

2016

Town of Canaan Maine Ordinances

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Amended
Adult Entertainment Establishment Ordinance
For The Municipality
of Canaan, Maine

I hereby certify that the foregoing is a True Copy of the amended "**Adult Entertainment Establishment Ordinance For The Municipality of Canaan, Maine**" approved by the Town of Canaan Planning Board on June 13, 2012.

Attest: *Denise Stetkis* Date: *February 20, 2013*
Denise Stetkis
Town Clerk of Canaan, Maine

This ordinance was approved at Town Meeting, *March 16, 2013*
(Date)

Attest: *Denise Stetkis*
Town Clerk – Town of Canaan

**Municipal Officer's Certification of Official Text For the Proposed
Amended Ordinance Titled
"Adult Entertainment Establishment Ordinance
For The Municipality of Canaan, Maine"**

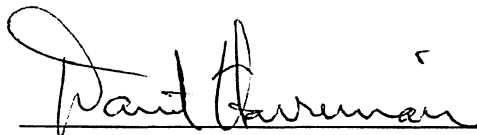
This certifies to the Municipal Clerk of the Town of Canaan that the within ordinance is a true copy of a proposed amended ordinance prepared by the Town of Canaan Planning Board entitled, "Adult Entertainment Establishment Ordinance For The Municipality of Canaan, Maine" to be presented to the voters for their consideration on March 16, 2013.

Date: 2/19/13

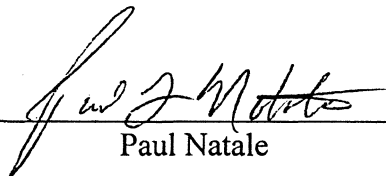
Municipal Officers of Canaan, Maine



Rita Graf



Daniel Harriman



Paul Natale

Amended: Adult Entertainment Establishment Ordinance

Title: This Ordinance shall be known as the "Adult Entertainment Establishment Ordinance for the municipality of Canaan, Maine"

Authority: This ordinance has been prepared in accordance with 30-A-M.R.S.A., Subsection 3001 and the Constitution of the State of Maine.

Purpose and Justification for the Ordinance

1. The purpose of this Ordinance is to protect the health, safety, welfare, the likelihood of criminal activity and to protect the value of the property. This ordinance is to protect the value of property owners in the town of Canaan from depreciation due to an undesirable establishment in close proximity of their residence.
2. This ordinance is also necessary to protect Canaan residents from disturbing, noisy, music and or noise from the patrons of said establishments.

Amendments

Amendments may be initiated by the Board of Selectmen, Planning Board or written petition by a number of voters equal to at least ten percent (10%) of the number of votes cast in the municipality in the last gubernatorial election.

This ordinance may be amended by a majority vote of the legally constituted municipal governing body at the regular or special town meeting or by a referendum ballot.

Location of Adult Entertainment Establishments

Adult entertainment establishments will be prohibited in the town of Canaan within 1000 feet from a residence, 1500 feet from a church, temple or other buildings which is used primarily for religious worship and related religious activities, 1500 feet from any public or private educational facility, 1500 feet from a public park or recreational area which has been designated a park or recreational area. No building structure, parking lots or signs shall be constructed within these limits except for a sign that would be positioned at the entrance to the parking lot for that establishment. The noise from loud music and or patrons shall not exceed 45 Decibels (Db) measured at least (4) feet above ground level at the property boundary line of the source.

Signage guidelines

The sign must meet the approval of the Code Enforcement Officer, who may require changes if he / she believe the proposed sign would be offensive to a significant number of Canaan residents.

Primary Signs

1. Primary signs shall have no more than two (2) display surfaces.
2. Be a flat plane, rectangular in shape.
3. Shall contain no photographs, silhouettes, drawings or pictorial representations in any manner, and may contain only the name of the enterprise.
4. Each letter forming a word on a primary sign shall be of solid color, and each such letter shall be the same print-type size and color. The background behind such lettering on the display surface of a primary sign shall be of a uniform and solid color.
5. The exterior of the sign shall not exceed 30 square feet.
6. The bottom of the sign may not be more than 10 feet above the ground.
7. The top of the sign may not be more than 15 feet above the ground.
8. Exterior lights may be used for necessary illumination. They may not blink or be so bright as to disturb neighbors or passersby, as determined by the Code Enforcement Officer.

Secondary Signs

Secondary signs shall have only one (1) display surface. Such display surface shall:

1. Be a flat plane, rectangular in shape.
2. Not exceed twenty (20) square feet in area.
3. Be affixed or attached to any wall or door of the enterprise.
4. The provisions for Primary Signs numbered three (3) four (4) and eight (8) shall also apply to secondary signs

Age Requirements

1. It shall be unlawful to allow a person who is younger than eighteen (18) years of age to enter or be on the premises of an adult entertainment establishment at any time the adult entertainment Establishment is open for business.
2. It shall be the responsibility of the operator of each adult entertainment establishment to ensure that an attendant is stationed at each public entrance to the adult entertainment establishment at all times during adult entertainment establishments regular business hours. It shall be the duty of the attendant to prohibit any person under the age of eighteen (18) years of age from entering the adult entertainment establishment. It shall be presumed that an attendant knew a person was under the age of eighteen (18) years of age unless such attendant asked for and was furnished:
A valid operator's, commercial operator's or chauffeur's driver's license, or a valid personal identification certificate issued by the State of Maine reflecting that such person is eighteen (18) years of age or older.

Hours of Operation

1. No adult entertainment establishment in the town of Canaan will remain open at any time between the hours of ~~12:00 P.M.~~ 12:00 Midnight and 6:00 A.M.

Prohibited Activities

1. All acts of public indecency, as defined in the statutes of the State of Maine (17 - A- M.R.S.A.), are prohibited in Adult oriented establishments.
2. All other acts prohibited by applicable ordinances or Town, County, State and Federal laws.

Enforcement

This ordinance shall be enforced by the Somerset Sheriffs Department, by the Maine State police or by a town constable or any other official duty appointed and authorized by the selectmen.

Penalties

The violation of any provision of this ordinance shall be punished by a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1000.00) for each offense. Each act of violation, and every day upon which any such violation shall occur, shall constitute a separate offense. In addition to such penalty, the town may enjoin or abate any violation of this ordinance by appropriate action, including but not limited to revocation of any town license for a premises or commercial or business establishment in which the violation of this ordinance took place. The town must also be awarded any reasonable attorney fees and costs that is necessary to enforce this ordinance.

Severability: If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of any other section, phrase, sentence or portion hereof.

Conflict: This ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw or provision of law.

Effective Date: This ordinance shall become effective upon approval by the legislative body of the Town of Canaan.

FLOODPLAIN MANAGEMENT ORDINANCE FOR THE TOWN OF CANAAN, MAINE

ENACTED:
Date

EFFECTIVE:
Date

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ARTICLE I - PURPOSE AND ESTABLISHMENT

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

The areas of special flood hazard, are identified by the Federal Emergency Management Agency in a map entitled Flood Insurance Rate Map - Town of Canaan, Maine, Somerset County," dated September 27th, 1985, which is hereby adopted by reference and declared to be a part of this Ordinance. This map is available online and at the town office by request.

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 Canaan 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 Canaan, Maine.

ARTICLE III - APPLICATION FOR PERMIT

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

- A. The name, address and phone number of the applicant, owner, and contractor;
- B. An address and a map indicating the location of the construction site;
- C. A site plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;
- D. A statement of the intended use of the structure and/or development;
- E. A statement of the cost of the development including all materials and labor;
- F. A statement as to the type of sewage system proposed;
- G. Specification of dimensions of the proposed structure and/or development;

[Items H-K.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, of the:

1. Base flood at the proposed site of all new or substantially improved structures, which in Zone A is determined:
 - a. from any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265), including information obtained pursuant to Article VI.J. and VIII.D.;
 - b. 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,
 - c. to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.
2. Highest and lowest grades at the site adjacent to the walls of the proposed building;
3. Lowest floor, including basement; and whether or not such structures contain a basement; and,

4. Level, in the case of non-residential structures only, to which the structure will be floodproofed;
- I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article VI;
- J. A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate;
- K. The following certifications as required in Article VI by a registered professional engineer or architect:
 1. a Floodproofing Certificate (FEMA Form 81-65, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article III.H.4.; Article VI.G.; and other applicable standards in Article VI;
 2. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.K.2.a.;
 3. a certified statement that bridges will meet the standards of Article VI.L.;
 4. a certified statement that containment walls will meet the standards of Article VI.M.;
- 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

There will be no Application Fee required for applicants.

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

ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Code Enforcement Officer shall:

- A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have been, or will be met;
- B. Utilize, in the review of all Flood Hazard Development Permit applications:
 - 1. the base flood data contained in the "Flood Insurance Rate Map" - Town of Canaan, Maine," as described in Article I;
 - 2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.; Article VI.J.; 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., the community shall submit that data to the Maine Floodplain Management Program.
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;
- D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;
- E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;
- F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits based on the type of development:
 - 1. A two part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with 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.,2., and 3. 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 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.; Article V.B; or Article VIII.D.
- G. Non Residential - New construction or substantial improvement of any non-residential structure located within 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.; Article V.B; or Article VIII.D., or together with attendant utility and sanitary facilities shall:
1. be flood proofed to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.; Article V.B; or Article VIII.D., so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
 2. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 3. 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 flood proofed.
- H. Manufactured Homes - New or substantially improved manufactured homes located within Zone A shall:
1. be elevated 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.; Article V.B; or Article VIII.D.;
 2. 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,
 3. 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:

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

I. Recreational Vehicles - Recreational Vehicles located within:

1.) Zone A 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 Zone A, shall be exempt from the elevation criteria required in Article VI.F. & G. above, if all other requirements of Article VI and all the following requirements are met. Accessory Structures shall:

- 1. be 500 square feet or less and have a value less than \$3000;
- 2. have unfinished interiors and not be used for human habitation;
- 3. have hydraulic openings, as specified in Article VI.K.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 - Encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in a floodway which, in Zone A riverine areas, is 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, 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:

1. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,
2. 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).

L. Enclosed Areas Below the Lowest Floor - New construction or substantial improvement of any structure in Zone 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 Zone 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 utilizing information obtained pursuant to Article III.H.1.; Article V.B; or Article VIII.D.; 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.J.; 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 Zone A shall:

1. have the containment wall elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.; Article V.B.; or Article VIII.D.
2. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
3. 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 Zone 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/Appeals 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 Appeals Board of the Town of Canaan 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.J. 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 and Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Planning Board to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.
7. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five days from the date of any decision of the Board of Appeals.

ARTICLE X - ENFORCEMENT AND PENALTIES

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

ARTICLE XI - VALIDITY AND SEVERABILITY

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

ARTICLE XII - CONFLICT WITH OTHER ORDINANCES

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

ARTICLE XIII – 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).

ARTICLE XIV – DEFINITIONS

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

Accessory Structure - means a 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 Rate Map 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 Zone 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.
- c. In the case of Zone A, Elevated Building also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article VI.K..

Elevation Certificate - An official form (FEMA Form 81-31, 03/09, as amended) that:

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

Flood or Flooding - means:

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

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

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

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.

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

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

Historic Structure - means any structure that is:

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

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

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

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. in Zone A riverine areas, the floodway 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.

FLOOD HAZARD DEVELOPMENT APPLICATION

Canaan, Maine

(All applicants must complete entire application)

Application is hereby made for a Flood Hazard Development Permit as required under Article II of the Floodplain Management Ordinance of Canaan, Maine, for development as defined in said ordinance. This permit application does not preclude the need for other municipal permit applications.

Owner: _____ Address: _____

Phone No.: _____

Applicant: _____ Address: _____

Phone No.: _____

Contractor: _____ Address: _____

Phone No.: _____

LEGAL DESCRIPTION

Is this part of a subdivision? ☐ Yes ☐ No If yes, give the name of the subdivision and lot number:

Subdivision: _____ Lot #: _____

Tax Map: _____ Lot #: _____

Address: _____
Street/Road Name

Zip Code: _____
Town/Zip Code

General explanation of proposed development: _____

Estimated Value of Proposed Development: \$ _____

Proposed Lowest Floor elevation [for new or substantially improved structure]: _____

OTHER PERMITS

Are other permits required from State or Federal jurisdictions?

☐ Yes ☐ No

If yes, are these other permits attached?

☐ Yes ☐ No ☐ Not Applicable

Federal and State Permits may include but are not limited to: ME/DEP/Natural Resource Protection Act, Site Location of Development Act, Metallic Mineral Exploration, Advanced Exploration and Mining; USACE/Section 9 &10 of the Rivers and Harbors Act/ Section 404 of the Clean Water Act; Federal Energy Regulation Commission.

SEWER AND WATER

Sewage Disposal: ☐ Public ☐ Private
☐ Existing ☐ Proposed ☐ Not Applicable Type _____

Water Supply: ☐ Public ☐ Private

LOCATION

☐ A Zone ☐ FRINGE ☐ FLOODWAY (2 width of floodplain in A Zone)

Lowest floor elevation of proposed or existing structure _____ NGVD [Required for New Construction or Substantial Improvement]

☐ From a Federal Agency: ☐ USGS ☐ USDA/NRCS ☐ USACE ☐ Other _____
☐ From a State Agency: ☐ MDOT ☐ Other _____
☐ Established by Professional Land Surveyor
☐ Established by Professional Engineer ☐ HEC/RAS ☐ HEC II ☐ HY 7 ☐ TR20 ☐ TR55 ☐ Quick-2
 ☐ Other _____
☐ Highest Known Water Level
☐ Other (Explain) _____

If the development involves work on an existing structure, enter the **Market Value** of existing structure before improvements:

TYPE OF DEVELOPMENT

<input type="checkbox"/> 1. Residential Structure <div style="margin-left: 20px;"> <input type="checkbox"/> 1a. New Structure _____ <input type="checkbox"/> 1b. Add to Structure _____ <input type="checkbox"/> 1c. Renovations/repairs/maintenance _____ </div> <input type="checkbox"/> 2. Non-Residential Structure <div style="margin-left: 20px;"> <input type="checkbox"/> 2a. New Structure _____ <input type="checkbox"/> 2b. Add to Structure _____ <input type="checkbox"/> 2c. Renovations/repairs/maintenance _____ <input type="checkbox"/> 2d. Floodproofing _____ </div> <input type="checkbox"/> 3. Accessory Structure _____ <input type="checkbox"/> 4. Functionally Dependent Use: <div style="margin-left: 20px;"> <input type="checkbox"/> 4a. Dock _____ <input type="checkbox"/> 4b. Pier _____ <input type="checkbox"/> 4c. Boat Ramp _____ <input type="checkbox"/> 4d. Other _____ </div> <input type="checkbox"/> 5. Paving _____ <input type="checkbox"/> 6. Conditional Use (Lobster/Fish Shed seaward of mean high tide) <div style="margin-left: 20px;"> Note: Conditional Use requires add'l. information due to specific standards, public hearing, and Planning Board review. </div>	<div style="text-align: right; margin-bottom: 10px;">Dimensions</div> <input type="checkbox"/> 7. Filling ¹ _____ <input type="checkbox"/> 8. Dredging _____ <input type="checkbox"/> 9. Excavation _____ <input type="checkbox"/> 10. Levee _____ <input type="checkbox"/> 11. Drilling _____ <div style="text-align: right; margin-bottom: 10px;">Cubic Yards</div> <input type="checkbox"/> 12. Mining _____ <input type="checkbox"/> 13. Dam: Water surface to be created _____ <input type="checkbox"/> 14. Water Course Alteration _____ <div style="margin-left: 20px;"> Note: Detailed description must be attached with copies of all applicable notifications, state and federal permits. </div> <input type="checkbox"/> 15. Storage of equipment or materials _____ <input type="checkbox"/> 16. Sewage Disposal System _____ <input type="checkbox"/> 17. Water Supply System _____ <input type="checkbox"/> 18. Other: Explain _____ _____ _____ _____ _____
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Attach a Site Plan – Drawn to scale with north arrow.

- Show property boundaries, floodway, and floodplain lines.
- Show dimensions of the lot.
- Show dimensions and location of existing and/or proposed development on the site.
- Show areas to be cut and filled.

Attach Statement – describing in detail how each applicable development standard in Article VI will be met.

For New Construction or Substantial Improvement also show:

- Existing and proposed grade elevations adjacent to the walls of the structure done by a Professional land Surveyor, Architect, or Engineer.
- Location and elevation of temporary elevation reference marks on the site.

Special Note:

Substantial Improvement is defined as 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. Please refer to the floodplain management ordinance, Article XIV, for more complete definitions of New Construction and Substantial Improvement.

The applicant understands and agrees that:

- The permit applied for, if granted, is issued on the representations made herein;
- Any permit issued may be revoked because of any breach of representation;
- Once a permit is revoked all work shall cease until the permit is reissued or a new permit is issued;
- Any permit issued on this application will not grant any right or privilege to erect any structure or sue any premises described for any purposes or in any manner prohibited by the ordinances, codes, or regulations of the municipality;
- The applicant hereby gives consent to the Code Enforcement Officer to enter and inspect activity covered under the provisions of the Floodplain management Ordinance;
- If issued, the permit form will be posted in a conspicuous place on the premises in plain view; and,
- If issued, the permit will expire if no work is commenced within 180 days of issuance.

I hereby certify that all the statements in, and in the attachments to this application are a true description of the existing property and the proposed development project.

Owner: _____ Date: _____
Signature

or

Authorized Agent: _____ Date: _____
Signature

(This section to be completed by Municipal Official)

Date: Submitted _____; Fee Paid _____; Reviewed by CEO _____; Reviewed by Planning Board _____

Permit # _____ Issued by _____ Date _____

FLOOD HAZARD DEVELOPMENT PERMIT

PART I

Canaan, Maine

(For New Construction or Substantial Improvements)

For New Construction or Substantial Improvement of any structure, this Flood Hazard Development Permit allows construction only up to the establishment of the lowest floor. This permit is issued based on documentation that the information provided in the Flood Hazard Development Permit Application is in compliance with the Floodplain Management Ordinance. Once the lowest floor is established, the permittee must provide an Elevation Certificate establishing the as built lowest floor elevation. When the Code Enforcement Officer finds the documentation in the Elevation Certificate to be in compliance with the Floodplain Management Ordinance, the Part II Flood Hazard Development Permit shall be issued. The Part II Permit must be issued in order for construction to continue.

A Part I Flood Hazard Development Permit is hereby issued as provided under Article V.F. of the Floodplain Management Ordinance of Canaan, Maine, for development as defined in said ordinance.

Tax Map: _____ Lot #: _____

Project Description: _____

The permittee understands and agrees that:

- The permit is issued on the representations made herein and on the application for permit;
- The permit may be revoked because of any breach of representation;
- Once a permit is revoked all work shall cease until the permit is reissued or a new permit is issued;
- The permit will not grant any right or privilege to erect any structure or use any premises described for any purposes or in any manner prohibited by the ordinances, codes, or regulations of the municipality;
- The permittee hereby gives consent to the Code Enforcement Officer to enter and inspect activity covered under the provisions of the Floodplain Management Ordinance;
- The permit form will be posted in a conspicuous place on the premises in plain view; and,
- The permit will expire if no work is commenced within 180 days of issuance.

I hereby certify that all the statements in, and in the attachments to this permit are a true description of the existing property and the proposed development project.

Owner: _____ Date: _____
Signature

or

Authorized Agent: _____ Date: _____
Signature

Issued by: _____ Date: _____

Permit #: _____

FLOOD HAZARD DEVELOPMENT PERMIT

PART II

Canaan, Maine

(For completion of New Construction or Substantial Improvements)

The following information has been submitted and found compliant with the Development Standards of the Floodplain Management Ordinance:

☐ FEMA Elevation Certificate Form 81-31

A Part II Flood Hazard Development Permit is hereby issued as provided under Article V.F. of the Floodplain Management Ordinance of Canaan, Maine, for development as defined in said ordinance.

Tax Map: _____ Lot #: _____

The permittee understands and agrees that:

- The permit is issued on the representations made herein and on the elevation certificate;
- The permit may be revoked because of any breach of representation;
- Once a permit is revoked all work shall cease until the permit is reissued or a new permit is issued;
- The permit will not grant any right or privilege to erect any structure or use any premises described for any purposes or in any manner prohibited by the ordinances, codes, or regulations of the municipality;
- The permittee hereby gives consent to the Code Enforcement Officer to enter and inspect activity covered under the provisions of the Floodplain Management Ordinance;
- The permit form will be posted in a conspicuous place on the premises in plain view; and,
- The permit will expire if no work is commenced within 180 days of issuance.

I hereby certify that all the statements in, and in the attachments to this permit are a true description of the existing property and the proposed development project.

Owner: _____ Date: _____
Signature

or

Authorized Agent: _____ Date: _____
Signature

Issued by: _____ Date: _____

Permit #: _____

**Municipal Officer's Certification of Official Text for the
Amended Ordinance Titled
"Wind Energy Facility Ordinance"
for the Municipality of Canaan, Maine**

To the Town Clerk of the Town of Canaan:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of an ordinance prepared by the Canaan Planning Board entitled, "Town of Canaan Wind Energy Facility Ordinance" to be presented to the voters for their consideration on March 16, 2013.

Pursuant to 30-A M.R.S.A. §3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Dated: February 19 2013.

Town Selectmen of Canaan, Maine

Rita Graf
Rita Graf
Daniel Harriman
Daniel Harriman
Paul Natale
Paul Natale

Attestation

Attest: A true copy of a final draft of a proposed amended ordinance entitled "Wind Energy Facility Ordinance", as provided to me by the municipal officers of Canaan on the 19th day of February, 2013.

Signature Theresa B. Stetke
Town Clerk of Canaan

TOWN OF CANAAN, MAINE, WIND ENERGY FACILITY ORDINANCE

1.0 Title. This ordinance shall be known as the Town of Canaan, Maine, Wind Energy Facility Ordinance.

2.0 Purpose. The purpose of this Ordinance is to protect the health, safety, and general welfare of the residents and property owners of Canaan by establishing reasonable and uniform regulations for Wind Energy Facilities (WEFs).

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

3.1 Conflicts with Other Ordinances, Laws and Regulations. If there is a conflict between provisions in this Ordinance or between a provision in this Ordinance and a provision of any other ordinance, regulation, or statute from any jurisdiction, the more restrictive provision shall apply.

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

4.0 Effective Date.

4.1 This Ordinance shall become effective on the date of its passage.

4.2 If this Ordinance is enacted within 90 days after the expiration of an Ordinance entitled "Wind Facility Moratorium Ordinance, Canaan, Maine" (the Moratorium) adopted the effective date of this Ordinance shall be retroactive to the expiration date of the Moratorium.

5.0 Applicability. ~~This ordinance applies to all Wind Energy Facilities and Meteorological Towers in the Town of Canaan proposed to be constructed or operated after the effective date of this Ordinance, unless determined as "Residential" in the "Town of Canaan Residential Wind Energy Ordinance".~~

6.0 Definitions.

Acoustic Hazard. Annoyance and hazard (health, property values) owing to the sound produced by a WEF.

Applicant. Person, or persons or entity applying for a Meteorological Tower permit or Wind Energy Facility permit to the Town of Canaan Planning Board.

CEO means Town of Canaan Code Enforcement Officer

Covenants. A legal agreement, convention or promise by two or more parties by deed in writing, signed, and delivered, by which one of the parties pledges himself to the other that something is done, or shall be done, or shall not be done, or stipulates the truth of certain facts. For this Ordinance this legal agreement shall contain stipulations required and put forth herein and shall be a covenant running with land.

D = Distance measured in feet.

Debris Hazard. Hazard owing to the possibility that the parts of a WEF, or material (ice or other debris) accumulated on its rotating elements, could be dislodged and fall or be thrown some distance onto surrounding property.

Decibel (dB) means the practical unit of measurement for sound pressure level; the number of decibels of a measured sound is equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (20 micropascals); abbreviated "dB."

dB(A) or dBA means the abbreviation designating both the unit of measure sound level, the decibel, and the mode of measurement that uses the A-weighting of a sound level meter. **dB(C) or dBC** means the abbreviation designating both the unit of measure sound level, the decibel, and the mode of measurement that uses the C-weighting of a sound level meter.

Engineering drawing. Rendering of an object or land area using drafting instruments or CAD showing all critical features and appropriate dimensions to describe the subject.

Falling Hazard. Hazard owing to the possibility that the elements of a WEF could fall onto the surrounding property.

Flicker Hazard. Annoyance and hazard (health, property values) owing to the shadows produced by the rotating elements of a WEF.

Geological Instability. Can include possible fault lines, areas of potential landslides, heavily fractured or unstable bedrock that would cause the tower and/or structure to fall or collapse.

Ho. Height overall. Height of a Meteorological Tower or WEF Turbine from the base of the tower pad to the highest point on the structure or the highest point of any rotating element, whichever is higher.

Inhabitant means one who resides actually and permanently in a given place, and has his domicile there.

LAeq means the energy-equivalent sound pressure level measured in decibels with a sound level meter set for A-weighting, "Fast" response over a measurement period; expressed as LAeq or Leq in dBA.

Lc = Criterion sound level, dBA, set to 30 dBA, consistent with the World Health Organization's Night Noise Guideline 2009, to prevent biological effects, to protect public health in risk groups including children, elderly and those with disease or pre-existing health conditions and, to minimize sleep disturbance at night; a criterion level of 30 decibels (LAeq) for continuous intrusive noise as the level above which biological effects, medical impacts on sensitive populations, and sleep disturbance were found with sufficient evidence under comprehensive medical and scientific peer review by World Health Organization.

LCeq means the energy-equivalent sound pressure level measured in decibels with a sound level meter set for C-weighting, "Fast" response over a measurement period; expressed as LCeq or Leq in dBC.

Lp = Sound Pressure Level measured in dBA in accordance with American National Standards S12.9 – Part 3, "Quantities and Procedures for Description and Measurement of Environmental Sound" or ANSI S12.18.

Ls = Safety Factor, shall be 2 dBA unless otherwise authorized by the Town Planning Board, to account for variations in meter total instrument response.

Lu = Uncertainty factor, shall be 5 dBA unless otherwise authorized by the Town Planning Board, based on measured maximum hourly sound levels at wind turbine facilities in Maine compared to predicted sound levels and the resulted required corrections of 5 dB.

Lw = Manufacturer's Guaranteed Maximum Sound Power Level, in dBA re 1pW, under any operating conditions, including high winds, yawing, furling, and power outages, whether electrically loaded or unloaded.

Maximum sound level (also Lmax) means the maximum sound pressure level measured in decibels with a sound level meter set for A-weighting, "Fast" meter response over a measurement period; expressed as Lmax in dBA.

Meteorological Tower (MT). Tower constructed to mount instruments at one or more heights above grade for the purpose of collecting wind or other meteorological data.

n = Number (quantity) of wind turbines, where the expression $4\log(n)$ represents the change in sound level due to the increase in the number of turbines based on independent analysis of measured noise levels around wind turbine facilities in Maine, and -0.5 dB is required when converting from sound power level to sound pressure level assuming spherical spreading, for dimensions in feet.

Owner/Operator. The person or entity that is the legal owner of the WEF, including successors and assigns, and 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.

Property line. The imaginary line along the ground surface and the vertical extension of that line which constitutes a legally enforceable boundary which separates real property owned or controlled by owner(s) from contiguous real property owned or controlled by another person.

Sf/d. Falling and Debris Hazard setback requirement (ft)

Sc. Flicker Hazard setback requirement (ft)

Ss. Acoustic Hazard setback requirement (ft)

Sound level meter means an instrument for the measurement of sound levels conforming to ANSI type I or type II standards.

Sound pressure level means the level of a sound measured in dB units with a sound level meter which has a uniform (flat) response over the band of frequencies measured. Sound pressure levels are referenced to 20 micropascals; expressed as [sound level] dB re 20uPA.

Sound power level is calculated from a sound pressure level at a given distance by the formula $L_w = L_p + 20 \log D + 0.5$, dB re 10-12 W where L_p is measured in accordance with American National Standards S12.9 – Part 3, "Quantities and Procedures for Description and Measurement of Environmental Sound" or ANSI S12.18, or $L_w = L_p - 6 + 10 \log(4\pi(D^2))$, dB re 10-12 W where L_p is measured in accordance with AWEA/IEC 61400-11 using a 1-meter flat ground board. D is the distance from the source (typically the hub height plus ½ the rotor diameter).

Setback Area. The entire land base that falls within the Setback for a particular MT or WEF.

Setback. A distance measured horizontally in feet from the center axis of any WEF turbine or Meteorological Tower radially for 360 degrees.

Type 0: Micro Wind Energy Facility. One or more wind turbines, each with a nameplate capacity of less than 1 kW and a turbine height (measured to the top of an upright blade) of 35 feet or less.

Type 1: Small Wind Energy Facility. A single wind turbine with a nameplate capacity of 10 kW or less and a turbine height (measured to the top of an upright blade) of 80 feet or less.

Type 2: Intermediate Wind Energy Facility. A single wind turbine with a nameplate capacity of less than 100 kW and or a turbine height (measured to the top of an upright blade) of 150 feet or less.

Type 3: Large/Commercial Wind Energy Facility. A single wind turbine with a nameplate capacity of 100 kW or a turbine height (measured to the top of an upright blade) of more than 150 feet. Or a WEF composed of two or more turbines each with a nameplate capacity of 1 kW or more. Or a WEF (of any size or number of turbines) 25% or more of whose power is intended for sale or use by entities or persons other than the generator.

W means power in Watts.

Waiver. A legal decision that may be made by the Planning Board that grants the Covenantees and the Covenantors of a Covenant presented to the Board a right of waiving or relinquishing protection for them in this Ordinance as regards acoustic and flicker effects.

Wind Energy Facility (WEF). All equipment, structures, roads, and power lines that together form a system for the production of electrical power using ambient wind as a source of motive power.

Wind Energy Facility Turbine (WEFT). Any machine constructed to convert ambient wind energy to electromotive energy.

7.0 Documents.

7.1 Documents cited in this Ordinance

- Bureau of Land and Water Quality, Site Location Development Law, 38 M.R.S.A. §§481-490, with regulations 06-096 CMR 371-377
- Maine Erosion and Sediment Controls Best Management Practices, Bureau of Land and Water Quality, Maine Department of Environmental Protection, March 2003, DEP LW0588
- Night Noise Guidelines for Europe, World Health Organization, October 2009, ISBN 9789289041737
- Town of Phillips Wind Energy Facility Ordinance

7.2 Guidance Documents as aids to Applicant

- 12 M.R.S., Sections 685-B,2-C, 4, and 4-B of the Commission's statutes; 35-A M.R.S., Ch. 34-A, Sections 3451, 3452, 3454, and 3455, and other applicable provisions of the Legislature statute, 12 M.R.S., Sections 681 through 689
- Maine Association of Wetland Scientists (MAWS): Vernal Pool Technical Committee (VPTC) 2010 Interim Vernal Pool Survey Protocol, April 2010
- Maine Endangered Species Act, State of Maine, Inland Fisheries and Wildlife Laws, 12 MRSA Part 13, Chapter 925, Subchapter 3, Endangered Species
- Management Guidelines, for Land Use In or Adjacent To Spring Salamander and Roaring Brook Mayfly Habitat Maine Department of Inland Fisheries and Wildlife, dated March 4, 2010
- Natural Resource Protection Act, 38 M.R.S.A. §§ 480-A through 480-BB, statute and application
- Public Law, 123rd Legislature, Second Regular Session, Chapter 533, H.P. 1390- L.D. 1952, An Act to Streamline the Administration of Significant Vernal Pool Habitat Protection

8.0 Design, Manufacture, and Construction Standards

8.1 The design and manufacture of all meteorological towers, all wind turbines, and all other components of a WEF shall conform to applicable national, state, and local standards for the wind industry, such as those established by the American National Standards Institute (ANSI), Underwriters Laboratories, and similar certifying organizations. All MT and all components of a WEF shall conform to local, state, and national building codes.

8.2 **Meteorological towers (MT).** Meteorological towers must be under 200 feet in height, and must be designed so as not to require lighting. Guy wires are allowed but must be designed so as to limit Environmental Hazard to wildlife, especially birds and bats. For MTs connected with the potential development of commercial WEFs, a Decommissioning Bond will be required to ensure timely removal of the equipment.

8.3 No WEF Turbines or WEF components that are home-made or whose design has been altered except by the manufacturer shall be permitted except when necessary to facilitate mounting.

8.4 Underground power and transmission lines shall be buried at a depth consistent with state public utility engineering standards to prevent transient ground currents and stray voltage.

8.5 An application for a permit for a Type 3 WEF that will be connected to the Public Utility Grid shall include a Public Utility Grid Impact Statement documenting all anticipated changes to the public utility grid within the Town of Canaan due to the WEF. The Statement shall be signed and approved by the Maine Public Utilities Commission and shall include proof of leases or rights of way for transmission lines, and an analysis of the residual capacity in the grid that will be available to other local generating projects after the construction of the WEF.

8.6 A WEFT with a nameplate capacity less than 1 kW shall be equipped with a braking system designed to limit rotor speed and prevent blade flutter.

8.7 A WEFT with a nameplate capacity equal to or greater than 1 kW but less than or equal to 10 kW shall be equipped with a redundant braking system that includes stall regulation.

8.8 A WEFT with a nameplate capacity of more than 10 kW 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 on WEFTs with a nameplate capacity of more than 10 kW.

8.9 WEFs shall be designed and sited to prevent the disruption or loss of emergency or private radio, telephone, television, or similar signals. Interference with such communications shall be grounds for ordering the immediate shut down of the WEF until the interference has been remedied.

8.10 The minimum distance between the ground and the blades of a WEF shall be 25 feet as measured at the lowest point in the arc of the blades.

8.11 WEFTs shall be mounted on monopole towers with no guy wires except that WEFTs with a nameplate capacity of under 1 kW may be mounted on structure roof tops.

8.12 The color of WEFTs and MTs shall be off-white or grey or some other unobtrusive color approved by the Town of Canaan Planning Board.

8.13 WEFs shall not be used to display signs or advertising except for signs at ground level identifying the turbine manufacturer, the WEF Owner/Operator, emergency contact information, and appropriate warnings as required by national, state, and local laws.

8.14 All construction activities must conform to the approved site plan, including any conditions of approval and changes approved by the Code Enforcement Officer and/or the Planning Board.

8.15 **Modification During Construction** If at any time it appears necessary or desirable to modify the approved plans before or during construction of the WEF, the Code Enforcement Officer, with assistance at the Applicant's expense from such staff, consultants or experts as the CEO deems appropriate, is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The Code Enforcement Officer shall issue any approval under this section in writing and shall transmit a copy of the approval to the Selectmen and Planning Board. Revised plans shall be filed with the Planning Board for the record. For major modifications such as relocation of rights-of-way, relation of WEFTs, changes in grade by more than 1%, etc., the Applicant shall submit to the Planning board an amended plan for review and approval.

9.0 Public Health and Safety Standards

9.1 **Setback Standards.** All MTs and WEFs must be sited so as to satisfy the Setback Standards calculated in Table 1 for the following hazards:

- Falling and Debris Hazard
- Flicker Hazard
- Acoustic Hazard (See Table 2 for calculations of typical setback distance)

9.2 The applicant shall compute or look up, as appropriate, and graph the required setback for each hazard as a circle for a single unit or as a series of connected arcs for multiple units centered on each turbine and submitted with the required setback graphically superimposed to scale on town maps identifying lot owners and lot property lines.

9.3 **Acoustic Standards.** Sound levels due to the operation of the WEF shall not exceed 30 dBA or 50 dBC at property lines or structures in the Town of Canaan. Owner/Operators may request a waiver of these standards by means of written Covenants as specified in section 14.2.3 of this Ordinance.

9.3.1 Sound measurements shall be carried out at appropriate property lines or structures as soon as possible after the Town of Canaan Planning Board determines that a violation of the noise standards may have occurred.

9.3.2 All sound measurements shall be made by a professional acoustical engineer who is a Full Member of the Institute of Noise Control Engineering (INCE) or who possesses some comparable qualification. The engineer shall be chosen by the Owner/Operator from a list provided by the Planning Board and paid by the Owner/Operator.

