Good Utility Practice or constitutes a danger to persons or property, then upon notice being provided, the Owner/operator shall have 90 days to bring the non-compliant Wind Turbine(s) into compliance with such standards. If 90 days is insufficient time to cure the non-compliance, the Owner/operator shall present a plan to the Town describing the reason for the delay and the time frame for the cure to be put in place.

36.2 Electrical Design Standard. On-site power and transmission lines shall be placed in a manner consistent with Good Utility Practices. Wind Turbines shall be engineered according to Good Utility Practice to prevent transient ground currents and stray voltage. The Applicant shall demonstrate that there will be no significant adverse effect upon the environment or individuals from transient ground currents and stray voltage.

36.3 Transmission Line Standards. The Applicant must, in conjunction with the Maine Public Utility Commission (PUC), prepare a written report documenting all anticipated changes, modifications or upgrades to the public utility grid within the Town of Buckfield due to the WEF. The written report must include necessary approvals from the PUC, proof of leases or required

right of ways for transmission lines, and any alternatives to the final plan considered. The report must document the residual capacity remaining in the local utility grid that is available for use by other local electrical generating projects.

36.4 Geological Stability. Wind Turbines shall not be constructed on areas of geological instability. The Applicant shall demonstrate that this standard is met.

Section 37 - Public Safety and Health Standards

37.1 Fire Protection. The Applicant shall prepare a plan in consultation with the Town of Buckfield fire department as part of the permitting process. The plan shall address all activities at the WEF from the start of construction through the end of power generation and the final removal and restoration of the site, and shall describe a response plan to address all identified potential fire, rescue and hazardous materials scenarios. The Owner/operator shall ensure that the WEF complies with the following control and prevention measures and assumes responsibility for all associated incremental costs:

37.1.1 Use of fireproof or fire resistant building materials and buffers or fire retardant landscaping around WEFs as appropriate.

37.1.2 Incorporation of a self-contained fire protection system to address nacelle fires including but not limited to redundant fire quenching systems in the nacelle.

37.1.3 Maintenance of firebreak areas as appropriate cleared of vegetation and maintained as a fire/fuel break as long as the Wind Turbine is in operation.

37.1.4 Provision for any additional fire fighting or rescue personnel, services, training, materials, or vehicles as may be required to address any emergency related to the WEF that is beyond the current capabilities and duties of the local fire department.

37.2 Hazardous Wastes. The Owner/operator shall be responsible for compliance with all ordinances, state regulations and laws applicable to the generation, storage, cleanup, and disposal of hazardous wastes generated during any phase of the project's life. The Planning Board shall require that a plan be

submitted by the Applicant demonstrating the ability and intent to meet such compliance.

37.3 Blasting. Owner/operator shall not undertake any blasting in connection with the construction of the WEF unless Applicant has notified the Town and submitted a blasting plan consistent with applicable laws and regulations. The plan must be reviewed and approved by the Planning Board before any blasting may take place. No blasting shall be undertaken without 48 hour notification to all residents within a two mile radius, measured horizontally, from the blasting area. All blasting operations will cover the blasting area with blast mats to prevent debris from falling on nearby properties.

Section 38 - Communications and Electromagnetic Interference Standards

38.1 WEFs shall be sited and operated so that they do not interfere with emergency (fire, police/sheriff, ambulance) radio two-way communications (base stations, mobile, and hand held radios, including digital) and/or paging, television, telephone (including cellular and digital), microwave, satellite (dish), navigational, internet or radio reception to neighboring areas. The Owner/operator of the project shall be responsible for the full cost of any remediation necessary to provide equivalent alternate service or correct any problems, including relocation or removal of the Wind Turbine, and any and all related transmission lines, transformers, and other components related to the interference.

38.2 The Owner/operator of the WEF shall respond within one day to any request for communications interference investigation by any emergency agency (fire, police/sheriff, ambulance). Testing will commence within two days of the request. The Owner/operator is responsible for mitigating within two days from the determination of interference attributed to the operation of the Wind Turbine.

38.3 The Owner/operator of the WEF shall respond within five business days to any request for communications interference investigation by a property owner or resident within a three-mile radius, measured horizontally, of the WEF. Testing will commence within five business days of the request. The owner/operator is responsible for mitigating within ten business days from the determination of interference attributed to the operation of the Wind Turbine.

Section 39 - Ground Transportation Standards

39.1 The Applicant shall identify all public ways to be used within the Town of Buckfield to transport equipment and parts for construction, operation or maintenance of the Wind Turbines.

39.2 A qualified third party engineer, hired by the Planning Board and paid for by the Applicant, shall document town road conditions prior to construction. The engineer shall document all town road conditions again thirty (30) days after construction is complete or as weather permits. The applicant will provide proof that MDOT has given permission for travel over any State roads

39.3 The Town of Buckfield shall require the applicant to purchase a bond for all town road(s) in compliance within state regulations.

39.4 Any road damage caused by the Applicant or its contractors shall be promptly repaired at the Owner/operators expense.

39.5 The Applicant shall demonstrate that it has appropriate financial insurance to ensure the prompt repair of damaged roads.

39.6 Plan and Risk Assessment for Road and Property Use

39.6.1 An Application for a WEF Site Permit shall include a road and property use and risk assessment plan containing the following information and meeting the following requirements.

39.6.1.1 A description and map of all public ways, and other property, in the Town to be used or affected in connection with the construction of the WEF, including a description of how and when such ways and property will be used or affected.

39.6.1.2 A description of the type and length of vehicles and type, weight and length of loads to be conveyed on all public ways in the Town.

39.6.1.3 A complete assessment of the proposed use of public ways in the town in connection with the construction of the WEF, including: the adequacy of turning radii; the ability of the public 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 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.

39.6.1.4 A traffic control and safety plan relating to the use of public ways in the town in connection with the construction of the WEF.

39.6.1.5 Any additional relevant information that the Planning Board may request relating to the use of public ways or other effects on public and private property that may occur in connection with the construction and operation of the WEF.

39.7 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 WEF 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 of the WEF.

39.8 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.

39.9 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.

