

2016

Town of Dover-Foxcroft Maine Ordinances

Dover-Foxcroft, Me.

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TOWN OF DOVER-FOXCROFT

PROPOSED ORDINANCE FOR CONTROL OF DOGS

2002

1. Any person who owns, possesses or controls a dog shall be required to immediately remove and dispose of any feces left by their dog on any sidewalk, street, public area, or private property neither owned or occupied by said person.

2. Any person who owns, possesses or controls a dog shall be required to refrain from, *willfully and purposely*, allowing their dog to run at large. The term "at large" shall be defined as off the premises of the owner or keeper, and not under *leash restraint or physical control* of said person.

3. Persons found guilty of violating any of the provisions of the proposed ordinance shall be fined \$25.00 for the first offense, \$50.00 for a second offense and \$100.00 for each third or subsequent offense.

As approved at Town Meeting on June 23, 2002

Town of Dover-Foxcroft

Fireworks Ordinance

Adopted: November 4, 2014 Special Town Meeting Referendum

Section 1 – Definitions

The following definitions shall apply in this section:

- 1.1 “Consumer fireworks” shall have the same meaning as in 27 C.F.R. § 555.11 or subsequent provisions, but includes only products that are tested and certified by a third party testing laboratory as conforming with United States Consumer Product Safety standards in accordance with 15 United States Code, Chapter 47. “Consumer fireworks” does not include the following products.
 - 1.1.1 Missile-type rockets, as defined by the State Fire Marshal by rule;
 - 1.1.2 Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and
 - 1.1.3 Sky rockets and bottle rockets. For purposes of this paragraph, “sky” rockets and “bottle” rockets means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule, with a wooden stick attached for guidance and stability, that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.
- 1.2 “Commercial fireworks” shall have the same meaning as “Display Fireworks” in 27 C.F.R. § 555.11 or subsequent provisions.
- 1.3 “Display” shall mean an entertainment feature where a person or persons, whether a public or private group, is admitted or permitted to view the discharge of consumer or commercial fireworks or intent to discharge consumer or commercial fireworks.
- 1.4 “Person” shall mean any individual, corporation, company, association, firm, partnership, society, or joint stock company.

Section 2 – Prohibition

- 2.1 No person shall use, display, possess with intent to use or display, sell, possess with the intent to sell, or offer for sale consumer or commercial fireworks in the Town of Dover-Foxcroft. This prohibition shall not apply to the shipping or transport of consumer or commercial fireworks to other parts of the state, country, or world.

Section 3 – Exception

- 3.1 This section does not apply to a person issued a fireworks display permit by the Town of Dover-Foxcroft and/or the State of Maine pursuant to 8 M.R.S. §227-A.

Section 4 – Administrative and Enforcement

- 4.1 The Dover-Foxcroft Police Department shall administer and enforce this Ordinance.

Section 5 – Violations

- 5.1 Any person who violates this Ordinance shall receive a citation.
- 5.2 The following civil penalties shall be imposed for violations of this Ordinance. The Board of Selectmen is authorized and may, from time to time, amend these civil penalties upon a duly adopted resolution.

Use, Display, Possession, or Intent to Use, Display, or Possess Consumer or Commercial Fireworks

First Citation	Not less than \$100 nor more than \$250, plus attorney's fees and costs
Subsequent Citations	Not less than \$250 nor more than \$750, plus attorney's fees and costs for each subsequent citation within a two-year period

Intent to Sell, Offer for Sale, and Sale of Consumer or Commercial Fireworks

First Citation	Not less than \$500 nor more than \$1,000, plus attorney's fees and costs
Subsequent Citations	Not less than \$1,000 nor more than \$2,500, plus attorney's fees and costs for each subsequent citation within a two-year period

Section 6 – Seizure and Disposal of Fireworks

- 6.1 The Town may seize consumer or commercial fireworks that the Town has probable cause to believe are used, possessed, sold or otherwise in violation of this Ordinance, and shall forfeit seized consumer fireworks to the Dover-Foxcroft Police Department. The Dover-Foxcroft Police Department will arrange for the disposal of confiscated fireworks according to applicable laws and regulations.

Section 7 – Severability Clause

- 7.1 If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of the Ordinance.

Section 8 – Amendments

- 8.1 This Ordinance may be amended by a majority vote of any Town Meeting, (annual or special) when such amendment is published in the warrant calling for such meeting.

Section 9 – Effective Date

- 9.1 This Ordinance shall be in full force and effect upon passage.

FLOODPLAIN MANAGEMENT ORDINANCE

Adopted: 7/18/1977

Amendments: 3/12/1987

4/27/1987

4/2/1993

1/10/2000

6/27/2005

6/13/2006

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ARTICLE I – PURPOSE AND ESTABLISHMENT

Certain areas of the Town of Dover-Foxcroft, 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 Dover-Foxcroft, 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 Dover-Foxcroft, 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 Dover-Foxcroft has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30A M.R.S.A., Sections 3001-3007, 4352, 4401-4407, and Title 38 M.R.S.A., Section 440.

The Town of Dover-Foxcroft, Maine elects to comply with the requirements of the National Flood Insurance Act of 1968, (P.L. 90-488, as amended). The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the Town having a special flood hazard be identified by the Federal Emergency Management Agency (FEMA) 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 Dover-Foxcroft, Maine.

The areas of special flood hazard, Zones A, and AE, are identified by FEMA in a report entitled “Flood Insurance Study- Town of Dover-Foxcroft, Main, Piscataquis County,” dated April 2, 1993 with accompanying “Flood Insurance Rate Map” dated April 2, 1993 which are hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II – PERMIT REQUIRED

Before any construction or other development (as defined in Article XIII), including the placement of manufactured homes, begins within any special areas of special flood hazard established in Article I, a Flood Hazard Development Permit shall be obtained from the Code Enforcement Officer. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the Town of Dover-Foxcroft, 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) or to a locally established datum in Zone A only, of the:
 - 1. base flood at the proposed site of all new or substantially improved structures, which is determined:
 - a. in Zone AE, from data contained in the “Flood Insurance Study- Town of Dover-Foxcroft, Maine”, as described in Article I; or
 - b. in Zone A,
 - 1. from any base flood elevation data from federal, state, or other technical sources (such as FEMA’s Quick-2 model, FEMA 265/July 1995, including information obtained pursuant to Article VI.K and VIII.D;
 - 2. from the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a Professional Land Surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or in the absence of all other data
 - 3. to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.
 - 2. highest and lowest grades at the site adjacent to the walls of the proposed building;
 - 3. lowest floor, including basement; and whether or not such structures contain a basement; and,
 - 4. level, in the case of non-residential structures only, to which the structure will be flood proofed;
- 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 flood proofing certificate (FEMA Form 81-65, 01/03, as amended) to verify that the flood proofing methods for any non-residential structures will meet the flood proofing criteria of Article III.H.4; Article VI.G.; and other applicable standards in Article VI;
 - 2. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.L.2a;
 - 3. a certified statement that bridges will meet the standards of Article VI.M.;

4. a certified statement that containment walls will meet the standards of Article VI.N.;
- L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
- M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

ARTICLE IV – APPLICATION FEE AND EXPERT’S FEE

Fees shall be according to a schedule adopted by the Board of Selectmen.