9.3.3 Except as specifically noted otherwise, sound measurements shall be conducted in compliance with the American National Standards Institute (ANSI) Standard S12.18-1994 "Outdoor Measurements of Sound Pressure."

9.3.4 Sound level meters and calibration equipment shall comply with the latest version of ANSI Standard S1.4 "Specifications for General Purpose Sound Level Meters," and shall have been calibrated at a recognized laboratory within one year before the sound measurements are carried out.

9.4 An Application for a permit to construct a Type 3 WEF with one or more turbines having a nameplate capacity of 100 kW or more shall include a Fire Prevention and Fire Fighting Plan that has been approved by the Town of Canaan Fire Department. The plan shall identify a response plan to address all potential WEF fire scenarios and include a list of hazardous materials that may be encountered.

9.5 The Owner/Operator of a Type 3 WEF with one or more turbines having a nameplate capacity of 100 kW or more shall ensure that the WEF complies with the following fire control and prevention measures and assumes responsibility for all associated incremental costs.

- Use of fireproof or fire resistant building materials and buffers as required by state law or the Canaan Fire Department.
- Incorporation of a self-contained fire protection system in the WEF turbine nacelle.
- Maintenance of firebreak areas, cleared of vegetation, as required by state law or the Canaan Fire Department.
- Provision for any additional fire fighting or rescue personnel, services, training, materials, and vehicles as may be required to deal with any emergency related to the WEF that is beyond the current capabilities of the Canaan Fire Department.

9.6 The Owner/Operator of all WEFs shall be responsible for compliance with all ordinances, regulations, and laws applicable to the generation, storage, cleanup, and disposal of hazardous materials connected with the WEF.

9.7 Road and Property Risk Assessment

9.7.1 An application for a permit to construct a Type 2 or Type 3 WEF shall include a Road and Property Risk Assessment that has been approved by the Town of Canaan Road Commissioner.

9.7.2 The Town of Canaan Planning Board shall require changes to the Road and Property Risk Assessment plan that it deems appropriate to protect public safety, to protect public and private property, and to address anticipated costs to the town.

9.7.3 A qualified third party engineer, chosen by the Applicant from a list provided by the Canaan Planning Board and paid by the Applicant, shall document road conditions prior to the construction of the WEF, and again within thirty days after construction is complete. Any road damage determined by the engineer to have been caused by the applicant or his contractors shall be promptly repaired at the applicant's expense.

9.7.4 The Town of Canaan may bond the roads in compliance with state regulations, and the bond is to be paid by the applicant prior to the transport of WEF components.

9.8 The Owner/Operator of any WEF shall notify the Town of Canaan Planning Board of any "extraordinary event" within 24 hours after that event. Extraordinary events shall include but not be limited to tower collapse, catastrophic turbine failure, fires, leakage of hazardous materials, unauthorized entry into a tower base, thrown blade or hub, injury caused by the WEF, and any other event that affects the public health and safety of the town or its residents.

10.0 Environmental Standards

10.1 The siting and construction of all WEFs shall be consistent with the Town of Canaan Comprehensive Plan.

10.2 If required by the laws of the State of Maine, a Department of Environmental Protection Site Location of Development permit shall be obtained and submitted with an application for a WEF permit. If submitted, this permit shall be considered adequate evidence that sections 11.3 and 11.3.1 of this Ordinance have been satisfied.

10.3 Environmentally Sensitive Areas. The design, construction, and maintenance of a WEF shall protect all environmentally sensitive areas that may be affected by its siting. Such areas shall include but not be limited to wetlands, vernal pools, seeps or springs, steep slopes (equal to or greater than 15%), watersheds, flood plains, significant habitat for wildlife, fish, and plants. An application for a Type 3 WEF permit shall demonstrate appropriate measures for protecting all such areas during both construction and operation of the WEF.

10.4 Wildlife Protection.

10.4.1 The application for a Type 3 WEF shall include a Wildlife Protection Plan based on pre-construction field studies designed and carried out by a qualified wildlife biologist chosen by the Applicant from a list provided by the Planning Board and paid by the applicant. Such studies shall describe the possible adverse effects of the WEF on birds, bats, animals and their habitats, and shall propose remedies for these effects.

10.4.2 **Post Construction Wildlife Protection Field Studies.** Within three years after completion of construction of a Type 3 WEF, studies to ascertain its actual effect on wildlife shall be designed and carried out by a qualified wildlife

biologist chosen by the Owner/Operator from a list provided by the Planning Board and paid by the Owner/Operator. If these studies demonstrate undue adverse effects on wildlife caused by the WEF, the Owner/Operator in consultation with the Maine Department of Inland Fisheries and Wildlife (MDIFW) shall design and implement an appropriate mitigation plan. The plan shall be submitted to the Town of Canaan Planning Board for approval. The Owner/Operator shall be responsible for the full cost of carrying out the plan under the supervision of the MDIFW.

10.5 Erosion Control. Type 3 WEFs shall be designed, constructed, and maintained in accordance with accepted erosion and sediment control methods as set out in the Maine Erosion Control Handbook for Construction; The Best Management Practices, dated March (2003).

10.6 Water Quality Protection.

10.6.1 Type 3 WEFs shall be designed, constructed, and maintained so as to avoid undue adverse impacts to groundwater, including sand and gravel aquifers. The Planning Board may require as condition of issuing a permit for a Type 3 WEF that a pre-construction baseline study of all wells, springs, and public water sources within the watershed of the WEF site be conducted. The study shall be designed and carried out by a water quality professional chosen by the Applicant from a list provided by the Planning Board and paid by the Applicant.

10.6.2 Post Construction Groundwater Quality Study. Within two years after completion of construction of a Type 3 WEF for which the Planning Board has required a pre-construction baseline Water Quality Study as described in section 10.6.1 of this Ordinance, a Post Construction Water Quality study of all wells, springs, and public water sources within the watershed of the WEF site shall be designed and carried out by a water quality professional chosen by the Applicant from a list provided by the Planning Board and paid by the Owner/Operator. If degradation or contamination is found to have occurred, fines and/or permanent remedies as required by the Town of Canaan or the State of Maine shall be the responsibility of the Owner/Operator.

10.7 Hazardous Wastes. The Owner/ Operator shall be responsible for compliance with all state and federal regulations applicable to the use and disposal of hazardous wastes involved in or generated by the WEF's construction and operation. This responsibility shall extend to safe and lawful disposal of the by-products of any Acid Rock Testing and Mitigation Plan.

10.8 Blasting. Owner/Operator of a WEF shall not undertake any blasting without notifying the Town of Canaan and submitting a blasting plan in accordance with the latest DEP Standards. The blasting plan shall be reviewed and approved by the Canaan Planning Board before any blasting takes place. Forty-eight hour notice shall be given to all residents within a two mile radius of the blasting area (measured horizontally) before blasting can begin.

10.9 Light Pollution. All WEFs shall be designed and sited to minimize nighttime light pollution and shall not exceed the minimal requirements by the Federal Aviation Authority. Red lights shall be used instead of white if possible and shall be shielded to the greatest extent possible from viewers on the ground. An applicant for a WEF shall provide a plan showing all lighting on and around the WEF.

10.10 Scenic Resource Standards. If a Type 2 or Type 3 WEF is proposed for a site that is visible from a Scenic or Special Resource as defined by the State of Maine or by the Canaan Comprehensive Plan, the Applicant shall provide the Planning Board with a Visual Impact Assessment that addresses the evaluation criteria set forth in the Department of Conservation Standards, Chapter 3, 04-056, adopted April 4, 2010, Or the most recent.

11.0 Financial Standards

11.1 An applicant for a Type 3 WEF shall provide evidence satisfactory to the Town of Canaan Planning Board that the project is financially viable. Evidence of financial viability shall include the following:

- A budget for the construction of the WEF
- Proof of adequate financing for all aspects of the construction
- Proof of long-term power purchase contracts if 25% or more of the WEF output is intended for sale.
- Proof of adequate funds for Decommissioning as specified in section 11.3 of this Ordinance.

11.2 The Owner/Operator of a Type 3 WEF shall maintain a current general liability policy for the WEF covering bodily injury and property damage commensurate with the scope and scale of the project. Proof of current insurance must be presented to the Planning Board with the application for a permit and every year thereafter on the date of the insurance's annual renewal.

11.3 The Owner/Operator of a Type 3 WEF shall, at his/her expense, be responsible for complete Decommissioning of the WEF within twelve months after it ceases to generate electricity, or after its operational license has been revoked.

11.3.1 Decommissioning shall include removal and disposal off-site of all parts of the WEF (including foundations) in accordance with local, state and federal laws and regulations. Areas of disturbed earth shall be graded, seeded, or otherwise re-vegetated.

11.3.2 A Professional Engineer shall be chosen by the Applicant from a list provided by the Planning Board and paid by the Applicant to estimate the total cost of Decommissioning without consideration of the salvage value of the equipment. The amount of this estimate shall be the amount of the Decommissioning Funds required to be posted at the time of the initial Application.

11.3.3 No permit for a Type 3 WEF shall be issued until Decommissioning Funds have been posted by the Applicant with a bonding company or a Federal or State-chartered lending institution (the Escrow Agent) authorized to conduct such business in the State of Maine and approved by the Town of Canaan.

11.3.4 Estimates as described in section 11.3.2 shall be redone annually on the anniversary of the granting of a WEF Permit, and the Owner/Operator of the WEF shall be required to maintain Decommissioning Funds that are at least equal to the most recent estimate.

11.3.5 Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit or other form of financial assurance acceptable to the Town of Canaan.

11.3.6 If the Owner/Operator of the WEF does not complete Decommissioning within the time prescribed in section 11.3 of this Ordinance, the Town of Canaan may take such action as necessary (including court action) to secure the posted Decommissioning Funds and to ensure completion of the Decommissioning.

11.3.7 The Escrow Agent shall not release the Decommissioning Funds except upon written approval of the Town of Canaan.

11.4 Tax Valuation Agreement and Tax Impact Statement An Applicant for a WEF that will have a taxable property value of more than \$10 million or that will be qualified as a "designated business" for the purposes of state tax incremental financing as defined in Title 30-A M.R.S.A. Section 5241 shall enter into a written Tax Valuation Agreement with the Town of Canaan and shall also present to the Town a Tax Impact Statement.

11.4.1 The Tax Valuation Agreement shall describe the methodology that will be used for tax valuation of the WEF throughout the period of its useful life. The Tax Valuation Agreement shall be reviewed by a qualified tax attorney chosen from a list provided by the Town of Canaan Planning Board and paid by the Applicant. No Permit shall be issued until the Tax Valuation Agreement has been approved by the Town of Canaan Planning Board.

11.4.2 The Tax Impact Statement shall estimate the annual tax burden on the citizens of Canaan over a 10 year period beginning with the first full year of the WEF's operation. The Tax Impact Statement's estimates shall be based on the following data and assumptions: 1) the estimated tax contribution from the WEF that will result from the Tax Valuation Agreement; 2) estimated reduction in tax revenue due to any reductions in the value of properties covered by waivers (assuming that other property values remain constant); 3) estimated adjustments to the amount received from the State for aid to education (assuming a constant school budget); 4) estimated adjustments to the amount received as part of the State municipal revenue sharing program; 5) a constant mill rate. The Tax Impact Statement shall be prepared by an Accountant chosen from a list provided by the Town of Canaan Planning Board and paid by the Applicant.

11.5 Promises of benefits made to the Town of Canaan by the applicant shall be documented and submitted with the Final Application. These benefits shall become a legally enforceable provision of the permit.

12.0 Ethical Standards

12.1 All deliberations concerning the permitting and regulation of WEFs shall be conducted at public meetings for which notice has been duly given.

12.2 Conflicts of Interest. No elected or appointed official or employee of the Town of Canaan who has a financial interest in the WEF under consideration shall be directly or indirectly involved in the permitting or other regulation of that WEF. Financial interest includes but is not limited to the following:

- Having right, title or interest in land on which any part of the WEF will be constructed
- Having signed for the Applicant's benefit a Covenant with financial remuneration
- Having a financial arrangement such as employment or the promise of employment—including employment as an outside contractor—with the Applicant
- Serving as a paid representative of an individual or company that derives income from the development of wind power

13.0 Permitting and Licensing Authority

13.1 The Town of Canaan Planning Board is authorized to review all applications for permits to erect Meteorological Towers and to construct Wind Energy Facilities and all applications for operational licenses to operate such Facilities in the Town of Canaan. The Planning Board may approve, reject, or conditionally approve applications in accordance with the standards of this Ordinance.

13.2 The Town of Canaan Planning Board and/or its designated agents or representatives shall have the right to access and inspect WEF sites.

13.3 The Town of Canaan Planning Board reserves the right to limit the number of applications for WEF permits that are under review at any given time. Only one application for a Type 3 WEF permit will be accepted or processing at any given time.

13.4 The Maine Department of Environmental Protection (DEP) may be required to review WEF applications within the Town of Canaan. When making its own determination about such applications, the Planning Board shall consider, to the extent applicable, findings in the DEP review.

14.0 Permit and Operational License Requirements

14.1 **Meteorological Tower (MT).** The application for a permit for an MT shall be submitted in at least ten hard copies and five CDs to the Town of Canaan Planning Board and shall include the following information:

- Applicant and property owner name, address and contact information
- Proposed location of the MT including lot designation
- Engineering drawing of proposed tower structure, instrument package, and guy system, if any
- Engineering drawing of proposed tower base
- Engineering drawing of tower location showing property lines and setback requirements (as specified in Table 1 of this Ordinance)
- Any building, use or construction permits required by other authorities because of the size or construction of the tower
- Intended period of data collection and date MT will be removed
- Plans for mitigation of Environmental Hazard to wildlife for towers requiring guy systems
- Description of intention
- Decommissioning Bond for MT
- A legally enforceable agreement that the applicant shall pay (in advance if required by the Town of Canaan Planning Board) for the services of all consultants that the Planning Board deems necessary to evaluate the application.
- Fee: As established by the Selectmen

14.1.1 Within 30 days of the Planning Board's receiving a Meteorological Tower (MT) application the Planning Board shall, with assistance from such staff, consultants, committees or commissions as it deems appropriate, notify the applicant in writing that the application is complete or, if the application is incomplete, shall inform the applicant of the specific additional material needed to complete the application.

14.1.2 Within 60 days of determining the MT application is complete, the Planning Board shall approve the MT Application, approve the MT Application with conditions, or disapprove the MT Application. The time limit for review may be extended by mutual agreement between the Planning Board and the Applicant.

14.2 Wind Energy Facility (WEF). A Preliminary Application for a Permit to Construct a Type 0, Type 1, Type 2, or a Type 3 WEF shall include at least ten hard copies. Type 3 WEF applications shall also include five CDs of the complete application. Upon approval of the Preliminary WEF Application, a Final WEF Application shall be prepared and submitted in at least ten hard copies for Type 0, Type 1, Type 2, and Type 3 WEFs. Type 3 WEF applications shall also include five CDs of the complete application. Approval of the Final WEF Application shall constitute a Permit to Construct the WEF.

14.2.1 The Preliminary Application shall include the following items:

- Applicant and property owner's name, address and contact information
- Nameplate data for the type of WEF turbine(s) to be used including manufacturer, model, rated power output and maximum sound power level
- Engineering drawing of the type of WEF turbine to be used
- Certification of the non-reflecting properties of the WEF turbine's external surfaces
- Engineering drawing of the tower base for the type of WEF turbine to be used
- Engineering drawing of the WEF turbine location(s)
- Engineering or architectural drawings of all planned structures, including structures for support and maintenance of the WEF
- Description of intended use, including energy storage and grid connections, and the percentage (if any) of generation intended for sale or use by entities or persons other than the applicant
- Engineering drawings and/or electrical schematics of any energy storage equipment or facilities
- Calculations and supporting data for all setback requirements (as specified in Table 1 of this Ordinance). For Type 3 WEFs, setback requirements must be calculated for each WEF turbine.
- Overlay of Town of Canaan property maps showing the setback area and all property lines and rights of way affected by the setback requirements
- List of property owners whose property, wholly or in part, lies within the setback areas
- Shadow-Flicker Modeling Report as specified in Table 1 of this Ordinance
- A legally enforceable agreement that the applicant shall pay (in advance if required by the Town of Canaan Planning Board) for the services of all consultants that the Planning Board deems necessary to evaluate the application
- Fees: As established by the Board of Selectmen

14.2.1.1 Within 30 days for Type 0 or 1 or within 60 days for Type 2 or 3 of the Planning Board's receiving a Preliminary WEF Application, the Planning Board shall, with assistance from such staff, consultants, committees or commissions as it deems appropriate, notify the applicant in writing that the application is complete or, if the application is incomplete, shall inform the applicant of the specific additional material needed to complete the application.

14.2.1.2 After the Planning Board determines that a Preliminary WEF Application is complete, the Planning Board shall determine whether Preliminary WEF Application meets all requirements of this Ordinance. In determining whether the Application meets the requirements of this Ordinance, the Planning Board may obtain assistance from such staff and consultants as it deems appropriate.

14.2.1.3 Within 30 days for a Type 0 or 1 or within 60 days for a Type 2 or 3 WEF of determining the Preliminary WEF Application is complete, the Planning Board shall approve the Preliminary WEF Application, approve the Preliminary Application with conditions, or disapprove the Preliminary WEF Application. The time limit for review may be extended by mutual agreement between the Planning Board and the Applicant.

14.2.1.4 The Planning Board shall make findings of fact and conclusions relative to the standards contained in this Ordinance. If the Planning Board finds that all standards have been met, they shall approve the Preliminary WEF Application. If the Planning Board finds that any of the standards of this Ordinance, have not been met, the Planning Board shall either deny the Preliminary WEF Application or approve the Preliminary WEF Application with conditions to ensure all of the standards will be met. The reasons for any conditions shall be stated in the findings of facts and conclusions.

14.2.2 The Final Application shall include the following items:

- Updates to information provided in the preliminary permit, including additions, corrections, and any other changes
- Results of any meteorological testing
- Any building use or construction permits required by other authorities due to the scope of the intended project
- Public Utility Grid Impact Statement as specified in section 8.5 of this Ordinance
- Financial analysis for Type 3 WEFs, including evidence of financial capacity to carry out the project, as specified in section 11.1 of this Ordinance
- Proof of general liability insurance as specified in section 11.2 of this Ordinance
- Decommissioning bond for Type 3 WEFs as specified in section 11.3 of this Ordinance
- Tax Valuation Agreement as specified in section 11.4.1 of this Ordinance
- Tax Impact Statement as specified in section 11.4.2 of this Ordinance
- Statement of Benefits promised to the Town of Canaan, if any
- Fire Prevention and Fire Fighting Plan as specified in sections 9.4-9.5 of this Ordinance
- Road and Property Risk Assessment as specified in section 9.7 of this Ordinance
- Plan to protect Environmentally Sensitive Areas, as specified in section 10.3 of this Ordinance
- Wildlife Protection Plan as specified in section 10.2.4 of this Ordinance
- Baseline Water Quality Study (if required) as specified in section 10.6 of this Ordinance
- Plan for the handling and disposal of Hazardous Wastes as specified in section 10.7 of this Ordinance
- Plan to minimize Light Pollution as specified in section 10.9 of this Ordinance
- Visual Impact Assessment (if required) as specified in section 10.10 of this Ordinance
- Blasting Plan as specified in Section 10.8 of this Ordinance
- A legally enforceable agreement that the applicant shall pay (in advance if required by the Town of Canaan Planning Board) for the services of all consultants that the Planning Board deems necessary to evaluate the application.
- Fees : As established by the Board of Selectmen

14.2.2.1 Within 30 days for Type 0 or 1 or 60 days for Type 2 or 3 of the Planning Board's receiving a Final WEF Application, the Planning Board shall, with assistance from such staff, consultants, committees or commissions as it deems appropriate, notify the applicant in writing that the application is complete or, if the application is incomplete, shall inform the applicant of the specific additional material needed to complete the application.

14.2.2.2 The Planning Board shall hold a public hearing within 30 days of the date of determination of a complete Final WEF Application for a Type 3 WEF. The Planning Board shall publish the time, date, and place of the hearing at least two times, the date of the first publication to be at least seven days prior to the hearing in a newspaper of area wide circulation. The abutting landowners shall be notified by the Planning Board of the hearing. Public hearings by the Planning Board shall be conducted according to the procedures outlined in title 30-A M.R.S.A. Section 2691, Subsection 3 (A), (B), (C), (D), and (E).

14.2.2.3 After the Planning Board determines that a Final WEF Application is complete, the Planning Board shall determine whether the Application meets all requirements of this Ordinance. In determining whether the Final WEF Application meets the requirements of this Ordinance, the Planning Board may obtain assistance from such staff and consultants as it deems appropriate.

14.2.2.4 Within 30 days for a Type 0 or 1 or within 90 days for a Type 2 or 3 of determining the Final WEF Application is complete, the Planning Board shall approve the Final WEF Application, approve the Final WEF Application with conditions, or disapprove the Final WEF Application. The time limit for review may be extended by mutual agreement between the Planning Board and the Applicant.

14.2.2.5 The Planning Board shall make findings of fact and conclusions relative to the standards contained in this Ordinance. If the Planning Board finds that all standards have been met, they shall approve the Final WEF Application. If the Planning Board finds that any of the standards of this Ordinance, have not been met, the Planning Board shall either deny the Final WEF Application or approve the Final WEF Application with conditions to ensure all of the standards will be met. The reasons for any conditions shall be stated in the findings of facts and conclusions.

14.2.3 An Applicant for a WEF permit may also apply for a Waiver of the Flicker Hazard and Acoustic Hazard Setback Standards and the Acoustic Standards specified in section 10.3. The Application (in at least ten hard copies) shall be submitted with the Final Application for the WEF and shall include the following items:

- A legal Covenant signed by the Applicant and each Inhabitant or Property Owner or other party of legal status in the Town of Canaan whose residence and/or property falls within the Flicker Hazard and Acoustic Hazard setback areas for the WEF declaring that the Inhabitant is willing to waive with respect to his/her residence and/or property the Flicker Hazard and/or Acoustic Hazard Setback Standards of this Ordinance and also the Acoustic Standards specified in section 9.3, including the protections they afford for the value of his/her property and for his/her personal health, safety, and welfare.
- A declaration signed by parties to the Covenant that it has been recorded at the Registry of Deeds office appropriate to the affected property, and that the Covenant contains such legal language as may be necessary to make the agreement binding on current and future Inhabitants and/or Property Owners.
- A declaration signed by parties to the Covenant of the amount and terms of any consideration(s) provided to the Inhabitant and/or Property Owner for entering into the Covenant.
- A declaration signed by parties to the Covenant that they recognize that the burden of proof as to the legality of the Covenant and any Waiver of Standards of this Ordinance that may be granted by the Planning Board rests on the Applicant.

14.2.4 Waivers shall be permitted for Acoustic Hazard and Flicker Hazard Standards and for the Acoustic Standards specified in section 9.3. No Waivers of other Requirements and Standards in this Ordinance shall be permitted.

14.3 An Operational License is required for the operation of any type 3 WEF built in the Town of Canaan after the effective date of this Ordinance. An application for an Operational License shall be submitted in ten hard copies to the Town of Canaan Planning Board after the WEF has been fully built.

14.3.1 **The application for an original Operational License shall include the following items:**

- An Inspection Report certifying the structural and operational integrity of the WEF. This Report shall be signed by a Maine licensed professional engineer chosen by the Town of Canaan Planning Board and paid by the Owner/Operator of the WEF.

- A signed statement that the Applicant has read this Ordinance, understands all its provisions, and agrees to abide by them.
- Fee: As established by the Selectmen.

14.3.2 An Operational License shall be valid for two years and can be renewed by submission of a new Inspection Report and Fee as specified in section 14.3.1 of this Ordinance at least thirty days before expiration of the License.

14.3.3 An Operational License shall be revoked and the WEF required to cease operations if the CEO determines that the WEF is violating any of the standards and requirements of this Ordinance. The Operational License shall not be reinstated until the Board of Selectman is satisfied that all violations have ceased and all problems have been corrected.

14.3.4 An Operational License shall automatically terminate upon transfer of ownership of the WEF. The new Owner/Operator shall apply for a new Operational License and shall not operate the Type 3 WEF until the new License has been issued.

14.3.4.1 The Application for an Operational License by a new Owner/Operator shall contain the following items:

- Copies of the original Permit Applications, updated as necessary, and signed by the new Applicant
- A copy of the original Operational License Application, updated as necessary, and signed by the new Applicant
- A statement, signed by the new Applicant, that he/she has read this Ordinance, understands it, and will abide by all of its provisions.
- Fee: As established by the Selectman.

14.3.4.2 A new Applicant for a Type 3 WEF shall provide evidence satisfactory to the Town of Canaan Planning Board that the project remains financially viable. Evidence of financial viability shall include the following:

- Proof of long-term power purchase contracts
- Proof of adequate funds for Decommissioning as specified in Section 11.3 of this Ordinance.

14.3.4.3 Within 60 days of the Planning Board receiving an Application for a Type 3 WEF Operational License, the Planning Board shall, with assistance from such staff, consultants, committees or commissions as it deems appropriate, notify the applicant in writing that the application is complete or, if the application is incomplete, shall inform the applicant of the specific additional material needed to complete the application.

14.3.4.4 Within 60 days of determining that the Operational License Application is complete, the Planning Board shall determine whether the Type 3 WEF Application meets the requirements for an Operational License. In determining whether the Type 3 WEF Application meets the requirements of this Ordinance, the Planning Board may obtain assistance from such staff and consultants as it deems appropriate.

14.3.4.5 The Planning Board shall make findings of fact and conclusions relative to the standards contained in this Ordinance. If the Planning Board finds that all standards have been met, they shall approve the Type 3 WEF application. If the Planning Board finds that any of the standards of this Ordinance have not been met, the Planning Board shall either deny the Type 3 WEF Application or approve the Type 3 WEF Application with conditions to ensure all of the standards will be met. The reasons for any conditions shall be stated in the findings of facts and conclusions.

15.0 Violations and Enforcement

15.1 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/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. He/she shall order discontinuance of illegal use of land, buildings or structures, removal of illegal buildings, structures, additions, or work being done, or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

15.2 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.

15.3 Legal Action and Violations: When any violation of any provision of this Ordinance shall be found to exist, the Municipal Attorney, as designated by the Municipal Officers, either on his own initiative, or upon notice from the Code Enforcement Officer, is hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Municipality.

15.4 Fines: Any person, including, but not limited to, a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance, shall be penalized in accordance with Title 30-A, Maine Revised Statutes, Annotated, Subsection 4452. The Selectmen are authorized to enter into a Consent Agreement and in such cases court action is not necessary.

16.0 Appeals

16.1 The Town of Canaan Board of Selectman shall have the authority to hear and decide administrative appeals by a party who alleges that an error in applying this Ordinance has been committed by the Town of Canaan Planning Board or the Code Enforcement Officer (CEO).

16.2 The Board of Selectman may reverse a decision of the Planning Board or the CEO only upon finding that the decision was contrary to specific provisions of this Ordinance or contrary to the facts presented to the Planning Board or the CEO. If the Board of Selectman determines that the record of the Planning Board is inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

17.0 Amendments

17.1 Amendments to this Ordinance may be initiated by a majority vote by the Board of Selectman, Planning Board, or by written petition by a number of voters equal to at least 10% of the number of votes cast in the municipality in the last gubernatorial election. This Ordinance may be amended by a majority vote of the legally constituted municipal governing body at a regular or special town meeting or by referendum ballot. Title 30-A M.R.S.A Chapter 141 § 3001- 3014

TABLE 1

SETBACK DISTANCE STANDARDS ALL MEASUREMENTS AND DISTANCES IN FEET

SETBACK (FT)	METEOROLOGICAL TOWER	TYPE 0 & TYPE 1	TYPE 2	TYPE 3
FALLING & DEBRIS HAZARD	$S_{fd} = H_o \times 1.5$ Where: S_{fd} Setback Distance H_o Height Overall	$S_{fd} = H_o \times 1.5$ Where: S_{fd} Setback Distance H_o Height Overall	$S_{fd} = H_o \times 1.5$ Where: S_{fd} Setback Distance H_o Height Overall	$S_{fd} = H_o \times 1.5$ Where: S_{fd} Setback Distance H_o Height Overall
FLICKER HAZARD	Not Applicable	$S_c = (H_o / 176) \times 1.5$ Where: S_c Setback Distance H_o Height Overall Not including 120° to 240° True	$S_c = (H_o / 176) \times 1.5$ Where: S_c Setback Distance H_o Height Overall Not including 120° to 240° True	Flicker Analysis Report
ACOUSTIC HAZARD	Not Applicable	$S_s = 10^{((L_w + L_u + L_s + 4\log(n) - 5 - 30)/20)}$ Where: S_s Setback Distance L_w Manufacturer's Guaranteed Maximum Sound Power Level, in dBA re 1pW L_u Uncertainty Factor = 5 L_s Safety Factor = 2 n No. of Turbines for one turbine $4\log(n) = 0$	$S_s = 10^{((L_w + L_u + L_s + 4\log(n) - 5 - 30)/20)}$ Where: S_s Setback Distance L_w Manufacturer's Guaranteed Maximum Sound Power Level, in dBA re 1pW L_u Uncertainty Factor = 5 L_s Safety Factor = 2 n No. of Turbines for one turbine $4\log(n) = 0$	$S_s = 10^{((L_w + L_u + L_s + 4\log(n) - 5 - 30)/20)}$ Where: S_s Setback Distance L_w Manufacturer's Guaranteed Maximum Sound Power Level, in dBA re 1pW L_u Uncertainty Factor = 5 L_s Safety Factor = 2 n No. of Turbines

**Town of Canaan
Somerset County
Dog Ordinance**

An Ordinance Amending the Dog Ordinance of the Town of Canaan

Amend the Dog Ordinance adopted by Article 8 at the March 18, 2006 annual meeting as follows:

Article 1. Dog Control

§ 1-1. Definitions.

As used in this article unless the context otherwise indicates:

At Large

Shall be intended to mean off the premises of the dog's owner, and not under the control and restraint of the dog's owner or a member of their immediate family, either by leash, cord, chain, "at heel" or under command.

Dog

Shall be intended to mean both male and female canines whether full breed or mixed breed dogs.

Owner

- A. Shall be intended to mean any person or persons, firm, association or corporation owning, keeping, harboring or in possession of or having the control of a dog.
- B. Shall also be intended to mean and include, when used in this ordinance article, the parent or parents or guardian of a minor who owns, keeps or has in their possession a dog.

§ 1-2. Running at Large

- A. No owner shall cause or permit any dog owned or kept by him/her them, or in his/her their possession or under him/her their control to run at large within the Town. A dog, while in or on any public way or place, or in or on any other place, except as hereinafter provided, shall be under restraint, within the meaning of the ordinance article, if it is controlled by a leash, cord, chain, or "at heel" or under the control of the person and obedient to that person's command, or on or within a vehicle driven or parked on the streets, or within the property limits of its owner or keeper.
- B. Nothing in this ordinance article shall be held to require the leashing or restraint of any dog while on its owner's or keeper's premises, or in or on any premises used or occupied as a dwelling house.
- C. It shall be unlawful for a person keeping or harboring any dog when notified that such dog has bitten any person or has injured any person as to cause abrasion of the skin to, 1. Sell or give away such dog or to permit such dog to be taken beyond the limits of the town, except under the care of a licensed veterinarian or 2. Destroy such dog without permission from the Animal Control Officer.

§ 1-3. Reimbursement of Damage done by Animals

- A. Injuries and damages by Animal, when an animal damages a person or that person's property due to negligence of the animal's owner or keeper, the owner or keeper of that animal is liable in a civil action to the person injured for the amount of damage done if the damage was not occasioned through the fault of the person injured. (Maine Animal Welfare Chapter 729, Section 7, Subsection 3961)
- B. Injuries by dog, when a dog injures a person who is not on the owner's or keeper's premises at the time of the injury, the owner or keeper of the dog is liable in a civil action to the person injured for the amount of the damages. Any fault on the part of the person injured may not reduce the damages recovered for physical injury to that person unless the court determines that the fault of the person injured exceeded the fault of the dog's keeper or owner. (Maine Animal Welfare Chapter 729, Section 7, Subsection 3961, 2)

§ 1-4. Attack on Service Animal

- A. A person who owns or keeps a dog that attacks, injures or kills a service animal while the service animal is in discharge of its duties commits a civil violation. (Maine Animal Welfare Chapter 729, Section 7, Subsection 3961-A)

§ 1-5. Damage to Livestock or pets by Animals

- A. The owner or keeper of an animal that die to negligence of the animal's owner or keeper kills or injures livestock, poultry, domestic rabbits or pets commits a civil violation. (Maine Animal Welfare Chapter 729, Section 7, Subsection 3962-A)
- B. A Person who suffers damage as a result of a violation of this may also pursue a civil action against the owner or keeper of the animal. (Maine Animal Welfare Chapter 729, Section 7, Subsection 3962-A, 2)
- C. The only exception to this is if the owner or keeper of an animal that kills or injures another animal establishes that the animal that was killed or injured provoked the killing or injury or that the animal that committed the killing or injury was leased or controlled on the owner's or keep's property at the time of the killing or injury. (Maine Animal Law Chapter 729, Section 7, Subsection 3962-A, 3)

§ 1-6. Barking or Howling Dogs

No person shall keep or harbor any dog within the Town which, by frequent and habitual barking, howling or yelping, creates unreasonable loud and disturbing noises of such a character, intensity and duration as to disturb the peace, quiet and good order or the Town. Any person shall allow any dog habitually to remain, be lodged or fed within dwelling, building, yard or enclosure, which they occupy or owns, shall be considered as harboring such a dog.

By the owner's request, which shall be in writing, dogs may be disposed of by the Town for situations not cited above upon payment of a fee of twenty five dollars (\$25.00) ~~\$1.50 per pound by owner to the town.~~

No person shall own, keep or harbor any dog which by loud frequent, or habitual barking, howling, or yelping shall disturb the peace of any person.—(replaced §1-6. Barking or Howling Dog)

~~This ordinance shall take effect upon passage.~~ (replaced §1-8. Passage and Compliance)

§ 1-7. Fees

Any person who owns or keeps a dog within the Town that has been picked up and transported by the Animal Control Officer will be charged a \$20.00 fee plus any mileage expenses. Failure to pay such fee within 30 days of billing date is a violation of this article.

§ 1-8. Passage & Compliance

This ordinance shall take effect upon passage. Failure to comply with any of these ordinances the Owner or keeper of such dog shall be subject to a civil violation fine and a court date will be set.

Upon written complaint signed and sworn to, any duly qualified town, state or county law enforcement official may investigate and may give written notice to the owner or keeper of such dogs that such annoyance or disturbance must cease.

This ordinance shall supersede all previous dog ordinances which are hereby repealed from and after the effective date of the ordinance if accepted by the people of the town.

Any violation of this ordinance shall be punished by a fine of not less than ~~fifty dollars (\$50.00)~~ one hundred dollars (100.00) nor more than ~~two hundred (\$200.00)~~ four hundred dollars (\$400.00), and legal fees.

Attest:

A true copy of an ordinance entitled "Dog Ordinance" as certified to me by the municipal officers of Canaan on the 30th day of January, 2012.

Signature: Denise B. Stetkis
Denise Stetkis, Canaan Town Clerk

ESTABLISHMENT OF THE TOWN OF CANAAN PLANNING BOARD

ADOPTED NOVEMBER 7, 1996
REFERENDUM VOTE 445 YES 325 NO

1. **TITLE**

Establishment of the Town of Canaan Planning Board

2. **ESTABLISHMENT**

Pursuant to Article VIII, Section 2, of the Maine Constitution, and 30-A MRSA Section 3001, the Town of Canaan hereby establishes the Planning Board.