Section 40 - Reporting Requirements:

40.1 Extraordinary Events.. The Owner/operator shall notify the Town of any extraordinary event within 24 hours of that event, "Extraordinary events" shall include but not be limited to tower collapse, catastrophic turbine failure, fires, leakage of hazardous

materials, unauthorized entry to the tower base, thrown blade or hub, any injury to a Facility worker or other person that requires emergency medical treatment, or other event that impacts the public health and safety of the Town or its residents. For the purpose of this section calling 911 is the same as notifying the town. Additionally, the Owner/Operator will provide the Town and its residents with a hotline phone number for reporting of any such extraordinary events to a manned facility on call 24 hours a day, 365 days a year.

40.2 Change of Owner/operator. The Owner/operator will notify the Town of Buckfield of a pending change of ownership in writing 30 days before the effective change. New owners will apply for a transfer of permits to be reviewed by the Town Of Buckfield and will assume all the obligations of the selling Owner/operator.

40.3 Reports from annual safety inspections pursuant to Section 30 and annual proof of liability insurance pursuant to Section 34 & 24.2.33.

Section 41 - Sound Measurement Procedures

41.1 A qualified independent acoustical consultant who is a Full Member of the Institute of Noise Control Engineering (INCE) shall conduct all sound studies. The acoustical consultant shall be hired by and report to the Permitting Authority. The Applicant will pay for the studies.

41.2 The WEF Applicant/Licensee shall provide all technical information and wind farm data required by the qualified independent acoustical consultant before, during, and/or after any acoustical studies required by this document and for acoustical measurements.

41.3 Sound level meters and calibration equipment must comply with the latest version of the American National Standards Institute "American Standard Specifications for General Purpose Sound Level Meters" (ANSI Standard S1.4) and shall have been calibrated at a recognized laboratory within one month prior to the initiation of the study.

41.4 Except as specifically noted otherwise, measurements shall be conducted in compliance with ANSI Standard S12.18-1994 "Outdoor Measurements of Sound Pressure".

41.4.1 Because WEFs operate 24/7 the background sound levels of interest are those during the quieter periods which are often the evening and night. Sounds from the WEF of interest, near-by birds and animals or people must be excluded from the background sound test data. Nearby electrical noise from streetlights, transformers and cycling AC units and pumps etc., must also be excluded from the background sound test data.

Background sound level (dBA and dBC (as L90)) is the sound level present 90% of the time during a period of observation that is representative of the quiet time for the soundscape under evaluation and with duration of ten (10) continuous minutes. Several contiguous ten (10) minute tests may be performed in one hour to determine the statistical stability of the sound environment.

Measurement periods such as at dusk when bird and insect activity is high or the early morning hours when the "dawn chorus" is present are not acceptable measurement times. Longer term sound level averaging tests, such as 24 hours or multiple days are not at all appropriate since the purpose is to define the quiet time background sound level. It is defined by the LA90 and LC90 descriptors. It may be considered as the quietest one (1) minute during a ten (10) minute test. LA90 results are valid only when LA10 results are no more than 10 dB above LA90 for the same period. LC10 less LC90 are not to exceed 10 dB to be valid.

The background noise environment consists of a multitude of distant sources of sound. When a new nearby source is introduced the new background noise level would be increased. The addition of a new source with a noise level 10 dB below the existing background would increase the new background 0.4 dB. If the new source has the same noise level as the existing background then the new background is increased 3.0 dB. Lastly, if the new source is 3.3 dB above the existing background then the new background would have increased 5 dB. For example, to meet the requirement of $L90A + 5 \text{ dB} = 31 \text{ dBA}$ if the existing quiet nighttime background sound level is 26 dBA, the maximum wind turbine noise immission contribution independent of the background cannot exceed 29.3 dBA Leq at a dwelling. When adding decibels, a 26 dBA background combined with 29.3 dBA from the turbines (without background) results in 31 dBA. Further, background L90 sound levels documenting the pre-construction baseline conditions should be determined when the ten (10) minute maximum wind speed is less

than 2 m/s (4.5 mph) near ground level/microphone location 1.5 m height.

41.5 Along with information about the make, model, and name plate capacity of all turbines potentially used in the proposed WEF, the applicant will also supply their sound power levels (Lw) for each 1/3 octave band from 6.3 Hz to 10k Hz.

41.6 The applicant will also supply a sound propagation model predicting the sound levels immitted into the community computed using at minimum 1/1 octave band sound power levels to compute the LCeq and LAeq levels to generate LAeq and LCeq contours in 5 dB increments overlaying an aerial view and property survey map from the WEF property out to a distance to include all residential property lines within two (2) miles measured horizontally from the Project Boundary.

41.7 Prior to permit application approval, a pre-construction ambient sound level study shall be conducted at any property line out side of the setback area identified by the qualified independent sound engineer.

41.8 The tests shall be conducted using both an A-weighting scale (dBA) and low frequency C-weighting scale (dBC).

41.9 Predictions shall be made at all property lines within and outward for two (2) miles measured horizontally from the Project Boundary for the wind speed, direction and operating mode that would result in the worst case WEF nighttime sound emissions.

41.10 Tests shall be reflective of seasonal changes to vegetation and atmospheric conditions. At a minimum one set of tests should be performed during each of the four (4) calendar seasons of the year.

41.11 All measuring points shall be located in consultation with the property owners and such that no significant obstruction blocks sound and vibration to the site.

41.12 Outdoor sound level measurements must be taken at 6 feet above the ground and at least 15 feet from any reflective surface.

41.13 Duration of measurements shall be a minimum of ten continuous minutes for each criteria at each location.

41.14 Measurements must be made when the wind levels are less than 4.5 mph and with appropriate wind screening for the recording device.

41.15 When conducting their pre-construction sound prediction analysis, the Applicant shall make specific reference to: 1) the unique aspects of the mountainous contours and terrain of the area and its effect on sound predictability and; 2) line source sound predictions (emanating from a line of Wind Turbines) in addition to the traditional single point source predictions.

41.16 Measurements should be obtained during representative weather conditions when the Wind Turbine sound is most noticeable, including periods of temperature inversion most commonly occurring at night.