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

ARTICLE V – REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Code Enforcement Officer shall:

- A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have been, or will be met;
- B. Utilize, in the review of all Flood Hazard Development Permit applications:
 1. the base flood and floodway data contained in the “Flood Insurance Study – Town of Dover-Foxcroft, Maine,” as described in Article I;
 2. In special flood hazard areas where base flood elevation and floodway data are not provided the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.b; Article VI.K; and Article VIII.D, in order to administer Article VI of this Ordinance and;
 3. when the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.1.b, the community shall submit that data to the Maine Floodplain Management Program in the State Planning Office.
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;
- D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;

- E. Notify adjacent municipalities, the Department of Environmental Protection, and the Floodplain Management Program in the State Planning Office prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;
- F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits based on the type of development:
 - 1. a two part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with a second 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 Flood proofing of non-residential structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the flood proofing standards of Article VI.G.1.a.,b., and c. The application for this permit shall include a Flood Proofing Certificate signed by a registered professional engineer or architect; or,
 - 3. a Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves and piers.
- G. Maintain, as a permanent record, copies of all Flood Hazard Development Applications, and 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, Certificates of Compliance, and certifications of design standards required under the provisions of Article 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 system.
- C. Sanitary Sewage Systems – All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
- D. On Site Waste Disposal Systems – On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.
- E. Watercourse Carrying Capacity – All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.
- F. Residential – New construction or substantial improvement of any residential structure located within:
 1. Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.
 2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b. Article V.B.; or Article VIII.D.
- G. Non Residential – new construction or substantial improvement of any non-residential structure located within:
 1. Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
 - a. be flood proofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to passage of water;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - c. be certified by a registered professional engineer or architect that the flood proofing 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.
 2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b; Article V.B; or Article VIII.D; or
 - a. together with attendant utility and sanitary facilities meet the flood proofing standards of Article VI.G.1.
- H. Manufactured Homes – New or substantially improved manufactured homes located within:
 1. Zone AE shall:

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

2. Zone A shall:

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

I. Recreational Vehicles – Recreational vehicles located within:

1. Zone AE shall either:

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

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

- 1. be 500 square feet or less and have a value less than \$3,000;
- 2. have unfinished interiors and not be used for human habitation;
- 3. have hydraulic openings, as specified in Article VI.L.2., in at least two different walls of the accessory structure;
- 4. be located outside the floodway;

5. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,
6. have only ground fault interrupt electrical outlets. The electric service disconnect service shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.

K. Floodways –

1. In zone AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's "Flood Insurance Rate Map" unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. In Zones AE and A riverine areas, for which no regulatory floodway is designated encroachments, including fill, new construction, substantial improvements and other development shall not be permitted in the floodway as determined in Article VI.K.3 unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development; development:
 - a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,
 - b. is consistent with the technical criteria contained in Chapter 5 entitled "Hydraulic Analysis," Flood Insurance Study – Guidelines and Specifications for Study Contractors (FEMA 37/January 1995, as amended).
3. In Zone AE and A riverine areas, in which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

L. Enclosed Areas Below the Lowest Floor – New construction or substantial improvement of any structure in Zones AE and A that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs F, G, or H and is elevated on posts, columns, piers, piles, "stilts," or crawlspace 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; and,
2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. 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 not 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 of control such as human intervention, including the use of electrical and other non-automatic mechanical means; and,
 3. The enclosed area shall not be used for human habitation; and
 4. The enclosed area may be usable solely for building maintenance, access, parking of vehicles, or storage.
- M. Bridges – New construction or substantial improvement of any bridge in Zone AE and A shall be designed such that:
1. when possible, the lowest horizontal member (excluding the pilings, or column) is elevated to at least one foot above the base flood elevation; and
 2. a registered professional engineer shall certify that:
 - a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.K.; and
 - b. the foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.
- N. Containment Walls – New construction or substantial improvement of any containment wall located within:
1. Zones AE and A shall:
 - a. have the containment wall elevated to a least one foot above the base flood elevation;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K.
- O. Wharves, Piers and Docks – New construction or substantial improvement of wharves, piers, and docks are permitted in Zones AE and A, in and over water and seaward of the mean high tide if the following requirements are met:
1. wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and
 2. for commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

ARTICLE VII – CERTIFICATION OF COMPLIANCE

No land in 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, and Elevation Certificate completed by a professional land surveyor, registered professional engineer, or architect, for compliance with Article VI, paragraphs F, G, or H.
- B. The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this ordinance.
- C. Within 10 working days, the Code Enforcement Officer shall:
 - 1. review the Elevation Certificate and the applicant's written notification; and,
 - 2. upon determination that the development conforms with the provisions of this ordinance, shall issue a Certificate of Compliance.

ARTICLE VIII – REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

The Planning Board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law or local ordinances or regulations and all projects on five 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 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 the fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

ARTICLE IX – APPEALS AND VARIANCES

The Board of Appeals of the Town of Dover-Foxcroft, Maine, may, upon written application of an aggrieved party, hear and decided 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.

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 existence 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 or 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.
1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board
 2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
 3. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.
 4. The person filing the appeal shall have the burden of proof.
 5. The Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing, and shall issue a written decision on all appeals.
 6. The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.
 7. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five days from the date of any decision of the Board of Appeals.
- D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
1. other criteria of Article IX and Article VI-K are met; and,
 2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

- E. Variance 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;
 - 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. The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.

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

ARTICLE XI – VALIDITY AND SEVERABILITY

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

ARTICLE XII – CONFLICT WITH OTHER ORDINANCES

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

ARTICLE XIII – DEFINITIONS

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

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

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

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

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

Basement – means any area of the building having its floor sub grade (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 M.R.S.A. Section 4451 (including exceptions in Section 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws and ordinances.

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

Elevated building – means a non-basement building:

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

In the case of Zones AE or A, elevated building also includes a building elevated by means of fill or solid foundation perimeter walls less than three feet in height with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article VI.L.

Elevation Certificate – an official form (FEMA Form 81-31, 03/97, 01/03, as amended) that:

- a. is used to verify compliance with the floodplain management regulations of the National 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 of runoff of surface waters from any source.
- b. the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1 of this definition

Flood elevation study – means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

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

Flood insurance study – see **Flood elevation study**

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

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

Floodplain management regulations – means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes

such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

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

Floodway – see **regulatory floodway**.

Floodway encroachment lines – means the lines marking the limits of floodways on federal, state, and local floodplain maps.

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

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

Historic structure – means any structure that is:

- a. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district 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 purposed 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) or any other established datum and is used in areas where mean sea level data is too far from a specific site to be practically used.

Lowest floor – means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such

enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in Article VI.L. of this ordinance.

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

Manufactured home park or subdivision – means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level – means, for purposes, of the National Flood Insurance Program, the national Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations, shown on a community's Flood Insurance Rate map are referenced.

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

National Geodetic Vertical Datum (NGVD) – means the national vertical datum, whose standard was established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD was based upon mean sea level in 1929 and also have 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.

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 slide outs;
- 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 or a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and

- b. when not designated on the community's Flood Insurance Rate Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

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

Special food 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, footing, 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 it's 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 of 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.

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

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

ARTICLE XIV – ABROGATION

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

Town of Dover-Foxcroft

Land Use Ordinance

June 20, 2010 – enacted
November 2, 2010 – amended
June 12, 2012 – amended
November 5, 2013 amended
June 10, 2014 amended
June 14, 2016 amended

TOWN OF DOVER-FOXCROFT LAND USE ORDINANCE

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ARTICLE 1 – GENERAL

1.1 Title

This Ordinance and the accompanying zoning map shall be known and may be cited as the “Land Use Ordinance of the Town of Dover-Foxcroft, Maine.”

1.2 Authority

This Ordinance has been prepared and adopted pursuant to the enabling provisions of Article VIII, Part 2, of the Maine Constitution, the provisions of Title 30-A MRSA Section 3001 (Home Rule) and the Comprehensive Planning and Land Use Regulation Act, Title 30-A MRSA, Sections 4312 et.seq., Section 4352, Zoning Ordinances

1.3 Purposes

The purposes of this Ordinance are:

- A. To implement the provisions of the Town’s Comprehensive Plan;
- B. To encourage growth in the identified growth areas of the community, and to limit growth in the rural areas;
- C. To promote the health, safety and general welfare of the residents of the community;
- D. To encourage the most appropriate use of land throughout the community;
- E. To promote traffic safety;
- F. To provide safety from fire and other elements;
- G. To provide an allotment of land area in new developments sufficient for adequate enjoyment of community life;
- H. To conserve natural resources, natural beauty, and open space

1.4 Applicability

The provisions of this Ordinance shall govern all land and water areas of the Town of Dover-Foxcroft.

1.5 Conflicts with Other Ordinances

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

This Ordinance supersedes and replaces the Zoning Ordinance which became effective on November 8, 1973, as amended, and shall not prevent enforcement of the repealed ordinance with respect to the time periods in which it was in effect.

1.6 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.

1.7 Effective Date of the Ordinance and Ordinance Amendments

- A. The effective date of this Ordinance shall be the date of adoption by the citizens of Dover-Foxcroft on June 22, 2010.