3. **APPOINTMENT, TERMS, REMOVAL AND VACANCY**

- A. The Planning Board shall consist of 5 regular members and 2 associate members.
- B. The term of office for regular members shall be for 2 years and one year for associate members.
- C. Election of Regular Members.
 - 1. Regular board members shall be elected by secret ballot during the annual municipal election.
- D. Appointment of Associate Members.
 - 1. Associate members shall be appointed by the Selectmen.
- E. All board members shall be administered an oath of office by the Town Clerk.
- F. A municipal officer shall not serve as regular or associate member.
- G. All board members shall be residents of the Town of Canaan, at least 18 years of age and U.S. citizens.

H. Vacancy.

1. A vacancy shall occur upon the resignation or death of any member, upon removal for absenteeism, or when a member ceases to be a legal resident of the Town.
2. The Selectmen shall appoint a new board member to serve the remainder of the unexpired term until the next scheduled municipal election.

I. Removal

1. A regular planning board member may be removed from office when a member fails to attend 3 consecutive regular meetings or fails to attend at least 75% of the regular board meetings during the preceding 12 month period.
2. A regular planning board member may be removed from office due to absenteeism according to the following procedure:
 - A. The Planning Board Chairperson shall notify the member in writing of the board's intention to consider a recommendation that the member be removed from office.
 - B. The Planning Board by a majority vote shall recommend to the Selectmen that the planning board member be removed from office due to absenteeism.
 - C. The Selectmen shall consider the recommendation of the Planning Board and shall decide to remove the member from office or to keep the member in office.

4. **ORGANIZATION AND RULES**

- A. The Planning Board shall at the first scheduled meeting following the municipal elections, elect a chairperson and a secretary from the membership for a 1 year term.
- B. In the absence of the chairperson or the secretary the board shall choose a member to serve as the chair or the secretary for the meeting.
- C. A planning board meeting shall not be held unless a quorum of 3 regular or associate members are present.

- D. The board shall act by a majority vote calculated on the basis of the number of members present and voting.
- E. The board may adopt rules for the operation and conduct of its meetings. All rules shall be approved by a majority of the regular board members. The board shall at the first scheduled meeting following the municipal election review the board rules and make any modifications or changes as necessary. A copy of the board rules shall be presented to the Town Clerk and shall be accessible for public review.
- F. The board may adopt application forms to be used in permit application reviews.
- G. The board shall keep a record of all its proceedings including all votes, items discussed, correspondence, resolutions, and transactions. All records shall be deemed public and shall be kept at the Town Hall.
- H. When a member is unable to act because of interest, absence or any other reason satisfactory to the chairperson, the chairperson shall designate an associate member to sit in that member's stead.
- I. An associate member may attend all meetings and participate in the proceedings, but shall not vote unless designated to do so by the chairperson.
- J. Any question of conflict of interest or whether a member shall be disqualified from voting shall be decided by a majority vote of the members except the member who is being challenged.

5. DUTIES AND POWERS

- A. The board shall perform such duties and exercise such powers as are provided by the Canaan Ordinances, and the laws of the State of Maine.
- B. The board may obtain goods and services necessary to perform its proper function within the limits of appropriations.

6. AMENDMENTS

- A. Amendments to this Ordinance may be initiated by majority vote by the Board of Selectmen, the Canaan Planning Board, or by written petition by

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

- B. This Ordinance may be amended by a majority vote of the legally constituted municipal governing body at a regular or special town meeting or by referendum ballot.

7. AVAILABILITY

- A. A copy of this Ordinance 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.

8. VALIDITY AND SEVERABILITY

- A. If any provision of this ordinance is found by a court of competent jurisdiction to be unenforceable, the remaining provisions shall continue in full force and effect.

9. EFFECTIVE DATE

- A. This Ordinance shall become effective when adopted by a majority of the voters at regular or special town meeting or by referendum ballot.

10. ABROGATION

- A. This Ordinance repeals and replaces any Municipal Ordinance and/or Warrant Article previously enacted regarding the municipal planning board.

Town of Canaan Planning Board By-Laws

Article I- General Provisions

- A. Business of the Board shall be conducted in accordance with Maine Revised Statutes Annotated, Town Ordinances, Planning Board Standards for Reviewing Land Subdivisions, and Robert's Rules of Order.
- B. Planning Board members are expected to be knowledgeable of laws, ordinances, regulations, and Board policies and to abide by them.

Article II Membership

A. Officers and their duties

1. The officers of the board shall consist of the Chairperson, Vice-chairperson, and a secretary. The Chairperson and Vice-Chairperson shall be full members of the Board.
2. The Chairperson shall preside at all meetings and hearings of the Planning Board. The Chairperson has the authority to appoint all committees, to call all work sessions, designate which associate member shall serve in place of a regular member, and to preside over executive sessions.
3. The Vice-Chairperson shall act for the Chairperson in his or her absence.
4. The Secretary shall be responsible for the minutes and records of the Board, agendas of regular meetings and special meetings with the Chairperson, notice of meetings and hearings, correspondence of the Board, and other duties as are normally carried out by a secretary. The Secretary shall keep a record of all resolutions, votes, transactions, correspondence, findings, and conclusions of the Board. All records shall be deemed public and may be inspected during normal Planning Board business hours.

B. Election of Officers

1. Nomination of officers shall be made from among full voting members of the Board at the annual organizational meeting which shall be held on the first regular Planning Board meeting and the election shall follow immediately thereafter.
2. The candidate receiving a majority vote shall serve for one year or until his or her successor shall take office.
3. Vacancies of officers shall be filled immediately by regular election procedures.

C. Other Board Members

1. An associate member may attend all meetings and participate in the proceedings but may vote only when designated by the Chairperson to sit for a member.
2. When a member is unable to participate because of conflict of interest, absence, or any other reason satisfactory to the Chairperson, the Chairperson shall designate an associate member to act for the regular member until the case is decided.

D. Employees

1. The Board may employ such staff and (or experts as provided in local ordinances or regulations within budget limitations and according to municipal contracting and personnel procedures to aid the Board in its work. Appointments shall be made by majority vote.

Article III Meeting Organization

A. Regular Meetings

1. Meetings shall be held monthly at the time specified on the municipal calendar. The meetings shall be at the Town Hall or other suitable meeting place. The Chairperson may schedule special meetings on 48 hours notice to members and the press. The chairperson may reschedule regular meetings due to holidays or inclement weather.
2. All meetings shall be open to the public.

3. No official business may be conducted without a quorum present. A quorum shall consist of 3 members. It shall not include anyone who cannot participate due to conflict of interest. Conflict of interest means direct or indirect pecuniary interest which shall include pecuniary benefit to any member of the person's immediate family, to his/her employer, or to the employer of any member of the person's immediate family. It shall also include a situation where the Board member by reason of his/her interest is placed in a situation of temptation to serve his/her own personal interest instead of the public's interest.) Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members present except the one who is being challenged.
4. In the event a quorum is not present the Board members are authorized to request that the Chairperson reschedule the meeting to another date and to adjourn the meeting. If the date is other than a regular meeting date, the Secretary shall have the responsibility of providing adequate notice to the Board members, municipal officials, and the general public.
5. All comments addressed to the Board shall be made through the Chairperson.
6. All matters shall be decided by a roll call vote. A majority of the regular voting members is needed to pass any motion. When a motion results in a tie vote, the motion fails.
7. All decisions must be based on whether the applicant has provided sufficient evidence to prove that all applicable law and ordinance requirements have been met.

B. Agendas

1. Regular meeting agendas shall use the following format:
 - (1) Call to order and determine the presence of a quorum
 - (2) Public hearing (if scheduled)
 - (3) Minutes of the previous meeting and correspondence
 - (4) Old business
 - (5) New business
 - (6) Other
 - (7) Adjournment
2. Agenda shall be posted in the Town Office and mailed to the Board members at least 7 days before the meeting.
3. Agendas shall not include more than one new subdivision or site plan application, one in-process subdivision/site plan application, or one other application.
4. New applications, upon receipt at the municipal office, shall be placed on the next available slot for new applications on the Board's agenda, and the applicant so notified of place and time. At that initial meeting the Board shall make written findings whether the application is complete, and take all necessary steps to notify the applicant of the Board's determination.

C. Work Sessions

1. The Chairperson may, with the approval of the majority of the Board, call work sessions for the purpose of updating the Comprehensive Plan, subdivision regulations, zoning ordinances, Planning Board By-laws, and other information work items relating to the Board's activities, providing the public is notified. A quorum shall be present to conduct any work session.
2. Work sessions are open to the public. The general public shall be barred from addressing the Board unless a majority of the Board permits the public to speak.

D. Executive Sessions

1. Upon a vote of at least 3/5 of the members, present and voting, the Board may call for an executive session to meet with the Town Attorney and/or the Code Enforcement Officer about pending or potential litigation.
2. Within the executive session it shall be the Chairperson's responsibility to ensure that only that business for which the session was called will be discussed, and that no official action will be taken.

Article IV Hearings

- A. The Board by majority vote at a regular or special meeting may schedule a public hearing on any application within the time limits established by state law or local ordinance.

- B. The Board shall cause notice of the date, time, and place of such hearing, the location of the building or lot, and the general nature of the question involved, to be given to the person making the application and to be published in a newspaper of general circulation in the municipality at least 10 days prior to the hearing. The Board shall also cause notice of the hearing to be given to the municipal officers at least 20 days in advance. The owners of property abutting that property for which the application is taken shall be notified by mail at least 10 days prior to the date of the hearing.
- C. The Board shall provide as a matter of policy for exclusion of irrelevant immaterial, or unduly repetitious evidence.
- D. The Order of Business
1. The Chairperson calls the hearing to order and determines whether there is a quorum.
 2. The Chairperson then describes the purpose of the hearing, the nature of the case, and the general procedures to be followed.
 3. The Board decides whether the applicant has sufficient right, title, or interest to appear before the Board.
 4. The Board determines whether it has jurisdiction over the application.
 5. The Board determines which individuals attending the hearing are "interested parties". (Interested parties are those persons who request to offer testimony and evidence and to participate in oral cross-examination. They would include abutting property owners and those who might be adversely affected by the Board's decision). Parties may be required by the Board to consolidate or join their appearances in part or in whole if their interests or contentions are substantially similar and such consolidation would expedite the hearing. Municipal officers and Code Enforcement Officers shall automatically be made parties to the proceedings. Interested parties will be required to state for the record their name, residence, business or professional affiliation, the nature of their interest in the hearing and whether or not they represent another individual, firm, association, organization, partnership, trust, company, corporation, state agency, or other legal entity for the purpose of the hearing.
 6. The Chairperson gives a statement of the case and incorporates into the record correspondence and reports filed with the Board prior to the hearing. This material shall be available for public inspection.
 7. The applicant is given the opportunity to present his or her case without interruption.
 8. The Board and interested parties may ask questions of the applicant through the Chair.
 9. The interested parties are given the opportunity to present their testimony, starting with the proponents followed by the opponents. The Board may call its own witnesses, such as the Code Enforcement Officer, planner, or its consultant.
 10. The applicant may ask questions of interested parties and the Board witnesses directly.
 11. All parties are given the opportunity to refute or rebut statements made throughout the hearing.
 12. The Board shall receive comments and questions from all observers and interested citizens who wish to express their views.
 13. 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 interested parties shall be notified of the date, time and place of the continued hearing and the reasons for the continuance.
 14. Upon such request made prior to or during the course of the hearing the Chairperson may permit persons participating in any hearing pursuant to these by-laws to file written statements with the Board for inclusion in the record after the conclusion of the hearing within such time and upon such notification to the other participants as the Chairperson may require.
 15. Board members and its consultants have the right to prepare findings and conclusions at any public meeting prior to the decision being finalized.
- E. The Board may waive any of the above rules upon good cause shown.
- F. Any participant or other member of the public may obtain a copy of the record from the Board upon payment of the cost of transcription, reproduction, and postage.

Article V Decisions

- A. Decisions by the Board shall be within the time limits established by state law and local ordinances and regulations.
- B. The final decision on any matter before the Board shall be by majority vote of the Board. The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, and signed minutes of the meetings/hearings shall constitute the record. All decisions shall become a part of the record and shall include a specific statement of findings and conclusions as well as the reasons or basis thereof, upon all the material issues of fact, law or discretion presented and the appropriate order, relief or denial therefor. At a minimum, the record should specifically state that the applicant has/has not met all applicable state statutory requirements, all applicable municipal ordinances, and all applicable municipal regulations, and those legal documents shall be specifically referenced.
- C. The Board in reaching said decision, shall be guided by standards specified in the applicable statute, ordinance, or regulation as well as by community goals and policies as specified in a comprehensive plan, if any, and by the findings of the Board in each case.

Article VI Appeals

- A. Appeal of the decision of the Board is governed by state and local laws.

Article VII Amendments

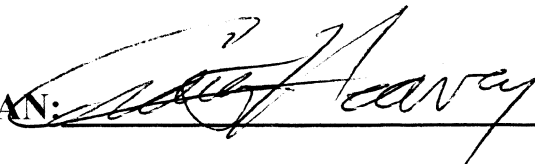
- A. The By-laws may be amended by a majority vote of the Board at a regularly scheduled meeting.

Article VIII Severability

- A. The invalidity of any section or provision of these By-laws shall not be held to invalidate any other section or provision of these By-laws.

**ADOPTED BY VOTE OF THE CANAAN PLANNING BOARD
AT A REGULAR MEETING ON JULY 9, 1997**

CHAIRMAN: _____



7/9/97

CRAIG HEAVEY

~~Town Meeting~~
~~Sept 13, 2001~~

**TOWN OF CANAAN, MAINE
FIRE AND RESCUE DEPARTMENT ORDINANCE**

August 27, 2001

ARTICLE 1

**SECTION 101 THIS ORDINANCE SHALL BE KNOWN AS THE TOWN OF
 CANAAN FIRE DEPT. & RESCUE DEPT. ORDINANCE**

SECTION 102 PURPOSE.

The purpose of this ordinance is to establish, in the manner provided by law, a municipal fire department and municipal rescue department, and to define the powers and duties of the chief of those departments. The further purpose of this ordinance is to provide the maximum legal protection available to the department chiefs and municipal firefighters and rescue personnel, and to best protect the health, safety, and welfare of the residents of Canaan.

SECTION 103 AUTHORITY.

This ordinance is enacted pursuant to 30-A. MSRA. 2001 et seq., 3151

SECTION 104 DEFINITIONS.

104.1 MUNICIPAL FIRE DEPARTMENT

A municipal fire department means an organized firefighting unit established pursuant to this ordinance.

104.2 MUNICIPAL RESCUE DEPARTMENT

A municipal rescue unit means an organized rescue unit established pursuant to this ordinance.

104.3 MUNICIPAL FIREFIGHTERS

A municipal firefighter shall mean an active member, whether full-time, part-time or on call, of a municipal fire department; who aides in extinguishing fires or an individual who receives compensation from the municipality for aiding in the extinguishing of fires and is at least 18 years of age.

104.4 MUNICIPAL RESCUE PERSONNEL

Municipal rescue personnel shall mean an active member, whether full-time, part-time, or on call, of a municipal rescue department, one

**TOWN OF CANAAN, MAINE
FIRE AND RESCUE DEPARTMENT ORDINANCE**

August 27, 2001

who aids in providing first aid, emergency treatment and rescue assistance and is qualified to render such aid under current Department of Human Services regulations governing rescue and ambulance personnel.

ARTICLE II

MUNICIPAL FIRE DEPARTMENT

SECTION 201 ESTABLISHMENT

There shall be a Municipal Fire Department, which is hereby established by This ordinance.

SECTION 202 DUTIES

The Municipal Fire Department shall provide protection with in the Town of Canaan and elsewhere as provided by mutual aid or other contractual agreement approval by the municipal officers.

SECTION 203 FIRE CHIEF

203.1 APPOINTMENT

The head of the Municipal Fire Department shall be the Fire Chief, Whom the Selectmen shall appoint.

203.2 TERMS, COMPENSATION

Municipal officers shall appoint the Fire Chief for a term of 1-year. The legislative body of the town at the annual town meeting shall establish the compensation of the Fire Chief.

203.3 POWERS AND DUTIES

- (A) The Fire Chief shall have the powers and duties established by title 30 A M.R.S.A. 3153.
- (B) The Fire Chief shall also be the Rescue Chief and establish rules and regulations concerning activities, which involve both departments.
- (C) To establish rules and regulation concerning discipline, good order, proper conduct, care and management of the Municipal Fire Department

**TOWN OF CANAAN, MAINE
FIRE AND RESCUE DEPARTMENT ORDINANCE**

August 27, 2001

SECTION 203.4

Municipal firefighters shall have the powers and duties set forth in 30 A. M.R.S.A. 3151 et. Seq. And set forth in any rules and regulations adopted pursuant to Section 203.3 (A).

ARTICLE III

MUNICIPAL RESCUE DEPARTMENT

SECTION 301. ESTABLISHMENT

There shall be a Municipal Rescue Department that is hereby Established by this ordinance.

SECTION 302. DUTIES

The Municipal Rescue Department shall provide first aid emergency and Rescue assistance to persons in need of such assistance within the Town of Canaan and elsewhere as provided by mutual aid or other contractual agreement approved by the municipal officers.

SECTION 303. RESCUE CHIEF

303.1 APPOINTMENT

The head of the Municipal Rescue Department shall be the Fire Chief, who shall be appointed by the Selectmen, consistent with policies established by the Board of Selectmen.

303.2 TERM, COMPENSATION

The Rescue Chief shall be appointed by the municipal officers for a term of 1 year. The compensation of the Rescue Chief shall be established by the legislative body of the Town at the annual town meeting.

303.3 POWERS AND DUTIES

The Rescue Chief shall have the following powers and duties:

- (A) to control the Municipal Rescue Department and all rescue apparatus belonging to the Town;

**TOWN OF CANAAN, MAINE
FIRE AND RESCUE DEPARTMENT ORDINANCE**

August 27, 2001

- (B) to see to the maintenance of technical proficiency of rescue personnel;
- (C) to establish rules and regulation concerning the discipline, good order, proper conduct, care and management of the Municipal Rescue Department. Such rules or regulations shall not become effective until approved by a motion of the Board of Selectmen.

303.4 PRIVILEGES, IMMUNITIES

Members of the Municipal Rescue Department shall enjoy the privileges and immunities provided by the Maine Tort Claims Act.

ARTICLE IV

SECTION 401

No person shall use any Fire Department & Rescue apparatus or equipment for any private purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by said Department, without the consent of the Chief.

SECTION 401.2

No unauthorized person shall enter any place where Fire Department & Rescue apparatus is housed, or handle any apparatus or equipment belonging to said Department unless accompanied by, or having special permission of, an authorized officer of said Fire Department.

SECTION 401.3

No apparatus shall be used by the Fire Department or by any person or persons for any purpose except public fire prevention and control, or for instruction of department personnel, or permitted to leave the Town of Canaan except in response to a call for aid at a fire in neighboring community, without the consent of the Chief of the Fire Department & Rescue of Canaan.

ARTICLE V

SEVERABILITY, EFFECTIVE DATE

SECTION 501 SEVERABILITY

**TOWN OF CANAAN, MAINE
FIRE AND RESCUE DEPARTMENT ORDINANCE**

August 27, 2001

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

SECTION 502 EFFECTIVE DATE

This ordinance shall be effective on its adoption at Town Meeting.

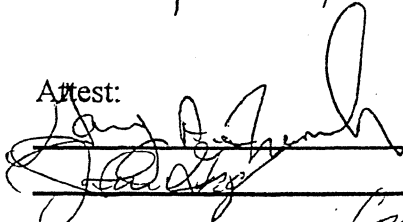
Date September 25, 2001

To: Sherrill HUNT, Town Clerk

A certified copy of an ordinance entitled "Town Of Canaan Fire Department and Rescue Department Ordinance" to be voted on at Town Meeting

on Sept. 25, 2001;

Attest:



Louis Townsend

Canaan Board of Selectmen

Town of Canaan Land Use Guide

The Town of Canaan has ordinances and permits along with the State of Maine Department of Environmental Protection agencies rules, laws and permits that are required depending on the location of the property and the type of land use activity ie. Shore Land, Stream Protection, Floodplain, Wetland or located in a Subdivision. **If you are thinking about establishing a Subdivision contact the Planning Board. It takes 4 to 6 months to complete a Subdivision.**

You will need a permit if your land use activity is: 1. Within 250 feet of Shore Land. 2. Within 75 feet of a Stream Protection Zone. 3. Within a designated Floodplain Area. 4. Within or near a Wetland. 5. To develop Residential or Commercial Wind Power. 6. To establish an Adult Entertainment Business. 7. To establish or add to an existing Wireless Telecommunications Facility. 8. To spread Sludge, Septic or other Residuals. 9. To perform Plumbing or Septic work.

A License is required to establish a salvage yard. Contact the Town Office for assistance.

If you are located in a subdivision there are restrictions imposed by Canaan's Subdivision Ordinance and there might be additional restrictions imposed by the Canaan Planning Board. Your deed will indicate if your property is within a subdivision. Read your deed, obtain a copy of the Town of Canaan Subdivision Ordinance from the Town Office and contact the Code Enforcement Officer.

Need an Electrical Hook UP?

If you need Central Maine Power to hook up electricity to your property, contact CMP at 1-800-750-4000. An informational packet will be mailed to you with form 1190. The upper portion of the 1190 form needs to be completed by you using the provided CMP notification number. The town office also has a form that has to be completed titled, Installation of Electric 2015, or go to Canaan Maine Official Website to print off the form. When completed turn both forms into the town office for approval by the Planning Board. Once approved, the town office will fax the 1190 form to CMP. You will also need a physical address for an electrical hook up on your property. If you do not have a physical address call or visit the town office. **Note: No electrical hookups will be granted without the approval of the Code Enforcement Officer.**

Excavation Contractors

Excavation contractors that engage in an activity that adds or displaces more than one cubic yard of soil within the Shore Land Zone must ensure that a person certified in erosion and sedimentation control by the DEP is on site. www.maine.gov/dep/land/training/cccec.html

Entrances from your property onto a town or state highway.

If you are planning to install an entrance from your property onto a town road contact the Town of Canaan Road Commissioner at the town garage. If your entrance is onto a state highway contact Maine DOT website: www.maine.gov/mdot/traffic/accessmnt/ (207) 562-4228 Region 3 or online type in Maine application for driveway / entrance / permit.

Over =====>

Maine Law Requirement

Maine law requires anyone using power equipment to penetrate the ground (including homeowners) to first pre-mark the boundaries of the proposed area of excavation with white markings.

Call 811 three (3) business days (72) hours prior to digging. Dig Safe will then automatically notify all of its member utilities that own underground facilities in the area of the excavation so that they can mark their facilities.

You are also responsible to notify all non-member owners of underground facilities in the area of the excavation three (3) business days prior to digging as some underground utilities, for example, municipalities (cities and towns that own water, sewer, and drainage facilities) are not required to join Dig Safe. There also may be private underground facilities.

This will eliminate the possibility of damage and save you the expense of costly repairs.

The Maine Public Utilities Commission (MPUC) is vigorously enforcing these rules and may fine you up to \$5,000 per violation if you do not comply. Therefore, please take the time to review and understand the law (Title 23, 3360-A) and the Maine Public Utility Commission rules.

Useful Web Sites

Canaan, Maine Official Web Site / Town of Canaan.Com

Central Maine Power Web Site

State of Maine Web Sites / Maine.gov

Federal Government Web Sites

www.digsafe.com

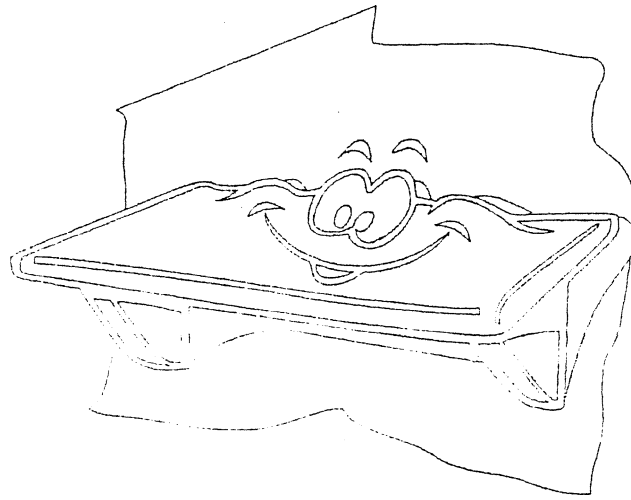
Useful Phone Numbers

Town Office - (207) 474- 8682

Highway Dept. Garage (207) 474-6174

Code Enforcement Officer- Randy Gray (207) 474-6883 after 4:30 PM

LICENSE REQUIREMENTS ORDINANCE FOR THE TOWN OF CANAAN



**PUBLIC HEARING
BOARD OF SELECTMEN FEBRUARY 6, 1995.**

ADOPTED AT TOWN MEETING MARCH 18, 1995

LICENSE REQUIREMENTS ORDINANCE
FOR THE TOWN OF CANAAN

Title

- 1.1 This Ordinance shall be cited as the "License Requirements Ordinance For The Town of Canaan."

Purpose

- 2.1 The purpose of this Ordinance is to establish license requirements for certain activities in order to protect the health, welfare and safety of the residents of the Town of Canaan.

Authority

- 3.1 This Ordinance has been prepared in accordance with the provision of Title 30-A, M.R.S.A., Section 3001 (Home Rule).

Administration & Enforcement

- 4.1 The Town of Canaan Board of Selectmen or their duly appointed agent shall administer and enforce this Ordinance.
- 4.2 A license is required for all the activities listed in this Ordinance and shall be obtained from the Board of Selectmen.

Availability

- 5.1 A copy of this Ordinance 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.

Amendments

- 6.1 Amendments may be initiated by the Board of Selectmen, or written petition by a number of voters equal to at least ten percent (10%) of the number of votes cast in the municipality in the last gubernatorial election.
- 6.2 This Ordinance may be amended by a majority vote of the legally constituted municipal governing body at a regular or special town meeting or by referendum ballot.

Effective Date

- 7.1 This Ordinance shall become effective when adopted by a majority of the voters at regular or special town meeting.

Validity and Severability

- 8.1 If any provision of this ordinance is found by a court of competent jurisdiction to be unenforceable, the remaining provisions shall continue in full force and effect.

License Procedure

- 9.1 Any person, firm, corporation or association wishing to obtain a license shall file a license application on the form(s) provided by the Town of Canaan.
- 9.2 All Applicable fees shall be non-refundable and shall be paid at the time of filing application payable to the Town of Canaan.
- 9.3 The Board's Secretary shall place the completed license application on the agenda of next scheduled Board of Selectmen Meeting.
 - a. The Board shall set hearing date.
 - b. The Board's Secretary shall post public notice at minimum of three public locations and advertised the public notice in the local newspaper at least 10 days prior to hearing date for said license application.
- 9.4 The Board's Secretary shall certify the public notice was posted and advertised, where, and date. A copy of the public notice, advertisement and certification shall be filed with said license application.
- 9.5 All written comments received by the Town of Canaan regarding a license application shall be filed with said license application.
- 9.6 Public Hearing:
 - a. The Board shall determined if sections 9.3b, 9.4, and 9.5 are properly fulfilled for each license application.
 - b. The Board shall review each license application according to the applicable requirements established for each activity.
 - c. The Board shall consider all written comments and public comments at the public hearing for said license application.
 - d. The Board shall consider all previous applicant's license applications, and issued licenses, if any, and compliances requirements established for each activity.
 - e. The Board shall decide whether to approve or deny the issuances of the license for each license application.
 - f. All denials and conditional approvals must be in writing, with reason(s) to the applicant and be filed with said license application.
 - g. If a license is granted, a copy of the issued license shall be filed with said license application.
 - h. The written record of the public hearing proceeding on each license application shall be filed said application.
- 9.7 The applicant shall file an amended license application with a \$20.00 fee payable to the Town of Canaan if the applicant has a valid license under this Ordinance and information on license application filed for said license changes.
- 9.8 The Board of Selectmen may review an amended license application according to the applicable requirements established and decide whether to approve or deny the continences of the issued license.
- 9.9 The Board of Selectmen may revoke a license if they find a violation of the terms of the license according to the applicable State, Local Ordinances, and requirements established for each activity by this Ordinance by fulfilling the requirements of sections 9.3, 9.4, 9.5, and 9.6.
- 9.10 All new, renewal, and amended license applications received under this Ordinance shall be kept and noting action taken by the Board of Selectmen.
- 9.11 All license applications and documents related to said license application are available for public inspection.
- 9.12 The license shall be issued for one year period specified for each activity and shall be non-transferable.

License Requirements:

10.1 Pawnbrokers

- a. A pawnbroker shall obtain a license from the Town of Canaan and shall conform to Title 30-A M.R.S.A. Section 3960 - 3964-A as amended.
- b. The pawnbroker shall allow the Board of Selectmen or duty appointed agent to inspect records required per Title 30-A M.R.S.A section 3962 subsection 1 at all reasonable times.
- c. Before the 15th day of every month, the pawnbroker shall file a summary of the pawn transaction entered into during the preceding calendar month with the Town of Canaan. The summary shall contain the minimum of: case number, type of transaction, date of transaction, full description of property, periodic rate of interest, and transaction value. The summary submitted to the Town of Canaan shall be dated and time stamped by the Board's Secretary when received and provide a receipt for the document. The case number with name, address, telephone number for each pawn transaction shall be kept by the pawnbroker.
- d. A pawnbroker may not directly or indirectly receive a finance charge of greater than 25% per month on that part of a loan that is \$500 or less, nor more than 20% per month on that part of a loan that is more than \$500, made upon property pawned. Accrued interest may not be incorporated as interest-bearing principal. Nothing in this section prohibits a pawnbroker from charging a consumer a lower rate of interest than established by this section.
- e. A pawnbroker may not charge a fee in addition to a finance charge allowed.
- f. The initial redemption or repurchase period of a pawn transaction, not including an extension may not exceed 60 days.
- g. A consumer is entitled to at least one extension of the pawn transaction of 31 days at the same rate of interest upon request in writing.
- h. At the time of the pawn transaction, the pawnbroker shall deliver to the consumer a signed, written disclosure complying with the truth-in-lending provision of the Maine Consumer Credit Code, containing the items required by Title 30-A M.R.S.A. section 3962 subsection 1 and the name and address of the pawnbroker.
- i. No pawnbroker shall, directly or indirectly, receive any article in pawn, or purchase any article from any minor knowing or having reasonable cause to believe the person to be such.
- j. The license shall be valid for a period of one year and shall expire on January 31st of each year. A license issued within 60 days of the January 31st expiration date shall be valid until January 31st of the next year.
- k. The applicant shall file a renewal license application at least 30 days before the license expires.
- l. The fee of \$100 shall accompany the new or renewal license application and be non-transferable.
- m. Whoever carries on such a business without a license commits a violation for which a forfeiture of not more than \$100 may be adjudged.

Ordinance Prohibiting Retail Marijuana Establishments and Retail Marijuana Social Clubs

Section 1. Authority.

This ordinance is enacted pursuant to the Marijuana Legalization Act, 7 M.R.S.A. c. 417; and Municipal Home Rule Authority, Me. Const., art. VIII, pt. 2; and 30-A M.R.S.A. § 3001.

Section 2. Definitions.

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

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

Retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, and retail marijuana social clubs, are expressly prohibited in this municipality.

No person or organization shall develop or operate a business that engages in retail or wholesale sales of a retail marijuana product, as defined by 7 M.R.S.A. § 2442.

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

Section 4. Effective date; duration.

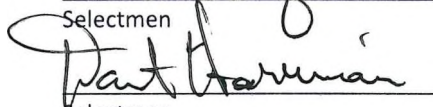
This ordinance shall take effect immediately upon enactment by the municipal legislative body unless otherwise provided and shall remain in effect until it is amended or repealed.

Section 5. Penalties.

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


Selectmen


Selectmen


Selectmen

A TRUE COPY ATTEST

DATE February 28, 2017


Town Clerk

**Mobile Home Park Ordinance
of
Town of Canaan**

ADOPTED NOVEMBER 7, 1996
REFERENDUM VOTE 513 YES 272 NO

TOWN OF CANAAN

MOBILE HOME PARK ORDINANCE

SECTION 1. TITLE

This Ordinance shall be known and may be cited as the "Mobile Home Park Ordinance of the Town of Canaan", and will be referred to herein as the Ordinance.

SECTION 2. AUTHORITY

This Ordinance has been prepared in accordance with the provisions of Title 30-A, Maine Revised Statutes Annotated, Sections 2001, Home Rule; 4401-4407 and Manufactured Housing; 4358, as amended.

SECTION 3. PURPOSE

The purpose of this Ordinance is to promote the health, safety and general welfare of the residents of the Town of Canaan by the establishment of regulations to control the design of Mobile Home Parks. This Ordinance conforms to all applicable State of Maine laws and regulations dealing with manufactured housing in order to provide an affordable housing opportunity for the residents of the Town.

SECTION 4. CONFLICT WITH OTHER ORDINANCES

In any case where a provision of this Ordinance is found to be in conflict with a provision of any other Ordinance or Code of the Town existing on the effective date of this Ordinance or State or Federal regulation, the provision which establishes the higher standard for the promotion and protection of health and safety shall prevail.

SECTION 5. VALIDITY AND SEVERABILITY AND AVAILABILITY

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

A copy of this Ordinance shall be assessable to any member of the public. Copies will be made available to the public at reasonable cost, at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

SECTION 6. EXISTING MOBILE HOME PARKS

Mobile Home Parks legally in existence at the time of adoption of this Ordinance shall continue as a legal use however any expansion or enlargement shall conform to the applicable standards contained in this Ordinance.

SECTION 7. AMENDMENTS

Amendments may be initiated by the Board of Selectman, Planning Board, or written petition by a number of voters equal to at least ten percent (10%) of the number of votes cast in the Municipality in the last gubernatorial election.

This Ordinance may be amended by a majority vote of the legally constituted municipal governing body at a regular or special town meeting or by a referendum ballot.

SECTION 8. APEALS

An appeal may be taken, within 30 days from the Planning Board's decision on the mobile home park application, by any aggrieved party to Superior Court in accordance with Rule 80B of the Rules of Civil Procedure.

SECTION 9. EFFECTIVE DATE

This Ordinance shall become effective when adopted by a majority of the voters at regular town meeting or special town meeting or by referendum.

As of the adoption of this Ordinance, the former Mobile Home Park Ordinance adopted on March 13, 1987 is repealed and replaced with this Ordinance.

SECTION 10. DEFINITIONS

10.1 Manufactured Housing

Manufactured Housing means a structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. The term includes any type of building which is constructed at the manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For the purposes of this Ordinance 2 types of manufactured housing are included. Those 2 types are:

Type 1

Those units constructed after June 15, 1976, commonly called "newer mobile homes", which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, which in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit;

This term also includes any structure which meets all the requirements of this subparagraph, except for the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq; and

Type 2

Those units commonly called "modular homes", which the manufacturer certifies are constructed in compliance with Title 10, chapter 957, and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit.

10.2 Mobile Home Park

Mobile Home Park means a parcel of land under unified ownership approved by the municipality for the placement of 3 or more manufactured homes.

10.3 Mobile Home Park Lot

Mobile Home Park Lot means the area of land on which individual home is situated within a mobile home park and which is reserved for use by the occupants of that home.

10.4 Permanent Foundation

Permanent Foundation means all of the following:

- A full, poured concrete or masonry foundation,
- A poured concrete frost wall or a mortared masonry frost wall, with or without a concrete floor.
- A reinforced, floating concrete pad for which the Town may require an engineer's certification if it is to be placed on soil with a high frost susceptibility.
- Any foundation which is allowed by the Town for residential construction and in the case of manufactured housing may also include a gravel pad consisting of at least of 18 inches of compacted gravel.

10.5 Pitched Roof

Pitched Roof means a roof with a pitch of 2 or more vertical units for every 12 horizontal units of measurement and which is covered by asphalt, fiberglass composition shingles or other roof covering materials commonly used in residential construction.

SECTION 11. APPLICATION PROCEDURE AND FEES

11.1 All new mobile home parks and expansions of existing mobile home parks shall obtain a permit from the Town of Canaan Planning Board according to the following procedure:

11.1.1 All mobile home park applications shall be reviewed under the Town's Subdivision Ordinance and shall be considered a subdivision for the purposes of this Ordinance.