41.17 Measurements shall be taken at each of the following three time periods:

41.17.1 Day (10 a.m. — 2p.m.)

41.17.2 Evening (7p.m. —11 p.m.)

41.17.3 Night (12 midnight — 4 a.m.)

41.18 Each measurement shall be replicated during the same time period over three different days within the same season for a total of 9 measurements per location per season (e.g., three daytime measurements in the winter, three evening measurements in the winter, and three night time measurements in the winter). The lowest of the three measurements per time period, per season, will be used to determine the pre-construction ambient sound for that time period and season.

41.19 For each measurement the following minimum criteria will be recorded:

41.19.1 Lmax, Leq, L10 and L90 in dBA

41.19.2 Lmax, Leq, L10 and L90 in dBC

41.19.3 A narrative description of any intermittent sounds registered during each measurement.

41.19.4 Wind speed and direction at time of measurement

41.19.5 Description of weather conditions at time of

measurement

41.19.6 Description of topography and contours relative to proposed or actual Wind Turbines

41.20 A comparison of the expected sound levels from the proposed WEF with the sound level limits of this regulation shall be submitted. A written report comparing the expected sound levels with the pre-development ambient sound levels will help determine compliance with the standard.

41.21 A 5 dBA and/or a 5 dBC penalty shall be applied for short duration repetitive sound or repetitive impulse sound. This is a characteristic "thumping" or "whooshing" sometimes exhibited by larger Wind Turbines.

41.22 A 5 dBA penalty shall be applied for tonal sound. This is a single or limited frequency sound (vs. broadband sound) associated with mechanical sound artifacts (i.e. high pitched whining, screeching, buzzing).

41.23 For sites being measured with existing Wind Turbines two sets of measurements are required:

1) one set with the Wind Turbine(s) off and; 2) one set with the Wind Turbine(s) running.

41.24 For noise complaints after the Wind Turbines are operational, the measurement points, season, time, and duration of measurements shall be selected in consultation with the affected property owner. If requested by the property owner, continuous measurements may be taken for longer periods of time to capture intermittent nuisance noise patterns.

41.25 Within twelve months of the date when the project is fully operational, and within four weeks of the anniversary date of the pre-construction background sound measurements, repeat the existing sound environment measurements taken before the project approval. Post-construction sound level measurements shall be taken both with all WEF's running and with all WEF's off.

41.26 The post-construction measurements will be reported to the Town of Buckfield (available for public review) using the same format as used for the preconstruction sound studies. Post-construction sound studies shall be conducted by a qualified independent acoustical engineer contracted by the applicant and paid for by the Owner/operator thru the town to preserve the status of the engineer as a qualified independent consultant, the town will at their discretion have the testing independently

reviewed.

41.27 Any sound level falling between two (2) whole decibels shall be deemed the higher of the two.

41.28 When testing for WEF sound compliance, all measurements at the test location must be the pre-turbine background sound measurement location nearest to the home of the complainant in line with the WEF and nearer to it. The time of day for the testing and the wind farm operating conditions plus wind speed and direction must replicate the conditions that generated the complaint. Procedures of ANSI S12.9-Part 3 apply. The effect of instrumentation limits for wind and other factors must be recognized and followed.

Section 42 - Operational License Requirement

42.1 An Operational License is required for the operation of all WEF. Applications for a WEF Operational License shall be submitted to the Planning Board at least 14 days prior to the regularly scheduled monthly meeting that they will be discussed.

42.1.1 Where an Applicant is applying for a new or amended WEF Permit, the application for a WEF Operating License, or amended license, shall be submitted to the Planning Board in conjunction with the Permit application, and shall include the application form and the separate fee specified in Section 13

42.1.2 Where an Applicant is applying for a WEF Operational License renewal, a new License as the result of transfer of ownership or operation, or reinstatement or modification of an Operational License, the Applicant shall submit an application form, a copy of the existing WEF Permit and the fee specified in Section 13.

42.1.3 An Operational License shall be valid for five years.

42.1.4 The granting of an Operational License is conditional upon the following criteria:

42.1.4.1 Demonstration by the Applicant of compliance with performance standards of the Ordinance.

42.1.4.2 For the initial Operational License, the Wind Turbine Project must successfully pass an inspection for structural and operational integrity conducted by an independent Maine licensed professional engineer

chosen by the Planning Board and paid for by the applicant. The inspection shall be conducted after construction is completed but before operations begin. Success will be demonstrated by submission of a copy of the engineer's inspection report to the Planning Board. If the report specifies that repairs, maintenance or changes to safety procedures are necessary, the owner shall provide the Enforcing Authority with proof that the repairs have been completed, a written schedule for any recommended maintenance, and documentation of any updated safety procedures.

42.1.4.3 For a renewal of an Operational License, where there is no change of Ownership or operator, the inspection procedure and criteria specified in Section 42.1.4.2 shall be completed six months prior to the expiration of the current Operational License at the expense of the applicant.

42.1.5 Applications for Operational License renewals where there is no change of ownership of operator shall be submitted to the Planning Board 6 months prior to their expiration.

42.1.6 An Operational License shall automatically terminate upon transfer of ownership or operation of the WEF. The proposed new owner or operator shall be required to obtain a new Operational License, which must be in place prior to the transfer of ownership or operation of the WEF. The application for renewal of the Operational License in the case of transfer of ownership or operation shall include the following items:

42.1.6.1 The Applicant's name, address and phone number, and the name, address and phone number of the Owner/operator, if different

42.1.6.2 An emergency directory for the Owner/operator sufficient to allow the Town to contact the Owner/operator at any time

42.1.6.3 Evidence of the Applicant's technical and financial ability to operate the WEF in accordance with this Ordinance, any other Town of Buckfield ordinance, and the Operational License

42.1.6.4 For any Project Parcel that is not owned by the Applicant, a copy of any agreement(s) between the owner of the Project Parcel and the Applicant

42.1.6.5 An updated safety plan in accordance with the requirements of Section 32.

42.1.6.6 An updated fire prevention and emergency response plan in accordance with the requirements of Section 37;

42.1.6.7 An updated emergency shutdown plan in accordance with the requirements of Section 44.4;

42.1.6.8 An updated decommissioning and site restoration plan in accordance with the requirements of Section 43;

42.1.6.9 Updated liability insurance information in accordance with the requirements of Section 34;

42.1.6.10 A signed statement from the Applicant that the Applicant agrees to assume full responsibility for complying with the provisions of this Ordinance, including agreeing to continue or complete any duties and obligations of the former Operational License holder under this Ordinance or former Operational License, including, but not limited to, the requirement for post-construction sound measurements, post-construction stray voltage testing, wind turbine inspections, and submission to inspections.