1.8 Amendments

A. This Ordinance may be amended by a majority vote of the citizens of Dover-Foxcroft.

1.8A Contract Zoning

1.8A.1 Authority

In accordance with 30-A M.R.S. § 4352, property in Dover-Foxcroft may be rezoned by means of a process known as “contract zoning”, for reasons such as the unusual nature or unique location of the proposed development.

1.8A.2 Purpose

It is the general purpose of this section to provide a mechanism whereby specific conditions may be added to the granting of a change in zoning in order to mitigate potential adverse effects upon adjacent properties and the community. This is a voluntary process that may be initiated by petition from a property owner or duly authorized representative. The provisions of this section shall not exempt the use or development of any property from other standards or requirements under the Land Use Ordinance, or as otherwise provided by law.

1.8A.3 Mandatory Conditions

Any rezoning pursuant to this section shall:

- A. Be consistent with the Comprehensive Plan of the Town of Dover-Foxcroft, as amended;
- B. Be consistent with the existing and permitted uses within the original zones;
- C. Only include conditions and restrictions that relate to the physical development or operation of the property (examples include, but are not limited to, limitations on extent and intensity of permitted uses; floor area, height, or lot coverage of structure(s); setbacks; parking, traffic control devices, fencing, plantings, or landscaping; or the creation of open space or buffer zones); and
- D. Be subject to an agreement between authorized representatives of the property owner and the Town providing for the implementation and enforcement of all terms and conditions imposed and agreed to by the parties pursuant to this section.

1.8A.4 Procedure

Except as otherwise provided in this section, all proposed rezoning amendments shall be processed in accordance with 30-A M.R.S. §4352, or successor statutes, as may from time to time be amended.

The Planning Board shall conduct a public hearing before any property is rezoned under this section. Notice of this hearing must be posted in the municipal office at least 13 days before the public hearing. Notice must also be published at least 2 times in a newspaper having general circulation in the municipality. The date of the first publication must be at least 12 days before the hearing and the date of the second publication must be at least 7 days before the hearing. Notice must also be sent to the owner or owners of the property to be rezoned and to the owners of all property abutting the property to be rezoned at the owners' last known addresses. Notice also must be sent to a public drinking water supplier

if the area to be rezoned is within its source water protection area. This notice must contain a copy of the proposed conditions and restrictions with a map indicating the property to be rezoned.

1.9 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.

1.10 Annual Administrative Review

The Code Enforcement Officer, Planning Board and Board of Appeals each shall report as needed to the Board of Selectmen on their respective experience with the administration of this Ordinance. Their reports to the Board of Selectmen shall include any recommended amendments that would:

- A. Enhance their ability to more effectively meet their respective administrative responsibilities under this Ordinance; and
- B. Enhance the implementation of the purposes of this Ordinance contained in Article 1, Section 3, above. The failure of any person or board to comply with this provision shall not affect the validity or enforceability of this Ordinance in any way.

ARTICLE 2 - LAND USE DISTRICT REQUIREMENTS

Shoreland Zoning Areas indicated on the zoning map are regulated by the Town of Dover-Foxcroft's Shoreland Zoning Ordinance dated June 20, 1979, as amended.

2.1 Establishment of Districts

For the purposes of this Ordinance, the Town of Dover-Foxcroft is hereby divided into the following land use districts:

- Rural Residential 1 (RR1)
- Rural Residential 2 (RR2)
- Residential (RES)
- Village (V)
- Industrial (IN1)
- Downtown (COM1)
- Commerce (COM2)
- Historic District (H)

2.2 Rules Governing District Boundaries

The location and boundaries of the land use districts are established as shown on the "Town of Dover-Foxcroft Zoning map," which is hereby made a part of this Ordinance. This map shall be on file in the office of the Town Clerk. Unless otherwise set forth on the Town of Dover-Foxcroft Zoning map, zone boundary lines are property lines, the centerlines of roads, streets and rights-of-way or such lines extended, and the center lines of water courses or such lines extended, or the Town boundary lines. Boundaries indicated as following or parallel to shore lines shall be construed to follow or be parallel to the normal high water mark of such shore lines, and in the event of changes

in the shore line shall be construed as moving with the actual shore line. Where uncertainty exists as to the exact location of the district boundary lines, the Board of Appeals shall be the final authority as to location. Exclusive of lands subject to shoreland zoning requirements, where a land use district boundary line divides a lot or parcel of land of the same ownership of record at the time such line is established by adoption or amendment of this Ordinance, the regulations applicable to the less restricted portion of the lot may be extended not more than 100 feet into the more restricted portion of the lot.

2.3 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.

2.4 District Purposes

The purpose of these district requirements is to implement the municipality's Comprehensive Plan and to provide for orderly growth and development.

A. Rural Residential 1 (RR1) The purpose of this district is to encompass areas of existing residential areas while maintaining the rural character of the town, protecting agricultural and forestry uses, providing open spaces, providing for residential growth and encouraging medium to high density development.

B. Rural Residential 2 District (RR2) The purpose of this district is to maintain the rural character of the town, to protect agricultural and forestry uses, to provide open spaces and provide for single-family residential dwellings with larger lot sizes

C. Residential (RES) The purpose of this district is to encompass areas of existing residential development while maintaining the rural character of the town, and to provide medium-density residential opportunities between the higher density Village district and the lower density Rural Residential districts.

D. Village (V) The purpose of this district is to provide an area for future growth and to provide an expansion of limited commercial uses and will include areas that will serve as high-density residential development.

E. Industrial (IN1) The purpose of this district is to provide land that is conveniently located with respect to appropriate transportation, and other conditions favorable to the development of additional business and to limit undesirable conflicts between residential and industrial development.

F. Downtown Commercial (COM1) The purpose of this district is to include existing commercial development while providing for the expansion of commercial uses.

G. Commercial (COM2) The purpose of this district is to encourage development of commercial uses.

H. Historic (H) This district is shown on the attached map (Appendix 1). The purpose of this district is to acknowledge and ensure the long-term preservation of historic structures within the Town. Properties currently listed and registered on the National Register of Historic Places will be included in this district. Any proposed land use activity involving structural development within the Historic District shall be submitted by the applicant to the Historical Review Committee for review and comments, at least 7 days prior to action being taken by the Code Enforcement Officer or Planning Board. If a member of the Historical Review Committee is unable to meet with the applicant during that 7 day time frame for whatever reason then the appropriate permits may be issued. The CEO or Planning Board shall consider comments received from the Commission prior to rendering a decision on the application and shall require that historic resources be protected to the maximum extent possible in accordance with the Committees recommendations.

2.5 District Requirements

Permitted uses and uses subject to site plan review and approval of the Planning Board shall conform to all dimensional requirements and other applicable requirements of this Ordinance.

A plumbing permit and/or building and use permit shall be required for all buildings, uses and sanitary facilities according to the provisions of Article 3, Sections 3.2 / 3.3 / 3.4 of this Ordinance. All uses shall comply with the land use standards of Article 2 of this Ordinance.

Land uses permitted in each of the districts, in accordance with the land use standards of this Ordinance, are shown in Table B-1.

Permit Symbols

YES - Yes, allowed without a permit, but must comply with land use standards

NO - No, not allowed

PB - Site plan review and approval of the Planning Board is required (see CEO)

CEO - Code Enforcement Officer Permit required

Table B-1

Uses	Growth Districts					Rural Districts	
	V	IN1	COM1	COM2	RES	RR1	RR2
Resource Extraction and Rural Uses			*	*			
Agriculture	PB	NO	NO	NO	PB	YES	YES
Animal Breeding & Care	NO	NO	NO	NO	PB	YES	YES
Boarding and riding stables	NO	NO	NO	NO	PB	YES	YES
Campground	NO	NO	NO	NO	NO	PB	PB
Extractive industry	NO	NO	NO	NO	NO	NO	PB
Wood processing operation	NO	YES	NO	PB	NO	PB	PB
Public outdoor recreation such as parks, and playgrounds	PB	NO	PB	PB	PB	PB	PB
Earth materials storage	NO	PB	NO	PB	NO	PB	PB