11.1.2 All mobile home park proposals shall conform to all the applicable standards contained in the Town's Subdivision Ordinance except for those specific standards contained in this Ordinance that apply only to mobile home parks.

11.1.3 All mobile home park proposals shall obtain all applicable State permits including a license from the Manufactured Housing Board. The Town of Canaan mobile home park permit shall be issued conditional upon approval of all State permits and licenses.

11.2 FEES

The non-refundable permit application fee shall be \$100.00 plus \$25.00 for each mobile home park lot. The fee shall be paid upon filing the application with the Planning Board.

11.3 MODIFICATIONS

A mobile home park approved under this Ordinance shall not be converted into another use or be expanded without prior approval of the Planning Board. The creation of new mobile home park lots in an existing park shall require a new permit for the expansion according to the procedure set forth above, however minor modifications that do not involve additional lots may be approved by the Planning Board. All minor changes approved by the Board shall be noted on the original subdivision plan.

11.4 Plan Record

All approved mobile home park plans shall be recorded at the registry of deeds and filed with the Town. The following restrictions as well as any other notes or conditions of approval shall be included on the plan:

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

SECTION 12. DIMENSIONAL REQUIREMENTS

The following dimensional requirements shall apply to all mobile home parks and lots:

12.1 LOT AREA AND SETBACKS

12.1.1 Lots served by public sewer:

Min. lot area: 6,500 square feet
Min. lot width: 50 feet
Side setback: 10 feet
Rear setback: 10 feet
Front setback: 10 feet

12.1.2 Lots served by individual subsurface waste water disposal systems:

Min. lot area: 20,000 square feet
Min. lot width: 100 feet
Side setback: 10 feet
Rear setback: 10 feet
Front setback: 10 feet

12.1.3 Lots served by a central subsurface waste disposal system:

Min. lot area: 12,000 square feet
Min. lot width: 75 feet
Side setback: 10 feet
Rear setback: 10 feet
Front setback: 10 feet

12.1.4 The overall density of any park served by any subsurface waste water disposal system shall not exceed one dwelling unit per 20,000 square feet of total park area.

12.1.5 Lots located within any Shoreland Zoning District shall meet the lot area, lot width and shore frontage requirements for that district.

12.1.6 The front setback shall be measured from the right of way line of a public way or in the case of a private road or park road, the edge of the travel way.

12.1.7 The minimum lot area for each mobile home park lot shall not include any of the following: any portion of a private road or right of way, any area designated as open space, any area within the park buffer strip, and any area within a wetland, stream, pond or steep slope in excess of 15% .

SECTION 13. MANUFACTURED HOUSING REQUIREMENTS

The following requirements shall apply to all manufactured housing units located within a mobile home park:

13.1 All manufactured housing units shall be installed in accordance with the "Manufactured Home Installation Standard" as adopted by the State of Maine, Department of Professional and Financial Regulation, Manufactured Housing Board.

13.2 All manufactured housing shall comply with the following design standards:

13.2.1 All units shall have a permanent foundation.

13.2.2 All units shall contain at least one smoke detector.

13.2.3 All units shall have skirting installed and contain at least one access panel.

13.2.4 All units shall have at least two egress doors that shall have at least 28 inches of cleared opening width. Slider doors may qualify for one of the required openings.

13.2.5 All units shall be provided with at least two off road parking spaces.

13.2.6 All units shall be provided with a lot number that shall be displayed within 10 feet of the road right of way. The lot number may be installed on the home or on a free standing sign. The number shall be at least 4 inches in height and shall be visible during all seasons of the year from the road. The unit number shall be displayed in order to aid emergency personal to locate the unit.

13.2.7 All sleeping rooms shall have at least one means of egress that conforms to the egress requirements contained in "NFPA 101, The Life Safety Code" for single and two family dwellings. The most recent edition of NFPA 101, as adopted by the State of Maine, shall be followed.

SECTION 14. PARK BUFFER STRIPS

14.1 All mobile home parks shall contain the following buffer strips in order to provide a visual barrier between the park and abutting lots, uses and structures. The purpose of this buffer is for, but not limited to visual attractiveness, maintain rural character, filter out noise and dust, and to separate abutting land uses and structures from the dense development pattern.

14.2 Mobile home parks with greater than 20 mobile homes shall be grouped into a

maximum of a 20 mobile home cluster. A minimum of a 50 foot buffer shall be installed between each cluster of 20 mobile homes or less.

14.3 All mobile home parks that have frontage along an existing Town or State public road shall contain a minimum of a 50 foot wide buffer along the entire length of the public right of way.

14.4 A minimum of a 20 foot wide screening strip within the buffer shall be maintained along all boundaries, public road rights of way and between clusters of 20 mobile homes lots. This screening strip shall provide a dense visual screen consisting of shrubs or trees, a minimum of 6 feet in height. Existing natural vegetation that fulfills these requirements may be utilized.

14.5 The remaining buffer strip area of 30 feet may be utilized for flower and vegetable gardens, shrubs, trees, other types of vegetation, play ground area, subsurface waste water disposal systems and wells.

14.6 Utility easements and access roads shall be allowed to cross the buffer area. Access roads shall serve a minimum of 3 mobile home lots.

SECTION 15. ROAD STANDARDS

15.1 All roads designed within the mobile home park that are intended to be offered to the Town for acceptance shall be designed and constructed according to the Town's Road Standards. Roads not designed according to the Town's standards shall remain private roads.

15.2 All private roads within a mobile home park shall be designed by a Professional Engineer, registered in the State of Maine and shall be built according to accepted engineering standards.

15.3 Minimum Private Road Standards

15.3.1 Roads shall have a minimum right of way of 23 feet and a 20 foot travel way.

15.3.2 The minimum travel way requirements shall consist of a sub-base of 15 inches of gravel plus 3 inches of surface gravel for a combined total of 18 inches of gravel.

15.3.2.1 the gravel sub-base shall consist of sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances and shall have no stones larger than 6 inches in size. The gradation of the part that passes a 3 inch square mesh sieve shall meet the following grading requirements:

Sieve Designation	Percent by weight passing, square mesh sieve
1/4 inch	25-70%
No. 40	0-30%
No. 200	0-7%

15.3.2.2 The base or surface gravel shall have no stones larger than 2 inches in size and shall meet the following gradation:

Sieve Designation	Percent by weight passing, square mesh sieve
2 inch	95-100%
1/2 inch	30-65%
No. 200	7-12%

15.3.3 Mobile home park roads that intersect with public roads shall meet the following:

15.3.3.1 The desired angle of intersection shall be 90 degrees. The minimum angle of intersection shall be 75 degrees.

15.3.3.2 The maximum grade within 75 feet of intersection shall be 2% .

15.3.3.3 The minimum sight distance shall be 10 times the posted speed limit on the existing road. Sight distance shall be measured from the driver's seat of a vehicle that is 10 feet behind the curb or edge of shoulder line with the height of the eye 3 1/2 feet above the pavement and the height of the object 4 1/2 feet. Where necessary, the park land bordering the intersection shall be cleared of all growth and sight obstructions to achieve the required visibility.

15.3.3.4 The centerline of any street within a park intersecting an existing public street shall be at least 125 feet from the centerline of any other street intersecting that public street.

SECTION 16. PARK ADMINISTRATION

16.1 The owner or operator of a mobile home park shall be responsible for ensuring the maintenance of all park owned structures and their sites.

16.2 Park management shall conform to all applicable State Laws and Regulations.

16.3 The park owner shall be responsible for the maintenance and safe operation of the following items: all private roads, solid waste and recyclable materials collection, individual and central subsurface waste water disposal systems, and utility services including water and electric.

SECTION 17. ENFORCEMENT

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, the CEO shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it. Said violation shall be corrected within 30 days.

After notification and the 30 day correction period, any person who continues to violate any provision of this Ordinance, after receiving notice of such violation shall be guilty of a misdemeanor subject to a fine of \$50.00 for each violation. Each day such violation is continued is a separate offense.

PARKING ORDINANCE FOR THE TOWN OF CANAAN

1. **AUTHORITY AND PURPOSE:** This ordinance is adopted by the Selectmen of the Town of Canaan in accordance with Title 30-A M.R.S.A. §3009. The Selectmen find that unrestricted parking of motor vehicles on certain portions of public ways in the town creates a traffic hazard to motorists and pedestrians alike. Unrestricted parking causes traffic congestion, reduces sight for motorists, impedes maintenance, causes motorists to drive outside the designated travel lane and into oncoming traffic, and interferes with the passage of police vehicles, fire trucks and ambulances. The purpose of this ordinance is to regulate parking as necessary to protect the public health, safety and welfare.

2. **DEFINITIONS:** Words used in this ordinance shall be defined in accordance with Title 29-A M.R.S.A. §101; any undefined word shall have its common, ordinary meaning.

3. **RESTRICTIONS:** No person shall park a motor vehicle in the following locations between June 15 and September 15 of each year:

1. On the road known as the Lake George Road leading from U. S. Route 2 northerly along the east side of Lake George between the Skowhegan Town Line and the entrance to Lake George Regional Park; and

2. In the gravel parking area at the northerly end of the Lake George Road adjacent to the entrance to Lake George Regional Park after sunset and before 8:00 A. M. the following day.

4. **NOTICE:** Notice of the existence of this ordinance shall be given by either of the following methods:

(a) By at least one sign erected in the vicinity of the Lake George Road to call attention to the ban on parking, in such fashion as to give prominent notice of the parking ban and to the fact that illegally parked vehicles will be towed. Additional signs may be erected as deemed necessary. A sign may be located in the Town of Skowhegan with the consent of the Skowhegan Selectmen; or

(b) By delivery of a copy of this ordinance to the owner, operator or other person in charge of any vehicle parked in violation of this ordinance. At the time of delivery of the copy of this ordinance, such person shall be requested to remove the vehicle from the Lake George Road within a reasonable time. Accompanying the copy of this ordinance shall be a notice stating the address and telephone number of the location at which a towed vehicle can be recovered.

5. **TOWING:** A motor vehicle parked in violation of this ordinance may be towed by a wrecker authorized by the municipality, at the request of and under

the supervision of any law enforcement officer or any other official duly authorized and appointed by the Selectmen. A vehicle shall not be towed unless, at the time of the tow, notice has been given under Article 4 of this ordinance. Within 5 days the official who supervised the tow shall send to the registered owner a notice stating the date and time of the tow, the location where the motor vehicle is impounded, and the requirements for release of the motor vehicle.

6. RELEASE OF TOWED VEHICLE: Any person seeking release of a motor vehicle towed pursuant to this ordinance must first (a) pay all towing charges and storage charges and (b) present satisfactory evidence of his or her right to possession and sign a receipt for the vehicle.

7. PRIMA FACIE EVIDENCE OF OPERATION: No person shall cause, allow or permit a motor vehicle registered in his or her name to be parked in violation of this ordinance. The fact that a motor vehicle is unlawfully parked shall be prima facie evidence of the unlawful parking of such vehicle by the person in whose name such vehicle is registered.

8. ENFORCEMENT AND PENALTIES: This ordinance shall be enforced by the Somerset County Sheriff's Department, by the Maine State police, or by a town constable or any other official duly appointed and authorized by the Selectmen. A violation of this ordinance is a civil violation, and shall be prosecuted in the 12th District Court. A first offense shall be punishable by a fine of \$50.00. A second offense in the same calendar year shall be punishable by a fine of \$100.00. A third or subsequent offense in the same calendar year shall be punishable by a fine of \$250.00. All fines shall accrue to the Town of Canaan. In addition to any fine, a person in violation of this ordinance shall be liable for payment of court costs and a reasonable attorney's fee for prosecution of the violation. Any person charged with a violation of this ordinance may waive court action by paying the fine to the Town Clerk within 7 days of the violation, in which case the Town Clerk shall so notify the 12th District Court.

9. SEVERABILITY AND EFFECTIVE DATE: In the event that any provision of this ordinance is declared by a court to be unenforceable, the remaining provisions continue in full force and effect. This ordinance shall become effective when adopted by a majority of the Board of Selectmen.

- Nov 5, 1996
(enacted at Referendum Election)

TOWN OF CANAAN

Ordinance Regulating Storage and Land Application of Sludge, Septage, and Other Residuals

Title: This Ordinance shall be known and may be cited as the "Town of Canaan Sludge and Septage Management Ordinance."

ARTICLE I: Authority

This Ordinance is adopted pursuant to Maine Constitution Article VII, part 2; 30-A M.R.S.A. 3001.

ARTICLE II: Findings and Purpose

The Town finds that sludge and residuals may contain concentration of heavy metals, polychlorinated biphenyls and other substances which can be harmful to humans, animals, aquatic life and the natural environment. The Town further finds that its topography, which includes the Carrabassett Stream, Sibley Pond, Lake George, Canaan Bog, wetlands, numerous brooks and tributaries, and significant ground water aquifers, makes it uniquely susceptible to environment damage and, more particularly, that runoff from areas where sludge and residuals have been spread would pose a special danger to those water bodies and would threaten the ecological and economic well-being of the Town.

The purpose of this Ordinance is to protect the health and safety of the residents of Canaan, to enhance and maintain the quality of the environment, and to conserve natural resources through regulation of storage and land application of industrial wastewater treatment plant sludge and other residuals.

ARTICLE III: Definitions

a. **Applicant:** The term "applicant" refers to the owner and/or operator of the wastewater treatment plant or generator of the sludge or residual.

b. **Aquifer:** See "significant groundwater aquifer."

- c. Board: The term "Board" refers to the Canaan Planning Board.
- d. Canaan Groundwater and Sludge/Septage Testing Program: This is a testing program to monitor the groundwater of the Town of Canaan and sludge and septage spread and/or stored in the Town of Canaan which is established by this Ordinance and funded as hereinafter set forth. It shall be referred to in the Ordinance as the "Canaan Testing Program".
- e. Department of Environmental Protection: The term "Department of Environmental Protection," more commonly referred to as "DEP", refers to the State of Maine Department of Environmental Protection, including the Board of Environmental and the Commissioner, and/or its successor agencies.
- f. EP Toxicity Test: The term "EP Toxicity Test" refers to the Extraction Procedure Toxicity Test as described in Section 1.2.4. of the U.S. Environmental Protection Agency (EPA) document entitled Test Methods for Evaluating Solid Waste, SW 846 (Nov. 1986).
- g. Operator: The term "operator" refers to any person who has care, charge or control of a landspreading site or storage facility subject to this Ordinance. This person may be the owner, an agent, a lessee of the owner, or an independent contractor.
- h. Owner: The term "owner" refers to any person who, alone or in conjunction with others, owns the real property upon which is located a landspreading site or storage facility subject to this Ordinance.
- i. Primary sand and gravel recharge areas: The term "primary sand and gravel recharge areas" refers to the surface directly overlying sand and gravel formations that provide direct replenishment of the ground water in sand and gravel and fractured bedrock aquifers. The term does not include areas overlying formations that have been identified as unsaturated and are not contiguous with saturated formations.
- j. Residual: The term "residual" refers to pulp and paper mill wastewater treatment plant sludge. This term also includes resultant ash from incineration of sludge and wood generated from commercial or industrial facilities and available as potentially suitable materials for controlled land application resulting in vegetative assimilation, assimilation of the components in the material, or improved soil conditions.

k. Selectmen: The term "Selectmen" refers to the Town of Canaan Board of Selectmen.

l. Significant groundwater aquifer: The term "significant groundwater aquifer" refers to any formation of soil or fractured bedrock that contains significant recoverable quantities of water (greater than ten gallons per minute from a properly constructed six inch diameter well). NOTE: reference may be made to the "Hydrogeologic Data for Significant Sand and Gravel Aquifers" map prepared by the Maine Geologic Survey. In the event that on-site testing required pursuant to this Ordinance identifies additional aquifers or identifies boundaries of aquifers that are different from those mapped, the results of the on-site testing shall control.

m. Sludge: The term "sludge" refers to the solid, semi-solid or liquid residual generated by a municipal, commercial or industrial wastewater treatment plant.

n. Temporary Field Stacking: The term "temporary field stacking" refers to only short-term stacking of materials for not longer than a period of seventy-two (72) hours before spreading is to occur.

o. Septage: The term "septage" as defined in 38 M.R.S.A. Sec. 1303, is waste, refuse, effluent, sludge, and any other materials from septic tanks, or any other similar facilities. For the purposes of these Rules, septage is defined as a mixture of liquids and solids derived from household (domestic) sanitary wastewater, and shall include holding tank waste and sanitary wastewater and solids from tanks connected to commercial establishments such as restaurants and motels. Pit and vault privy waste, and portable toilet waste, may be included as septage if it is not contaminated with solid waste as defined by 38 M.R.S. A. Section 1303 (10). Wastes from septic tanks or any other similar facilities which are significantly different in character and origin (e.g., an industrial process) are not septage, and are subject to other applicable standards and Part A of this Ordinance.

p. Septage Applicant. The term septage applicant refers to the owner and/or operator of any septage management, storage, or spreading business, facility, or operation.

PART A.

ARTICLE IV: Application Procedure

A. Procedure

1. An applicant wishing to deliver, store or spread sludge, residuals, or any material containing the aforementioned in Canaan shall file an application form with the Board. The application shall be submitted at least 135 days before the date of first delivery, storage or spreading, so as to ensure adequate time for review under this Ordinance.

2. The applicant shall submit ten (10) copies of the application at least thirty (30) days prior to the Board meeting at which the applicant wishes to be heard.

3. The application shall be accompanied by a non-refundable fee of Five Thousand Dollars (\$5,000.00) payable to the Town of Canaan, Maine, with a note indicating the specific purpose of the fee.

4. The Board shall require the applicant to deposit the sum of Twelve Thousand Five Hundred Dollars (\$12,500.00) in an interest bearing account in the name of the Town. Each applicant shall also pay to the Town \$.10 per yard for all sludge spread which shall also go into the said interest bearing account. The purpose of this account shall be to allow the Town to hire a professional consultant to review the application for compliance with this Ordinance and to hire an assistant or assistants for the Code Enforcement Officer of the Town of Canaan, as may be determined necessary by the Code Enforcement Officer in consultation with the Board. This account shall also be used to pay for the Canaan Testing Program. This account shall be used to conduct such additional studies as may be required to assure that the public health, safety and natural environment will not be adversely impacted by the proposed sludge spreading or storage. Funds may be withdrawn from this account by the Code Enforcement Officer up to the amount of Two Thousand Five Hundred Dollars (\$2,500.00) in the first year of applicant's license and up to Two Thousand Five Hundred Dollars (\$2,500.000) annually thereafter, in his discretion to pay for the operation of the Canaan Testing Program. Any additional funds shall be withdrawn only by the Treasurer of the Town at the Selectmen's request. Any interest earned and any remaining balance in this account shall be returned to the applicant following denial of the application or the expiration of the permit granted, whichever comes first not last.

5. At the meeting at which it is first considered by the Board, the Board shall review the application to determine whether it is complete or whether additional submissions are required. If the application is found to be incomplete, the Board shall notify the applicant in writing within ten (10) days of the meeting as to what additional submissions are necessary to begin the review process.

6. The applicant must provide any additional information within thirty (30) days of the date on which the Board gives notice that additional information is required.

7. The application shall be considered "complete" and "filed" as of the date when all required

information is furnished to the Board by the applicant.

8. A public hearing shall be held within thirty-five (35) days after the Board determines that the application is complete. The Board shall cause notice of the time, place and date of such hearing to be sent by certified mail, return receipt requested, not less than ten (10) days before the hearing to the applicant, to abutters of the properties involved, and to owners of any property within 1,000 feet of the properties involved. Owners of abutting properties and of properties within 1,000 feet shall be those listed in the most recent tax records of the Town of Canaan. Notice shall also be published at least seven (7) days prior to the public hearing in a newspaper of general circulation in the Town of Canaan. Notice shall also be posted in three (3) public places designated by the Board. Failure to receive notice shall not invalidate a public hearing held if the requirements of this subsection have been met.

9. The Board shall recommend to the Selectmen whether the application should be approved, approved with conditions, or denied. The Selectmen shall take final action within thirty five (35) days of the issuance of a license from the DEP, or within seventy (70) days of the Town's public hearing, whichever date is later. Final action by the Selectmen may be approval, approval with condition(s), or denial.

10. If the applicant/operator is denied a license by the DEP, no action shall be required by the Board. The applicant shall send the DEP approval or denial to the Board within three (3) days of receiving it.

11. Within seven (7) days of its final action, the Selectmen shall notify the applicant of its action and the reason(s) for such action. Approval of the application, together with the conditions of approval if any, shall constitute a permit.

B. Submissions

An application to spread sludge or residuals shall include the following:

1. A complete "Application for Sludge Utilization" prepared for the Department of Environmental Protection.

2. A fee as required by Article IV. A. 3 of this Ordinance and a deposit into an interest-bearing account as provided in Article IV.A.4.

3. A map of the proposed site that clearly indicates property lines, abutters, owners of property within 1,000 feet, existing water well locations within 1,000 feet, areas not suitable for spreading and the reason(s) therefore, required setbacks and the reason(s) therefore, storage areas, and proximity to any primary sand and gravel recharge area and/or significant groundwater aquifer.

4. A baseline soils analysis for each site. This analysis shall be conducted in the manner recommended by the Natural Resource Conservation Service for soils testing generally and shall include testing as required by Appendix A of this Ordinance.

5. A hydrogeologic analysis conducted by a certified geologist or registered professional engineer qualified by education and experience to conduct a hydrogeologic analysis. This analysis shall be sufficient to determine that the application of sludge or residuals to the proposed site will meet the performance standards set forth in Article V.B. of this Ordinance and shall include, but not be limited to, the following:

- a. A site-specific geologic literature search.
- b. Aerial photo interpretation, including a photolineament analysis, to identify potential high-yield aquifers.
- c. Documentation of type, depth, yield, static water level, and length of casing of any water wells within 1,000 feet of a proposed spreading site.
- d. Reconnaissance field mapping by a certified geologist of the surficial and bedrock geology of the proposed site and all areas within 1,000 feet, which field mapping shall relate any observed bedrock outcrop fracture orientation and spacing data to the photolineament analysis.
- e. Documentation of the hydrogeologic setting of the project site, including, but not limited to, a general description of the depth and expected seasonal variations in the depth to the first ground water table encountered below ground surface, a description of the general direction of ground water flow up to the point where discharge to surface water occurs, a description of the relationship of the site to any significant aquifers (those producing over 10 gallons per minute to a properly constructed six-inch diameter water well) including bedrock aquifers or inferred bedrock aquifers.
- f. A description of the background ground water quality at the up gradient and down gradient edges of the proposed site. This description shall include background levels for any constituent

regulated by this Ordinance as per Appendix A.

g. A proposed ground water monitoring plan to be used just prior to and for two years following the application of the sludge and/or ash, including the proposed horizontal and vertical placement of monitoring wells and all domestic wells within 1,000 feet monitored, frequency of monitoring, and precision of measurement for each parameter to be measured.

6. A plan for the independent weekly analysis (per the schedule required in Article V.B.2.a) of the sludge or residual (required by Appendix A of this Ordinance). Sampling and analysis shall be performed by a State-certified laboratory chosen by the Code Enforcement Officer in accordance with the DEP document entitled Methodology for Sampling and Analysis of PCDD's and PCDF's in Sludge and Residuals and shall be performed on all sludge or residuals without regard to the source.

7. A plan for the submission of the results of the tests required in subsection b and c of Article V.B. 2. of this Ordinance.

8. A plan for the submission of the results of soils tests to be performed just prior to and twice yearly following the application of the sludge and/or residuals for the duration of the permit sought, including the proposed sampling schedule, sampling locations, and parameters to be measured.

9. The Board may require such other information as it deems necessary.

ARTICLE V: Performance Standards

A. General Standards

1. Storage and land application of sludge and residuals is prohibited unless approval has first been obtained from the Board, the Selectmen, and from the Maine Department of Environmental Protection.

2. No sludge or residual may be stored on site in Canaan except in a permanent storage facility as provided in the Department of Environmental Protection Regulations Chapter 567 B-4.c. There shall be no winter field stacking of sludge or residuals in the Town of Canaan. Stacking per site shall be limited to the amount approved for use on each site.

3. If temporary field stacking is to occur, there must be reasonable precautions taken to prevent leaching and/or dispersal into the air.

4. Spreading shall be allowed only from May 15 to November 15 in any year. Spreading shall not be allowed in any event if it is raining, or if the ground is saturated, frozen or snow-covered.

B. Testing Requirements

Providing that approval of the application is conditioned on approval by the Department of Environmental Protection, the Board shall recommend for approval or conditional approval an application for land spreading (or storage for the purpose of land spreading) if the applicant agrees to comply with any additional testing required by the Board or the Selectmen including but not limited to the following:

1. Site Testing and Monitoring

a. Soils Analysis: The applicant shall furnish a baseline soils analysis as required in section IV.B.4. and soils testing program in accordance with section IV.B.8. of this Ordinance with the initial application to the Board

b. Water Analysis: The applicant shall install at least two monitoring wells on each site, the number and location of said wells to be determined by a Board-appointed certified geologist or registered professional engineer qualified by education and experience to make that determination. The water in these wells shall be tested quarterly for parameters to be approved by the Board based on the actual constituents of the sludge or residuals. At the discretion of the Planning Board or at the request of the owner of an existing well located within 1,000 feet of any site proposed for storage or spreading of any sludge or residual and the Board or Code Enforcement Officer may require baseline and annual water analysis of any such wells.

2. Characteristics of Sludge or Residuals.

a. The Board shall provide for the supervision of an independent random weekly sample of sludge or residuals taken at the point of generation after the product has gone through all processing steps necessary prior to delivery. All testing shall be in accordance with the sixteenth edition of Standard Methods for Examination of Water and Wastewater (1985), published by the American Public Health Association, and the results shall be furnished to the Canaan Code Enforcement Officer and/or Board on a schedule approved by the Board.

b. Sludge and Residuals shall be tested for pollutants as required by the Department of

Environmental Protection Regulations and as required by this Ordinance. In addition to the above requirements, the Board or its agent shall take a representative composite sample of the actual product delivered to Canaan and test by the "EP Toxicity Test" and as required by Appendix A of this Ordinance

c. No sludge or residual may be delivered to, stored, or spread in Canaan if testing required by this Ordinance indicates that concentrations of heavy metals, organic compounds or other pollutants exceed the maximum permissible concentrations and/or loading limits appearing in the Department of Environmental Protection Regulations at Chapter 567 B-1.b.

3. Hydrogeologic Criteria

a. No sludge or other residual may be delivered to, stored, or spread on land with a slope of greater than fifteen percent (15%).

b. Where the proposed application site has a slope of fifteen percent (15%) or less, no sludge or other residual may be delivered to, stored, or spread within the following setback areas:

Residences; classified bodies of water including lakes, ponds, and streams;	
Water supply wells	300 feet
Intermittent streams	100 feet
Public roadways, drainage gullies, property boundaries	50 feet

Additional setback requirements established by the Department of Environmental Protection Regulations at Chapter 567 B-2.b and B-4.a. must also be met.

c. Notwithstanding the provisions of subsection "b" of this section with respect to water supply wells, no sludge or residual containing human pathogens may be delivered to, stored, or spread on a site closer than a two hundred (200) day hydraulic ground water travel time from the nearest water well used for drinking water purposes.

d. No sludge or other residual may be delivered to, stored, or spread over a significant groundwater aquifer, over a primary sand and gravel recharge area, or within the recharge area of public water supply well.

e. The sludge or other residuals shall not cause the State of Maine Primary Drinking Water Standards or the National Primary Drinking Water Regulations, which are incorporated herein by reference, to be exceeded in the ground water at a distance greater than one hundred (100) feet from the edge of the sludge or other residual spreading boundary, or at the property line, if it is within one hundred (100) feet of the sludge or other residual spreading boundary, taking into account existing background ground water quality under the site. The burden shall be on the applicant to show that the sludge or other residual spreading will not cause these standards to be exceeded.

4. Aquatic Impact Criteria

The sludge or other residual spreading shall not cause the National Water Quality Criteria (freshwater chronic criteria), established by the U.S. Environmental Protection Agency (EPA) to protect aquatic organisms, to be exceeded in classified water bodies that will receive runoff from the sludge or other residual spreading site, taking into account the existing quality of those classified water bodies. The freshwater chronic criteria appear in full in the "Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses," published in the EPA document Quality Criteria for Water 1989 EPA 440//5-86-001. The burden shall be on the applicant to establish that the sludge and other residual spreading will not cause these criteria to be exceeded.

C. Additional Requirements

1. The Board shall not recommend approval of an application for land spreading (or storage for the purpose of land spreading) unless the applicant agrees in writing to furnish the Canaan Code Enforcement Officer with copies of all conditions and limitations imposed by the Department of Environmental Protection as well as twenty-four (24) hour advanced notice of any changes in the composition of the material and further testing required by the DEP and the results of those tests, and any annual variations in site spreading or storage plans.

2. The Board shall not recommend approval of an application unless the applicant agrees in writing to notify the Canaan Code Enforcement Officer of delivery of any sludge or residual not generated by the Town of Canaan, to advise the Code Enforcement Officer of the proposed spreading timetable, and of who is to do the actual spreading. The person spreading the sludge or residual shall notify the Code Enforcement Officer as soon as possible prior to spreading, and in any event not later than three (3) days prior to spreading.

3. The Board shall not recommend approval of an application unless the applicant has provided the landowner and the Town with a written statement indicating that the applicant has agreed or will agree to indemnify the owner, abutters, or any other person whose land or water

supply is damaged by the spreading of sludge for any damages which may result from the spreading of sludge or residual.

4. The Board shall not recommend approval of an application unless the applicant agrees in writing to be financially responsible should the storage or spreading of its sludge prove hazardous to the health and safety of the residents, wildlife, soil, water, and/or air quality of the Town of Canaan.

5. It is required that an applicant who top dresses sludge on fields (as opposed to fields that are tilled or plowed under after spreading) shall post such fields with a sign saying "WARNING, SLUDGE SPREADING AREA, NO TRESPASSING" every 50 feet around the perimeter and shall erect a single strand wire fence where the field boundary is within a 300 foot radius of a dwelling. Such fences shall remain in place for a period of 30 days after each sludge application.

ARTICLE VI: Duration of Permit: Review Process

A. A permit issued under this Ordinance shall be valid for a period of five (5) years from the date of issuance and shall be subject to annual review by the Board and the Selectmen.

B. At least fourteen (14) days prior to annual review, but not more than thirty (30) days prior thereto, the Board shall notify the applicant of the review.

C. As part of the annual review, the applicant shall submit the following information to the Board in writing:

1. The names of the applicant and the landowner and the date of the original permit.
2. A narrative describing the following:
 - a. the quantity of sludge and/or residual waste supplied the previous year and the number of acres utilized;
 - b. any problems incurred the previous year;
 - c. any proposed changes in the upcoming year (NOTE: new acreage requires a new application);
 - d. any physical or chemical changes in the sludge or residual waste;
 - e. a sludge or residual waste analysis as required in the initial application;

- f. a soil PH for each land acre to which the sludge or residual waste was applied;
- g. the results of the quarterly water analysis required under Article V.B. 1.b of this Ordinance;
- h. such other analysis as the Department of Environmental Protection, Board or Selectmen required in the initial approval.

D. The applicant shall submit a non-refundable annual renewal fee of Five Thousand Dollars (\$5,000.00).

E. If the Board determines that the conditions of the permit were met for the previous year, the Board shall recommend that the permit continue in effect until the next annual review. The Selectmen may, in its discretion, modify or revoke the permit if actions by the applicant or the operator were in violation of this Ordinance or if the Board finds that continuation of the permit unreasonably threatens human or animal health and safety.

F. Any person applying or storing sludge or residual waste within the municipal boundaries at the time of enactment of this Ordinance pursuant to a license issued by the Department of Environmental Protection may continue to do so for sixty (60) days from the enactment of this Ordinance. By the sixty-first day following enactment of this ordinance, any such person shall submit an application to the Board as required by this Ordinance prior to continuance of the application or storage activity.

ARTICLE VII: Canaan Groundwater Sludge/Septage Testing Program

A. There is hereby created the Town of Canaan Groundwater and Sludge/Septage Testing Program. The program shall be administered by the Code Enforcement Officer for the Town of Canaan.

The testing program shall be funded as follows:

1. Each applicant shall pay the sum of Five Thousand Dollars (\$5,000.00) in the first year as part of its application fee which shall be non-refundable, and which shall be used to fund the testing program as per Art. IV.A.3. Additionally in the first year of the testing program the Code Enforcement Officer may utilize up to Ten Thousand Dollars (\$10,000.00) of the fee set forth in Art. IV.A.4. to pay for the program.

2. Each year thereafter, each applicant shall pay the sum of Five Thousand Dollars (\$5,000.00)

as its renewal fee (Article VI. D.) and such fee shall be used to fund the testing program.

B. PURPOSE:

The Town of Canaan has determined that the regulations of the DEP for septage and sludge are generally unenforced in the Town of Canaan because of State manpower shortages and financial shortcomings. The purpose of the Canaan Testing Program is to remedy this situation and put in place a long term testing program that is self-funding. The testing program will provide for hydrogeologic mapping of the Town and for the monitoring and testing of all sludge, septage, their sites and adjoining groundwater, aquifers and wells, as elsewhere provided in this Ordinance, and thereby scientific data shall be generated.

The Code Enforcement Officer is authorized to enter into agreements and joint ventures with colleges and universities to conduct the testing required by this Ordinance and to employ college laboratories and facilities to do same.

The Code Enforcement Officer is authorized to hire, within his budgetary constraints, one or more assistants, which may be college or graduate students, to gather the data and conduct the tests required by this Ordinance, including , without limitation in, the tests required by Art.III. 4, Art. IV. B.4, Art. IV. B.5., Art. IV.B.6., Art.IV.B.8., Art. V.B. 1., Art. V.3.2 and Art. VI.C.2.

The Code Enforcement Officer is specifically empowered to do such things and take such acts as will assist and promote the generation of scientific data and understanding concerning the groundwater of the Town of Canaan, its flow, its purity, any pollution of same, and the environmental impact of the spreading of sludge and septage in the Town. All tests required of applicants and owners in this ordinance may be conducted as part of this testing program at the request of the applicant /owner and with the approval and consent of the Code Enforcement Officer, as the expense of the applicant /owner.

There shall be created the Testing Program Committee consisting of three members to be appointed by the Selectman for staggered 2-year terms which shall assist the Board and the Code Enforcement officer in the implementation, conduct, and monitoring of the testing program and with whom the COE shall consult concerning the operation of the program. This committee shall have the authority to propose for enactment to the selectmen or the Town, from time to time, such changes in the testing program and this ordinance as it deems appropriate for approval by either the selectmen or the town. The committee shall report directly to the selectmen.

C. RECORDKEEPING:

It shall be a requirement for any applicant, owner or person participating in spreading sludge or septage in the Town of Canaan to file with the Town Clerk copies of all documents generated for the State of Maine, Department of Environmental Protection, and all test results and other data generated by the Canaan Testing Program and this Ordinance so that the same may be available during normal town office business hours to all residents of the Town of Canaan.

ARTICLE VIII: Modification of Conditions and Revocation of Permit

If at any time, as a result of any testing required by the Department of Environmental Protection, this Ordinance, or the Board, elements or compounds are found in quantities which may threaten environmental safety or human or animal health, the Board may require additional testing at the applicant's expense and may modify the conditions applicable to any permit. If the Board as a result of any required testing or risk assessment determines that continued storage or spreading of sludge or residuals not generated by the Town of Canaan unreasonable threatens environmental safety or human or animal health, then it may recommend to the Selectmen such appropriate action as it deems necessary, including limitation, modification, suspension or revocation of any permit.

ARTICLE IX: Enforcement and Penalty

A. The Canaan Code Enforcement Officer shall have the right to enter all land application and storage sites at all reasonable hours for the purpose of inspecting the site for compliance with this Ordinance.

B. If the Code Enforcement Officer finds violations of any permit conditions or of any obligations imposed by the Ordinance or Chapter 567 of the Department of Environmental Protection Regulations, the Code Enforcement Officer shall issue a written notice to the landowner, the Board, the applicant, the operator (if different from the landowner) and notify the Department of Environmental Protection. In such an event the Code Enforcement Officer may suspend the permit for 20 days, pending Board action.