42.1.7 An Operational License shall automatically terminate upon any amendment to a permit.

42.2.8 Failure to comply with the provisions of this Ordinance may result in the suspension or revocation of the Operational License pursuant to Section 44

42.2.9 An Operational License shall be deemed abandoned if the WEF's operation has ceased for twelve consecutive months. An Operational License expires immediately upon abandonment.

Section 43 - Decommissioning Standards

43.1 The Owner/operator shall, at its expense, complete decommissioning of the WEF within: 1) twelve (12) months after the end of the useful life of the WEF, or; 2) as specified in the materials provided at the time of application or; 3) pursuant to remedies described in Section 44.8 . The WEF will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.

43.2 Decommissioning shall include removal of wind turbines, towers, buildings, cabling, electrical components, roads, and any other associated facilities that could be reasonably considered to create a hazard unless, at the end of the Wind Turbine or WEF's useful life, as determined in accordance with Section 43.1, the Applicant provides written evidence of plans for continued beneficial use of these components of the WEF, and this evidence is approved by the Planning Board.

43.3 Except as otherwise provided by Section 43.2, disturbed earth shall be graded and re-seeded, unless the Participating Landowner of the affected land requests otherwise in writing.

43.4 The Owner /operator shall post and maintain decommissioning funds in an amount equal to Net Decommissioning Costs; provided that at no point shall decommissioning funds be less than one hundred percent (100%) of Decommissioning Costs. The decommissioning funds shall be posted and maintained with a bonding company or Federal or State-chartered lending institution chosen by the Owner/operator and Participating Landowners posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the State and is approved by the Town of Buckfield. No work can begin on the WEF before the decommissioning bond is issued and approved.

43.5 An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning without regard to salvage value of the equipment ("Decommissioning Costs"), and the cost of decommissioning including the salvage value of the equipment ("Net Decommissioning Costs"). Said estimates shall be submitted to the Town of Buckfield after the first year of operation and every other year thereafter.

43.6 Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, or other form of financial

assurance as may be acceptable to the Town of Buckfield.

43.7 If the Owner/operator fails to complete decommissioning within the period prescribed by Section 43.1, then the Participating Landowner shall have an additional six (6) months to complete decommissioning.

43.8 If neither the Owner/operator, nor the Participating Landowner completes decommissioning within the periods prescribed by Sections 43.1 and 43.7 the Wind Turbine or WEF shall be deemed to be in violation of this Ordinance and the Town of Buckfield may take such measures as necessary, including court action, to ensure the completion of decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to the Town of Buckfield shall constitute agreement and consent of the Parties to the agreement, their respective heirs, successors and assigns that the Town of Buckfield may take such action as necessary to implement the decommissioning plan.

43.9 The escrow agent shall release the decommissioning funds when the Owner/operator has demonstrated and the Enforcement Authority concurs that the decommissioning has been satisfactorily completed, or upon written approval of the Town in order to implement the decommissioning plan.

Section 44 - Complaints/ Violations/ Enforcement

44.1 General Standard It shall be unlawful for any person, firm or corporation to violate or fail to comply with or take any action that is contrary to the terms of this Ordinance, or any permit or Operational License issued under this Ordinance, or cause another to violate or fail to comply or take any action which is contrary to the terms of this Ordinance or any permit or Operational License issued under this Ordinance.

44.2 Enforcing Authority the Town of Buckfield Code Enforcement Officer (CEO) will serve as the Enforcing Authority for WEFs. The Enforcing Authority will:

44.2.1 Have the authority to conduct investigations, resolve complaints, ensure compliance with and enforce standards, and levy penalties if required.

44.2.2 Appoint qualified representatives to investigate complaints. The reasonable costs and fees for the qualified representative will be paid by the Owner/operator and may

include engineers, consultants, and other professionals.

44.2.3 Recommend to the Planning Board amendments to this Ordinance deemed necessary to address health or safety concerns not currently addressed in this Ordinance.

44.2.4 Have access to Town legal counsel as required.

44.3 Enforcement. Standards in this Ordinance will be enforced through a series of enforcement options including but not limited to: 1) Emergency shutdown; 2) 5 day response to serious violations with a 10 day mitigation period; 3) 30 day complaint resolution with a 30 day mitigation period; 4) financial penalties; and 5) other remedies.

44.4 Emergencies and Emergency Shutdown

The Owner/operator shall be required to immediately cease operations for the duration of any emergency. Emergency shall mean a proven condition or situation caused by the WEF that presents an imminent physical threat of danger to life or significant threat to property. A WEF that is found to present an imminent physical threat of danger to life or significant threat of damage to property shall be immediately shut down and repaired or otherwise made safe and certified so by a professional engineer in good standing prior to resumption of operation. The Town shall have the right to access all Wind Turbines to verify conditions and/or repair progress with reasonable notice to the Wind Turbine owner/operator. Within 24 hours of an occurrence of a tower collapse, turbine failure, property damage or contamination, fires, thrown blade or hub, severely injured Wind Turbine worker or private person as a result specific to being a WEF site, the Owner/operator shall notify the Town of the occurrence and proposed remedial action. For this section calling 911 is considered notifying the town.

44.5 Serious Violations of Standards

The Owner/operator of the WEF shall respond within five business days to any complaint or complaints deemed by the Enforcing Authority to have merit. Testing, paid for by the Owner/operator, will commence within ten working days of the complaint. Except as noted for interference with emergency communications, the Owner/operator is responsible for mitigating the problem within ten business days from the final determination of any cause attributed to the operation of the WEF. Pursuant to Section 38, interference with emergency communications must be responded to in one day and mitigated within 2 days.