Uses	Growth Districts					Rural Districts	
	V	IN1	COM1	COM2	RES	RR1	RR2
Accessory structure, uses, or services that are essential for the exercise of uses listed above.	Accessory structures are permitted in the same fashion as the primary structure on the lot, and require review under the same entity or entities.						
Residential Uses							
Single-family dwelling	CEO	NO	CEO	NO	CEO	CEO	CEO
Single family mobile home	CEO	NO	NO	NO	CEO	CEO	CEO
Two-family dwelling	CEO	NO	CEO	NO	CEO	CEO	CEO
Multi-family dwelling (Three or more families)	PB	NO	PB	NO	PB	PB	PB
Mobile home park	PB	NO	NO	NO	PB	PB	NO
Home Occupation	PB	NO	PB	PB	PB	CEO	CEO
Conservation Development Housing	PB	NO	NO	NO	PB	PB	PB
Accessory apartment	PB	NO	PB	PB	PB	CEO	CEO
Accessory structures, uses or services that are essential for the exercise of uses listed above	Accessory structures are permitted in the same fashion as the primary structure on the lot, and require review under the same entity or entities.						
Institutional Uses			*	*			
Animal hospital, veterinary clinic	PB	NO	NO	PB	NO	PB	PB
Cemetery	NO	NO	NO	NO	NO	PB	PB
Church, synagogue, parish house	CEO	NO	PB	NO	PB	PB	PB
Civic, convention center	PB	PB	PB	PB	NO	PB	PB
Community center	PB	NO	PB	PB	PB	PB	PB
Community living arrangement	PB	NO	PB	NO	PB	PB	PB
Day care center	CEO	PB	CEO	PB	NO	PB	PB
Fraternal order and service club	CEO	PB	CEO	NO	PB	PB	PB
Governmental facilities and grounds	PB	PB	PB	NO	NO	PB	PB
Hospital, medical clinic	PB	PB	PB	NO	NO	PB	PB
Nursing home, convalescent facility	PB	NO	PB	PB	NO	PB	PB
Museum	PB	NO	PB	NO	PB	PB	PB
Public or private school	PB	NO	PB	NO	PB	PB	PB
Public Building	PB	PB	PB	NO	PB	PB	PB
Accessory structures, uses or services that are essential for the exercise of uses listed above.	Accessory structures are permitted in the same fashion as the primary structure on the lot, and require review under the same entity or entities.						

Uses	Growth Districts					Rural Districts	
	V	IN1	COM1	COM2	RES	RR1	RR2
Commercial Uses			*	*			
Amusement facility, commercial recreation	PB	NO	PB	PB	NO	PB	PB
Antiques /art gallery/craft shop/gift shop	PB	NO	PB	PB	PB	PB	PB
Auction barn	PB	NO	PB	PB	NO	PB	PB
Automobile sales lot and repair garage	NO	NO	NO	PB	NO	PB	PB
Automobile service station	PB	NO	PB	PB	NO	PB	PB
Bed and breakfast	PB	NO	PB	PB	PB	PB	PB
Boat building, repair	NO	PB	NO	NO	NO	PB	PB
Building materials, retail sales	PB	NO	PB	PB	NO	PB	NO
Commercial complex	PB		PB	PB	NO	NO	NO
Commercial greenhouse, nursery	PB	NO	PB	PB	NO	PB	YES
Commercial removal of earth materials	NO	NO	NO	NO	NO	PB	PB
Commercial school	PB	PB	PB	PB	NO	PB	PB
Communication facility	PB	PB	PB	PB	NO	PB	PB
Communication tower	CEO	PB	CEO	PB	NO	PB	PB
Concessions/Take out food service	PB	NO	PB	PB	NO	PB	PB
Essential services	YES	YES	YES	YES	YES	YES	YES
Financial institution	PB	NO	PB	PB	NO	PB	PB
Funeral home	PB	PB	PB	NO	NO	PB	PB
Golf Course/ Clubhouse	NO	NO	NO	NO	NO	PB	PB
Grocery and variety store	PB	NO	PB	PB	NO	PB	PB
Health spa, fitness club, gym	PB	PB	PB	PB	NO	PB	PB
Indoor entertainment and recreation	PB	PB	PB	PB	NO	PB	PB
Kennel-boarding site	NO	NO	NO	PB	NO	PB	PB
Laundry, dry cleaning establishment	PB	NO	PB	PB	NO	PB	PB
Liquor store	PB	NO	PB	PB	NO	PB	NO
Hotel, Motel	PB	PB	PB	PB	NO	PB	PB
Neighborhood convenience store/service station	PB	NO	PB	PB	NO	PB	PB
Off-street parking and loading facility	PB	PB	PB	PB	NO	PB	PB
Outdoor storage business	NO	NO	NO	NO	NO	PB	PB
Planned unit development	PB	NO	PB	NO	PB	PB	PB
Power transmission lines and fuel pipelines	PB	CEO	PB	PB	PB	PB	PB

Uses	Growth Districts					Rural Districts	
	V	IN1	COM1	COM2	RES	RR1	RR2
Professional offices, office building	PB	PB	PB	PB	NO	PB	PB
Publishing, printing	PB	PB	PB	PB	NO	PB	PB
Redemption center	PB	PB	PB	PB	NO	PB	PB
Restaurant	PB	PB	PB	PB	NO	PB	PB
Repair service (other than auto)	PB	PB	PB	PB	NO	PB	PB
Retail business	PB	NO	PB	PB	NO	PB	PB
Self-storage facility	NO	PB	NO	NO	NO	PB	PB
Service business	PB	PB	PB	PB	NO	PB	PB
Signs	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Boat Storage	PB	PB	PB	NO	NO	PB	PB
Wholesale business	NO	PB	NO	PB	NO	PB	PB
Accessory structures, uses or services that are essential for the exercise of uses listed above.	Accessory structures are permitted in the same fashion as the primary structure on the lot, and require review under the same entity or entities.						
Industrial Uses							
Automobile graveyard/junkyard	NO	NO	NO	NO	NO	PB	PB
Air transportation use	NO	PB	NO	NO	NO	PB	PB
Bulk oil and fuel storage, in excess of 50 gallons except for on site purposes	NO	NO	NO	NO	NO	PB	PB
Construction equipment storage/except temporary for road construction	NO	NO	NO	NO	NO	PB	PB
Demolition, waste disposal	NO	NO	NO	NO	NO	PB	NO
Light manufacturing assembly plant	NO	PB	NO	PB	NO	PB	PB
Manufacturing	PB	PB	PB	PB	NO	PB	PB
Newspaper facility	PB	PB	PB	PB	NO	PB	PB
Pulp mill	NO	NO	NO	NO	NO	NO	NO
Saw mill	NO	PB	NO	NO	NO	PB	PB
Sewage treatment facility	NO	NO	NO	NO	NO	PB	PB
Solid waste transfer station	NO	NO	NO	NO	NO	PB	PB
Public Transportation Facility	PB	PB	PB	PB	NO	PB	PB
Warehouse	NO	PB	NO	PB	NO	PB	PB
Accessory structures, uses or services that are essential for the exercise of uses listed above	Accessory structures are permitted in the same fashion as the primary structure on the lot, and require review under the same entity or entities.						
*Any legal business located in an existing structure, or the physical expansion of an existing business provided that the addition is less than 10% of the floor area of the existing facility, qualifies as a permitted use in the COM1 and COM2 zone and can be permitted by CEO. Any legal business not located in an existing structure, or the physical expansion of an existing							

Uses	Growth Districts					Rural Districts	
	V	IN1	COM1	COM2	RES	RR1	RR2
business which exceeds 10% of the floor area of the existing structure requires planning board approval.							

2.6 Dimensional Requirements

All structures and uses shall meet or exceed the following minimum requirements. Additional lot area or setbacks may be required by other provisions of this Ordinance. See notes following the table for additional requirements.

Table B-2

Minimum Dimensional Requirements	Growth Districts					Rural Districts	
	V	IN1	COM1	COM2	RES	RR1	RR2
Minimum lot area * (G)		2 ac			20,000 ft ²	2 ac ²	2 ac ²
With public sewer (ft ²)	5,000		5,000	15,000			
Without public sewer (ft ²)	20,000		20,000	20,000			
Minimum land area per dwelling unit	N/A	N/A	N/A	N/A	15,000 ft ²	1 ac ²	2 ac ²
Minimum lot width (ft) (A)					100	200	200
With public sewer	50	200	50	50			
Without public sewer	100		100	100			
Minimum setbacks³ (ft)							
Front setback¹(C)(D)(E)(F)					25	25	25
With public sewer	15		10	10			
Without public sewer	15		20	20			
Side setback¹(C)(D)(E)					15	15	15
With public sewer	5		10	10			
Without public sewer	5		20	20			
Rear setback¹(C)(D)(E)					25	50	50
With public sewer	5		10	10			
Without public sewer	15		20 ¹	20			
Maximum lot coverage	80%	90%	N/A	90%	50% ²	25% ²	25% ²
Maximum building height	35 ft	45 ft	45 ft	35 ft	35 ft	35 ft	35 ft
Maximum structure height	Acceptable heights shall be considered by the planning board on an as-needed basis.						