C. The Board, upon finding the provisions of the Ordinance or conditions of approval are being or have been violated, may temporarily further suspend the permit for 30 days and the Selectmen may revoke the permit after notice and hearing. The Selectmen may take any other action it deems necessary, including prosecution of the code violation pursuant to Rule 80K of the Maine Rules of Civil Procedure.

D. The applicant and/or operator who violates the Ordinance or the conditions of approval as well as the owner who knowingly permits such violations to occur, shall be guilty of a civil violation

and shall be subject to a civil penalty of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00) for each offense. Each day such a violation is permitted to exist after notification shall constitute a separate offense.

ARTICLE X: Appeals

An aggrieved party may appeal any final action taken by the Selectmen to the Superior Court pursuant to Rule 80D of the Maine Rules of Civil Procedure.

ARTICLE XI: Validity, Severability and Conflict with Other Ordinances

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

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

ARTICLE XII: Amendments

This Ordinance may be amended by a vote of the Legislative Body of the Town of Canaan. Amendments may be initiated by a request of the Planning Board, the Selectmen, or by petitions bearing the signatures of registered Canaan voters equal to, or in excess of, ten percent (10%) of the votes cast in the last gubernatorial election in the Towns. The selectmen shall conduct a public hearing on any proposed amendment.

PART B

ARTICLE XIII: Additional Findings and Purpose:

The findings and purposes of Part A of this Ordinance are adopted herein by reference. The purpose of Part B of the Ordinance is to govern the storage and spreading of septage in the Town of Canaan. The Town finds that the regulations of the Department of Environmental Protection concerning septage management adopted by the DEP pursuant to 38 M.R.S.A. Sections 1304 and 343 are good and sufficient to protect the inhabitants of the Town of Canaan but that their enforcement has been insufficient due to inadequate State funding and staffing. It is the purpose of Part B of this Ordinance to insure that there is a sufficient funding for the enforcement of these regulations and for the staffing of the Canaan Code Enforcement Officer's position to carry out the septage management rules of DEP.

ARTICLE XIV: DEP Regulations

The Town of Canaan expressly adopts the septage management rules of the Maine Department of Environmental Protection and no person shall be permitted to store, spread or manage septage in the Town of Canaan unless approval has been first obtained from the Board, the Selectmen, and the Maine Department of Environmental Protection and thereafter complies with these regulations in all respects.

ARTICLE XV: Application Procedure

A. Procedure:

1. The application procedure set forth in Article IV, A shall apply to septage applicants, provided that the application of each septage applicant shall be accompanied by a non-refundable fee of Five Thousand Dollars (\$5,000.00) payable to the Town of Canaan, Maine, with a note indicating the specific purpose of the fee and the Board shall require the septage applicant to deposit the sum of Three Thousand Dollars (\$3,000.00) in an interest bearing account in the name of the Town. The purpose of this account shall be to allow the Town to hire a professional consultant to review the application for compliance with this Ordinance and to hire an assistant or assistants for the Code Enforcement Officer of the Town of Canaan, as may be determined necessary by the Code Enforcement Officer in consultation with the Board. This account shall also be used to pay for the Canaan Testing Program in an amount not to exceed Five Thousand Dollars (\$5,000.00) in every year. This account shall be used to conduct such additional studies as may be required to assure that the public health, safety and natural environment not be adversely impacted by the proposed septage storage, management or spreading. Funds shall be withdrawn from this account by the Code Enforcement Officer for the Town of Canaan, or by the Treasurer of the Town at the direction of the Selectmen.

2. The provisions of Part A, Article III subsections 5, 6, 7, 8, 9, 10, and 11 are adopted herein by reference.

B. Submissions

1. An application to spread, store or manage septage shall include the data, proposals, testing mechanisms, and other things as required by the Regulations of the Department of Environmental Protection attached to this Ordinance as Exhibit "A" and made a part hereof by reference. The applications and submissions shall be those set forth in those regulations.

2. A copy of the complete application for septage storage, management, or spreading prepared by the applicant for the Department of Environmental Protection.

3. A fee as required by Article XV, A. 1. of this Ordinance, and a deposit into an interest bearing account is provided in Article XV, A. 1. of this Ordinance.

ARTICLE XVI: Performance Standards

The performance standards of Part B of this regulation are those set forth in the regulations the Department of Environmental Protection for septage attached hereto as Exhibit "A".

ARTICLE XVII:

All of the provisions of Article VII of this Ordinance which create the Canaan Testing Program are incorporated into Part B of this Ordinance in full, provided, however, that the application fee required by Article VII. A.1., shall be that set forth in Article XV, A. 1., the deposit set forth in Article VII, A.4., shall be a deposit set forth in Article XV, A. 1., and the annual renewal fee set forth in Article VI, D., shall be for septage applicants in the sum of Five Thousand Dollars (\$5,000.00)

ARTICLE XVIII:

All of the provisions of Articles V C.3 and C.4, VIII, IX, X, XI, and XII of Part A of this Ordinance are incorporated herein by reference and made a part hereof.

ARTICLE XIX: Savings Clause

To the extent that any of the rules, regulations or requirements of Part B of this ordinance contradict or conflict with the rules and regulations of the Department of Environmental Protection which have been adopted by the Town expressly in Part B, Article XIV of these regulations, then, in that event, the State regulation shall control. Should any word, phrase, term, requirement or part of this entire regulation, Parts A&B, be determined to be void or unenforceable at law, then, nevertheless, the entire remainder of this regulation shall remain in full force and effect.

**Municipal Officer's Certification of Official Text for the
Town of Canaan, Maine Ordinance Titled
"Residential Wind Energy Ordinance"**

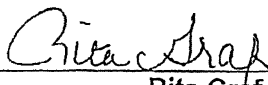
To the Town Clerk of the Town of Canaan:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of an ordinance prepared by the Canaan Planning Board entitled, "Residential Wind Energy Ordinance" to be presented to the voters for their consideration on March 16, 2013.

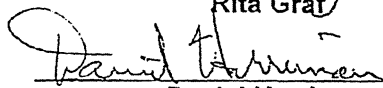
Pursuant to 30-A M.R.S.A. §3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Dated: February 19 2013.

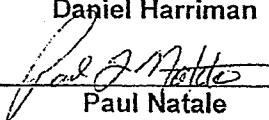
Town Selectmen of Canaan, Maine



Rita Graf



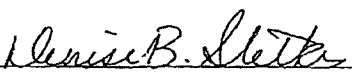
Daniel Harriman



Paul Natale

Attestation

Attest: A true copy of a final draft of a proposed ordinance entitled "Residential Wind Energy Ordinance", as provided to me by the municipal officers of Canaan on the 19th day of February, 2013.

Signature 
Town Clerk of Canaan

Town of Canaan, Maine, Residential Wind Energy Ordinance

1. **Title.** This ordinance shall be known as the Town of Canaan, Maine, Residential Wind Energy Ordinance.
2. **Purpose.** The purpose of this Ordinance is to protect the health, safety and general welfare of the residents and property owners of Canaan by establishing reasonable and uniform regulations for Residential Wind Energy .
3. **Applicability.** This section applies to all wind turbines that:
 - a) power produced is primarily for Residential use on site.
 - b) are shorter than 150 feet above surface grade (measured with a blade at its highest arc)
 - c) have a manufacturer's nameplate capacity of less than 100kw
4. **Exemption.** Farmland within the town of Canaan will be exempt defined as "Farmland" means any tract or tracts of land, including farm woodland and wasteland, of at least 5 contiguous acres on which farming or agricultural activities have contributed to a gross annual farming income of at least \$2,000 per year from the sales value of agricultural products as defined herein, in one of the 2, or 3 of the 5, calendar years. The farm operation or agricultural activity and income derived from that activity may be achieved by either the owner or a lessee of the "farmland".
5. **Authority.** This Ordinance is adopted pursuant to the enabling provisions of Article VIII, part 2, Section 1 of the Maine Constitution; the provisions of 30-A M.R.S.A Section 3001(Home Rule), and the provisions of the Planning and Land Use Regulation Act 30-A M.R.S.A Section 4312, *et seq.*
6. **Conflicts with Other Ordinances, Laws and Regulations.** If there is a conflict between provisions in this Ordinance or between a provision in this Ordinance and a provision of any other ordinance, regulation, or statute from any jurisdiction, the more restrictive provisions shall apply.
7. **Validity and Severability.** Should any section or provision of this Ordinance be declared by the courts to be invalid, such a decision shall not invalidate any other section or provision of the Ordinance.
8. **Amendments.** Amendments to this Ordinance may be initiated by a majority vote by the Board of Selectman, Planning Board, or by written petition by a number of voters equal to at least 10% of the number of votes cast in the municipality in the last gubernatorial election. This Ordinance may be amended by a majority vote of the legally constituted municipal governing body at a regular or special town meeting or by referendum ballot.
9. **Effective date.** This Ordinance shall become effective on the date of its passage.
10. **Specific Requirements.**
 - a) Wind turbines shall be set back from the property line a distance that is at least 150% of the height of the structure, measured vertically from the tip of the blade at its highest arc to

the surface of the ground at the base of the structure.

b) The minimum distance between the ground and any turbine blade (measured at its lowest arc) shall be 25 feet.

c) Wind turbines shall be sited so that no obtrusive shadow flicker occurs off the applicant's property. Shadow flicker is defined as alternating changes in light intensity caused by the motion of turbine blades casting shadows.

d) Wind Turbines shall be a non-obtrusive color such as white or grey

e) Wind Turbines shall not display any signs or advertising other than the manufacturer's nameplate.

f) Wind turbines shall not be artificially lit, except if required by state or federal law.

g) Wind turbines shall comply with all state and federal requirements.

h) All abutting property owners shall be notified by the applicant of his/her intent to submit an application for wind turbine installation.

11. Application Procedures

a) Applicant will complete and return "Town of Canaan Residential Wind Energy Application" to the Canaan Planning Board for approval.

b) 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.

c) The applicant shall have the burden of proving that the proposed project is in conformity with the purposes and provisions of this Ordinance.

12. Procedure for Administering Permits

Within thirty five (35) days of the date of receiving a written application, the Planning Board or Code Enforcement Officer 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 thirty five (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 thirty five (35) days after the first available date on the Planning Board's agenda following receipt of the completed application, or within thirty five (35) days of the public hearing if one is held. Permits shall be approved if the proposed project is found to be in conformance with the purposes and provisions of this Ordinance.

13. Violations and Enforcement

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal structures or work being done, or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

TOWN OF CANAAN

ENHANCED 911

ROAD NAMING AND NUMBERING ORDINANCE

(DRAFT - April 22, 1997,)

Section 1. TITLE

- 1.1 This Ordinance shall be cited as the "Town of Canaan, Enhanced 911, Road Naming and Numbering Ordinance".

Section 2. PURPOSE

- 2.1 This Ordinance is intended to promote the health, safety, and general welfare of the residents of the Town of Canaan.
- 2.2 The information generated by this Ordinance is intended to provide the easy and rapid location of properties for public safety. It is also intended to provide a well defined road name and numbering system to enhance record keeping for town affairs as well as specific locations for postal delivery and general business purposes.
- 2.3 This Ordinance shall establish an official **Town of Canaan, Road and Property Numbering Map**, that shall be used for the above stated purposes.
- 2.4 This Ordinance shall establish an **E-911 Database** that shall be used for E-911 data transfer. It shall include the following minimum information:
- A. Property numbers
 - B. Road name
 - C. Property owner name
 - D. Tax map and plot number or equivalent town identification number
 - E. Existing local mailing address (until postal delivery begins)
 - F. Tenant name (if any)

Section 3. AUTHORITY

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

Section 4. ADMINISTRATION

- 4.1 This Ordinance shall be administered by the Canaan Board of Selectmen/Assessors in conjunction with the Canaan Code Enforcement Officer.
- 4.2 The Canaan Board of Selectmen/Assessors shall assign road names and numbers to all properties, both on existing and proposed roads, in accordance with Sections 5 and 6 of this Ordinance.
- 4.3 The Canaan Board of Selectmen/Assessors shall be responsible for maintaining the following official records of this Ordinance:
 - A. A Town of Canaan, Road and Property Numbering Map showing road names and property numbers.
 - B. An alphabetical list of all property owners by last name, as identified by current assessment records, showing the assigned road and property numbers.
 - C. An alphabetical list of all roads with property owners listed in order of their assigned numbers.
 - D. The E-911 Database as stated in Section 2.4.

Section 5. ROAD NAMING SYSTEM

- 5.1 All roads that serve two or more properties shall be named, regardless of whether the ownership is public or private. A "road" refers to any highway, road, street, avenue, lane, private way, or similar paved, gravel, or dirt thoroughfare. A "Property" refers to any property on which a more or less permanent structure has been erected or could be placed. A road name, assigned by the Town of Canaan, shall not constitute or imply acceptance of the road as a town road or public way. The following criteria shall govern the road naming system:
 - A. No two roads shall be given the same name.
(e.g., Easy Street, Easy Avenue)
 - B. No two roads should have similar sounding names.
(e.g., May Street, Mae Street)
 - C. Each road shall have the same name throughout its entire length. Name changes may occur at a logical intersection, junction, or T in the road.

- D. Consideration with adjacent towns shall be noted for consistent road names between towns where possible.
- E. Road names (including thoroughfare type, such as Road, Street, etc.) shall not exceed forty-eight (48) characters and spaces.

Section 6. PROPERTY NUMBERING SYSTEM

- 6.1 Numbers shall be assigned to every fifty (50') feet along both sides of the road. *Even numbers shall appear on the left side of the road and odd numbers shall appear on the right side of the road, determined by where the numbers begin.* The following criteria shall govern the property number system:

- A. All number origins should begin from the center of Canaan or the end of the road closest to the center of town. Number origins may originate in an adjacent town if the road is named the same in the adjacent town.
- B. Number origins for dead end roads shall begin at the intersection of the adjacent road and terminate at the dead end. Number origins for circular roads shall begin at the low numbered intersection.
- C. Duplexes shall receive two separate property numbers. Apartments or condominiums shall receive a primary property number with letters or numbers as secondary location indicators. Mobile home parks shall receive a road name and the individual homes shall receive a property number.
- D. The number assigned to each structure shall be that numbered interval, falling closest to the front door. If the front door cannot be seen from the road, the number shall be that numbered interval, falling closest to the driveway of said structure.
- E. Property numbers shall not exceed 5 numbers. There shall not be fractional or hyphenated property numbers.

Section 7. COMPLIANCE

- 7.1 When the official, **Town of Canaan, Road and Property Numbering Map** has been approved by the Board of Selectmen, owners of all structures shall display and maintain, in a conspicuous place on said structure, the assigned property number in the following manner:
- A. **STRUCTURE NUMBERS**— Where the structure is within approximately fifty feet from the edge of the named road, the assigned property number shall be displayed on the front of the structure, facing the road, in the vicinity of the front door or entry. Number size and color shall be clearly visible from the road.
 - B. **ROADSIDE NUMBERS**— Where an assigned property number on the structure cannot be clearly seen from the edge of the road, the assigned property number shall be displayed on a post, fence, wall, mailbox, or some structure, clearly visible from the named road, adjacent to the walk or access drive to the residence. Number size and color shall be clearly visible from the road.
 - C. All owners of structures shall remove any different number, which may be mistaken for, or confused with, the number assigned in accordance with the **Town of Canaan, Road and Property Numbering Map**.
 - D. **INTERIOR NUMBERS**— All residents and occupants are encouraged to post the assigned address next to the telephone for emergency reference.

Section 8. NEW CONSTRUCTION AND DEVELOPMENT

- 8.1 All new construction and developments shall be named and numbered in accordance with the provisions of this Ordinance as follows:
- A. **NEW DEVELOPMENTS**— Whenever any residence or other structure is constructed, it shall be the duty of the new owner to procure an assigned number in accordance with the **Town of Canaan, Road and Property Numbering Map**.

- B. **NEW SUBDIVISIONS AND MOBILE HOME PARKS**— Any prospective developer shall submit to the Planning Board at the time of application, proposed road names and proposed lot numbers, following the criteria outlined in this Ordinance. The preliminary and final plans shall show current road names servicing the development. The plans shall also show proposed roads with increments of fifty (50') feet marked on the plans so as to aid in assignment of numbers to structures subsequently constructed.
- C. On all new structures, numbering shall be installed prior to the structure being first used or occupied, whichever comes first.

Section 9. EFFECTIVE DATE

- 9.1 This Ordinance shall become effective when adopted by a majority of voters at a special or regular Town Meeting.
- 9.2 It shall be the duty of each property owner to comply with this Ordinance.
- 9.3 Posting of assigned property numbers from the **Town of Canaan, Road and Property Numbering Map** on existing structures shall commence within ninety (90) days following notification by the Board of Selectmen/Assessors.

Section 10. MAP POSTING

- 10.1 A copy of the **Town of Canaan, Road and Property Numbering Map** shall be kept at the Town Office for public viewing. A copy shall also be kept at the Canaan Fire and Rescue Headquarters.

Section 11. SEVERABILITY

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



5 Paula Robinson

Louis Townsend



SOMERSET COUNTY SHERIFF'S OFFICE

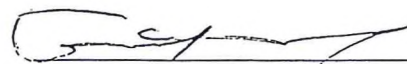
DALE P. LANCASTER, SHERIFF

James F. Ross, Chief Deputy

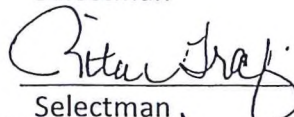
Memorandum of Understanding
between the
Somerset County Sheriff's Office
and the
Town of Canaan
regarding the
Enforcement of the Town of Canaan's
Sex Offender Ordinance

This Memorandum of Understanding (hereinafter referred to as the MOU) is made on this day, March 27, 2017 and shall remain in effect through March 27, 2022 unless mutually agreed to by the Somerset County Sheriff's Office and the Town of Canaan.


The Somerset County Sheriff's Office agrees to enforce violations of the Town of Canaan's Sex Offender Ordinance (Appendix 1) as adopted by the Town of Canaan on March 27, 2017, considered to be criminal violations as described in Maine Revised Statute Title 17-A. The Town of Canaan authorizes (Maine Revised Statute Title 30A §3009-A) the Somerset County Sheriff's Office to enforce violations of the ordinance that fall under the Maine Revised Statute 17-A. Enforcing violations of the Town of Canaan's Sex Offender Ordinance considered to be civil in nature (e.g. civil fines and fees) will be the responsibility of the Town of Canaan's Board of Selectmen.



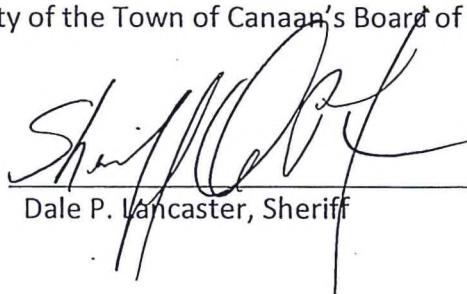
Selectman



Selectman



Selectman



Dale P. Lancaster, Sheriff



SOMERSET COUNTY SHERIFF'S OFFICE

DALE P. LANCASTER, SHERIFF

James F. Ross, Chief Deputy

Appendix 1

Town of Canaan, Maine

Residency Restrictions for Sex Offenders.

Section 1: Authority

This ordinance is enacted pursuant to Title 30-A M.R.S.A, section 3014. This ordinance is intended to be coextensive with the maximum residency restrictions permitted by Title 30-A M.R.S.A, section 3014.

The Planning Board with the assistance of the Somerset County Sheriff's Office shall prepare, maintain and file with the Town Clerk an official map showing prohibited locations as defined by this ordinance. The Planning Board will update the map at least annually to reflect any changes in the locations of any Restricted Property and Setbacks and file the updated map with the Town Clerk.

Section 2: Definitions

- A. Setback - A 750 foot radius surrounding the "Restricted Property."
- B. Designated Sex Offender (s) - Person(s) convicted of Class A, B or C sex offenses committed against persons who had not attained 14 years of age at the time of the offense
- C. Property Owner – Property owner means the person owning real estate affected by this ordinance as shown by the current tax maps on file in the office of the Town Assessor or the records at the Somerset County Registry of Deeds.
- D. Residence – The temporary or permanent occupation or use of a place, including but not limited to a domicile, for the purpose of living, residing or dwelling.
- E. Restricted Property – The real property comprising a public or private elementary, middle or secondary school. The real property comprising a municipally owned property where children are the primary users. See Section 6 Restricted Property.

Section 3: Restrictions

- A. No Designated Sex Offender shall reside within a 750 foot Setback of any Restricted Property.
- B. No Property Owner may lease, rent or allow residential use of real property by a Designated Sex Offender within the 750 foot Setback from any Restricted Property.



SOMERSET COUNTY SHERIFF'S OFFICE

DALE P. LANCASTER, SHERIFF

James F. Ross, Chief Deputy

Section 4: Exceptions

- A. A Designated Sex Offender maintaining a residence within the Setback from Restricted Property is not in violation if the residence was established and consistently maintained as a residence prior to the date of passage of this ordinance. A Designated Sex Offender is not in violation of this ordinance if the Restricted Property is created, moved or enlarged which results in a Designated Sex Offender residing in a Setback as long as the residence was in place and consistently maintained prior thereto.
- B. A Property Owner leasing or renting a residence for use by a Designated Sex Offender within the Setback of a Restricted Property is not in violation if the residence was established and consistently maintained as a residence prior to the date of passage of this ordinance. A Property Owner is not in violation of this ordinance if the Restricted Property is created, moved or enlarged which results in a Designated Sex Offender residing in the Setback as long as the residency was in place prior to the creation, movement or enlargement and the residency has been consistently maintained.

Section 5: Violation; injunctive relief and penalties

Ordinance Authority

30-A §3009-A. Enforcement of municipal ordinances

A municipality lacking an organized police department may contract with the State Police, pursuant to Title 25, section 1502, or a sheriff's department for law enforcement services, including, but not limited to, enforcement of ordinances enacted by the municipality. State police officers and deputy sheriffs are authorized to enforce municipal ordinances as agreed to in the contract

- A. A Designated Sex Offender who, thirty (30) days after written notice from the Town of Canaan, is in violation of Section 3, subsection A of this Ordinance shall be subject to an action brought by the Somerset Sheriff's Office and the Town of Canaan to enforce the requirements of this ordinance. The Town of Canaan may seek injunctive relief to require compliance with the provisions of this ordinance.

The Town of Canaan may also seek a penalty in the minimum amount of \$500.00 per day, for each day of violation of Section 3 of this Ordinance after thirty (30) days. In the event the Town of Canaan is the prevailing party in any action under this Ordinance, it shall be entitled to an award of its reasonable attorney's fees, court costs and the costs of any expert witness fees incurred by the Town of Canaan.



SOMERSET COUNTY SHERIFF'S OFFICE

DALE P. LANCASTER, SHERIFF

James F. Ross, Chief Deputy

B. Property Owners who, thirty (30) days after written notice from the Town of Canaan lease or rent any residence to a Designated Sex Offender within the Setback from a Restricted Property shall be subject to an action brought by the Somerset Sheriff's Office and the Town of Canaan to enforce the requirements of this ordinance. The Town of Canaan may seek injunctive relief to require compliance with the provisions of this ordinance.

The Town of Canaan may also seek a penalty in the minimum amount of \$500.00 per day, for each day of violation of Section 3, subsection B of this Ordinance after thirty (30) days. In the event the Town of Canaan is the prevailing party in any action under this Ordinance, it shall be entitled to an award of its reasonable attorney's fees, court costs and the costs of any expert witness fees incurred by the Town of Canaan.

Section 6: Restricted Property

The following properties are designated as Restricted Properties because children are the primary users and is subject to change at the discretion of the Town Of Canaan Selectmen:

A. Schools

1. Canaan Elementary School MSAD 54
 - A. Including Sports Fields

B. Municipally Owned Property

- Where Children are the primary users

A TRUE COPY ATTEST

DATE 3/7/2017

Kleavie B. Stettin
Town Clerk

Shoreland Zoning Ordinance for the Municipality of Canaan, Maine



Adopted March 17, 2012 Town Meeting

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Shoreland Zoning Ordinance for the Municipality of Canaan, Maine

1 **1. Purposes.** The purposes of this Ordinance are to further the maintenance of safe and healthful
2 conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life,
3 bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated
4 erosion; to protect archaeological and historic resources; to protect freshwater wetlands; to control
5 building sites, placement of structures and land uses; to conserve shore cover, and visual as well
6 as actual points of access to inland waters; to conserve natural beauty and open space; and to
7 anticipate and respond to the impacts of development in shoreland areas.

8 **2. Authority.** This Ordinance has been prepared in accordance with the provisions of Title 38
9 Sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).

10 **3. Applicability.** This Ordinance applies to all land areas within 250 feet, horizontal distance, of the
11 • normal high-water line of any great pond or river, or
12 • with 250 feet horizontal distance of the upland edge of a freshwater wetland,

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

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

17 **4. Effective Date**

18 **A. Effective Date of Ordinance and Ordinance Amendments.** This Ordinance, which was
19 adopted by the municipal legislative body on March 17, 2011 shall not be effective unless
20 approved by the Commissioner of the Department of Environmental Protection. A certified
21 copy of the Ordinance Amendment, attested and signed by the Municipal Clerk, shall be
22 forwarded to the Commissioner for approval. If the Commissioner fails to act on this
23 Ordinance or Ordinance Amendment, within forty five (45) days of his/her receipt of the
24 Ordinance, or Ordinance Amendment, it shall be automatically approved. Upon approval of
25 this Ordinance, the original Shoreland Zoning Ordinance previously adopted on June 25, 1974
26 and November 5, 1991 is hereby repealed, as well as all amendments thereto.

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

Shoreland Zoning Ordinance for the Municipality of Canaan, Maine

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-B(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-B(5), the following provisions of this Ordinance are repealed:

- Section 14. Table of Land Uses, Item 3 (Forest management activities except for timber harvesting), Item 4 (Timber harvesting), and Item 27 (Land management roads);
- Section 15(O), Timber Harvesting, in its entirety; and
- Section 17. Definitions, The definitions of "forest management activities", "land management roads", "skid trail", "slash" 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. Amendments to this Ordinance may be initiated by a majority vote by the Board of Selectman, Planning Board, or by written petition by a number of voters equal to at least 10% of the number of votes cast in the municipality in the last gubernatorial election. This Ordinance may be amended by a majority vote of the legally constituted municipal governing body at a regular or special town meeting or by referendum ballot.

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.

Shoreland Zoning Ordinance for the Municipality of Canaan, Maine

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 which is a part of this Ordinance:

- (1) Resource Protection
- (2) Limited Residential
- (3) Limited Commercial
- (4) Stream Protection

The Official Shoreland Zoning Map for the Town of Canaan was adopted on November 5, 1991 by referendum ballot and revised on March 18, 1995 by Town Meeting is attached to this Ordinance.

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 center lines of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

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.

Shoreland Zoning Ordinance for the Municipality of Canaan, Maine

12. Non-conformance.

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

B. General

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

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

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 twenty five (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 non-conformity 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.

Shoreland Zoning Ordinance for the Municipality of Canaan, Maine

iii. For structures located less than seventy five (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 seventy five (75) foot distance is one thousand (1,000) square feet, and the maximum height of any portion of a structure that is within seventy five (75) feet, horizontal distance, of a water body, tributary stream or upland edge of a wetland is twenty (20) feet or the height of the existing structure, whichever is greater.

iv. For structures located less than one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond, the maximum combined total floor area for all portions of those structures within that one hundred (100) foot distance is fifteen hundred (1,500) square feet, and the maximum height of any portion of a structure that is within one hundred (100) feet, horizontal distance, of a great pond is twenty five (25) feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than seventy five (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, except for expansion in conformity with Section 12(C)(1)(a) above, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.

(2) Relocation. A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board or its designee, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules, 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.

Shoreland Zoning Ordinance for the Municipality of Canaan, Maine

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 fifty (50) percent 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 the normal high water line of a water body, tributary stream, or upland-edge of wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than fifty (50) percent 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 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

Shoreland Zoning Ordinance for the Municipality of Canaan, Maine

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 fifty (50) percent or less of the market value, or damaged or destroyed by fifty (50) percent 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 Planning Board or its designee within eighteen (18) months 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.

Shoreland Zoning Ordinance for the Municipality of Canaan, Maine

(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.

Shoreland Zoning Ordinance for the Municipality of Canaan, Maine

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 District need not be included within the Resource Protection District.

(1) Areas within two hundred fifty (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 December 31, 2008. 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 one hundred (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 twenty (20) percent 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.

(6) Wetland areas identified as locally significant by the Town of Canaan Planning Board.

Shoreland Zoning Ordinance for the Municipality of Canaan, Maine

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.

C. Limited Commercial District. The Limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

D. 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 SP - Stream Protection

LR - Limited Residential LC - Limited Commercial

TABLE 1. LAND USES IN THE SHORELAND ZONE

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

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

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

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

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

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

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

7 Except as provided in Section 15(H)(3).

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

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

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

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

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.

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

A. Minimum Lot Standards

(1)	Min. Lot Area (sq. ft.)	Min. Shore Frontage (ft.)	Min. Setback from side & rear lines
(a) Residential per dwelling unit Within all Shoreland Zones of Great Ponds & Rivers flowing into Great Ponds Within the Shoreland Zones Of all other water bodies, Tributary streams, and the Upland edge of wetlands	40,000	200	15
(b) Governmental, Institutional, Commercial or Industrial per principal structure Within the Shoreland Zone	60,000	300	15

(c) Public and Private Recreational Facilities 40,000 200 15

(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. Clustered housing within the shoreland zone may be permitted provided that the overall dimensional requirements, including frontage and lot area per dwelling unit and principal structure are met. When determining whether dimensional requirements are met, only land area within the shoreland zone shall be considered.

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B. Dimensional Requirements for 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 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. In the Resource Protection District the setback requirement shall be two hundred fifty (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.

The Planning Board may increase the required setback of a proposed structure, as condition to permit approval, if necessary to accomplish the purposes of this ordinance. Instances where a greater setback may be appropriate include, but not be limited to, areas of steep slope; shallow or erodible soils; or where an adequate vegetative buffer does not exist.

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) 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 planning board or its designee 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.

- (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.

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- (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 one hundred (100) year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent floodplain 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.
- (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 twenty five (25) feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;
 - (c) The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
 - (d) The total height of the wall(s), in the aggregate, are no more than twenty four (24) inches;
 - (e) Retaining walls are located outside of the one hundred (100) year floodplain on rivers, streams, wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain 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 twenty five (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:

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- (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 fifteen (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.

(6) Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the planning board or its designee, 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 for non-commercial use, shall not be wider than six feet, nor longer than thirty five (35) feet, and shall have a minimum of a fifteen (15) feet side boundary setback.
- (5) No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending below 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.

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(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 below the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

(8) Structures built on, over or abutting a pier, wharf, dock or other structure extending below 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.

(9) Permanent structures projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38, M.R.S.A., Section 480-C.

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 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.

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- (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, 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 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:

- (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

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- (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 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 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 Planning Board may reduce 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.

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

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

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

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- (a) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road, or driveway at intervals no greater than indicated in the following table:

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

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

- (c) On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.

- (d) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

- (8) Ditches, culverts, bridges, dips, water turnouts and other 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.

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(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.

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.

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.

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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)(3) 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, 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 seventy five (75) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.
- (3) Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
 - (a) All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.
 - (b) The final graded slope shall be two and one half to one ($2\frac{1}{2}:1$) slope or flatter.
 - (c) Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
- (4) In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

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N. Agriculture

- (1) All spreading or disposal of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. Sections 4201-4209).
- (2) Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond or 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; within seventy five (75) feet, horizontal distance, from other water bodies; nor within twenty five (25) feet, horizontal distance, of tributary streams and wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.
- (5) Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond; within seventy five (75) feet, horizontal distance, of other water bodies; nor within twenty five (25) feet, horizontal distance, of tributary streams and wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan.

O. Timber Harvesting

- (1) In a Resource Protection District abutting a great pond, timber harvesting shall be limited to the following:
 - (a) Within the strip of land extending seventy five (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 seventy five (75) foot strip of land;

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(4) There is no cutting of trees less than six (6) inches in diameter; no more than thirty (30) percent of the trees six (6) inches or more in diameter, measured at four and one half (4½) feet above ground level, are cut in any ten (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 seventy five (75) foot strip referred to in Section 15(O)(1)(a) above, timber harvesting is permitted in accordance with paragraph two (2) below except that in no case shall the average residual basal area of trees over four and one half (4½) inches in diameter at four and one half (4½) feet above ground level be reduced to less than thirty (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 four and one half (4½) 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, 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, 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 forty (40) percent 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.

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(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 seventy five (75) feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards.

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

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(2) Except in areas as described in 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, 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 two hundred fifty (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, or stream flowing to a great pond, shall be defined as maintaining a rating score of twenty four (24) or more in each twenty five (25) foot by fifty (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 sixteen (16) per twenty five (25) foot by fifty (50) foot rectangular area.

The following shall govern in applying this point system:

- (i) The twenty five (25) foot by fifty (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 fifty (50) percent of the points on any twenty five (25) foot by fifty (50) foot rectangular area may consist of trees greater than twelve (12) inches in diameter.

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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 (4½) feet above ground level for each twenty five (25) foot by fifty (50) foot rectangle area. If five (5) saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until five (5) saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter, measured at four and one half (4½) 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 one third (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, 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 four and one half (4½) 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, twenty five (25) percent of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared.

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1 (4) Legally existing nonconforming cleared openings may be maintained, but shall not be
2 enlarged, except as allowed by this Ordinance.

3 (5) Fields and other cleared openings which have reverted to primarily shrubs, trees, or other
4 woody vegetation shall be regulated under the provisions of Section 15(P).

Q. Erosion and Sedimentation Control

6 (1) All activities which involve filling, grading, excavation or other similar activities which
7 result in unstabilized soil conditions and which require a permit shall also require a written
8 soil erosion and sedimentation control plan. The plan shall be submitted to the permitting
9 authority for approval and shall include, where applicable, provisions for:

10 (a) Mulching and revegetation of disturbed soil.

11 (b) Temporary runoff control features such as hay bales, silt fencing or diversion ditches.

12 (c) Permanent stabilization structures such as retaining walls or riprap.

13 (2) In order to create the least potential for erosion, development shall be designed to fit with
14 the topography and soils of the site. Areas of steep slopes where high cuts and fills may be
15 required shall be avoided wherever possible, and natural contours shall be followed as
16 closely as possible.

17 (3) Erosion and sedimentation control measures shall apply to all aspects of the proposed
18 project involving land disturbance, and shall be in operation during all stages of the activity.
19 The amount of exposed soil at every phase of construction shall be minimized to reduce the
20 potential for erosion.

21 (4) Any exposed ground area shall be temporarily or permanently stabilized within one (1)
22 week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or
23 other effective measures. In all cases permanent stabilization shall occur within nine (9)
24 months of the initial date of exposure. In addition:

25 (a) Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred
26 (500) square feet and shall be maintained until a catch of vegetation is established.

27 (b) Anchoring the mulch with netting, peg and twine or other suitable method may be
28 required to maintain the mulch cover.

29 (c) Additional measures shall be taken where necessary in order to avoid siltation into the
30 water. Such measures may include the use of staked hay bales and/or silt fences.

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(5) Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.

R. Soils.

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

S. Water Quality.

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

T. Archaeological Site.

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

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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 twenty five (25) percent longer than the culvert being replaced;
- (b) The replacement culvert is not longer than seventy five (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.

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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 thirty five (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 thirty five (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 thirty five (35) days after the first available date on the Planning Board's agenda following receipt of the completed application, or within thirty five (35) days of the public hearing, if one is held. Permits shall be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes 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;

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(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 (16D) 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 application demonstrates that all 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 twenty (20) percent; and

(b) Located outside the floodway of the one hundred (100) year floodplain along river 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 elevated at least one foot above the one hundred (100) year floodplain elevations; and the development is otherwise in compliance with any applicable municipal floodplain ordinance.