44.6 Other Violations

If the Enforcing Authority determines that a violation of the Ordinance or the permit has occurred, and the violation is determined neither to be an emergency pursuant to Section 44.4, nor a serious violation pursuant to Section 44.5, the Enforcing Authority shall provide written notice to the Owner/operator alleged to be in violation of this Ordinance or permit. The Enforcing Authority and the involved parties shall engage in good faith negotiations to resolve the alleged violation. Such negotiations shall be conducted within thirty (30) days of the written notice of violation. The Owner/operator shall pay for any necessary testing if the Owner/operator is subsequently determined to be in non-compliance. The Owner/operator is responsible for mitigating the problem within 30 days from the final determination of any cause attributed to the operation of the WEF. Mitigation involving significant construction or physical modification may have up to 90 days to be completed pursuant to Section 30.

44.7 Penalties

Any Person or Applicant who fails to comply with any provision of this Ordinance by failing to reach agreement with the Enforcing Authority, or after the expiration of the mitigation periods defined in Section 44.5 and Section 44.6, shall be fined at least five hundred dollars (\$500) but no more than one thousand dollars (\$1000) for each WEF. A separate offense shall be deemed to be committed on each day during which a violation occurs or continues to occur.

44.8 Other Remedies

If the Owner/operator has not corrected the violation within the timeframes contained in Section 44.5 or Section 44.6, the Enforcing Authority shall be authorized to institute a civil action to seek a court order to make the WEF cease operation until the WEF can prove compliance with the standards of this Ordinance. At the discretion of the Enforcing Authority, penalties and fines may continue to accrue during this period. If after 6 months of being ordered to cease operations the Owner/operator has not demonstrated good faith and significant effort in resolving the issue, the Enforcing Authority shall seek through a civil action to have the court order the applicant / owner to initiate the decommissioning procedure pursuant to Section 43

44.9 Identifying Violations and Registering Complaints

44.9.1 Pursuant to Section 40.1, the Owner/operator will

report to the Town all extraordinary events within 24 hours of their occurrence.

44.9.2 For Wind Turbines the Town will maintain, at the Owner/operator's expense, a system for recording and investigating all complaints related to the WEF. The system must be able to receive complaints 24 hours a day, 365 days a year. A permanent record of all complaints, investigations and outcomes will be maintained. The Owner/operator will designate a representative and method to receive and respond to complaints from the town 24 hours a day, 365 days a year. Complaints for WEFs will be referred to the Code Enforcement Officer in a timely manner.

44.10 Sound Regulations Compliance. A WEF shall be considered in violation of the conditional use permit unless the applicant demonstrates that the project complies with all sound level limits using the procedures specified in this ordinance. Sound levels in excess of the limits established in this ordinance shall be grounds for the Town of Buckfield to order immediate shut down of all non-compliant Wind Turbine units.

44.10.1 A serious noise violation is defined as three (3) verified noise complaints attributed to the operation of a Wind Turbine within a period of one month or less with a measurable sound level greater than 10 dBA above pre-construction ambient sound levels or 50 dBC inside or at an Occupied Building.

44.10.1.1 For serious violations the Owner/operator will respond within five (5) days of the complaint. Testing, if necessary, will be conducted by a qualified independent acoustical engineer contracted by the applicant and paid for by the Owner/operator thru the Town to preserve the status of the engineer as a qualified independent consultant. The Town will at their discretion have the testing independently reviewed. Testing will commence within ten working days of the complaint. Testing will be conducted for a minimum of a one-month period according to the measurement standards and procedures in Sections 26 & 41. The Owner/operator is responsible for mitigating the problem within ten (10) days from a final determination of any cause attributed to the operation of the Wind Turbine. Failure to mitigate the problem will result in the Wind Turbine being declared unsafe and emergency shutdown procedures will be

implemented per Sections 44.4, 44.8 & 44.10.1.

44.10.1.2 Noise violations not determined to be an emergency pursuant to Section 44.4 & 44.10, or not determined to be a serious violation pursuant to Section 44.10.1.1, shall be managed pursuant to Section 44.6. Testing, if necessary, will be paid for by the Owner/operator and hired independently by the Town. Testing will be conducted for an appropriate period of time and conducted according to the measurement standards and procedures set forth in Section 41. The Owner/operator is responsible for mitigating the problem within 30 days from a final determination of any cause attributed to the operation of the WEF. Mitigation involving significant construction or physical modification may have up to 90 days to be completed pursuant to Section 36.

44.11 Shadow Flicker or Blade Reflection Compliance

44.11.1 A serious shadow flicker or blade reflection violation is defined as three (3) days of significant nuisance shadow flicker or blade reflection, in any one month falling on a receptor that, if annualized, will be estimated to be more than 10 hours per year. The predictive annualized calculation shall assume clear weather, but take into account seasonal tracking of the sun. For serious violations the Owner/operator will respond within five (5) days of the complaint. The Owner/operator is responsible for mitigating the problem within ten (10) days from a final determination of any cause attributed to the operation of the WEF. Failure to mitigate the problem will result in the WEF being declared unsafe and emergency shutdown procedures will be implemented per Section 44.4 or 44.8

44.11.1.1 Shadow flicker and blade reflection not determined to be a serious violation pursuant to Section 44.11.1, shall be managed pursuant to Section 44.6. Field verification and modeling, if necessary, will be paid for by the Owner/operator and hired independently by the Town. The Owner/operator is responsible for mitigating the problem within 30 days from a final determination of any cause attributed to the operation of the WEF. Mitigation involving significant construction or physical modification may have up to 90 days to be completed pursuant to Section 36.

Section 45 - Definitions

Aerodynamic Sound — a sound that is caused by the flow of air over and past the blades of a WEF.

Ambient Sound — ambient sound encompasses all sound present in a given environment, being usually a composite of sounds from many sources near and far. It includes intermittent sound events, such as, from aircraft flying over, dogs barking, wind gusts, mobile farm or construction machinery, and the occasional vehicle traveling along a nearby road. The ambient sound also includes insect and other nearby sounds from birds and animals or people. The nearby and transient events are part of the ambient sound environment but are not to be considered part of the long-term background sound.

American National Standards Institute (ANSI) — is a private non-profit organization that oversees the development of voluntary consensus standards for products, services, processes, systems, and personnel in the United States. The organization also coordinates U.S. standards with international standards so that American products can be used worldwide. For example, standards make sure that people who own cameras can find the film they need for that camera anywhere around the globe.