*The minimum area of a mobile home park lot shall be 6,500 square feet where served by a public sewer system, and 12,000 square feet where served by a central, on-site subsurface wastewater disposal system, and 20,000 square feet with individual, on-site subsurface wastewater disposal systems.

Minimum Dimensional Requirements	Growth Districts					Rural Districts	
	V	IN1	COM1	COM2	RES	RR1	RR2
¹ In this zone only, the Planning Board may reduce the minimum setback requirements when considering special exceptions, provided such a reduction is consistent with Section 8.3, C-5. ² Density bonus provisions can apply as detailed in Section 9.8 of the Town's Subdivision Ordinance ³ Signs are excluded from front setbacks and windmills must setback a minimum of two times the height of the windmill							

Notes to table:

A. Required frontage. All lots hereinafter created shall possess frontage on (1) a public road, or on (2) a private road or other thoroughfare or access route which meets the specifications for road construction in section 9.2 of the Town's Subdivision Ordinance.

B. Cul-de-sac frontage. New building lots located at the end of cul-de-sacs or along curves in a street where the radius of the curve at the front lot line is less than 90 feet, may be designed so that they have a minimum of 35 feet of street frontage along the front lot line, so long as lot width at the location where the principal building is to be constructed is at least equal to the distance normally required for street frontage in that district. The lot width shall be measured along a line that is parallel to a tangent of the mid-point of the curve.

C. Setback measurements. The front setback along a public road shall be measured from the edge of the right-of-way line to the nearest part of the building, including roof overhangs. All side and rear setbacks shall be measured from the property line to the nearest part of the building. All structures, whether attached to the principal structure or not and whether open or enclosed, including porches, carports, balconies or platforms above normal grade level, shall not project into any area designated as a set-back area.

D. Driveways, parking areas. Driveways and parking areas may be located within any required setback area provided that they shall not be located within five (5) feet of the side or rear lot lines.

E. Accessory structures. When located beyond the rear of the principal building, accessory buildings no larger than 150 square feet in floor area may be located within the required side or rear setbacks provided that no structure shall be located within five (5) feet from a side or rear lot line.

F. Corner lots. The front setback requirement shall be observed along all roads abutting the lot.

G. Lots of Record. Any single lot in existence on the effective date of adoption of this ordinance may be built upon without compliance with lot requirements set down by this ordinance for the zone in which the lot is found.

ARTICLE 3 – ADMINISTRATION, ENFORCEMENT AND PENALTIES

3.1 Administering Agencies

A. Code Enforcement Officer

Unless otherwise provided in this Ordinance, the Code Enforcement Officer (CEO) shall administer and enforce this Ordinance. No permit application shall be approved by the Code Enforcement Officer except in compliance with the provisions of this Ordinance. The Code Enforcement Officer shall have the following duties, among others, in enforcing this Ordinance:

- 1. Applications and fees.** Act upon all applications and collect any fees due; refer/process all applications as required.
- 2. CEO Permit approvals.** Act upon permit applications that are under the jurisdiction of the CEO as set forth in Article 2, Land Use Districts.
- 3. Site plan review permits.** Review applications which are under the jurisdiction of the Planning Board, as set forth in Article 2, for completeness of submissions and refer such applications to the Planning Board for site plan approval.
- 4. Board of Appeals applications.** Refer requests for variances and administrative appeals to the Board of Appeals.
- 5. Complaints and violations.** Investigate complaints and reported violations.
- 6. Reports and records.** Keep written reports and thorough records.
- 7. Violation notices.** Issue violation notices.
- 8. Appeals.** Participate in appeals procedures.
- 9. Consent agreements.** Process or act on consent agreements involving violations of this Ordinance and appear in court when necessary.
- 10. Agendas.** Prepare agendas for mailing at least seven days before meetings of the Planning Board and Board of Appeals, and attend meetings of the Planning Board and Board of Appeals where applicable.
- 11. Permit revocations.** Revoke any permit after notice if it was issued in error or if it was based on erroneous information.
- 12. Interpretation.** Refer matters to the Planning Board when there is a question concerning the interpretation of this Ordinance.

B. Board of Appeals

The Board of Appeals shall be responsible for deciding administrative and variance appeals in accordance with the requirements of Article 8 of this Land Use ordinance. Following the issuance of any decision favorable to the applicant, the applicant shall return to the Code Enforcement Officer for approval of any applicable building permit application. The role of the Board of Appeals is limited to ensuring that required procedures are followed and that variances are granted in strict conformity with the requirements of this Ordinance. The Board of Appeals shall have no authority to substitute its judgment for that of the Planning Board or Code Enforcement Officer in the substantive review of development proposals.

C. Planning Board

The Planning Board shall be responsible for reviewing and acting upon applications for site plan approval as set forth in Article 2. Following approval by the Planning Board, the applicant shall return to the Code Enforcement Officer for issuance of any applicable permits.

D. Historical Review Committee

The Historical Review Committee shall be responsible for review of any applications for proposed land use activity involving structural development within the Historic District (See map – Appendix 1). For permit applications they will provide comments and recommendations to the applicant regarding their application and the Code Enforcement Officer. For site plan review applications they will submit comments and recommendations to the Planning Board and which should be taken into consideration for the decision. Consultation to the Committee is required but the recommendations from the Committee are not mandatory.

3.2 Permits Required

It shall be unlawful, without first obtaining a permit from the appropriate reviewing authority, to engage in any activity or use of land or structure requiring approval 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. Approval shall be required for:

A. Activities requiring Code Enforcement Officer approval. Any activity listed in Article 2, Land Use Districts, as requiring approval from the Code Enforcement Officer.

B. Activities requiring site plan approval. Any activity listed in Article 2, Land Use Districts, as requiring approval from the Planning Board.

3.3 Permit Application

A. Written application. Every applicant for a permit shall submit a written application, including a site plan, on a form provided by the municipality, to the Code Enforcement Officer. The following items, when appropriate, shall be included on the application.

- 1) The shape, size and location of the lot to be built upon and structure(s) to be erected, altered or removed.
- 2) Any structure(s) already on the lot.

- 3) Depth of front yards of structure(s) and adjoining lots.
- 4) Statement of intended use.
- 5) Other information, as outlined in this ordinance, needed by the Code Enforcement Officer, Planning Board, or the Board of Appeals to determine compliance with the provisions of this Ordinance.
- 6) Proof that the applicant has right, title or interest in the property.

B. Historical Review Committee Consultation. Applications that are within the designated Historic District (see map – Appendix 1) shall be required to be reviewed by the Historical Review Committee for their comments and recommendations. The applicant may then choose to amend their plans, but are not required to.

C. Signature. All applications shall be signed by the owner of the property or the owner's legal agent, certifying that the information on it is complete and accurate. If the person signing the application is not the owner or lessee of the property, then that person shall submit a letter of authorization from the owner or lessee.

D. Application to be dated. All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date of its receipt.

E. Plumbing permit. A valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Local Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface wastewater disposal system.

F. Fees.

- 1) **Applications for Code Enforcement Officer approval.** Applications for a permit from the Code Enforcement Officer shall be accompanied by a fee according to the fee schedule as amended. This application fee shall be made by check payable to the Town. No application shall be found complete until the fee is paid. This fee shall not be refundable.
- 2) **Applications for Planning Board approval.** Applications for site plan approval by the Planning Board shall be accompanied by a fee according to the fee schedule as amended. This application fee shall be made by check payable to the Town. No application shall be found complete until the fee is paid. This fee shall not be refundable.
- 3) **Modifications.** Any modification to the description, scale drawing, or site plan of the proposed structure(s) shall require a revised application, payment according to the fee schedule as amended, and approval in accordance with the provisions of Article 2, Land Use District Requirements, prior to beginning the work.