If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be half (½) the width of the one hundred (100) year floodplain.

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(4) The total ground-floor area, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of one thousand five hundred (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 (seventy-five) 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 regards to the floodplain, 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. Permit Fees.

All applications for permits issued by the Planning board or Code Enforcement Officer shall require the payment of the following fees prior to the issuance of the permit:

For any permit required under this ordinance: ***NONE***

For any delinquent permit, issued for use or activity which would have been permitted if the permit had been applied for prior to the commencement of the use or activity: One hundred dollars (\$100.00)

H. 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.

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I. 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;

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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.

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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.

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(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.

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J. 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 ensure 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.

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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 four and one half (4½) feet above ground level and inclusive of bark.

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

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

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

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

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

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 four and one half (4½) feet from ground level.

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

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

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

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

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

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

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

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

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

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

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

Shoreland Zoning Ordinance for the Municipality of Canaan, Maine

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, frost walls, or other base consisting of concrete, block, brick or similar material.

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

1. Of ten or more contiguous acres; or of less than ten (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 ten (10) acres; and
2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

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

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

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

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.

Shoreland Zoning Ordinance for the Municipality of Canaan, Maine

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

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

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

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

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

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

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

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

Shoreland Zoning Ordinance for the Municipality of Canaan, Maine

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

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

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

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

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

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

20 Native – indigenous to the local forests.

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

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

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

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

Shoreland Zoning Ordinance for the Municipality of Canaan, Maine

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 below 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.

Shoreland Zoning Ordinance for the Municipality of Canaan, Maine

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.

Shoreland Zoning Ordinance for the Municipality of Canaan, Maine

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

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

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

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

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

12 Stream - a free-flowing body of water from the outlet of a great pond or the confluence of two
13 (2) perennial streams as depicted on the most recent edition of a United States Geological Survey
14 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the
15 point where the body of water becomes a river or flows to another water body or wetland within
16 the shoreland area.

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

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

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

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

Shoreland Zoning Ordinance for the Municipality of Canaan, Maine

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

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

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

15 Upland edge of a wetland - the boundary between upland and wetland. For purposes of a
16 freshwater wetland, the upland edge is formed where the soils are not saturated for a duration
17 sufficient to support wetland vegetation; or where the soils support the growth of wetland
18 vegetation, but such vegetation is dominated by woody stems that are six (6) meters
19 (approximately twenty (20) foot) tall or taller.

20 Vegetation - all live trees, shrubs, and other plants including without limitation, trees both over
21 and under four (4) inches in diameter, measured at four and one half (4½) feet above ground
22 level.

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

25 Water body - any great pond, river or stream.

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

31 Wetland - a freshwater wetland.

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

Notice

May 10, 2012

The Town of Canaan received a letter dated May 10, 2012 from Deirdre Schneider, Shoreland Zoning Coordinator, Maine Department of Environmental Protection (Department Order #15-2012) approving the Town of Canaan's Shoreland Zoning Ordinance as adopted on March 17, 2012. The Shoreland Zoning Ordinance is in compliance with the Chapter 1000: Guidelines for Municipal Shoreland Zoning Ordinances (Guidelines).

November 30, 2012

The Town of Canaan received a letter from Dough Denico, Director Maine Forest Service, Maine Department of Agriculture, Conservation & Forestry dated November 30, 2012:

- Excerpt from Letter:

"...The Maine Forest Service will be responsible enforcement of the rules for timber harvesting and related activities in shoreland areas beginning on January 1, 2013. No action is required on the part of your municipality, except that on that date that your municipality may remove all references related to timber harvesting with the shoreland zone, including the timber harvesting standards, from your local ordinance in order to eliminate confusion. In its place a note may be added that directs people to the Maine Forest Service for information on timber harvesting and related activities in shoreland areas."

More information on statewide standards can be found on the Maine Forestry Service website at: maine.gov/doc/mfs/fpm/swstds/sws.html

Therefore the following provisions are repealed from Canaan's Shoreland Zoning Ordinance:

- Section 14. Table of Land Uses, Item 3 (Forest management activities except for timber harvesting), Item 4 (Timber harvesting), and Item 27 (Land management roads);
- Section 15(O), Timber Harvesting, in its entirety; and
- Section 17. Definitions, The definitions of "forest management activities", "land management roads", "skid trail", "slash" and "residual basal area".

Canaan's Maine Forest Service contact for assistance with statewide standards administration and enforcement is District Forester Patty Cornier (207) 592-2238.

SOLID WASTE REDUCTION ORDINANCE FOR THE TOWN OF CANAAN

Title

- 1.1 This Ordinance shall be cited as the "Solid Waste Reduction Ordinance for the Town of Canaan."

Purpose

- 2.1 This Ordinance is intended to reduce the amount of solid waste generated in the Town of Canaan. It is also intended to reduce the Town's cost of disposal of solid waste through a variety of methods including, but not limited to, grants, user fees, donations, and recycling revenues.
- 2.2 This Ordinance establishes Rules and provides for enforcement of these Rules in order for the Town to meet or exceed the recycling goals established by Maine's P.L. 1989 Ch. 585 "An Act to Promote Reduction, Recycling and Integrated Management of Solid Waste and Sound Environmental Regulation". These Rules are established to protect the health, safety and welfare of the citizens of Canaan and to protect the environment and natural resources of the Town.
- 2.3 A Solid Waste Reduction Board is created to administer this Ordinance and to develop ongoing strategies for the town to meet recycling goals.

Scope

- 3.1 This Ordinance applies to all residential, commercial, and industrial generators of solid waste in the Town of Canaan.

Authority

- 4.1 The Solid Waste Reduction Ordinance for the Town of Canaan is adopted pursuant to 30-A M.R.S.A. section 3001 et seq., and 38 M.R.S.A. section 1301 et seq..

Definitions

- 5.1 Board. "Board" means the Solid Waste Reduction Board for the Town of Canaan.
- 5.2 Generator. "Generator" means any entity that engages in the act or process of producing

solid waste.

- 5.3 Hazardous waste. "Hazardous waste" means a waste substance or material, in any physical state, designated as hazardous by the Board of Environmental Protection. It does not include waste resulting from normal household or agricultural activities. The fact that a hazardous waste or part or constituent may have value or other use or may be sold or exchanged does not exclude it from this definition.
- 5.4 Recyclable materials. "Recyclable materials" means those materials possessing physical and economic characteristics that allow them to be recycled.
- 5.5 Recycling. "Recycling" means to recover, separate, collect and reprocess waste materials for sale or reuse other than use as a fuel for the generation of heat, steam, or electricity or use as a landfill waste.
- 5.6 Solid waste. "Solid waste" means useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including by way of example, and not by limitation, rubbish, garbage, scrap materials, junk, refuse, inert fill material and landscape refuse, but shall not include septic tank sludge or agricultural wastes.
- 5.7 Special waste. "Special waste" means any nonhazardous waste generated by sources other than domestic and typical commercial establishments that exists in such an unusual quantity or in such a chemical or physical state, or any combination thereof, which may disrupt or impair effective waste management or threaten the public health, human safety, or the environment and requires special handling, transportation, and disposal procedures.
- 5.8 Any word not otherwise defined shall have its ordinary meaning. The definitions set forth in 38 M.R.S.A. section 1303-C also shall apply.

Solid Waste Reduction Board

- 6.1 The Board shall consist of the following: coordinator, two assistant coordinators, and two residents of the Town of Canaan appointed by the Board of Selectmen.
- 6.2 The Board shall have the authority to:
 - a. Develop an active solid waste reduction plan and program consistent with the goals established by the Waste Management Division of the State Planning Office.
 - b. Update the solid waste reduction plan on a yearly basis.
 - c. Execute the solid waste reduction plan within the budget guidelines.
 - d. Conduct one public hearing each year to solicit comments from the public concerning the solid waste reduction plan.

- e. Develop educational, training, and informational meetings and programs in order to promote community awareness and to maintain competent knowledge on the Board.
- f. Establish Rules for all municipal waste collection, transfer, reuse, recycling, and disposal systems. This shall include Rules for any temporary or permanent solid waste or recycling sites and facilities within the Town of Canaan including, but not limited to, hours of operation, fees, and inspection of materials. The Rules shall be reviewed and revised as required to satisfy the needs of Municipal, State and Federal laws and regulations. This section does not grant authority to the Board to regulate private haulers of solid waste and recyclable materials.
- g. Plan for and designate temporary drop-off site(s) and/or a permanent facility for the collection, storage, processing, and transfer of solid waste and/or recyclable materials.
- h. Create standards that pertain to the type of solid waste and recyclable materials to be accepted.
- I. Establish a user fee system such as, but not limited to, a "pay-per-bag" system.
- j. Adopt Rules and amend Rules pursuant to this Ordinance.
- k. To accept donations or pass-through funds that may be provided by businesses, associations, charitable groups, individuals, or other organizations and to spend those funds for the purposes for which they were provided.
- l. To accept donations of goods and services that may be provided by businesses, associations, charitable groups, individuals, or other organizations and to use the goods and services for the purposes for which they were provided.

6.3 The Board shall submit a report of its activities in writing or in person at least once per year to the Board of Selectmen, Planning Board, and the Comprehensive Planning Committee.

6.4 All residents and/or businesses in the Town of Canaan using a dumpster must keep the cover closed to ensure the dryness of the solid waste. Any person and/or business in violation will be issued a written warning the first time. A second offense will result in the person or business incurring a \$100.00 fine. A third offense will result in the person and/or business paying the tipping fee in the future.

Recycling Requirement

7.1 Recyclable materials shall be separated from the solid waste of all residential, commercial, and industrial generators in the Town of Canaan.

7.2 The Board shall designate by Rule those recyclable materials that are to be collected (based on market conditions) and the manner in which they are handled.

Administration and Enforcement

- 8.1 The Town of Canaan Board of Selectmen or their duly appointed agent shall enforce this Ordinance.
- 8.2 The Board of Selectmen shall appoint one coordinator and two assistant coordinators to manage the solid waste reduction program. The Selectmen shall establish the respective job responsibilities of these positions.
- 8.3 The Board may negotiate appointing, hiring, or contracting with an individual, partnership, or corporation to assist in the planning and management of solid waste and recyclable materials per approval of the Board of Selectmen.
- 8.4 The Board shall be responsible for negotiating and contracting with any person, corporation, agency, partnership, or other entity for the collection, processing, or disposal of solid waste and recyclable materials per approval of the Board of Selectmen. The Town of Canaan shall retain an option to provide some or all of the services necessary to manage its solid waste and recyclable materials.

Violations and Penalties

- 9.1 When a violation of any provision of this ordinance shall be found to exist, the Board of Selectmen or their duly appointed agent shall institute any and all actions and proceedings, either legal or equitable, that may be appropriate or necessary to enforce the provisions of this Ordinance.
- 9.2 Any person, firm, or corporation who violates any of the provisions of this Ordinance or any Rules adopted pursuant to this ordinance shall be subject to a minimum civil penalty of (\$100) and a maximum penalty of (\$2,500).
- 9.3 Any person, firm, or corporation who is responsible for a violation of this Ordinance or any Rules adopted pursuant to this Ordinance shall pay the Town's court costs and reasonable attorney's fees in the event that the Town takes court action to enforce this Ordinance.
- 9.4 Disposal of solid, hazardous, and special wastes and recyclable materials at locations, sites, or areas within the municipality which have not been designated as an acceptable facility or site is a violation of this Ordinance. The cost of clean-up and all costs associated with proper disposal shall be borne by, but not limited to, individuals, partnerships, corporations, and their agents responsible for the disposal.
- 9.5 Whenever the Board of Selectmen or their duly appointed agent finds any person, firm, partnership, or corporation to be in violation of this Ordinance and/or Rules adopted pursuant to this Ordinance, the following procedure shall apply:

- a. A written violation notice shall be delivered or mailed to the person (first notice).
- b. If the violation is found to exist five days following the first notice, then a second notice shall be delivered or mailed.
- c. If the violation is found to exist five days following the second notice, then the Board of Selectmen shall be authorized to pursue a civil penalty as stated in section 9.2.

Amendments

- 10.1 Amendments may be initiated by the Board of Selectmen, Solid Waste Reduction Board, or written petition by a number of voters equal to at least ten percent (10%) of the number of votes cast in the municipality in the last gubernatorial election.
- 10.2 This ordinance may be amended by a majority vote of the legally constituted municipal governing body at a regular or special Town meeting or by referendum ballot.

Severability, Conflict and Effective Date

- 11.1 If any provision of this Ordinance is found by a court of competent jurisdiction to be unenforceable, the remaining provisions shall continue in full force and effect.
- 11.2 If this ordinance conflicts with other town ordinances, then the strictest provisions shall apply.
- 11.3 Provisions of Federal and State laws and Rules adopted pursuant thereto shall govern if such provisions are more stringent than the provisions of this Ordinance.
- 11.4 This Ordinance shall become effective when adopted by a majority of the voters at regular or special Town meeting

11/22/96.

Town of Canaan Subdivision Ordinance

March 17, 2001

**Amended: March 17, 2001
March 17, 2007**

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APPENDIX A
TYPICAL “L” SHAPED TURN-AROUND DETAIL

APPENDIX B
ROAD CONSTRUCTION STANDARDS

Section 1 General

- A. Title:
This Ordinance shall be known as the Town of Canaan Subdivision Ordinance and will be referred to as "this Ordinance".
- B. Authority:
This Ordinance has been prepared in accordance with the provisions of Title 30 - A, M.R.S.A. Section 4403.
- C. Purpose:
The purposes of this Ordinance are :
- To provide for an expeditious and efficient process for the review of proposed subdivisions.
 - To clarify the approval criteria of the State Subdivision Law, found in Title 30 -A, M.R.S.A. Section 4404.
 - To preserve and enhance the rural character of the community.
 - To assure the safety, health, and welfare of the people of the Town of Canaan.
 - To protect the natural resources of the Town of Canaan.
 - To assure that a minimal level of services and facilities are available to the residents of new subdivisions and that lots in subdivisions are capable of supporting the proposed uses and structures.
 - To promote the development of an economically sound and stable community.
- D. Applicability:
The provisions of this Ordinance shall apply to all development considered to be a subdivision as defined by Title 30 -A, M.R.S.A Section 4401 and this Ordinance.
- E. Effective Date:
The effective date of this Ordinance shall be the date of the adoption by the Town of Canaan on:
March 17, 2001
- F. Conflicts with other Ordinances:
Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or any other ordinance, regulation or statute, the more restrictive provision shall control.
- G. Validity and 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.
- H. Availability:
A certified copy of this Ordinance shall be filed with the Town Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost to be charged to the person making the request. Notice of availability of this Ordinance shall be posted in the Town Office.
- I. Application Forms:
The Town of Canaan Planning Board shall develop application forms to be used by all applicants seeking subdivision approval.

J. Application Fee:
All applications for subdivision approval shall be accompanied by the following non-refundable fee made payable to the Town of Canaan:
- The fee for filing a preliminary plan shall be \$100.00 plus \$75.00 per lot and/or unit.
(The fee for a minor subdivision that is permitted to file a final plan shall be the same as a preliminary plan)

K. Amendments:
Amendments to this Ordinance may be initiated by a majority vote by the Board of Selectmen, Planning Board, or by written petition by a number of voters equal to at least 10% of the number of votes cast in the municipality in the last gubernatorial election.
This Ordinance may be amended by a majority vote of the legally constituted municipal governing body at a regular or special town meeting or by referendum ballot.

Section 2 Definitions

Abutter: The owner of any property with one or more common boundaries, or across the road or stream, from the property involved in an application.

Aggrieved Party: An owner of land whose property is directly or indirectly affected by the granting of, denial of a permit under this Ordinance; a person whose land abuts land for which a permit 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 a permit.

Applicant: The person applying for subdivision approval under this Ordinance.

Complete Application: An application shall be considered complete upon submission of the required fee and all the information required by this Ordinance, or by a vote to waive certain submission or performance standards by a vote of the Planning Board.

Direct Watershed of a Pond: That portion of the watershed which drains directly to the pond without first passing through an upstream pond or river.

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

Minor Subdivision: A minor subdivision shall be considered a subdivision proposal consisting of no more than 4 lots and/or units and which do not involve the construction of any private or public roads.

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

Preliminary Plan: The preliminary drawings and other required materials indicating the proposed layout of the subdivision to be submitted to the Planning Board for consideration.

Property Owner: The owner of land shall be determined to be that person listed on the Town of Canaan property tax assessment records.

Public Improvements: The term shall include all roads; fire protection structures and ponds; any structure or land proposed to be dedicated to the Town; any land or structure which is offered as an easement to the Town; and, all storm drainage structures which are designed to allow water to flow outside the property of the subdivision.

Sketch Plan: Conceptual maps, renderings and supportive data describing the project proposed by the applicant for initial review prior to submitting an application for subdivision approval.

Subdivision: As defined in Title 30 - A, M.R.S.A. Section 4401 and in addition, lots greater than 40 acres shall be deemed to be a lot and subject to the provisions of this Ordinance.

Wetland: A swamp, marsh ,bog or similar areas which are inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils. This is also meant to include forested wetlands.

Section 3 Review Criteria

The Planning Board shall consider the following criteria and before granting approval must determine that:

- A. The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:
 - The elevation of the land above sea level and its relation to the floodplain,
 - The nature of the soils and subsoils and their ability to adequately support waste disposal,
 - The slope of the land and its effect upon effluents, and,
 - The applicable state and local health and water resources rules and regulations.
- B. The proposed subdivision has sufficient water available for the reasonable needs of the subdivision.
- C. The proposed subdivision will not cause an unreasonable burden on an existing municipal or private water supply, if one is to be used.
- D. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
- E. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
- F. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are used.
- G. The proposed subdivision will not cause an unreasonable burden on the town's ability to dispose of solid waste, if Town services are used.
- H. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, archeological sites, significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife or the Town, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

- 1 I. The proposed subdivision conforms with the all the applicable standards and requirements of this
2 Ordinance, the comprehensive plan, and other local ordinances. In making this determination, the planning
3 Board may interpret these ordinances and plans.
- 4 J. The subdivider has adequate financial and technical capacity to meet all the Review Criteria and the
5 standards and requirements contained in this Ordinance.
- 6 K. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any
7 wetland, great pond or river ads defined in Title 38, Chapter 3, Subchapter 1, Article 2-B, the proposed
8 subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of
9 that body of water.
- 10 L. The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the
11 quality or quantity of ground water.
- 12 M. Based on Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood
13 Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone
14 area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood
15 elevation and flood hazard boundary within the subdivision. The proposed subdivision plan must include a
16 condition of plan approval requiring that principal structures in the subdivision will be constructed with the
17 lowest floor, including the basement, at least one foot above the 100-year flood elevation.
- 18 N. All fresh water wetlands within the proposed subdivision have been identified on any maps submitted as part of
19 the application, regardless of the size of these wetlands. All wetlands shall be preserved to the greatest extent
20 practicable.
- 21 O. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps
22 submitted as part of the application. All rivers ,streams or brooks shall be protected from any adverse
23 development impacts.
- 24 P. The proposed subdivision will provide for adequate storm water management.
- 25 Q. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or wetland as
26 these features are defined in Title 38, Section 480-B, none of the lots created within the subdivision shall have
27 a lot depth to shore frontage ratio greater than 5 to 1.
- 28 R. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's
29 phosphorus concentration during the construction phase and life of the proposed subdivision.

Section 4 Administration and General Procedures

A. Administration:

1. The Planning Board shall administer this Ordinance and review all subdivision applications according to the applicable review criteria and standards.
2. The Planning Board shall provide the Code Enforcement Officer and the Selectmen a copy of its decision on a subdivision application including all application materials.

B. Decisions:

1. The Planning Board shall determine if the subdivision application is complete before it schedules a public hearing or meeting and begins a review of the application.
2. After review of a complete application the Planning Board shall determine whether or not the application meets the Review Criteria contained in Section 3 of this Ordinance. The Planning Board shall make a written finding of fact to support its decision and vote to approve the application, deny the application, or approve the application with conditions.
3. If in its findings, the Planning Board determines that the application may not meet the review criteria, and that additional actions by the applicant will be sufficient to meet them, it may require such actions, as conditions of approval. The conditions may set forth requirements in addition to those set forth in the Ordinance only when the Planning Board finds it necessary to further the purposes of this Ordinance. All conditions approved by the Planning Board shall be listed along with the reasons for these conditions in the Planning Board's decision and on the final subdivision plan.
4. The Planning Board shall list any waivers approved by the Board on its decision form, and, on the final subdivision plan, and the reasons for such approval.

C. Burden of Proof:

1. The applicant shall have the burden of proof to show the proposed subdivision application meets the applicable review criteria and standards contained in this Ordinance.

D. Additional Studies:

1. The Planning Board may require the applicant, to perform additional studies or hire a consultant to review the entire, or portions of the subdivision application. The cost to perform additional studies or hire a consultant shall be borne by the applicant. The Planning Board may require the applicant to deposit with the Town the estimated cost of any consultant or additional study which shall be placed in an escrow account. The Town shall pay for the services rendered and reimburse the applicant, if funds remain after payments are completed. The applicant shall place additional funds into the escrow account in order to meet expenses.

E. Rights Not Vested:

1. The submittal of a sketch plan or a preliminary plan to the Planning Board to review for a complete application shall not be considered the initiation of the review process for the purposes of bringing the application under the protection of Title 1, M.R.S.A., Section 302. The formal review process shall begin upon written notification to the applicant that a complete application has been received.

- 1 F. Site Inspection:
- 2 1. The Planning Board may vote to schedule an on-site inspection of the proposed project. The
- 3 Planning Board shall schedule the date and time of the site inspection at the sketch plan meeting or
- 4 at another time. The Planning Board shall post the date, time and place of the site inspection at the
- 5 Town Office.
- 6 2. The purpose of the site inspection is for the Planning Board to obtain knowledge about the site and
- 7 surrounding area. The Planning Board shall not discuss the merits of the application or render any
- 8 decision concerning the application during the site inspection. On-site inspection may be postpone
- 9 when ground is snow covered.
- 10 G. Waivers:
- 11 1. The Planning Board may vote to waive any of the review criteria and/or ordinance performance
- 12 standards when it finds one of the following:
- 13 a. One or more of the review criteria and /or ordinance performance standards are not
- 14 applicable to the proposal due to the size of the project, circumstances of the site, design
- 15 of the project, or unique features of the proposal.
- 16 b. The applicant has proposed an alternative design that meets or exceeds the requirements
- 17 set forth in the performance standards.
- 18 2. The applicant shall submit information and materials that support the waiver request with the
- 19 application.
- 20 3. The Planning Board may only consider a waiver request when the applicant has submitted a
- 21 written waiver request in the application. The first item of the application review shall be a
- 22 consideration of any waiver request. The Planning Board shall review the request and if it meets
- 23 the criteria for a waiver, shall approve the request . If the Planning Board finds that the request
- 24 does not meet the waiver criteria, the Board shall deny the request. The applicant shall amend the
- 25 application as required if the waiver is not approved by the Board. The Planning Board may vote
- 26 to suspend review of the application until such time that the applicant provides any information
- 27 necessary as a result of not obtaining the waiver. In no case shall the Planning Board make a final
- 28 decision upon the application until the applicant supplies any additional information to the
- 29 satisfaction of the Board.
- 30
- 31 H. Subdivision Review Process:
- 32 1. All subdivision applicants shall be required to follow a three tier review process as follows:
- 33 - Sketch Plan Review
- 34 - Preliminary Plan Review
- 35 - Final Plan Review
- 36 The Planning Board may vote to allow Minor Subdivisions to submit a final plan for review
- 37 directly after the Sketch Plan Review meeting. The Planning Board shall make this decision after
- 38 reviewing the sketch plan proposal.
- 39 I. Revisions to Approved Plans
- 40 1. An application for a revision to a previously approved plan shall be submitted to the Planning
- 41 Board at least 14 days prior to a scheduled meeting of the Planning Board. If the revision involves
- 42 a modification to a condition imposed by the Planning Board; the addition of additional units; the
- 43 addition of new lots; or an expansion of the subdivision, then the procedure for a new application
- 44 shall be followed. If the revision only involves minor modifications to the plan, the Planning Board
- 45 may consider the revision request at the meeting. The Planning Board may vote to hold a public
- 46 hearing on the proposed revision.

2. The Planning Board's scope of review shall be limited to those portions of the plan which are proposed to be revised or that are adversely impacted by the proposed revision.
 3. The applicant shall submit a copy of the approved plans and 5 (five) copies of the revised portions of the plans. The application shall include enough supporting data to allow the Planning Board to make a decision that the proposed revision meets the review criteria. One set of 11" x 17" consisting of the approved plans and revised portions of the plans for photocopying by the Planning Board for public distribution.
 4. The Planning Board shall vote to approve the revision, deny the revision or approve the revision with conditions. The Planning Board may vote to require that additional information be submitted in order to ensure that the review criteria are met.
- J. As Built-Plans:
1. Upon Completion of all the public improvements contained in the subdivision, the applicant shall submit a copy of as-built plans to the Planning Board.
- K. Appeals to Superior Court:
1. An aggrieved party may appeal any final decision of the Planning Board under this Ordinance to Superior Court, within 30 days of the date the Planning Board issues a written order of its decision.
- L. Public Hearing Requirements:
1. The Planning Board may hold a public hearing on all preliminary and final plan applications in order to receive public comment and information concerning the application.
 2. The public hearing notice shall be made as follows:
 - a. The Planning Board shall hold a public hearing within 30 days after determining that the application is complete. A notice of the date, time and place of the public hearing shall be:
 - (1) Published, at least two times, in a newspaper having general circulation in the municipality. The date of the first publication shall be at least 7 days before the hearing.
 - (2) Mailed by first class mail to the applicant, at least 7 days prior to the public hearing.
 - (3) Mailed by first class mail to all property abutters, at least 7 days prior to the public hearing. The Planning Board shall maintain a list of all property abutters and record the date the notice was mailed. Failure of an abutter to receive a notice shall not invalidate the public hearing, nor shall it require the Board to schedule a new public hearing.
 3. The Planning Board may vote to continue the public hearing in order to receive additional public comment or information concerning the application. The Board is not required to meet the notice requirements listed above for the continued public hearing.
- M. Joint Meetings:
1. If any portion of a proposed subdivision crosses municipal boundaries, the Planning Board shall follow the notice, meeting, and review requirements specified in Title 30-A, M.R.S.A., Sections 4401- 4407.

1 N. Performance Guarantee:

- 2 1. A performance guarantee shall be required for all public improvements proposed for the
3 subdivision. The applicant shall submit a proposal for the performance guarantee at the time of
4 submission of the Final Plan.
- 5 2. The performance guarantee may include one of the following:
 - 6 a. A certified check, in an amount equal to the expense of installing the public
7 improvements, made payable to the Town.
 - 8 b. A performance bond, in an amount equal to the expense of installing the public
9 improvements, made payable to the Town, issued by a surety company.
 - 10 c. A conditional agreement with the Town, whereby no lot in the subdivision may be sold
11 and no building permit issued until the applicant installs all public improvements. A phase
12 development plan may be incorporated into the conditional agreement.
 - 13 d. An irrevocable letter of credit from a bank or other lending institution which shall indicate
14 that funds have been set aside for the construction of the subdivision and may not be used
15 for any other project or loan.
- 16 3. The Planning Board, prior to approval of the final plan, shall consult with the Selectmen on the
17 terms proposed by the applicant for the performance guarantee. The Selectmen may recommend
18 that the amount of the certified check or performance bond or the terms of the performance
19 guarantees be amended or revised. The Planning Board shall consider the recommendation of the
20 Selectman and decide on the contents of the performance guarantee.
- 21 4. Prior to the release of the performance guarantee, the Planning Board shall determine that the
22 proposed improvements meet or exceed the design and construction requirements specified in this
23 Ordinance and the subdivision plans. The Planning Board shall base its decision upon the
24 inspection reports filed by the Code Enforcement Officer, other Municipal Officials or other
25 designated inspector.
- 26 5. If, the Planning Board, Code Enforcement Officer, or other designated inspection official finds that
27 any of the public improvements have not been constructed in accordance with the plans and
28 specifications filed as part of the application, they shall report this condition to the Selectmen. The
29 Selectmen shall take any steps necessary to preserve the Town's rights.

30 O. Inspection Requirements:

- 31 1. The Code Enforcement Officer shall be responsible for conducting and/or coordinating all
32 inspections with other municipal officials. The following municipal officials shall perform the
33 following inspections:
 - 34 a. The Road Commissioner shall inspect all roads including roads to be considered for
35 public acceptance and private roads and associated drainage systems.
36 (All roads proposed for public acceptance shall also be inspected by a professional
37 engineer as per the road performance standards contained in this Ordinance)
 - 38 b. The Local Plumbing Inspector shall inspect the installation of all subsurface waste water
39 treatment systems.
 - 40 c. The Code Enforcement Officer shall inspect all erosion control measures, stormwater
41 management features, and all other site features.

- 1 2. The applicant shall be responsible for scheduling all inspections with the Code Enforcement
2 Officer . The Code Enforcement Officer and all other inspection officials shall keep a record of all
3 inspections and all deficiencies. It shall be the responsibility of the Code Enforcement Officer to
4 notify the applicant in writing that a deficiency exist and the steps necessary to remedy the
5 situation. The Code Enforcement Officer shall notify the Planning Board and the Selectmen
6 whenever the applicant fails to remedy a deficiency. Upon completion of the subdivision and/or
7 consideration of release of the performance guarantee, all inspection reports shall be made
8 available to the Planning Board and the Selectmen.

9 Section 5 Sketch Plan Review

10 A. Purpose:

11 The purpose of the sketch plan submittal is for the applicant to present general information regarding the
12 proposed subdivision to the Planning Board and to receive the Planning Board's comments prior to the
13 expenditure of substantial sums of money for developing the subdivision plan.

14 B. Procedure:

15 1. The applicant shall submit a complete sketch plan application to the Planning Board at least 14
16 days before a scheduled meeting of the Planning Board.

17 2. The applicant shall present the sketch plan application to the Planning Board and make a verbal
18 presentation regarding the site and the proposed subdivision.

19 3. Following the applicant's presentation, the Planning Board may ask questions and make
20 suggestions to be incorporated by the applicant into the application.

21 4. The Planning Board shall determine the contour intervals to be shown on the plan.

22 5. The Planning Board shall decide if the proposed subdivision meets the definition of a minor
23 subdivision and if the applicant may submit a final plan for consideration.

24 6. The Planning Board shall decide on the applicant's request to develop the subdivision in
25 accordance with the open space design standards

26 C. Submissions:

27 1. The sketch plan shall show in simple sketch form the proposed layout of roads, lots, buildings, and
28 other features in relation to existing site conditions. The sketch plan does not have to be an
29 engineered plan and may be a free-handed penciled sketch.

30 2. The sketch plan shall be submitted on the application forms provided by the Planning Board and
31 include the following:

32 a. A copy of the Tax Assessors map of the site and surrounding area.

33 b. A copy of the U.S.G.S. topographic map of the area showing the outline of the proposed
34 subdivision.

35 c. A copy of the County Soil Survey showing the area of the proposed subdivision.
36

Section 6 Preliminary Plan Review

A. Procedure:

1. The applicant shall, at least 14 days prior to a scheduled meeting of the Planning Board, submit a complete preliminary plan application to the Town Clerk and/or the Planning Board Secretary. The applicant shall be issued a dated receipt and the preliminary plan application shall be placed on the Planning Board's agenda in order to review for a complete application.
2. The application shall consist of 5 (five) complete copies including all maps and related attachments. The Planning Board shall receive 3 (three) copies; the Code Enforcement Officer shall receive one copy; and, one shall be placed in the Town Office for public review. One set of 11" x 17" preliminary plan for photocopying by the Planning Board for public distribution.
3. As soon as possible, after the receipt of the preliminary plan the Town shall notify by first class mail all abutters to the proposed subdivision that an application for a subdivision has been submitted to the Planning Board, specifying the location of the proposed subdivision and including a general description of the project. The notice shall also indicate that a copy of the application is available for public review at the Town Office. The Planning Board shall maintain a list of all abutters notified by first class mail, specifying the date the notice was mailed.
4. Within 30 days of the receipt of the preliminary plan application, the Planning Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the board shall notify the applicant of the specific material needed to complete the application.
5. The Planning Board shall hold a public hearing or meeting within 30 days of determining that it has received a complete application.
6. Within 30 days of the public hearing or meeting, or within another time period as may be mutually agreed to by the Board and the applicant, the Planning Board shall make a decision on the application.
7. Upon approval of the preliminary plan, the applicant is eligible to submit a final plan to the Planning Board for consideration. The approval of the preliminary plan shall not constitute approval of the final plan or intent to approve the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary plan as a guide to preparation of the final plan. The final plan shall be submitted for consideration upon fulfillment of the requirements of this Ordinance and conditions of preliminary approval, if any.

B. Preliminary Plan Submissions:

1. The applicant is responsible for supplying all the necessary information to show that the proposed subdivision is in compliance with the review criteria, and requirements and performance standards contained in this Ordinance. The preliminary plan submissions shall consist of the following:
 - a. A receipt from the Town indicating that the application fee has been paid.
 - b. A preliminary plan application form and all required attachments and maps.

- c. Waiver request form, if applicable.
- d. A location map, drawn at an appropriate scale to show the relationship of the proposed subdivision to adjacent properties, The map shall show the following:
- (1) Existing subdivisions in the proximity of the proposed subdivision.
 - (2) Locations and names of existing and proposed roads as per the Town of Canaan Enhanced 911 Road Naming and Numbering Ordinance.
 - (3) Boundaries and designations of all shoreland zoning and other land use districts.
 - (4) An outline of the proposed subdivision and any remaining portion of the owner's property if not included in the subdivision proposal.
- e. The following general information:
- (1) Name and address of the applicant and applicant's agent.
 - (2) The applicant shall provide a registered warranty deed indicating ownership of the proposed subdivision.
 - (3) A copy of all existing and proposed, deed restrictions, rights-of-way, or other encumbrances affecting the property.
 - (4) The book and page and tax map and lot information of the property.
 - (5) The names of all property owners abutting the property.
 - (6) Acreage of the proposed subdivision and acreage of any land not included in the subdivision.
- f. A subdivision plan consisting of one or more maps drawn to a scale of not more than 100 feet to the inch. The plan shall show the following:
- (1) Name of the subdivision.
 - (2) Number of lots.
 - (3) Date, north point, graphic scale.
 - (4) Proposed lot lines with dimensions.
 - (5) A survey of the perimeter of the tract, giving complete descriptive data by bearing and distances, made and certified by a Registered Land Surveyor. The corner of the tract shall be located on the ground and marked by permanent markers. The plan shall indicate the type of permanent marker proposed to be set or found at each lot corner.
 - (6) Contour intervals as specified by the Planning Board.
 - (7) The location of all wetlands regardless of size.
 - (8) The location of all rivers, streams, brooks and ponds within or adjacent to the subdivision.
 - (9) The location of all slopes in excess of 20% (twenty percent) slope.
 - (10) The number of acres within the subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing features.
 - (11) The location of any significant sand and gravel aquifers,
 - (12) The boundaries of any flood hazard areas and the 100-year flood elevation as depicted on the Town's most recent FIRM Map.
 - (13) The boundaries of all shoreland zoning districts.
 - (14) The location and boundaries of any significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife.
 - (15) The location of any site or structure listed on the National Register of Historic Places or any archeological site identified by the State Historic Preservation Commission.
 - (16) The location of all scenic areas and rare and endangered plants as identified in the Town's Comprehensive Plan.

- (17) The location of all subsurface wastewater disposal system test pits or borings and test data and appropriate documentation.
- (18) The location of all existing and proposed wells and appropriate documentation.
- (19) All erosion control features proposed for the site.
- (20) All stormwater control features proposed for the site.
- (21) All parcels of land proposed to be owned or held in common or joint ownership by the subdivision or individual lot owners. All land proposed to be offered for public acceptance to the Town.
- (22) Phosphorus control measures, if the subdivision is located within the direct watershed of a great pond.
- (23) Road plans and specifications and appropriate documentation.
- (24) Traffic access data for the site including an estimate of the amount of vehicular traffic to be generated on a daily basis.
- (25) The type and location of any proposed fire control features, and appropriate documentation.