Anemometer — a device for measuring the speed and direction of the wind.

Applicant — the legal entity, which includes an individual or business entity and their successors and assigns that seeks to secure a Permit or Operating License under this Ordinance.

A-Weighted Sound Level (dBA) — a measure of over-all sound pressure level designed to reflect the response of the human ear, which does not respond equally to all frequencies. It is used to describe sound in a manner representative of the human ear's response. It reduces the effects of the low with respect to the frequencies centered around 1000 Hz. The resultant sound level is said to be "A-weighted" and the units are "dBA". Sound level meters have an A-weighting network for measuring A-weighted sound levels (dBA) meeting the characteristics and weighting specified in ANSI Specifications for Integrating Averaging Sound Level Meters, S1.43-1997 for Type 1 instruments, and be capable of accurate readings (corrections for internal sound and microphone response permitted) at 20 dBA or lower. In this document dBA means LAeq unless specified otherwise.

Background Sound (L90) — refers to the sound level present at least 90% of the time. Background sounds are those heard during lulls in the ambient sound environment. That is, when transient sounds from flora, fauna, and wind are not present. Background sound levels vary during different times of the day and night.

Blade Passage Frequency (BPF) — the frequency at which the blades of a turbine pass a particular point during each revolution (e.g. lowest point or highest point in rotation) in terms of events per second. A three bladed turbine rotating at 17 rpm would have a BPF of 1.4 Hz. [E.g. ((3 blades times 17rpm)/60 seconds per minute = 1.4 Hz BPF)]

Blade Reflection — the intermittent reflection of the sun off the surface of the blades of a Wind Turbine.

C-Weighted Sound Level (dBC) — similar in concept to the A-Weighted sound Level (dBA) but C-weighting does not de-emphasize the frequencies below 1k Hz as A-weighting does. It is used for measurements that must include the contribution of low frequencies in a single number representing the entire frequency spectrum. Sound level meters have a C-weighting network for measuring C-weighted sound levels (dBC) meeting the characteristics and weighting specified in ANSI S1.43-1997 Specifications for Integrating Averaging Sound Level Meters for Type 1 instruments. In this document dBC means L_{Ceq} unless specified otherwise.

Decibel (dB) — a dimensionless unit which denotes the ratio between two quantities that are proportional to power, energy or intensity. One of these quantities is a designated reference by which all other quantities of identical units are divided. The sound pressure level (L_p) in decibels is equal to 10 times the logarithm (to the base 10) of the ratio between the pressure squared divided by the reference pressure squared. The reference pressure used in acoustics is 20 MicroPascals.

DEP Certification — a certification issued by the Department of Environmental Protection pursuant to Title 35-A M.R.S.A. §3456 for a WEF that is subject to this Ordinance.

Emission — sound energy that is emitted by a sound source (WEF) is transmitted to a receiver (dwelling) where it is immitted (see "immission).

Enforcing Authority — the Code Enforcement Officer (CEO) designated by the Town of Buckfield. The CEO is responsible for

enforcing the standards of this Ordinance after a permit is granted to a WEF.

Frequency — the number of oscillations or cycles per unit of time. Acoustical frequency is usually expressed in units of Hertz (Hz) where one Hz is equal to one cycle per second.

Good Utility Practice — any of the practices, methods and acts with respect to the safe operation of the Wind Turbine or WEF engaged in or approved by a significant portion of the electric utility industry and, in particular, those portions of the industry with experience in the construction, operation and maintenance of wind turbines during the relevant period; or any of the practices, methods and acts which, in the exercise of reasonable judgment in light of the facts known at the time the decision was made, could have been expected to accomplish the desired result at a reasonable cost consistent with good business practices, reliability and safety.

Height — the total distance measured from the grade of the property as existed prior to the construction of the wind energy system, facility, tower, turbine or related facility at the base to its highest point. (See Turbine Height definition below)

Hertz (Hz) — frequency of sound expressed by cycles per second.

Horizontal Measurement — distance between two points in relation to the horizon.

Ice Throw — accumulated ice buildup on the blades of a Wind Turbine that is or can be thrown during normal spinning or rotation.

Immediate Family — Spouse, Mother, Father, Brother, Sister, Mother In-law, Father In-law, Brother In-law, Sister In-law also includes all steps and halves.

Immission — sound immitted at a receiver (dwelling) is transmitted from sound source (WEF) that emitted sound energy (see "emission").

Immission spectra imbalance — the spectra are not in balance when the C-weighted sound level is more than 20 dB greater than the A-weighted sound level. For the purposes of this requirement, the A-weighted sound level is defined as the long-term background sound level (LA90) +5 dBA. The C-weighted sound level is defined as the LCeq measured during the operation of the wind turbine operated so as to result in its highest sound output.

Infra-Sound — sound with energy in the frequency range of 0-20 Hz is

considered to be infra-sound. It is normally considered to not be audible for most people unless in relatively high amplitude. However, there is a wide range between the most sensitive and least sensitive people to perception of sound and perception is not limited to stimulus of the auditory senses. The most significant exterior sound induced dwelling vibration occurs in the frequency range between 5 Hz and 50 Hz. Moreover, levels below the threshold of audibility can still cause measurable resonances inside dwelling interiors.

LAeq — a pressure level measurement parameter Full form LAeq is "Equivalent to continuous A-weighted sound pressure level".

Low Frequency Noise (LFN) — refers to sounds with energy in the lower frequency range of 20 to 200 Hz.

Measurement Point (MP) — location where sound measurements are taken such that no significant obstruction blocks sound from the site. The Measurement Point should be located so as to not be near large objects such as buildings and in the line-of-sight to the nearest turbines. Proximity to large buildings or other structures should be twice the largest dimension of the structure, if possible. Measurement Points should be at quiet locations remote from street lights, transformers, street traffic, flowing water and other local sound sources.

Measurement of Wind Speed — is the speed of wind, the movement of air or other gases in an atmosphere. It is a scalar quantity, the magnitude of the vector of motion. Wind speed Measurement is found using an Anemometer.

Mechanical Noise — sound produced as a byproduct of the operation of the mechanical components of a WEF(s) such as the gearbox, generator and transformers.