3.4 Procedure for Administering Permits

A. Submission of Permit applications to Code Enforcement Officer

- 1) **Determination of complete application.** Within 30 days of the date of receiving a written application for approval of either the Code Enforcement Officer or the Planning Board, the Code Enforcement Officer shall notify the applicant either that the application has been accepted as a complete application or, if the application is incomplete, that specific additional material is needed to make the application complete.
- 2) **Referrals.** All complete applications which require site plan approval of the Planning Board or action by the Board of Appeals shall within a period of thirty (30) days be referred to the applicable board for action and public notice shall be given. After approval, with or without conditions by such Board, the Code Enforcement Officer shall issue a permit within seven (7) working days after being notified of such approval.
- 3) **Building permit approvals.** In all other cases involving approval by the Code Enforcement Officer, the Code Enforcement Officer shall within a period of seven (7) working days approve or deny such applications in accordance with the provisions of this Ordinance.
- 4) **Written notification.** If approval is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance or regulation or any State law which the municipality is responsible for enforcing.

B. Applicant Responsibility

- 1) **Burden of proof.** 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.
- 2) **Posting.** Within seven (7) working days of receiving the approval, the applicant shall conspicuously post any approval issued, on the lot where the activity will occur, at a location clearly visible from the public street or road.

C. Expiration of Approval

If no substantial progress of construction has been made within one (1) year from the date the approval is granted, the approval becomes invalid. The Code Enforcement Officer shall renew the approval within 30 days after the expiration of the approval upon payment of a fee as specified in the fee schedule as amended, a maximum of two times. Otherwise the permit becomes invalid and the application process must begin anew.

3.5 Non-conforming Uses

This section applies to any use of a lot or parcel of land which was grandfathered or approved under a previous ordinance on the date of adoption of this ordinance (see Article 1.7) and which does not conform to this ordinance. Such a use is “grandfathered” and can continue, subject only to the following restrictions. The following provisions shall apply to all non-conforming uses:

- A. Any non-conforming use or facility may be continued and may be expanded by ten percent of the existing size at the time of adoption of this ordinance. Any non-conforming use upon the recommendation of the Planning Board may be expanded an additional ten percent of the existing size in square feet at the time of the adoption of this ordinance.
- B. Any non-conforming structure damaged by fire, flood, explosion, or other casualty may be rebuilt and used as before if such building is performed within 12 months of such casualty and if the restored structure has no greater coverage and contains no greater cubic content than before such casualty.
- C. In the event that any non-conforming use, other than residential, conducted in the structure or otherwise, ceases, for whatever reason, for a period of one year, such non-conforming use shall not be resumed.

3.6 Enforcement

- A. **Violations.** 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.
- B. **Penalty.** Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A, MRSA Section 4452.

ARTICLE 4 - SITE PLAN REVIEW

4.1 Submission Requirements

- A. Cover letter explaining scope of the project.
- B. A completed application for site plan review shall consist of eight (8) copies of required plans. Plans shall be drawn to a scale no smaller than 1” = 100’. An additional copy is required to be submitted to the Historical Review Committee if the project is located with the designated Historic District (see map – Appendix 1).
- C. The site plan shall contain the following items, unless the Board, by formal action, waives specific requirements:
 - 1. A title block containing the name and address of the applicant and property owner; the name and address of the preparer of the plan, with professional seal, if applicable;

- location of the property according to municipal tax maps; and the date of plan preparation or revision.
2. A north arrow, a graphic scale, and a signature block for members of the Board.
 3. Location and description of all buildings existing or to be placed on the site.
 4. Land Use District, including the districts abutting the property if different.
 5. Location of physical features such as ledge, wetlands, watercourses, sand and gravel aquifers and forested areas.
 6. Location and design details of existing and proposed utilities, including power, water, sewer or septic system, and drainage structures.
 7. Location of any permanently installed machinery likely to cause appreciable noise at the lot lines.
 8. Existing contours and finished grade elevations within the site.
 9. Location and necessary design details of all parking and paved areas.
 10. A plan for the treatment of storm water.
 11. A copy of the soil survey map of the area.
 12. Description of any raw, finished or waste materials to be stored outside the buildings and any stored materials of a hazardous nature.
 13. Description of the type and placement of sewage facilities:
 - a. Where disposal will be accomplished through subsurface waste disposal system, an analysis of test pits prepared by a licensed site evaluator.
 - b. Where disposal will be accomplished through a public or community system, certification of approval by the sewer plant superintendent.
 14. Indication of water supply sufficient in quantity and quality for both normal use and fire protection. Where public water will be used, a certification of sufficiency from the Dover-Foxcroft Water District and Dover-Foxcroft Fire Chief is required.

4.2 Performance Guarantees

A. The developer shall, in an amount set by the Town Manager, file with the Town, prior to the issuance of final approval, a performance guarantee in the form of a certified check payable to the Town of Dover-Foxcroft, a performance bond running to the Town of Dover-Foxcroft, an irrevocable letter of credit to cover the full cost of required improvements or some other form of

surety that is acceptable to the Town Manager. Any such bond shall be satisfactory to the Town Manager and the municipal attorney as to form, sufficiency, manner of execution and surety.

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

C. A period of one (1) year (or such period as the Town Manager may determine appropriate, not to exceed three (3) years) shall be set forth in the bond time within which required improvements must be completed.

D. Inspection of Required Improvements:

- 1) At least fifteen (15) days prior to commencing construction of required improvements, the developer shall notify in writing the Code Enforcement Officer of the time when the developer proposes to commence construction of such improvements so that the Town Manager can cause inspection to be made to assure that all specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements, and utilities required by the Board. Inspection shall be made of all required public improvements as defined above;
- 2) At least five (5) days prior to commencing construction of required improvements, the developer shall pay an inspection fee equal to the estimated cost of inspection by an engineer appointed by the Town, payable by check to the Town of Dover-Foxcroft, stating the purpose of the fee. No building permits shall be issued on the project and no work begun until the inspection fee has been paid.
- 3) If the inspector shall find, upon inspection of the improvement performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the developer, the inspector shall so report to the Town Manager, Road Commissioner and Building Inspector. The Town Manager shall then notify the developer and, if necessary, the bonding company or bank, and take all necessary steps to preserve the municipality's rights under the bond or letter of credit. No plan shall be approved by the Board as long as the developer is in default on a previously approved Plan;
- 4) Upon completion and final inspection of all required improvements, any funds remaining in a project's inspection fee account, after all inspection fees have been paid, shall be returned to the developer.
- 5) The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements by the legislative body.

E. The performance guarantee shall not be released by the Town Manager until:

- a. The inspecting official has completed a final inspection of the project and has submitted a statement stating that all required public improvements as defined above have been completed in accordance with approved plans and specifications.
- b. The Town Manager and Code Enforcement Officer have examined the site, have reviewed the inspecting official's report and concur with the inspector's findings.

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

4.3 Review Criteria

The following criteria and standards shall be utilized by the Planning Board in reviewing applications for Site Plan Review. These standards are intended to provide a guide for the applicant in the development of site and building plans as well as a method of review for the Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention, and innovation.

- A. *Preservation of Landscape:* The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas.

If a site includes a ridge or ridges which are elevated above the surrounding areas and provide scenic vistas for surrounding areas, special attempts shall be made to preserve the natural environment of the skyline of the ridge. Buildings shall be located so that they are not clearly visible from surrounding areas. Siting away from the skyline, plantings, and buffering landscaping are potential methods of preserving the scenic vista.

The Planning Board shall consider the comments of the State Historic Preservation Officer, if any, and may require that significant archaeological sites be preserved to the maximum extent possible both during construction and following completion of the development.

- B. *Preservation of Historic Structures:* For any applications located within the Historic District, the Planning Board shall consider comments received from the Historical Review Committee prior to rendering a decision on the application and shall require that historic resources be protected to the maximum extent possible in accordance with the Committees recommendations.
- C. *Relation of Proposed Buildings to the Environment:* Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings. Special attention shall be paid to the scale of the proposed building(s), massing of the structure(s), and such natural features as slope, orientation, soil type, and drainage courses.
- D. *Parking and Circulation:* The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives, and parking areas shall consider general interior circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas, and the arrangement and use of parking areas. These facilities shall be safe and convenient and, insofar as practicable, shall not detract from the proposed buildings and neighboring properties.