- g. A statement indicating how the solid waste from the subdivision will be handled .
- h. Documentation indicating that the applicant has the financial and technical capacity to meet the requirements of this Ordinance.
- i. Any other data necessary in order to meet the requirements of this Ordinance.
- j. List the anticipated types of land uses that will be developed within the proposed subdivision.
- k. Indicate how all roads and other public improvements will be maintained until the improvements are dedicated to the Town or in the case of private roads and improvements, how they will be maintained over their lifespan.

Section 7 Final Plan Review

A. Procedure:

1. The applicant shall, at least 14 days prior to a scheduled meeting of the Planning Board, submit a complete final plan application to the Town Clerk and/or Planning Board Secretary. The applicant shall be issued a dated receipt and the final plan application shall be placed on the Planning Board's agenda in order to review for a complete application.
2. The application shall consist of 2 (two) stable-based transparencies and 3 (three) paper copies. The Planning Board shall receive 2 original transparencies, and two paper copies. One paper copy shall be placed in the Town Office for Public review. One set of 11" x 17" paper copy for photocopying by the Planning Board for public distribution.
3. Within 30 days of the receipt of the final plan application, the Planning Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific material needed to complete the application.
4. The Planning Board shall schedule a public hearing or a meeting to review the final plan within 30 days of determining that it has received a complete application.

5. Within 30 days of the public hearing or meeting, or within another time period as may be mutually agreed to by the Board and the applicant, the Planning Board shall make a decision on the application.
6. Upon voting to approve the final plan, the Planning Board shall sign the 2 stable -based transparencies. The Planning Board shall retain one copy and the other shall be provided to the applicant. The applicant shall file the approved final subdivision plan with the Register of Deeds, within 90 days of the date upon which the plan is approved. Failure to file the plan with the Register of Deeds, within 90 days, shall make the plan null and void. Final Plans not filed in the appropriate time period shall be re-submitted to the Board according to the requirements of Section 7 of this Ordinance.

B. Final Plan Submissions:

1. The applicant is responsible for supplying all the necessary information to show that the proposed subdivision is in compliance with the review criteria and requirements and performance standards contained in this Ordinance. The final plan submissions shall consist of the following:
 - a. A receipt from the Town indicating that the application fee has been paid.
 - b. A final plan application form and all required attachments and maps.
 - c. All the submission materials required for a preliminary plan.
 - d. All conditions and modifications approved by the Planning Board for the preliminary plan shall be contained on the final plan.
 - e. All waivers approved by the Planning Board shall be shown on the final plan.
 - f. All additional studies and/or materials required by the Planning Board, as applicable.
 - g. A signature block shall be provided on the final plan.
 - h. A performance guarantee, if applicable.
 - i. The location and type of all permanent markers set at all lot corners.
 - j. If the subdivision contains any private roads, the plan shall contain a statement as follows:

The subdivision roads are designed as private roads are not eligible for acceptance by the Town of Canaan, unless the road is improved to meet the appropriate standards for road acceptance.
 - k. Written copies of any documents of land dedication, and written evidence that the Board of Selectmen are satisfied with the legal sufficiency of any documents accomplishing such land dedication.
 - l. Any conditions placed on the final plan by the Planning Board shall be clearly listed on the plan. Planning Board imposed conditions shall be listed separately from any conditions or restrictions placed on the subdivision by the applicant.

Section 8 Performance Standards

A. The performance standards contained in this section shall apply to all subdivision proposals in the Town of Canaan.

B. General Lot Requirements:

1. The following general lot requirements shall be considered as minimum standards and shall not be eligible for a waiver. Subdivisions designed according to the Open Space Design Option may modify these dimensional requirements according to the standards contained in Section 9 of this Ordinance. All lots shall meet the following dimensional standards:

Minimum Lot Size	1 acre
Minimum Road Frontage	200 feet
Maximum Lot Depth to Width Ratio	5 : 1
Side Property Line Setback	15 feet
Rear Property Line Setback	15 feet
Front Setback (measured from the road center-line)	50 feet
Multi-Family Density Standards	1 acre plus 20,000 Square Feet for each dwelling unit.

- b. Land located in the following areas shall not be used to calculate the required minimum lot size: wetlands; rivers; streams; brooks; stormwater drainage features; resource protection areas as defined in the Town's Shoreland Zoning Ordinance; areas within the floodway as defined in the Town's Floodplain Management Ordinance; and, areas within public and private rights-of way.

- c. Road Frontage will be measured in a single straight line between the intersection of the lot lines with the road.

C. Monuments:

1. Monumentation as required by the Maine Board of Registration of Land Surveyors shall be installed at the following:
 - a. At all road intersections and points of curvature, but no farther than 750 feet apart along road lines without intersections or curves.
 - b. At all corners and angle points of the subdivision boundaries where the interior angle of the subdivision boundaries is 135 degrees or less.
 - c. At all other subdivision boundary corners and angle points as well as lot boundary corners and angle points.

D. Water Supply:

1. Individual wells shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface wastewater disposal systems and other sources of pollution. The lot design shall permit the placement of wells, subsurface wastewater disposal systems and reserve areas in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules.
2. The water supply for the subdivision and each lot shall be adequate to supply all the potable, and other water requirements of the development. The applicant shall submit documentation from a Hydrologist or a Well Driller familiar with the area, stating that adequate water is available to supply the subdivision.

1 E. Fire Protection:

- 2 1. The subdivision shall be designed so that the Town of Canaan Fire Department shall have
3 unrestricted access to all developed areas within the subdivision and adequate provisions are made
4 for a supply of water for fire suppression. The applicant shall review the proposed subdivision
5 with the Fire Chief and shall obtain a written statement from the Fire Chief approving the plans fire
6 protection measures. This statement shall be submitted with the preliminary plan application.
- 7 2. The Fire Chief in making his/her determination that adequate provisions are made for fire
8 protection shall consider the following:
9 a. The road is adequate for the passage of fire equipment.
10 b. An adequate water supply is available near or within the subdivision to serve the density
11 of the development.

12 The Fire Chief shall approve the fire protection measures proposed for the subdivision or shall
13 make specific recommendations to improve the fire protection measures. In making
14 recommendations the Fire Chief may recommend the installation of fire ponds or other similar
15 features .

16 F. Subsurface Wastewater Disposal Systems:

- 17 1. The applicant shall submit evidence of site suitability for subsurface wastewater disposal system
18 prepared by a Licensed Site Evaluator in compliance with the Subsurface Wastewater Disposal
19 Rules of the State of Maine. All test pit or test boring locations shall be shown on the subdivision
20 plan and be accompanied by a HHE-200 Form or other format which shows the appropriate soils
21 data.
- 22 2. The applicant shall submit the test pit/boring data to the Town of Canaan LPI for review. The LPI
23 shall review the data for conformance with State Law and this Ordinance and issue the applicant a
24 written statement . The LPI shall state whether that the data submitted is sufficient to make a
25 reasonable determination that the soils will accommodate a subsurface system or indicate if
26 additional data or site analysis is needed. The applicant shall submit the LPI's statement with the
27 preliminary plan application.
- 28 3. In no instance shall a disposal area for a lot or structure require a New System Variance from the
29 Subsurface Wastewater Disposal Rules. Holding tank systems shall not be allowed to serve new
30 lots or structures.

31 G. Erosion Control:

- 32 1. All activities which involve filing, grading, evacuation or other similar activities which result in
33 unstabilized soil conditions shall comply with the following:
34 a. The site shall be developed so as to prevent soil erosion from entering waterbodies,
35 wetlands, stormwater drainage features, and adjacent land. All temporary and permanent
36 erosion control measures shall be designed in accordance with the "Maine Erosion and
37 Sedimentation Control handbook for Construction: Best Management Practices",
38 published by the Cumberland County Soil and Water Conservation District and the Maine
39 Department of Environment Protection, March 1991 or most current version.
40 b. All temporary and permanent erosion features shall be shown on the subdivision plan.

H. Phosphorus Control:

1. The following standards for phosphorus shall apply to all subdivisions located in the direct watershed of a great pond.
2. A phosphorus control plan shall be developed in accordance with the design criteria contained in the Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development, published by the Maine Department of Environmental Protection, revised September, 1992.

I. Stormwater Control:

1. All construction and development shall be designed to minimize storm water runoff from the site. Where possible existing natural runoff control features shall be retained in order to reduce runoff and encourage infiltration. A storm water control plan shall be developed for the site according to the following standards:
 - a. A storm water control plan shall be developed to limit peak discharges from the site to predevelopment levels through a system of swales, culverts, and best management practices equivalent to those described in the Stormwater Management for Maine: Best Management practices, published by the Maine Department of Environmental Protection, 1995.
 - b. Peak discharges shall be limited to the predevelopment levels for the 2-year, 10-year and 25-year frequency, 24-hour duration storm.
 - c. A storm water control plan that is developed according to the requirements of the Department of Environmental Protection Regulations, Chapter 500, Stormwater Management and Chapter 502, Direct Watersheds of Waterbodies Most at Risk from New Development shall be deemed to be a suitable equivalent to these standards.

J. Waterbody Protection:

1. The locations of all rivers, streams, brooks, and wetlands shall be identified on the subdivision plan. This shall include all perennial and intermittent streams and forested and non-forested wetlands.
2. Waterbodies shall not be developed or disturbed unless the applicant can provide evidence that no other alternative exist. Any development planned within 50 feet of the high-water line of any waterbody including wetlands shall require a plan which includes the following:
 - a. A description of the proposed development including the reasons why this is the only alternative.
 - b. Construction drawings of the disturbance area showing all structures, fill areas, vegetative disturbance, and erosion control measures.
 - c. A list of state and federal permits required, if applicable.

K. Ground Water:

1. Any development proposed within a Sand and Gravel Aquifer as identified in the Town's Comprehensive Plan, shall be designed and constructed according to a plan which takes into account the impact of the development upon the aquifer.
2. The Planning Board may require the applicant to provide a plan developed by a hydrologist which shows that the proposed development will not have an adverse impact upon the aquifer. The Planning Board, in making the determination that a plan be required, shall consider the density of the development, and existing conditions or problems within the area .

L. Historic, Archeological, Wildlife Habitat, Scenic Areas, and Rare and Natural Areas:

1. The subdivision plan shall show the locations of any historic and archeological sites, wildlife habitat, scenic areas and rare and natural areas. If any of these areas are located on the site, a protection plan shall be developed in accordance with the following:
 - a. If any portion of the site is designated as a significant archeological or historic site by the Maine Historic Commission, Comprehensive Plan, or listed on the National Register of Historic Places, the applicant shall develop appropriate measures for the protection of these resources according to local, state and federal regulations.
 - b. If any portion of the site is located within an area designated as a scenic area or a unique natural area by the Maine Natural Areas program of the Comprehensive Plan, the applicant shall develop appropriate measures for the preservation of the values which qualify the site for such designation.
 - c. If any portion of the site is within a wildlife habitat area, the applicant shall consult with the Maine Department of Inland Fisheries and Wildlife or a qualified wildlife biologist and develop measures to protect these areas from environmental damage and habitat loss. Wildlife habitat areas shall include the following:
 - (1) habitat or endangered species appearing on the official state or federal list of endangered or threatened species.
 - (2) High or moderate value waterfowl and wading bird habitats as defined by the Maine Department of Inland Fisheries and Wildlife.
 - (3) Deer wintering areas as identified by the Maine Department of Inland Fisheries and Wildlife.

M. Financial and Technical Capacity:

1. The applicant shall submit evidence that he/she has adequate financial and technical capacity to design and construct the development in accordance with all applicable local, state and federal laws and regulations. Evidence of adequate financial and technical capacity shall consist of the following:
 - a. A list of all technical and professional staff involved with the proposal and preparation of the application including their qualifications and past experience with projects of similar size and scale.
 - b. A list of all persons with inspection and oversight responsibilities for the development and if available, the persons selected to construct the project, including their qualifications and past experience with projects of similar size and scale.
 - c. A letter from a financial institution such as a bank or other lending institution that states that the applicant has the necessary funds available or a loan commitment from this institution to complete the proposed development within the time period specified by the applicant, if requested by the Planning Board.

N. Conformity With All Other Applicable Local Ordinances:

1. The applicant shall show that the subdivision meets all other applicable local ordinances including Shoreland Zoning, Floodplain Management and the Town of Canaan Enhanced 911 Road Naming and Numbering Ordinance.

O. Road and Traffic Access Standards:

1. The purpose of the road and traffic access standards are to:
 - a. To establish minimum specifications for all public and private roads.
 - b. To establish procedures and standards for the acceptance of a public road.
 - c. To establish a review and inspection procedure for public and private roads.
 - d. To establish design and construction standards for safe traffic access.
 - e. To establish minimum standards for traffic safety and the carrying capacity of roads.
 - f. To establish standards for roadway drainage systems.
 - g. To establish standards for road durability and a reasonable service life.
2. General Requirements
 - a. Access to a maximum of 2 dwelling units may be provided by a driveway meeting the following requirements:
 - (1) The driveway shall serve not more than 2 dwelling units.
 - (2) The driveway shall have a minimum travel way of 12 feet.
 - (3) A turn-around area shall be provided for every portion of the driveway in excess of 800 feet.
 - (4) The driveway shall be upgraded to conform to the road standards whenever more than 2 dwelling units are proposed to be accessed by the driveway. It shall be the sole responsibility of the property owners to make all necessary improvements.
 - (5) The driveway shall provide the necessary road frontage requirement for the dwelling units served by the driveway.
 - (6) The driveway shall be considered a private way and shall not be considered for public acceptance.
 - b. A road meeting one of the road categories shall be constructed to access 3 or more dwelling units.
 - c. All roads shall be considered as public improvements and shall require a performance guarantee as per the requirements of this Ordinance.
 - d. The type of road constructed shall be determined by the number of dwelling units proposed to be served by the roadway. (See road category definitions for information)
 - e. The only subdivision roads eligible for consideration for public acceptance shall be constructed as a collector road or local road and shall have a bituminous pavement surface . Roads proposed for public acceptance shall also meet the inspection requirements of this section.
 - f. All roads shall be constructed according to the standards and requirements listed in this section.
 - g. A dead-end road defined as having only one access to an existing public road shall not serve more than 20 dwelling units. A road shall have at least two access points to an existing public road in order to serve more than 20 dwelling units. Each dead-end road shall be provided with a turn-around as shown in Appendix A.

1 3. Road Drainage Requirements

- 2 a. All roads shall have adequate drainage structures which shall be designed in accordance
3 with the stormwater management plan as specified in sub-section I Stormwater Control of
4 this Section. Any low spots which could hold trapped water under the road area shall have
5 drainage provisions.

6 4. Road Access Standards

- 7 a. The road providing access to the development and any other road that can be expected to
8 carry traffic for the subdivision shall have an adequate traffic carrying capacity to
9 accommodate the proposed use. The road shall be improved as necessary to accommodate
10 the traffic requirements of the subdivision. All necessary improvements shall be made at
11 the expense of the subdivider.
- 12 b. Roads that access onto a State Road shall comply with all applicable Maine Department
13 of Transportation (MDOT) design requirements. The applicant shall submit a letter or
14 other documentation to the planning Board that the MDOT has approved the road access
15 design.
- 16 c. The road access shall be located and designed in profile and grading to provide the
17 required sight distance measured in each direction. Sight distance shall be measured from
18 the driver's seat of a vehicle standing on that portion of the exit with the front of the
19 vehicle a minimum of 10 feet behind the curbline or edge of the shoulder, with the height
20 of the eye 3 ½ feet, to the top of an object 4 ½ feet above the pavement. A minimum sight
21 distance of 10 feet for each mile per hour of posted speed limit shall be provided.
- 22 d. The road access shall be flat enough to prevent the dragging of any vehicle undercarriage.
23 Accesses shall slope upward or downward from the gutter line on a straight slope of 3%
24 of less for at least 75 feet.
- 25 e. Accesses shall be either one-way or two-way operation and shall intersect the road at an
26 angle as nearly 90 degrees as site conditions permit, but in no case less than 60 degrees.
- 27 f. The curb radii will vary depending if the access has a one-way or two-way operation. On
28 a two-way access the curb radii shall be between 25 feet and 40 feet, with the preferred
29 radius of 30 feet. on one-way access, the curb radii shall be 30 feet for right turns into and
30 out of the site, with a 5 foot radius on the opposite curb.
- 31 g. On a two-way access the width shall be between 24 and 26 feet, with a preferred width of
32 26 feet. On a one-way access the width shall be between 16 feet and 20 feet, with a
33 preferred width of 16 feet.
- 34 h. On a two-way access the curb-cut width shall be between 74 feet and 110 feet, with a
35 preferred width of 86 feet. On a one-way access the curb-cut width shall be between 46
36 feet and 70 feet, with a preferred width of 50 feet.
- 37 i. Appropriate traffic control signage shall be erected at the intersection of the access and the
38 street.
- 39 j. Corner clearance shall be measured from the point of tangency for the corner to the point
40 of tangency for the access. The maximum corner clearance, based upon site conditions
41 should be provided. The minimum corner clearance shall be 50 feet.

1 k. All roads with access onto an existing paved state or local road shall be paved with
2 bituminous pavement a minimum distance of 75 feet as measured from the edge of the
3 existing road onto the proposed road.

4 l. All roads with access onto an existing state or local road shall not be located within 100'
5 (one hundred feet) of a existing intersection or driveway, unless conditions warrant
6 otherwise.

7 5. Driveway Access Standards

8 a. All driveways that access onto public roads shall be located and designed to provide
9 adequate sight distance as required in Section 8,O.4.c. Areas not meeting this requirement
10 shall be indicated on the preliminary plan and final plan.

11 b. All driveways that access onto public roads shall be designed with sufficient vehicle turn-
12 around area to enable a driver to exit the premises without backing onto the road. This
13 requirement shall be deemed to be met by an onsite driveway turn-around for a single
14 vehicle measuring at least 8 feet wide by 15 feet long.

15 c. All driveways with access onto an existing state or local road shall not be located within
16 100' (one hundred feet) of a existing intersection or driveway, unless conditions warrant
17 otherwise.

18 d. No driveways within the turn-around boundary.

19 6. Inter-Connections

20 a. All subdivisions consisting of 4 or more lots shall contain provisions for vehicular
21 connections to future projects on adjacent properties or the same lot whenever feasible
22 and to the maximum extent possible.

23 7. Road Categories

24 a. The type of road proposed for the subdivision shall be selected according to the following
25 road classification definitions which are based upon the number of dwelling units to be
26 served by the road.

- 27 (1) Collector Road is designed more than 30 dwelling units.
28 (2) Local road is designed to serve between 10 and 29 dwelling units.
29 (3) Rural road is designed to serve between 1 and 9 dwelling units.

30 b. The applicant may choose to construct a road that exceeds minimum design category.

31 c. The Planning Board shall review the type of road selected by the applicant to ensure that
32 the road will be capable of accommodating future expansion of the subdivision. The
33 Planning Board shall consider the following in it's review:

- 34 (1) Particular conditions of the site do not allow for future expansion.
35 (2) A phase build-out of the subdivision is proposed.
36 (3) The applicant owns or has retained land adjacent to the subdivision with future
37 development potential.

38 The Planning Board may after reviewing the particular site conditions; require that a road
39 be constructed to a road category that is more suitable to the potential build-out of the
40 site.

Please Note: Only roads designed and constructed as a collector or local road shall be eligible for consideration for public acceptance. Any road not conforming to this requirement shall be a private road.

8. Road Design Standards

- a. The road design standards for each type of road are listed in Appendix B. These standards shall be considered as minimum requirements.
- b. The applicant shall submit detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed road. The plan shall be at a scale of one inch equals no more than 50 feet. The vertical scale shall be one inch equals no more than 5 feet. The plan shall include the following information:
 - (1) Date, scale and north point.
 - (2) Intersections of the proposed road with existing roads.
 - (3) Roadway and right-of-way limits, including edge of pavement and edge of shoulder.
 - (4) Kind, size, location, material, profile and cross section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.
 - (5) Complete curve data shall be indicated for all horizontal and vertical curves.
 - (6) Turning radii at all intersections.
 - (7) Centerline gradients.
 - (8) Size, type and locations of all existing and proposed utilities.
- c. Before any clearing is started in the right-of-way, the center lines and sidelines of the road shall be flagged or staked at 50 foot intervals. The entire travel way including shoulders shall be cleared of all stumps, roots, brush and other materials. All organic and unsuitable materials shall be removed from the road sub-grade. All rocks and boulders visible at the subgrade and exceeding 6 inches in size shall be removed. Except in a ledge cut all side slopes shall be no greater than a slope of three feet horizontal to one foot vertical, and shall be graded, loamed and seeded.

9. Inspection Requirements for Roads Proposed for Public Acceptance

- a. In addition to the inspection requirements listed in Section 4, sub-section O, of this Ordinance, all roads proposed to be considered for public acceptance shall meet the following inspection requirements:
 - (1) The applicant shall at his/her expense hire a Professional Engineer licensed in the State of Maine to inspect the roadway construction. The engineer shall inspect the roadway during construction and certify in writing that the road was installed according to the subdivision plans and the requirements of this Ordinance.
 - (2) The applicant shall submit to the Selectmen and the Planning Board, the engineer's report certifying that the road meets or exceeds the subdivision plan and Ordinance requirements.
 - (3) Upon receipt of the engineer's certification and the inspection report from the Code Enforcement Officer and the Road Commissioner, the Selectmen may consider presenting to the Town meeting a warrant for public acceptance of the road.

P. Recreational Access Standards

This Section does not contain any standards at this time.

Q. Agricultural , Forest and Rural Resources

1. Whenever a proposed subdivision is located adjacent to an active farm, farmland (including parcels with livestock), pasture field, a woodlot listed under Tree Growth, a productive forest site, or a borrow pit operation suitable provisions shall be incorporated in the subdivision proposal to minimize future conflicts between residential sites and agricultural, forestry or borrow operations.
2. Provisions to reduce conflicts between residential and activities of a working rural landscape shall be proposed based upon the size, density and site conditions of the particular subdivision. Some possible options include:
 - a. A mandatory structure set-back of 100 feet from the farm, farmland (including parcels with livestock), forest, or borrow site.
 - b. A vegetative buffer along property lines.
 - c. Location of homes away from the farm, forest, or borrow site.
 - d. A disclosure notice, included in the deed for each lot, to inform the new landowner that agricultural , forest or borrow pit activities generate noise, dust and odors.

R. Rural Design and Landscape Standards

1. Each subdivision proposal consisting of more than 4 lots shall include a landscape plan which shows how the lots, building sites, structures and roads preserve the existing rural character of the community. The plan shall incorporate the following standards into the overall development of the subdivision:
 - a. Building sites shall be oriented with respect to scenic vistas, natural landscape features, topography, and natural drainage areas.
 - b. Road and lot layout shall be adapted to the existing topography.
 - c. Existing trails shall be preserved.
 - d. Existing vegetation along front, side and rear lot property lines shall be preserved.
 - e. Lots shall be designed so as to enhance the privacy and rural atmosphere of the development.
 - f. Trees located along the roads shall be preserved to the greatest extent possible in order to maintain a rural roadscape.
 - g. Existing vegetation along all streams, ponds, wetlands shall be preserved.

S. Maintenance of Roads and Public Improvements

1. All roads and other public improvements that are not dedicated to the Town or during such time prior to the actual acceptance by the Town of Canaan shall be maintained by the subdivision owners or developer. A legal agreement indicating how the infrastructure will be maintained shall be submitted to the Planning Board with the preliminary plan. The Planning Board shall review the maintenance plan to ensure that sufficient provisions have been incorporated to maintain all improvements for the applicable time period.

SECTION 9. OPEN SPACE DEVELOPMENT OPTION

A. Purpose:

The purpose of these provisions is to allow for new concepts of housing development where variations of design may be allowed, provided that the net residential density shall be no greater than is permitted in the area in which the development is proposed. Notwithstanding other provisions of this Ordinance relating to dimensional requirements, the Planning Board, in reviewing and approving proposed residential developments in Town, may modify said provisions related to dimensional requirements to permit innovative approaches to housing and environmental design in accordance with the following standards.

B. Application Procedure:

1. The Planning Board may allow subdivided development on reduced size lots in return for open space where the Planning Board determines that the benefits of the Open Space Design will prevent the loss of natural features without increasing the net density of the development. The developer, interested in this design option, shall submit a written application to the Planning Board for an Open Space Design Development. Two sketch plans shall be submitted with one layout as a standard subdivision and the second as an open space design indicating open space and significant natural features. Each lot in the standard subdivision shall meet the minimum lot size and lot width requirements of this Ordinance and have an area suitable for subsurface wastewater disposal.
2. The written statement shall describe the natural features which will be preserved or enhanced by the open space design approach. natural features includes, but not limited to; moderate to high value wildlife and waterfowl habitats; moderate to high yield aquifers; prime farmland and other important natural and historic areas identified in the comprehensive plan. The statement shall also compare the impacts upon the Town from each plan. Example of impacts are municipal cost for roads, school bussing, solid waste, utilities, recreational opportunities, preservation of conservation lands and environmental impacts.
3. Within 30 days of receiving the two sketch plans, the Planning Board shall determine whether to allow the subdivision to be developed in accordance with the open space design standards based upon findings that:
 - a. The site contains natural features that are worthy of preservation; and
 - b. Those natural features could not adequately be preserved in a standard subdivision layout; or
 - c. An open space design will permit more efficient creation and utilization of infrastructure and provision of municipal services than would a standard subdivision.

C. Basic Design Requirements:

1. The open space design development shall meet all the requirements for a subdivision and other applicable Town Ordinances.
2. Each building shall be an element of an overall plan for the 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, roads, service and parking and in so doing shall take into consideration all requirements of this section and of other applicable sections of this Ordinance.

3. The net residential acreage shall be calculated by taking the total area of the lot and subtracting, in order the following:
 - a. 15% of the area of the lot to account for roads and parking.
 - b. Portions of the lot which, because of existing land uses or lack of access, are isolated and unavailable for building purposes.
 - c. Portions of the lot shown to be in the floodway as designated on the Town's Flood Insurance Rate Maps.
 - d. Portions of the lot which are unsuitable for development in their natural state due to topographical, drainage or subsoil conditions such as, but not limited to:
 - (1) slopes greater than 33%
 - (2) organic soils
 - (3) floodplain soils
 - (4) wetlands
 - e. Portions of the lot subject to right-of-way.
 - f. Portions of the lot located in a Resource protection District.
 - g. Portions of the lot covered by surface waters.
 - h. Portions of the lot utilized by stormwater management facilities.
4. In order to determine the maximum number of dwelling units permitted on a tract of land, the net residential acreage shall be divided by the minimum lot size required.
5. Unless public sewer is available, no lot shall be smaller than 20,000 square feet.
6. The total area of common land within the development shall equal or exceed the sum of the areas by which any building lots are reduced below minimum lot area requirements.
7. Every building lot that is reduced in area below the amount required should be within 1,000 feet of common land.
8. No individual lot or dwelling unit shall have direct vehicular access onto a public road existing at the time of the development.
9. Shore frontage shall not be reduced below the minimum required in the applicable shoreland zoning district.
10. Where the development abuts a body of water, a usable portion of the shoreline, as well as reasonable access to it, shall be part of the common land.
11. Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, natural drainage areas, in accordance with an overall plan for the site development.
12. The location of subsurface wastewater disposal systems and an equivalent reserve area for replacement systems shall be shown on the plan. The reserve area shall be restricted so as not to be built upon.
13. Utilities shall be installed underground whenever feasible.

D. Dedication and Maintenance of Common Open Spaces and Facilities:

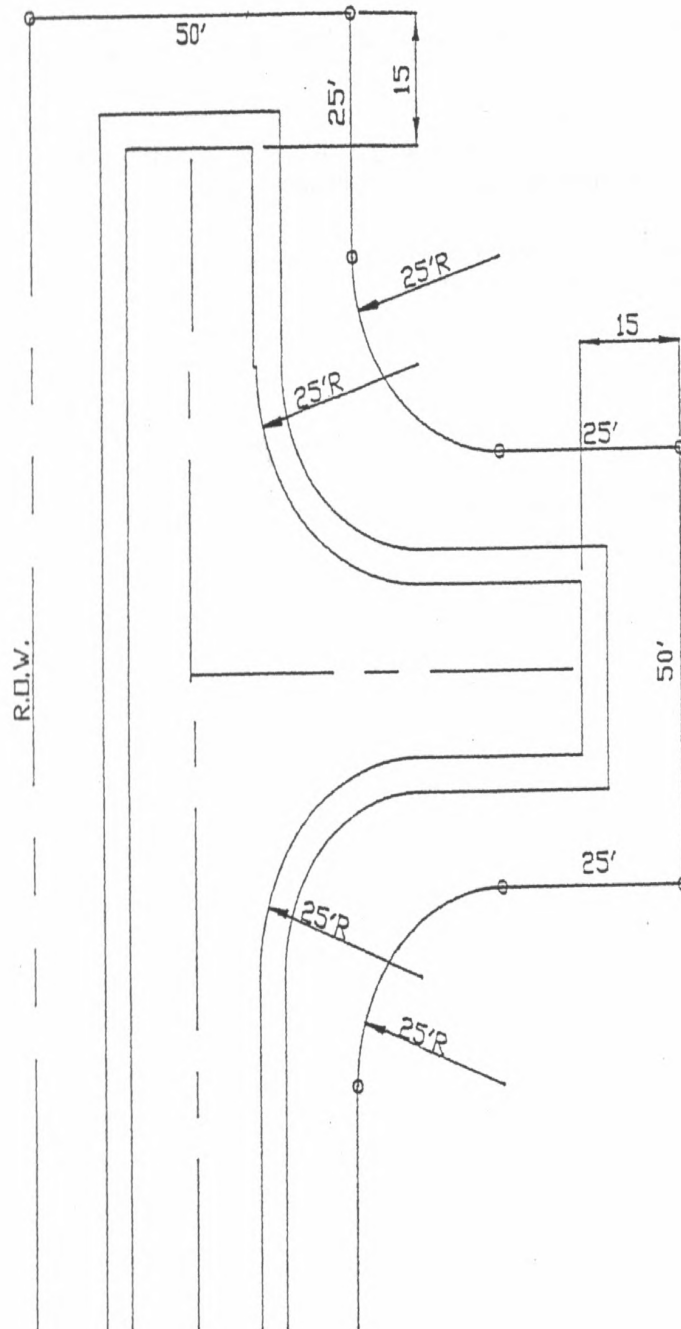
1. Common open space shall be dedicated upon approval of the project. There shall be no further subdivision of this land, which shall be used only for non-commercial recreation, agriculture or conservation. However, easements for public utilities or utility structures may be permitted.

- 1 2. The common open space shall be shown on the development plan with the notation on the face
2 thereof to indicate that:
 - 3 a. The common open space shall not be used for future building lots; and
 - 4 b. A part or all of the common open space may be dedicated for acceptance by the Town.
- 5 3. If any or all of the common open space is to be reserved for use by the residents, the by-laws of the
6 homeowners association shall specify maintenance responsibilities and shall be submitted to the
7 Planning Board prior to approval.
- 8 4. Covenants for mandatory membership in the association, setting forth the owner's rights and
9 interest and privileges in the association and the common land, shall be reviewed by the Planning
10 Board and included in the deed for each lot.
- 11 5. The homeowners association shall have the responsibility of maintaining the common open space
12 and other common facilities unless accepted by the Town.
- 13 6. Th association shall levy annual charges against all property owners to defray the expenses
14 connected with the maintenance of open space, other common and recreational facilities and town
15 assessments.

SECTION 10. ENFORCEMENT

- A. It shall be the responsibility of the Code Enforcement Officer to enforce the provisions of this Ordinance.
- B. No plan of a division of land within the Town which would constitute a subdivision shall be recorded in the Registry of Deeds until a final plan has been approved by the Planning Board in accordance with this Ordinance.
- C. A person shall not convey, offer to convey any land in a subdivision which has not been approved by the planning Board and recorded in the Registry of Deeds.
- D. A person shall not sell, lease, offer or otherwise convey any land in an approved subdivision which is not shown on the plan as a separate lot.
- E. No public utility, water district, sanitary district, or any utility company of any kind shall serve any lot in a subdivision for which a final plan has not been approved by the Planning Board.
- F. Development of a subdivision without Planning Board 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 plan approved as provided in this Ordinance and recorded in the Registry of Deeds.
- G. No lot in a subdivision may be sold, leased or otherwise conveyed before the road upon which the lot fronts is completed in accordance with this Ordinance up to and including the entire frontage of the lot.
- H. Violations of the above provisions of this section are a nuisance and shall be punished in accordance with the provisions of Title 30-A, M.R.S.A. ss.4452.

APPENDIX A
TYPICAL "L" SHAPED TURN-AROUND DETAIL



APPENDIX B
ROAD CONSTRUCTION STANDARDS TABLE 1.

	Collector Road	Local Road	Rural Road
Right-of-way width	60 ft	50 ft	50 ft
Travel way width	22 ft	20 ft	18 ft
Shoulder width	4 ft	4 ft	3 ft
Minimum grade (centerline)	.5%	.5%	.5%
Maximum grade (centerline)	5%	8%	10%
Minimum center-line radius w/o superelevation	280 ft	280 ft	175 ft
Minimum center-line radius with superelevation	175 ft	175 ft	110 ft
Roadway crown	1/4 inch per foot	1/4 in per foot	1/4 in per foot
Minimum angel of road intersection	90 degree	60 degree	60 degree
Maximum centerline grade within 75 ft of intersection	3%	3%	3%
Culverts	minimum 18 inch dia.	minimum 15 inch dia.	minimum 15 inch dia.
Minimum fill slope	3/1	3/1	3/1
Shoulder grade	1/4 inch per foot	1/4 inch per foot	1/4 inch per foot

TABLE 2. ROAD CONSTRUCTION MATERIALS - MINIMUM REQUIREMENTS

		Collector Road	Local Road*	Rural Road
Compacted Aggregate Base Total Inches		24 inches	18 inches	15 inches
	Subbase course	18 inches	15 inches	12 inches
	Base Course	6 inches	3 inches	3 inches
Compacted Surface Course for a Gravel Road		4 inches	4 inches	4 inches
Surface Course for a Bituminous Pavement Surface (Total inches)		3 inches	3 inches	3 inches
	Base course	1 3/4 inches	1 3/4 inches	1 3/4 inches
	Surface course	1 1/4 inches	1 1/4 inches	1 1/4 inches

*If good, solid and durable ledge is present at grade, then the aggregate base course thickness maybe reduced because of the solid foundation underneath it. The absolute minimum compacted thickness of the aggregate base course is 14 (fourteen) inches. This reduced standard only applies to “local road” category.

Any low spots which could hold trapped water under the road area shall have drainage provisions.

GRAVEL SUBBASE MATERIALS SPECIFICATIONS:

The gravel subbase course shall be gravel of durable particles free from vegetative matter, lumps or balls of clay and other deleterious matter. The gradation of the part that passes a 3 inch square sieve shall meet the grading requirements below. The maximum stone size shall be 6 inches.

SIEVE DESIGNATION	PERCENTAGE BY WEIGHT PASSING SQUARE SIEVE
1/4 INCH	25-70%
No. 40	0-30%
No. 200	0-7%

GRAVEL BASE COURSE SPECIFICATIONS:

The base course shall be crushed gravel or screened gravel of hard durable particles free from vegetative matter, lumps and balls of clay. The gradation of the part that passes a 3 inch square sieve shall meet the grading requirements below.

SIEVE DESIGNATION	PERCENTAGE BY WEIGHT PASSING SQUARE SIEVE
1/2 INCH	45-70%
1/4 INCH	30-55%
No. 40	0-20%
No. 200	0-5%

SURFACE GRAVEL SPECIFICATIONS:

Surface gravel for use on gravel roads shall have no stone larger than 2 inches in size and shall meet the grading requirements below.