Meteorological Tower (MET Tower) — a meteorological tower used for the measurement of wind speed.

Mitigation Waiver — a legally enforceable, written agreement between the Applicant and a Non-participating Landowner in which the landowner waives certain setback, sound or other protections afforded in the Ordinance.

Nacelle — the frame and housing at the top of the tower that encloses the gearbox and generator.

Nameplate Capacity — the electrical power rating of an individual wind turbine as certified by the manufacturer and normally expressed in watts, kilowatts (kW), or megawatts (mW)

Noise — any unwanted sound. Not all noise needs to be excessively loud to represent an annoyance or interference.

Non-participating Landowner — any landowner other than a Participating Landowner.

Notification Area — the entire land base within two (2) miles, measured horizontally from the Project Boundary. All landowners with any part of their property within the notification area or residents living within the notification area must be notified as specified in the Ordinance.

Occupied Building — any structure that is, or is likely to be, occupied by persons or livestock. This includes, but is not limited to dwellings, places of business, places of worship, schools and barns.

Operational License — a license or a license renewal issued by the Planning Board to operate a WEF in accordance with this Ordinance.

Owner/operator — the person or entity with legal ownership of the WEF, including successors and assigns, that has the authority and responsibility to operate the WEF on a day-to-day basis. An Owner/operator must have the legal authority to represent and bind.

Participating Landowner — one or more persons that hold title in fee to the property on which the WEF is proposed to be located pursuant to an agreement with the development Owner/operator.

Permitting Authority — the Planning Board, designated as responsible for conducting the review of WEF applications.

Person — an individual, corporation, partnership, firm, organization or other legal entity.

Project Boundary — represented on a plot plan view by a continuous line encompassing all WEF(s) and related equipment associated with the WEF project.

Property Line — the recognized and mapped property parcel boundary line.

Qualified Independent Acoustical Consultant — qualifications for persons conducting baseline and other measurements and reviews related to the application for a WEF or for enforcement actions against an operating WEF include, at a minimum, full membership in the Institute of Noise Control Engineers (INCE). The Independent

Qualified Acoustical Consultant can have no financial or other connection to a WEF developer or related company.

Scenic or Special Resource — a scenic resource of state or national significance, as defined in Title 35-A M.R.S.A. §3451(9), any site registered in the National Registry of Historic Places or a scenic or special resource of local significance identified as such.

Sensitive Receptor — places or structures intended for human habitation, whether inhabited or not, public parks, state and federal wildlife areas, the manicured areas of recreational establishments designed for public use, including but not limited to golf courses, campgrounds and other nonagricultural state or federal licensed businesses. These areas are more likely to be sensitive to the exposure of the sound, shadow or flicker, etc. generated by a WEF. These areas include, but are not limited to, schools, daycare centers, elder care facilities, hospitals, places of seated assemblage, non-agricultural businesses and residences.

Setback — the minimal allowable horizontal distance as measured from the Project Boundary to a defined point (e.g. a property line or a road).

Setback Area — the entire land base that falls within a specified setback.

Setback Distance — the larger of one mile or 13 times the Turbine Height, measured horizontally from the Project Boundary to the nearest property line.

Shadow Flicker — alternating changes in light intensity caused by the movement of wind turbine blades casting shadows on the ground or a stationary object.

Shadow Flicker Receptor — any Occupied Building on a Non-participating Landowner's property plus an additional 100 foot boundary surrounding the exterior of the Occupied Building, the entire outdoor public area surrounding schools, churches and public buildings, and public roads with a posted speed limit greater than 25 mph.

Sight Line Representation — a line depicted in profile extending from an observer's eye to the lowest point of a viewed tower.

Sound — a fluctuation of air pressure which is propagated as a wave through air.

Sound Power — the total sound energy radiated by a source per unit time. The unit of measurement is the watt. Abbreviated as Lw. This information is determined for the WEF manufacturer under laboratory

conditions specified by IEC 61400-11 and provided to the local developer for use in computer model construction.

Sound Pressure — the instantaneous difference between the actual pressure produced by a sound wave and the average or barometric pressure at a given point in space.

Sound Pressure Level (SPL) — 20 times the logarithm, to the base 10, of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micronewtons per square meter. In equation form, sound pressure level in units of decibels is expressed as $SPL (dB) = 20 \log p/pr$.

Spectrum — the description of a sound wave's resolution into its components of frequency and amplitude.

Statistical Noise Levels — sounds that vary in level over time, such as road traffic noise and most community noise, are commonly described in terms of the statistical exceedance levels LNA, where LNA is the A-weighted sound level exceeded for N% of a given measurement period. For example, L10 is the sound level exceeded for 10% of the time. Of particular relevance, are: LA10 and LC10 the sound level exceeded for 10% of the ten (10) minute interval. This is commonly referred to as the average maximum sound level. LA90 and LC90 are the A-weighted and C-weighted sound levels exceeded for 90% of the ten (10) minute sample period. The L90 sound level is defined by ANSI as the long-term background sound level (i.e. the sounds one hears in the absence of the sound source under consideration and without short term or near-by sounds from other sources), or simply the "background level." Leq is the A or C-weighted equivalent sound level (the "average" sound level). It is defined as the steady sound level that contains the same amount of acoustical energy as the corresponding time-varying sound.

Structure — the total footprint of all of the physical attributes of the entire WEF as defined in Title 38 M.R.S.A. § 482.

Tonal Sound, Tonality or Tonal Audibility — A sound for which the sound pressure is a simple sinusoidal function of the time, and characterized by its singleness of pitch. Tonal sound can be simple or complex.

Tower — the freestanding structure on which the wind measuring or energy conversion system is mounted.

Turbine Height — the distance measured from the surface of the tower foundation to the highest point of any turbine rotor blade measured at

the highest arc of the blade.

Wind Energy Facility (WEF) — equipment that converts and then transfers energy from the wind into usable forms of electrical energy, and includes all related and supporting items including but not limited to all buildings, structures, electrical equipment, substations, transmission lines, access roads, parking lots, areas to be stripped or graded and areas to be landscaped or screened.

Wind Turbine — a wind energy conversion system that converts wind energy into electricity through the use of a WEF, and includes the nacelle, rotor, tower and pad transformer if any.