All entrance and exit driveways shall be located to afford maximum safety to traffic, provide for safe and convenient ingress and egress to and from the site and to minimize conflict with the flow of traffic.

Any exit driveway or driveway lane shall be designed in profile and grading and located as to provide the maximum possible sight distance measured in each direction. The sight distance available should not be less than the stopping distance for oncoming traffic at the posted speed limit (about 10' per mph).

Acceleration and deceleration lanes should be provided where the volume of traffic using the driveway and the volume of traffic on the road would create unsafe traffic conditions.

- E. *Surface Water Drainage:* Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, down-stream conditions, or the public storm drainage system. Adequate treatment shall be provided to mitigate potential impacts to receiving wetlands and water bodies from pollutants, excess nutrients and elevated temperatures in storm water runoff from developed areas.
- F. *Utilities:* The site plan shall show what provisions are being proposed for adequate water supply and wastewater disposal in accordance with state standards.
- G. *Special Features:* Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
- H. *Exterior Lighting:* All exterior lighting shall be designated to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicular traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public. The Planning Board shall determine the necessity for lighting depending upon the nature of the intended use.
- I. *Emergency Vehicle Access:* Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.
- J. *Landscaping:* Landscaping shall be designed and installed to define, soften, or screen the appearance of off-street parking areas from the public right-of-way and abutting properties to enhance the physical design of the building(s) and site.
- K. *Road Standards:* When a project entails the construction of public or private ways, these ways shall conform to Town Standards as described in Section 9.2 of the Towns Subdivision Ordinance.

- L. *Site Conditions*: During construction, the site shall be maintained and left each day in a safe and sanitary manner and any condition that could lead to personal injury or property damage shall be immediately corrected by the developer upon an order by the Building Inspector or other authorized personnel. The developer shall make provision for disposal of oil and grease from equipment and the site area should be regularly sprayed to control dust from construction activity.

M. Expiration of Approval

If no substantial progress of construction has been made within one (1) year from the date the approval is granted, the approval becomes invalid. The Code Enforcement Officer shall renew the approval within 30 days after the expiration of the approval upon payment of a fee as specified in the fee schedule as amended, a maximum of two times. Otherwise the approval becomes invalid and the application process must begin anew.

ARTICLE 5 – PERFORMANCE STANDARDS

The following performance standards shall apply to all site plans, provided, however, where the Planning Board finds that, due to special circumstances of a particular plan, the provision of certain required performance standards which are not requisite in the interest of public health, safety and general welfare, the Planning Board may waive such requirements, subject to appropriate conditions.

5.1 Road Standards

When a project entails the construction of public or private ways, these ways shall conform to Town standards as described in Section 9.2 of the Town's Subdivision Ordinance.

5.2 Buffers

Buffers are fences, landscaping, berms and mounds used to minimize any adverse impacts or nuisance on the site or from adjacent areas. The following guidelines apply:

- A) Evergreens can be used as buffers, provided they are planted properly. An evergreen buffer requires two (2) or three (3) rows of staggered plantings. The rows should be five (5) feet apart and the evergreens planted four (4) feet on center.
- B) Buffers shall be considered in or for the following areas and purposes:
 - Along property lines, to shield various uses from each other
 - Along interior roads running parallel to roads exterior to the site, to prevent confusion, particularly at night.
 - Parking areas, garbage collection areas, and loading and unloading areas.
 - To block prevailing wind patterns and to stop wind-borne debris from leaving the site.
 - Natural features shall be maintained wherever possible to provide a buffer between the proposed development and non-compatible abutting properties and public roadways.
 - When natural features such as topography, gullies, stands of trees, shrubbery, rock outcrops do not exist or are insufficient to provide a buffer; other kinds of buffers shall be considered.

- Buffers shall be sufficient to shield structures and uses from the view of non-compatible abutting properties and public roadways, and to otherwise prevent any nuisances including but not limited to all loading and unloading operations, storage areas, commercial vehicle parking, waste disposal and collection areas.
- Fencing and screening shall be durable and properly maintained at all times by the owner.
- Fencing and screening shall be so located within the property line to allow access for maintenance on both sides without intruding upon abutting properties.
- All buffer areas shall be maintained in a neat and sanitary condition by the owner

5.3 Waste Controls

Any waste control features shall be in accordance with the Town Sewer Ordinance and/or applicable state regulations.

5.4 Air-Pollution and Noise Controls

A. It shall be unlawful within the Town of Dover-Foxcroft for any persons, owner, agent, operator, firm or corporation to permit or cause, suffer or allow the discharge, emission or release into the atmosphere from any source whatsoever of soot, fly ash, dust, cinders, waste, particulate, solid, liquid or gaseous matter or any other materials in such place, manner or concentration as to constitute atmospheric pollution.

B. A maximum of 60 decibels at the property line shall not be exceeded.

5.5 Accessibility

Any building or facility constructed as a place of public accommodation or place of employment, or when estimated total costs for remodeling, enlarging, or renovating an existing building exceed \$100,000, the facilities must meet the following ANSI 117.1-1986 standards, as amended:

- a) Accessible route;
- b) 4.13 doors;
- c) 4.27.3 tactile warnings on doors to hazardous areas
- d) Parking spaces for use by persons with physical disability in adequate number, pursuant to section 4593, subsection 1, paragraph E; and
- e) 4.17 toilet stalls, at least one of which must be a standard toilet stall configuration pursuant to ANSI 117.1 – 1986 fig. 30 (a).

5.6 Water Recreation And Water Storage Facilities

Any facility for water recreation such as public swimming pools, outdoor water storage tanks, swimming clubs, and commercial fishing pond, or any other water storage facility such as reservoirs, fish hatcheries, sewage lagoons and farm ponds shall comply with the following requirements:

- A. The facility shall comply with the setback requirements.

- B. The facility shall be enclosed by a fence no less than four (4) feet high to prevent uncontrolled access by small children, if prescribed by the Planning Board for safety reasons.

5.7 Signs

Are defined as any exterior device designed to inform or attract the attention of the public.

The intent of this section is to preserve the value of property, protect the public safety and promote the visual quality of the town. It is also the intent of this section to provide for the integration of all signs with the architectural character of the buildings and neighborhoods with which they are associated, to make all signs a harmonious complement through appropriate scale and appearance with the structure to which they are attached. No sign shall contain information or advertising for any product not sold on the premises, except for signs on state roads which are permitted by the State Department of Transportation. No sign, including signs in existence at the time of the adoption of this amendment, shall obstruct or otherwise disrupt the vision of drivers on public or private roadways due to location, size, or illumination. Especial care shall be taken so that signs do not block drivers' lines-of-sight at intersections.

- A. Any signs allowed without a permit need to comply with all other aspects of this section.

B. Public Signs

Public signs, including but not limited to community information signs, safety and traffic signs, directional and historic signs, are allowed without permit and shall be placed within distances consistent with their functions. Where appropriate, they shall be unified in the use of symbols, lettering, color, size, location, and mounting.

C. Business Signs

1. Business signs are permitted and shall be constructed, installed, and maintained so as to ensure public safety and preserve the visual quality of the community. Such signs shall be clearly associated with and on the same site as the building or establishment which they announce. They shall not contain information or advertising for any product not sold on the premises. Business signs may be of the following types: painted, changeable letter, changeable electronic copy, hanging or wall signs, projecting, double-faced, canopy, and internally illuminated. Where appropriate, freestanding signs may be erected in addition to a sign attached to a building, so long as the attached sign shall conform to the facade lines of the building. No business sign shall extend above the roof line of the building to which it is attached.
2. Industrial/Commercial Park Signs - One sign shall be permitted at the main entrance of an industrial or commercial park. Such a sign shall bear the name of the park and an additional sign for each entity within the park. The sign shall be a single free-standing arrangement. The park name portion of the sign shall be no larger than thirty two (32) square feet. The signs for each entity shall be no larger than five (5) square feet and shall bear only the name of the entity. Another sign shall be permitted for a secondary entrance to the park. Such secondary sign shall bear only the name of the park and shall be no larger than ten (10) square feet. Neither sign shall block drivers' lines-of-sight at the entrance.