SIEVE DESIGNATION	PERCENTAGE BY WEIGHT PASSING SQUARE SIEVE
2 INCH	95-100%
½ INCH	30-65%
No. 200	7-12%

BITUMINOUS PAVEMENT SPECIFICATIONS:

The minimum standards for the base layer of pavement shall be MDOT specifications for plant mix grade “B” with an aggregate size of no more than 3/4 inch maximum. The minimum standard for the surface layer of the payment shall meet MDOT specifications for plant mix grade “C” or “D” with an aggregate size of no more than ½ maximum.

General

The applicant shall show that the subdivision meets all other applicable local ordinances including Shoreland Zoning, Floodplain Management and the Town of Canaan Enhanced 911 Road Naming and Numbering Ordinance

All subdivisions consisting of 4 or more lots shall contain provisions for vehicular connections to future projects on adjacent properties or the same lot.

Application Fee:

All applications for subdivision approval shall be accompanied by the following non-refundable fee made payable to the Town of Canaan:

- **The fee for filing a preliminary plan shall be \$100.00 plus \$75.00 per lot and/or unit.
(The fee for a minor subdivision that is permitted to file a final plan shall be the same as a preliminary plan)**

All subdivision applicants shall be required to follow a three tier review process as follows:

- **Sketch Plan Review**
- **Preliminary Plan Review**
- **Final Plan Review**

The Planning Board may vote to allow Minor Subdivisions to submit a final plan for review directly after the Sketch Plan Review meeting. The Planning Board shall make this decision after reviewing the sketch plan proposal

Public Hearing Requirements:

- **The Planning Board may hold a public hearing on all preliminary and final plan applications in order to receive public comment and information concerning the application.**

As Built-Plans:

- **Upon Completion of all the public improvements contained in the subdivision, the applicant shall submit a copy of as-built plans to the Planning Board.**
- **All roads shall be considered as public improvements and shall require a performance guarantee as per the requirements of this Ordinance.**
- **Public Improvements: The term shall include all roads; fire protection structures and ponds; any structure or land proposed to be dedicated to the Town; any land or structure which is offered as an easement to the Town; and, all storm drainage structures which are designed to allow water to flow outside the property of the subdivision.**
- **All roads and other public improvements that are not dedicated to the Town or during such time prior to the actual acceptance by the Town of Canaan shall be maintained by the subdivision owners or developer.**

Performance Guarantee

- **A performance guarantee shall be required for all public improvements proposed for the subdivision. The applicant shall submit a proposal for the performance guarantee at the time of submission of the Final Plan.**

**Town of Canaan
Subdivision Application
Application Checklist**

The Application Checklist Form must accompany the Subdivision Application.

Each item on the checklist must be marked as one of the following:

S = item submitted

W = item not submitted due to waiver request

N/A = item not applicable

Sketch Plan The applicant shall submit a complete sketch plan application to the Planning Board at least 14 days before a scheduled meeting of the Planning Board.

_____ - The sketch plan shall show in simple sketch form the proposed layout of roads, lots, buildings, and other features in relation to existing site conditions. The sketch plan does not have to be an engineered plan and may be a free-handed penciled sketch.

_____ - The sketch plan shall be submitted on the application form provided by the Planning Board and include the following:

- a. A copy of the Tax Assessors map of the site and surrounding area.
- b. A copy of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision.
- c. A copy of the County Soil Survey showing the area of the proposed subdivision.

_____ - Any other data necessary in order to meet the requirements of this Ordinance
List any other item below:

a _____
b _____
c _____
d _____
e _____

Town of Canaan
Subdivision Application
Application Checklist

The Application Checklist Form must accompany the Subdivision Application.

Each item on the checklist must be marked as one of the following:

S = item submitted

W = item not submitted due to waiver request

N/A = item not applicable

Preliminary Plan - The applicant shall, at least 14 days prior to a scheduled meeting of the Planning Board, submit a complete preliminary plan application to the Town Clerk and/or the Planning Board Secretary.

- _____ - The application shall consist of 5 (five) complete copies including all maps and related attachments.
- _____ - One set of 11" x 17" preliminary plan for photocopying by the Planning Board for public distribution
- _____ - The applicant shall submit the test pit/boring data to the Town of Canaan LPI for review.
- Upon approval of the preliminary plan, the applicant is eligible to submit a final plan to the Planning Board for consideration. The approval of the preliminary plan shall not constitute approval of the final plan or intent to approve the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary plan as a guide to preparation of the final plan. The final plan shall be submitted for consideration upon fulfillment of the requirements of this Ordinance and conditions of preliminary approval, if any.
- The applicant is responsible for supplying all the necessary information to show that the proposed subdivision is in compliance with the review criteria, and requirements and performance standards contained in this Ordinance. The preliminary plan submissions shall consist of the following:
 - _____ a. A receipt from the Town indicating that the application fee has been paid.
 - _____ b. A preliminary plan application form and all required attachments and maps.
 - _____ c. Waiver request form, if applicable.
 - _____ d. A location map, drawn at an appropriate scale to show the relationship of the proposed subdivision to adjacent properties, The map shall show the following:
 - _____ (1) Existing subdivisions in the proximity of the proposed subdivision.
 - _____ (2) Locations and names of existing and proposed roads as per the Town of Canaan Enhanced 911 Road Naming and Numbering Ordinance.
 - _____ (3) Boundaries and designations of all shoreland zoning and other land use districts.
 - _____ (4) An outline of the proposed subdivision and any remaining portion of the owner's property if not included in the subdivision proposal.
 - e. The following general information:
 - _____ (1) Name and address of the applicant and applicant's agent.
 - _____ (2) The applicant shall provide a registered warranty deed indicating ownership of the proposed subdivision.
 - _____ (3) A copy of all existing and proposed, deed restrictions, rights-of-way, or other encumbrances affecting the property.
 - _____ (4) The book and page and tax map and lot information of the property.
 - _____ (5) The names of all property owners abutting the property.
 - _____ (6) Acreage of the proposed subdivision and acreage of any land not included in the subdivision.

- f. A subdivision plan consisting of one or more maps drawn to a scale of not more than 100 feet to the inch. The plan shall show the following:
- _____ (1) Name of the subdivision.
 - _____ (2) Number of lots.
 - _____ (3) Date, north point, graphic scale.
 - _____ (4) Proposed lot lines with dimensions.
 - _____ (5) A survey of the perimeter of the tract, giving complete descriptive data by bearing and distances, made and certified by a Registered Land Surveyor. The corner of the tract shall be located on the ground and marked by permanent markers. The plan shall indicate the type of permanent marker proposed to be set or found at each lot corner.
 - _____ (6) Contour intervals as specified by the Planning Board.
 - _____ (7) The location of all wetlands regardless of size.
 - _____ (8) The location of all rivers, streams, brooks and ponds within or adjacent to the subdivision.
 - _____ (9) The location of all slopes in excess of 20% (twenty percent) slope.
 - _____ (10) The number of acres within the subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing features.
 - _____ (11) The location of any significant sand and gravel aquifers,
 - _____ (12) The boundaries of any flood hazard areas and the 100-year flood elevation as depicted on the Town's most recent FIRM Map.
 - _____ (13) The boundaries of all shoreland zoning districts.
 - _____ (14) The location and boundaries of any significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife.
 - _____ (15) The location of any site or structure listed on the National Register of Historic Places or any archeological site identified by the State Historic Preservation Commission.
 - _____ (16) The location of all scenic areas and rare and endangered plants as identified in the Town's Comprehensive Plan.
 - _____ (17) The location of all subsurface wastewater disposal system test pits or borings and test data and appropriate documentation.
 - _____ (18) The location of all existing and proposed wells and appropriate documentation.
 - _____ (19) All erosion control features proposed for the site.
 - _____ (20) All stormwater control features proposed for the site.
 - _____ (21) All parcels of land proposed to be owned or held in common or joint ownership by the subdivision or individual lot owners. All land proposed to be offered for public acceptance to the Town.
 - _____ (22) Phosphorus control measures, if the subdivision is located within the direct watershed of a great pond.
 - _____ (23) Road plans and specifications and appropriate documentation.
 - _____ The applicant shall submit detailed construction drawings showing a plan view, profile, and typical cross- section of the proposed road. The plan shall be at a scale of one inch equals no more than 50 feet. The vertical scale shall be one inch equals no more than 5 feet. The plan shall include the following information:
 - _____ (1) Date, scale and north point.
 - _____ (2) Intersections of the proposed road with existing roads.
 - _____ (3) Roadway and right-of-way limits, including edge of pavement and edge of shoulder.
 - _____ (4) Kind, size, location, material, profile and cross section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.
 - _____ (5) Complete curve data shall be indicated for all horizontal and vertical curves.
 - _____ (6) Turning radii at all intersections.
 - _____ (7) Centerline gradients.
 - _____ (8) Size, type and locations of all existing and proposed utilities.

- _____ (24) Traffic access data for the site including an estimate of the amount of vehicular traffic to be generated on a daily basis.
- _____ (25) The type and location of any proposed fire control features, and appropriate documentation.
- _____ (26) Provisions to reduce conflicts between residential and activities of a working rural landscape shall be proposed based upon the size, density and site conditions of the particular subdivision. Some possible options include:
 - _____ a. A mandatory structure set-back of 100 feet from the farm, farmland (including parcels with livestock), forest, or borrow site.
 - _____ b. A vegetative buffer along property lines.
 - _____ c. Location of homes away from the farm, forest, or borrow site.
 - _____ d. A disclosure notice, included in the deed for each lot, to inform the new landowner that agricultural, forest or borrow pit activities generate noise, dust and odors.
- _____ (27) The plan shall incorporate the following standards into the overall development of the subdivision:
 - _____ a. Building sites shall be oriented with respect to scenic vistas, natural landscape features, topography, and natural drainage areas.
 - _____ b. Road and lot layout shall be adapted to the existing topography.
 - _____ c. Existing trails shall be preserved.
 - _____ d. Existing vegetation along front, side and rear lot property lines shall be preserved.
 - _____ e. Lots shall be designed so as to enhance the privacy and rural atmosphere of the development.
 - _____ f. Trees located along the roads shall be preserved to the greatest extent possible in order to maintain a rural roadscape.
 - _____ g. Existing vegetation along all streams, ponds, wetlands shall be preserved.
- _____g. A statement indicating how the solid waste from the subdivision will be handled.
- _____h. Documentation indicating that the applicant has the financial and technical capacity to meet the requirements of this Ordinance.
- _____I. Any other data necessary in order to meet the requirements of this Ordinance.
- _____j List the anticipated types of land uses that will be developed within the proposed subdivision.
- _____k Indicate how all roads and other public improvements will be maintained until the improvements are dedicated to the Town or in the case of private roads and improvements, how they will be maintained over their lifespan.
- _____l. A legal agreement indicating how the infrastructure will be maintained shall be submitted to the Planning Board.
- _____m. The applicant shall review the proposed subdivision with the Fire Chief and shall obtain a written statement from the Fire Chief approving the plans fire protection measures. This statement shall be submitted with the preliminary plan application.
- _____n. The applicant shall submit evidence of site suitability for subsurface wastewater disposal system prepared by a Licensed Site Evaluator in compliance with the Subsurface Wastewater Disposal Rules of the State of Maine. All test pit or test boring locations shall be shown on the subdivision plan and be accompanied by a HHE-200 Form or other format which shows the appropriate soils data. The applicant shall submit the LPI's statement.
- _____ - Any other data necessary in order to meet the requirements of this Ordinance
List any other item below:
 - a _____
 - b _____
 - c _____
 - d _____
 - e _____

Town of Canaan
Subdivision Application
Application Checklist

The Application Checklist Form must accompany the Subdivision Application.

Each item on the checklist must be marked as one of the following:

S = item submitted

W = item not submitted due to waiver request

N/A = item not applicable

Final Plan

- The applicant shall, at least 14 days prior to a scheduled meeting of the Planning Board, submit a complete final plan application to the Town Clerk and/or Planning Board Secretary.
- _____ - The application shall consist of 2 (two) stable-based transparencies and 3 (three) paper copies.
- _____ - One set of 11" x 17" paper copy for photocopying by the Planning Board for public distribution.
- _____ - The applicant shall submit documentation from a Hydrologist or a Well Driller familiar with the area, stating that adequate water is available to supply the subdivision.
- The applicant is responsible for supplying all the necessary information to show that the proposed subdivision is in compliance with the review criteria and requirements and performance standards contained in this Ordinance. The final plan submissions shall consist of the following:
 - _____ a. A receipt from the Town indicating that the application fee has been paid.
 - _____ b. A final plan application form and all required attachments and maps.
 - _____ c. All the submission materials required for a preliminary plan.
 - _____ d. All conditions and modifications approved by the Planning Board for the preliminary plan shall be contained on the final plan.
 - _____ e. All waivers approved by the Planning Board shall be shown on the final plan.
 - _____ f. All additional studies and/or materials required by the Planning Board, as applicable.
 - _____ g. A signature block shall be provided on the final plan.
 - _____ h. A performance guarantee, if applicable.
 - _____ i. The location and type of all permanent markers set at all lot corners.
 - _____ j. If the subdivision contains any private roads, the plan shall contain a statement as follows: The subdivision roads are designed as private roads are not eligible for acceptance by the Town of Canaan, unless the road is improved to meet the appropriate standards for road acceptance.
 - _____ k. Written copies of any documents of land dedication, and written evidence that the Board of Selectmen are satisfied with the legal sufficiency of any documents accomplishing such land dedication.
 - _____ l. Any conditions placed on the final plan by the Planning Board shall be clearly listed on the plan. Planning Board imposed conditions shall be listed separately from any conditions or restrictions placed on the subdivision by the applicant.
 - _____ m. Any other data necessary in order to meet the requirements of this Ordinance.
- _____ - Any other data necessary in order to meet the requirements of this Ordinance
List any other item below:
 - a _____
 - b _____
 - c _____
 - d _____
 - e _____

Town of Canaan

Subdivision Review Application

Sketch Plan Review

Date: _____ Property Location: _____

Name of the Applicant: _____

Address: _____

Description of the Project:

Submissions: Items to be included in this application.

1. Sketch plan of the project
2. Copy of the Tax Assessors map of the site and surrounding area.
3. Copy of the U.S.G.S. Topo Map for the area showing the outline of the proposed subdivision.
4. A copy of the County Soil Survey showing the area of the proposed subdivision.

Signature of the Applicant: _____

Date: _____

Name of Applicant: _____

Address: _____

I am requesting a waiver from the following as per Section 4, G, of the Town of Canaan Subdivision Ordinance:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slight shadow on its right side, suggesting it's resting on a surface.

The applicant is responsible for providing the Planning Board with all the necessary information and data to show that the waiver request meets the applicable requirements Subdivision Ordinance .

Signature: Applicant

Town of Canaan

Subdivision Application

Application Form

Indicate Which Type of Application

_____ Preliminary Plan

_____ Final Plan

Date: _____

Name of Property Owner: _____

Address: _____

Name of Applicant: _____

Address: _____

Telephone: _____ Fax: _____ E-Mail: _____

Authorized Agent: _____

Address: _____

Indicate type of Right, Title or Interest in the Property: _____

Unless otherwise indicated below all correspondence regarding this application will be sent to the Applicant:

Property Location: _____

Map _____ Lot _____ Zoning District: _____

Provide a brief description of the project: _____

List all other Local Permits required for the Project: _____

List all other State and Federal Permits required for the project: _____

Anticipated date for construction: _____

Anticipated date for completion: _____

Identify method of water supply to the project: _____

Identify method of sewage disposal: _____

Identify method of fire protection to the project: _____

Indicate whether the project requires any public infrastructure: _____

Attach the Application Checklist Form and all submissions to the Application Form.

To the best of my knowledge, all the above state information submitted in this application is true and correct.

(signature of applicant) (date)

Agreement to Extend Subdivision Review Period

Canaan Planning Board

WHEREAS The State Subdivision Law, Title 30-A M.R.S.A., §4403, requires that the municipal reviewing authority approved, approved with conditions, or deny an application for subdivision review within 60 days of having determined a completed application had been submitted, or within 30 days of a public hearing if one is held; and

WHEREAS The completed subdivision application submitted by the undersigned applicant can not be adequately reviewed in the specified time period because of the complexity of the application, and Would therefore have to be denied and resubmitted; and

WHEREAS It would be mutually advantageous to the undersigned parties to extend the review period; and

WHEREAS Title 30-A M.R.S.A., §4403 stipulates that the time period within which a subdivision application must be reviewed may be extended by mutual agreement;

NOW THEREFORE the undersigned parties mutually agree that;

1. The subdivision review period shall be extended to _____ .
2. The decision on the subdivision shall be rendered by that date, unless the review period is again extended by mutual agreement.

Signed _____ Chair of the Planning Board

_____ Applicant

Date: _____

Town of Canaan

Wireless

Telecommunication

Facility Siting

Ordinance

Planning Board Public Hearing February 14, 2001.

Adopted March 17, 2001 Town Meeting.

Section 1 General

A Title:

This Ordinance shall be known as the Town of Canaan Wireless Telecommunications Facility Siting Ordinance and will be referred to as "this Ordinance".

B Authority:

This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution; the provisions of Title 30-A MRSA Section 3001, and the provisions of the Planning and Land Use Regulation Act, Title 30-A MRSA Section 4312 et seq.

C Purpose:

The purposes of this Ordinance are:

- Implement a municipal policy concerning the provision of wireless telecommunication services, and the siting of their facilities.
- Establish clear guidelines, standards and time frames for the exercise of municipal authority to regulate wireless telecommunication facilities.
- Ensure that all telecommunication carriers providing facilities or services within the Town comply with this Ordinance.
- Ensure that the Town can continue to fairly and responsibly protect the public health, safety and welfare.
- Encourage the colocation of wireless telecommunication facilities, thus helping to minimize adverse visual impacts on the community.
- Further the goals and policies of the comprehensive plan.
- Protect the scenic and visual character of the community.

D Applicability:

The provisions of this Ordinance apply to all construction and expansion of wireless telecommunication facilities. The following are exempt from the provisions of this Ordinance:

- Temporary wireless telecommunication facilities for emergency communications by public officials.
- Amateur ham radio stations licensed by the Federal Communications Commission.
- Parabolic antennas less than 7 feet in diameter, that are an accessory use of the property.
- Maintenance, repair or reconstruction of a wireless telecommunications facility and related equipment, provided that there is no change in the height or any other dimension of the facility.
- Temporary wireless telecommunication facility, in operation for a maximum period of 180 days.
- An antenna that is an accessory use to a residential dwelling unit.

E Effective Date:

The effective date of this Ordinance shall be the date of the adoption by the Town of Canaan on : March 28, 2001.

- F **Validity and Severability:**
Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.
- G **Availability:**
A certified copy of this Ordinance shall be filed with the Town Clerk and shall be assessable to any member of the public. Copies shall be made available to the public at reasonable cost to be charged to the person making the request. Notice of availability of this Ordinance shall be posted in the Town Office.
- H **Conflicts with other Ordinances:**
Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or any other ordinance, regulation, or statute, the more restrictive provision shall apply.
- I **Application Fee:**
All applications shall be accompanied by the following non-refundable fee made payable to the Town of Canaan .
- Code Enforcement Officer Application Fee is \$100.00
- Planning Board Application Fee is \$500.00
- J **Amendments:**
Amendment to this Ordinance may be initiated by a majority vote by the Board of Selectmen, Planning Board, or by written petition by a number of voters equal to at least 10% of the number of votes cast in the municipality in the last gubernatorial election.
This Ordinance may be amended by a majority vote of the legally constituted municipal governing body at a regular or special Town Meeting or by referendum ballot.
- K **Appeals:**
An aggrieved party may appeal the final decision of the Code Enforcement Officer or the Planning Board under this Ordinance to Superior Court, within 30 days of the date the Code Enforcement Officer or the Planning Board issues a written order of its decision.
- L **Administration and Enforcement:**
The Code Enforcement Officer shall enforce this Ordinance. If the Code Enforcement Officer finds that any provision of this Ordinance has been violated, the Code Enforcement Officer shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it. The Code Enforcement Officer shall order correction of the violation and may take any other legal action to ensure compliance with the Ordinance. The Selectmen may permit the Code Enforcement Officer to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without court action. Such agreements shall be approved by the Selectmen and shall not allow a violation to continue unless: there is clear and convincing evidence that the violation occurred as a direct result of erroneous advice given by an authorized municipal official upon which the applicant reasonably relied to its detriment and there is no evidence that the owner acted in bad faith; the removal of the violation will result in a threat to public health and safety or substantial environmental damage.

- M Penalties:
Any person who owns or controls any building or property that violates this Ordinance shall be fined in accordance with Title 30-A MRSA Section 4452. Each day such violation continues after notification by the Code Enforcement Officer shall constitute a separate offense.

Section 2 Review and Approval Authority

- A No person shall construct or expand a wireless telecommunication facility without approval of the Code Enforcement Officer or the Planning Board as follows:
- 1 Approval by the Code Enforcement Officer is required for any expansion of an existing wireless telecommunication facility that increases the height of the facility by no more than 20 feet; accessory use of an existing wireless telecommunication facility; or colocation on an existing wireless telecommunication facility.
 - 2 Approval of the Planning Board is required for construction of a new wireless telecommunication facility; and any expansion of an existing wireless telecommunication facility that increases the height of the facility by more than 20 feet.
- B The Code Enforcement Officer or the Planning Board shall review the application for wireless telecommunication facilities, and make written findings on whether the proposed facility complies with this Ordinance.

Section 3 Approval Process

- A Pre-Application Meeting:
All persons seeking approval of the Planning Board under this Ordinance shall meet with the Planning Board prior to submitting a formal application. At this meeting, the Planning Board, shall explain to the applicant the ordinance provisions, as well as submissions that will be required under this Ordinance.
- B Applications:
All persons seeking a Code Enforcement or Planning Board Approval shall submit an application on the forms provided by the Town of Canaan. The applicant shall have the burden of proof to show that the application meets all the provisions of this Ordinance.

C Code Enforcement Officer Approval Application:

Application for permit approval by the Code Enforcement Officer must include the following material and information:

- 1 A receipt from the Town Clerk showing that the application fee has been paid.
- 2 Documentation of the applicant's right, title, or interest in the property where the facility is to be sited, including the name and address of the property owner and applicant.
- 3 A copy of the FCC license for the facility or a signed statement from the owner or operator of the facility attesting that the facility complies with current FCC regulations.
- 4 Identification of districts, sites, buildings, structures or objects, significant in American history, architecture, archeology, engineering or culture, that are listed, or eligible for listing in the National Register of Historic Places.
- 5 Location map and elevation drawings of the proposed facility and any other proposed structures, showing color, and identifying structural materials.
- 6 For the proposed expansion of a facility, signed statement that commits the owner of the facility, and successors in interest to:
 - a Respond in timely manner to a request for information from a potential colocation applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response.
 - b Negotiate in good faith for shared use by the third parties
 - c Allow shared use if an applicant agrees in writing to pay reasonable charges for colocation.
 - d Require no more than a reasonable charge for shared use based on community rates and generally accepted accounting principles. This may include but is not limited to a pro rata share of the cost of developing and maintaining the facility.

D Planning Board Approval Application

An application for approval by the Planning Board shall be submitted to the Planning Board or Town Clerk and contain the following information.

- 1 A total of 9 copies of the application shall be submitted.
- 2 All of the information required for a Code Enforcement Officer application approval.
- 3 A USGS 7.5 minute topographic map showing the location of all structures and wireless telecommunication facilities above 150 feet in height above ground level, except antennas located on roof tops, within a 5 mile radius of the proposed facility, unless this information has been previously made available to the municipality. This information may be met by submitting current information (within 30 days of the date of the application is filed) from the FCC Tower Registration Database.
- 4 A site plan that includes the following:
 - a Prepared and certified by a professional engineer registered in Maine indicating the location, type, and height of the proposed facility, antenna capacity, on-site and abutting off-site land uses, means of access, setbacks from property lines and all applicable American National Standards Institute (ANSI) technical and structural codes.

- b Certification by the applicant that the proposed facility complies with all FCC standards for radio emissions.
 - c A boundary survey for the proposed project performed by a land surveyor licensed by the State of Maine.
- 5 A scenic assessment, consisting of the following:
- a Elevation drawings of the proposed facility, and any other proposed structures, showing the height above grade.
 - b A landscaping plan indicating the proposed placement of the facility on the site; location of existing structures, trees, and other significant site features; the type and location of plants proposed to screen the facility; the method of fencing, the color of the structure, and the proposed lighting method.
 - c Photo simulations of the proposed facility taken from perspectives determined by the Planning Board during the pre-application meeting. Each photo must be labeled with the line of sight, elevation, and with the date taken imprinted on the photograph, the photos must show the color of the facility and the method of screening.
- 6 A narrative discussing the extent to which the proposed facility would be visible from or within a Town designated scenic resource.; the tree line elevation of vegetation within 1000 feet of the facility; and the distance to the proposed facility from Town designated scenic viewpoints.
- 7 A written description of how the proposed facility fits into the applicant's telecommunications network. The submission requirement does not require disclosure of confidential business information.
- 8 Evidence demonstrating that no existing building, site or structure can accommodate the applicant's proposed facility, the evidence for which may consist of the following:
- evidence that no existing facility is located within the targeted market coverage area as required to meet the applicant's engineering requirements;
 - evidence that existing facilities do not have sufficient height or cannot increase in height to meet the applicant's engineering requirements;
 - Evidence that existing facilities do not have the sufficient structural strength to support the applicant's proposed antenna and related equipment.
 - Evidence that fees costs or contractual agreements required by the owner in order to share or adapt an existing facility are unreasonable.
 - Evidence that the applicant has made diligent good faith effort to negotiate colocation on an existing facility, building, or structure and has been denied access.
- 9 A form of surety that has been deemed acceptable by the Selectmen of the Town of Canaan. The surety is to pay for the cost of removing the facility if it is abandoned. (The applicant may finalize the surety agreement with the Town of Canaan after receiving Planning Board conditional approval pending the final surety agreement from the Board of Selectmen)
- 10 Evidence that the applicant has met all public hearing requirements.

E Submission Waiver:
The Code Enforcement Officer or the Planning Board as appropriate may waive any of the submission requirements based upon a written request from the applicant submitted at the time of application. A waiver of any submission requirement may be granted only if the Code Enforcement Officer or the a Planning Board finds in writing that due to special circumstances of the application, the information is not required to determine compliance with the standards of this Ordinance.

F Public Hearing Requirements:
The Planning Board shall hold a public hearing on all applications requiring Planning Board approval. The Planning Board shall set the date, time and place of the public hearing after it has determined that a complete application has been submitted. The applicant shall be responsible for making the following public hearing notifications:

- 1 All property owners located within 1000 feet. and property abutters of the proposed facility shall be mailed a notice by certified return receipt indicating the date, time, place, and purpose of the hearing. The notice shall be mailed no later than 10 days prior to the scheduled hearing.
- 2 A notice shall be placed in a newspaper of general circulation in the area indicating the date, time, place and purpose of the hearing. A total of two notices published on separate dates shall be placed at least 7 days prior to the hearing.
- 3 The applicant shall submit to the Planning Board at the public hearing copies of the published newspaper notices and return receipt slips from the abutter notices.

Failure of any person to receive a notice shall not invalidate the public hearing nor require the holding of another public hearing.

G Code Enforcement Officer Application Procedure:
The following application procedure shall be followed for all applications submitted to the Code Enforcement Officer for approval.

- 1 The applicant shall submit to the Code Enforcement Officer or Town Clerk a complete application.
- 2 A dated receipt shall be issued to the applicant indicating that the application has been filed with the Town.
- 3 The Code Enforcement Officer shall within 10 days determine whether the application is complete and if it is not complete shall notify the applicant in writing of the materials necessary to make it complete.
- 4 After receipt of the complete application the Code Enforcement Officer shall within 10 days make a final decision on the application and shall approve the application, approve the application with conditions or deny the application. The decision shall be in writing and given to the applicant.

H Planning Board Application Procedure:
The following application procedure shall be followed for all applications submitted to the Planning Board for approval.

- 1 Prior to submitting an application the applicant shall asked to be placed on the Planning Board's agenda for a pre application meeting.

- 2 The applicant shall submit a complete application to the Planning Board or the Town Clerk.
- 3 A dated receipt shall be issued to the applicant indicating that the application has been filed with the Town.
- 4 Within 35 days of receipt of an application the Planning Board shall determine whether or not the application is complete. The Planning Board shall notify the applicant in writing whether the application is complete and if it is not complete of the materials necessary in order to make it complete.
- 5 A public hearing shall be scheduled at least 35 days after the Planning Board determines that a complete application has been submitted.
- 6 The Planning Board shall hold a public hearing on the application and shall within 60 days of the public hearing make a final decision on whether to approve the application, approve the application with conditions or deny the application. The date of approval may be extended upon mutual consent of both the Planning Board and the applicant.
- 7 The Planning Board may conditionally approve the application pending the final agreement between the applicant and the Board of Selectmen concerning the surety agreement.
- 8 The decision shall be in writing and provided to the applicant.

Section 4 Review Standards

A Code Enforcement Officer Approval Standards

- 1 An Application for approval by the Code Enforcement officer shall meet all of the following standards:
 - a The proposed facility is an expansion, accessory use, or colocation to a structure existing at the time the application is submitted.
 - b The applicant has sufficient right, title or interest to locate the proposed facility on the existing structure.
 - c The proposed facility increases the height of the existing structure by no more than 20 feet.
 - d The proposed facility will be constructed with materials and colors that match or blend with the surrounding natural or built environment to the maximum extent possible.
 - e The proposed facility to the greatest degree practicable shall have no unreasonable adverse impact upon districts, sites, buildings, structures, or objects significant in American history, architecture, archeology, engineering or culture that are listed, or eligible for listing in the National Register of Historic Places.
- 2 The Code Enforcement Officer may establish conditions for approval as necessary in order to ensure that the application conforms to the above listed review standards.

B Planning Board Approval Standards

- 1 An application for approval by the Planning Board shall meet all of the following standards.
 - a The wireless telecommunication facility shall not be located within the following shoreland districts: Resource Protection, Limited Residential, Limited Commercial, General Development and Stream Protection as designated in the Town of Canaan Shoreland Zoning Ordinance.
 - b A wireless telecommunication facility and related equipment must be designed and constructed to accommodate expansion for future colocation of at least three additional wireless telecommunication facilities or providers subject to the height limitation posed by the tower design.
 - c A new or expanded wireless telecommunication facility must be setback 105% of its height from all property lines. The setback may be satisfied by including the areas outside of the property boundary if secured by an easement.
 - d A new wireless telecommunication facility and related equipment must be screened with plants from view by abutting properties to the maximum practicable extent.
 - e A new wireless telecommunication facility must be fenced to discourage trespass.
 - f A new wireless telecommunication facility must be illuminated only as necessary to comply with F.A.A or other applicable state and federal requirements. Security lighting may be installed as long as it is shielded to retain light within the boundaries of the site to the maximum extent possible.
 - g A new wireless telecommunication facility must be constructed with material that blend with the surrounding natural or built environment to the maximum extent possible.
 - h A new wireless telecommunication facility must comply with the current Electronic Industries Association Telecommunication Industries Association (EIA/TIA) 222 Revision Standard entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures".
 - i The proposed facility to the greatest degree practicable will have no unreasonable adverse impact upon a historic, district, site or structure which is currently listed on or eligible for listing on the National Register of Historic places.
 - j A new or expanded tower shall not be constructed to a height that would require lighting and marking as per FCC and FAA Regulations.
- 2 The Planning Board may establish conditions for approval as necessary in order to ensure that the application conforms to the above listed review standards.

C Amendment to an Approved Application

Any changes to an approved application must be approved by the Code Enforcement Officer or the Planning Board in accordance with the application procedure established in this Ordinance.

D Abandonment

A wireless telecommunication facility that is not operated for a continuous period of 12 months shall be considered abandoned. The Code Enforcement Officer shall notify the owner of an abandoned facility in writing and order the removal of the facility within 90 days of receipt of the written notice. The owner of the facility shall have 30 days from the receipt of the notice to demonstrate to the Code Enforcement Officer that the facility has not been abandoned.

If the owner fails to show that the facility is in active operation, the owner shall have 60 days to remove the facility. If the facility is not removed within this time period, the municipality may remove the facility at the owner's expense. The owner of the facility shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition, including the removal of roads, and reestablishment of vegetation.

If surety has been given to the municipality for removal of the facility, the owner of the facility may apply to Board of Selectmen for release of the surety when the facility and related equipment are removed to the satisfaction of the Board of Selectmen.

Section 5 Definitions

The terms used in this ordinance shall have the following meanings:

Antenna means any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio or electromagnetic frequency signals.

Antenna Height means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure, even if said highest point is an antenna. measurement of the tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the facility site. If the support structure is on sloped grade, then the average between the highest and the lowest grades shall be used in calculating the antenna height.

Colocation means the use of a wireless telecommunications facility by more than one wireless telecommunications provider.

Expansion means the addition of antennas, towers, or other devices to an existing structure.

FAA means the Federal Aviation Administration, or its lawful successor.

FCC means the Federal Communications Commission, or its lawful successor.

Height means the vertical measurement for a point on the ground at the mean finish grade adjoining the foundation as calculated by averaging the highest and lowest finished grade around the building or structure to the highest point of the building or structure. The highest point shall exclude farm building components, flagpoles, chimneys, ventilators, skylights, domes, water towers, bell towers, church spires, processing towers, tanks, bulkheads, or other building accessory features usually erected at a height greater than the main roofs of buildings.

Historic or Archeological Resources means resources that are:

- Listed individually in the National Register of Historic Places or eligible for listing on the National Register;
- Certified or preliminary 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;
- Individually listed on a state inventory of historic places in states with historic preservation programs approved by the Secretary of the Interior;
- Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by Secretary of the Interior through the Maine Historic Preservation Commission; or
- Areas identified by a governmental agency such as the Maine Historic preservation Commission as having significant value as an historic or archeological resource, and any areas identified in the Town's comprehensive plan which have been listed or are eligible to be listed on the National Register of Historic Places.

Historic District means a geographically definable area possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development and identified in the Town's comprehensive plan, which is listed or is eligible to be listed on the National Register of Historic Places. Such historic districts may also comprise individual elements separated geographically, but linked by association or history.

Historic Landmark means any improvement, building or structure of particular historic or architectural significance to the Town relating to its heritage, cultural, social, economic or political history, or which exemplifies historic personages or important events in local, state or national history identified in the Town's comprehensive plan, which have been listed or are eligible to be listed on the National Register of Historic Places.

Line of Sight means the direct view of the object from the designated scenic resource.

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

Principal Use means the use other than which is wholly incidental or accessory to another use on the same premises.

Public Recreational Facility means a regionally or locally significant facility, as defined and identified either by State statute or in the Town's comprehensive plan, designed to serve the recreational needs of municipal property owners.

Designated Scenic Resource means that specific location, view, or corridor, as identified as a scenic resource in the Town's comprehensive plan or by a State or Federal agency, that consist of:

- A three dimensional area extending out from a particular viewpoint on public way or within a public recreational area, focusing on a single object, such as a mountain, resulting in a narrow corridor, or a group of objects, such as a downtown skyline or mountain range, resulting in a panoramic view corridor; or
- Lateral terrain features such as valley sides or woodland as observed to either side of the observer, constraining the view into a narrow or particular field, as seen from a viewpoint on a public way or within a public recreational area.

Targeted Market Coverage Area means the area which is targeted to be served by this proposed telecommunication facility.

Unreasonable Adverse Impact means that the proposed project would produce an end result which is:

- Excessively out of character with the designated scenic resources affected, including existing buildings, structures and features within the designated scenic resource, and
- Would significantly diminish the scenic value of the designated scenic resource.

Viewpoint means that location which is identified either in the Town's comprehensive plan or by a state or federal agency and which serves as the basis for the location and determination of a particular designated scenic resource.

Wireless Telecommunication Facility means any structure, antenna, tower, or other device which provides radio/television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), common carrier wireless exchange phone services, specialized mobile radio communications (SMR), common carrier wireless exchange access services, and personal communications service (PCS), or pager services.