Appendix A

TOWN OF BUCKFIELD PRE-APPLICATION FORM FOR WIND ENERGY FACILITY

SECTION I - APPLICANT INFORMATION

1. Name of Property Owner: _____
Address: _____
Telephone Number: _____ Fax Number: _____
Email Address: _____
2. Name of Applicant (if other than owner): _____
Address: _____
Telephone Number: _____ Fax Number: _____
Email Address: _____
3. If applicant is a corporation, state whether the corporation is licensed to do business in Maine. Yes _____ No _____ If yes, attach a copy of evidence from the Secretary of State's office.
4. Name of Applicant's authorized Representative: _____
5. Name, address, and number of Registered Professional Engineer:

6. Address to which all correspondence from the Planning Board should be sent:

7. What interest does the applicant have in the parcel to be developed? (e.g. option to purchase, land purchase contract, lease, joint ownership, fee ownership, etc.)

8. Does the applicant have an interest in any property abutting the parcel to be developed? If so, please state the nature of the interest (as above).

1. Physical Location of Property: _____

2. Deed Reference(s) (from Registry of Deeds): Book_____ Page_____

Book _____ Page _____

3. Location of Property (from Assessor's Office):
Map # _____ Block # _____ Parcel # _____

3. Current zoning of property (Shoreland, Floodplain, or none): _____

4. Acreage of parcel to be developed: _____

5. Please include with this application form a copy of the tax map showing all properties that will fall within the one mile setback area and their owners. Indicate the nature of any easements that will be needed from any abutters:

1. Proposed name of development: _____

2. Number of turbines: _____

3. Name Plate Capacity of each turbine: _____

4. Anticipated date of construction: _____

5. Anticipated date of completion: _____

6. Does this development require extension of the public infrastructure? ____ Yes ____ No
(If yes, check any/all of the categories below that apply.)

_____ Roads
 _____ Storm drainage
 _____ Water lines
 _____ Fire protection equipment
 _____ Other (describe) _____
 _____ Other (describe) _____

7. Does the applicant propose to dedicate to the public any streets, recreational areas, or common lands?

Street(s)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Estimated Length	<input type="text"/>
Recreational Area(s)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Estimated Acreage	<input type="text"/>
Common Land(s)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Estimated Acreage	<input type="text"/>

8. Is the applicant aware of state and local erosion and sedimentation control laws and standards and does he/she understand the requirement to control storm water run-off from the proposed development? ☐ Yes ☐ No
9. Include a detailed depiction of the location of the Wind Energy Facility to include all associated equipment, turbine location, access roads, and buildings within one mile of the facility.

To the best of my knowledge, all information submitted on and with this application is true and correct.

Signature of Applicant

Date

Appendix B

Buckfield Planning Board Site Visit Checklist

This checklist is intended for use by the Planning Board during the preliminary visit to the proposed wind energy facility site. The information gathered here may be incomplete. The data may be refined, revised or amended as the application process proceeds.

Name of Owner _____

Name of Applicant (if different) _____

Location of Site Visit _____
Map # Lot # Parcel #

Date of Site Visit _____ Contour Interval specified by Board _____

List of Persons Present During the Site Walk

Condition of Existing Access Road:

Road Type: State Town Private Gravel Paved

Description: Width _____ Speed Limit _____

Condition: Excellent Good Fair Poor

Best Management Practices: yes no

Existing Traffic Load: Light Moderate Heavy Variable (explain)

Curb Cuts: # of existing curb cuts _____ # of proposed curb cuts

Line of Sight for Proposed Cuts: _____ (speed limit X 10 required)

Comments on Access Road:

Existing Conditions of Areas to be Developed:

Steep Slope(s)

Wet Area(s)

Wetland(s)

Stream(s)

Drainage Area(s)

Historic Feature(s)

Cemetery/ies

Archeological Feature(s)

Soil Type(s) (if known)

Exposed Ledge(s)

Other Geologic Feature(s)

Soil Erosion

Buffer Areas

Wildlife Habitat

Area(s) to be Preserved

Other Feature(s)

Prior Use/Historical Use

Additional Comments:

Appendix C

NOTICE WIND ENERGY FACILITY APPLICATION & SITE VISIT

Month Date, Year

XXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXX, ME 04XXX

Dear XXXXXXXXX:

Where you are within the notification area of a proposed Wind Energy Facility, proposed to be located on Tax Map XXX-XXX-XXX, please accept this letter as notice that an application to develop has been received and a Site Visit has been scheduled for the Planning Board:

Day, Month Date, Year
TIME
Location to meet for Site Visit

The purpose of the Site Visit is to provide the Planning Board with information, which will assist them in the Wind Energy Facility approval process.

Should you have any questions, please feel free to contact me.

Sincerely,

XXXXXXXXXXXX
Chairman
Buckfield Planning Board

Appendix D

NOTICE WIND ENERGY FACILITY PUBLIC HEARING

Month Date, Year

XXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXX
XXXXXXX, ME 04XXX

Dear XXXXXXXXXX:

Where you either are a resident of or a property owner within the Town of Buckfield, please accept this letter as notice that an application to develop a Wind Energy Facility has been received and found to be complete by the Buckfield Planning Board and a Public Hearing has been scheduled to receive public comment:

Day, Month Date, Year
TIME
Location of meeting

The purpose of the Public Hearing is to provide the Planning Board with information, which will assist them in the Wind Energy Facility approval process.

Should you have any questions, please feel free to contact me.

Sincerely,

XXXXXXXXXXXXX
Chairman
Buckfield Planning Board

Appendix E

Application Fee: \$100.00

(This fee is simply an application fee the revenue from which will placed in the miscellaneous administrative revenue account)

Permit Fee: \$500.00 per turbine

(This fee is deposited into a general ledger account and used to offset general office expenses attributed to the WEF permit process)

License Fee: \$250.00

(This fee is simply an application fee the revenue from which will placed in the miscellaneous administrative revenue account)

License renewal fee: \$100.00

(This fee is simply an application fee the revenue from which will placed in the miscellaneous administrative revenue account)

As revised by the Board of Selectmen at a meeting duly called on _____

Selectman 1

Selectman 2

Selectman 3