D. Temporary Signs

1. Building construction - One sign per street frontage of a building under construction or repair announcing the name of the enterprise or purpose for which the building is intended shall be allowed without permit. Such signs shall not exceed thirty-two (32) square feet in area, or more than fifteen (15) feet in height. Such signs may be allowed without permit during the construction project but shall be removed within three (3) months of the completion of construction, unless permitted for an additional three (3) months by the Code Enforcement Officer.
2. Announcements/Events
 - A. Non-Profit: Signs, including overhead banner signs, announcing non-commercial, non-profit, events, may be allowed without permit for not more than two (2) weeks prior to the event, and shall be removed within three (3) days of the event taking place. Such signs shall not exceed thirty-two (32) square feet in area and shall not obstruct drivers' view lines, nor shall any such sign be placed on the drivable portion of a public way. Overhead banner signs larger than 32 square feet can be permitted up to 80 square feet and are allowed not more than four (4) weeks prior to the event.
 - B. Public, Information/Community Event Signs – Public information and community event signs are allowed as described in section 5.1 (B)
 - C. Political Signs – Political signs are allowed without permit in accordance with Maine statutes governing political signs and elections.
3. Property advertising - One sign per property to advertise the sale, lease, or rental of the property on which it is located shall be allowed without permit. Such a sign shall not exceed (16) square feet in area and shall not obstruct drivers' view lines.
4. Subdivision - A single sign, advertising for sale, lease, or rental of property within a land subdivision shall be permitted. Such a sign shall not exceed thirty-two (32) square feet in area, or more than fifteen (15) feet in height, and shall not obstruct drivers' view lines. Such signs may be permitted no longer than four (4) years after the final subdivision plan is approved.
5. Permitting of allowable temporary signs is not required.
6. Designated Areas – In addition to areas allowed for the placement of temporary signs for non-profit, public announcements, or events, the Planning Board and Board of Selectmen may designate additional areas where these signs may be placed

E. Special signs and displays

1. Time and/or temperature signs, including those provided by a business and including the business's name or symbol shall be permitted.
2. Spot lights and flood lights, shielded so as to be invisible to pedestrians and drivers off the property, shall be allowed without permit.

3. Address signs, not to exceed one (1) square foot in area, shall be allowed without permit.
4. One exterior directory sign per street level entrance, provided that no individual listing exceeds one (1) square foot in area, shall be allowed without permit.

F. Illuminated signs

Illuminated signs are permitted, except that no illuminated signs shall be of the blinking, alternating, or rotating type, and no illuminated sign shall constitute a safety hazard to any public right-of-way by reason of unshielded lights or any other reason.

G. Changeable Electronic Copy Signs (Electronic Signs)

Changeable electronic copy signs are defined as a sign or portion of a sign that displays electronic pictorial and/or alpha numeric information and is changeable by electronic means. If any portion of a sign meets the definition of a changeable electronic copy sign, the entire sign shall be considered a changeable electronic copy sign for the purposes of this ordinance.

Highway Corridor – for the purposes of this section, the highway corridor is defined as a lot with frontage on State Route(s) 6 and 16(Milo Road) 6, 15, 16, (West Main Street/Guilford Road), and 15 (East Main Street/Bangor Road) & Rt. 7 (Dexter Rd).

Existing Commercial Site – For the purpose of this section, an existing commercial site is any lawful and conforming commercial land use of activity being conducted at the time of the passage of this section.

The Planning Board shall adopt uniform regulations concerning the use of changeable electronic copy signs and oversee the issuance of permits for electronic signs.

Permits for changeable electronic copy signs shall be issued to the business or entity using the property. Permits shall transfer with change in business or entity using the property. Permits shall expire upon change of land use.

Changeable electronic copy signs shall be limited to highway corridors and existing commercial sites consistent with uniform regulations adopted by the Planning Board.

Changeable electronic copy signs shall not be permitted within the historic district unless the sign location is within the designated commercial portion of the historic district and on a highway corridor.

- No part of the sign will flash, scroll, or blink.
- Each message will transition into another message instantaneously or within one second.
- The changeable portion of an electronic sign will in no case exceed twenty (20) square feet.
- The height of an electronic sign shall not exceed sixteen (16) feet. This is measured from the top of the sign to the finished grade at the foundation base.
- A changeable electronic copy sign fixed to the ground must be encompassed at the base by a permanent landscaped foundation.

H. Changeable letter signs

A single changeable letter sign may be permitted at a business site.

1. Such a sign shall not exceed thirty two (32) square feet in area.
2. Such a sign shall be appropriately maintained and shall not detract from adjacent property.
3. Such a sign does not obstruct drivers' line-of-site.
4. If the sign is a changeable electronic copy sign, the changeable portion of the sign shall not exceed twenty (20) square feet.

I. Home Occupation Signs

Any approved home occupation shall not erect or display a sign any larger than 2' x 3'. A freestanding sign shall be no higher than 6 feet. Neon and illuminated lights are not permitted.

J. Height clearance and projection limits of signs.

1. Ground signs. Ground signs of any type including changeable electronic copy signs shall not exceed in height sixteen (16) feet above ground level. Ground signs within the Commercial 2 Land Use District shall not exceed twenty four (24) feet in height. Changeable electronic copy signs in the Commercial 2 district shall not exceed sixteen (16) feet in height.
2. Projecting signs, except awning, canopy, or marquee signs
 - a. cannot overhang a public way beyond 3' from building face
 - b. over a public way must leave pedestrian clearance of 8' including awning, canopy, or marquee signs
 - c. can be no larger than 12 square feet
 - d. If the projecting sign is a changeable electronic copy sign, the sign shall meet any additional regulations by the Planning Board.

K. Size and number limits of business signs

One primary business sign shall be permitted, not to exceed in area one (1) square foot for each linear foot of principal street frontage of the establishment. Secondary business signs may be permitted, no sign to exceed one (1) square foot in area for each linear foot of secondary street frontage of the establishment. In no such case shall total sign area exceed one hundred (100) square feet per street frontage. Additional individual business signs may be permitted at the discretion of the Planning Board.

L. Insurance

It shall be the responsibility of the owner(s) of the sign to carry liability insurance for any personal injury or property damage resulting from the fall or displacement of such signs. The town shall in no way be held liable for injury or damage due to the falling or displacement of any sign displayed on private property or over any public right of way.

M. Non-conforming Signs

Signs not conforming to the provisions of this ordinance on the date of enactment shall be considered non-conforming signs.

1. Non-conforming signs may continue to exist if they are maintained in a safe, clean and neat condition, except for signs that obstruct or otherwise disrupt the vision of drivers on public or private roadways due to location, size, or illumination.
2. Any non-conforming sign that is relocated must be made to conform to the provisions of this ordinance at the time of relocation.

N. Removal of signs

Signs shall be removed within three (3) weeks after a structure is vacated and/or a business ceases to operate, all business signs shall be removed from the premises by the owner.

5.8 Home Occupations

A home occupation is defined as any business or commercial endeavor conducted in a residence.

- A. The home occupation shall be carried on by a member of the family residing in the dwelling unit only. One employee who is not part of the family is permitted.
- B. The home occupation shall be carried on wholly within the principal or accessory structures. A structure built specifically to accommodate a home occupation is not permitted.
- C. Exterior displays or signs other than those permitted under 5.7, exterior storage of materials, and exterior indication of the home occupation or variation from the residential character of the principal structure shall not be permitted.
- D. Material outside, such as noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare shall not be produced.

5.9 Agriculture

Agriculture uses shall comply with the following requirements:

- A. Farm buildings, other than a dwelling, shall not be erected within one hundred (100) feet of a neighboring property.
- B. Feed lots, fenced runs, pens, and similar intensively used facilities or areas for the rearing of animals and animal care shall not be located within one hundred (100) feet of a neighboring property, excluding pastures in the “RR1” and “RR2” zones.
- C. Roadside stands for sale of agricultural products shall be permitted if:
 1. They are erected at least twenty (20) feet back from the nearest edge of roadway surfaces in non-residential areas.
 2. They are used exclusively for the sale of agricultural products.
 3. Signs shall conform to provisions set forth in Article 5.8.

- D. Nothing shall prohibit the keeping of household pets such as dogs or cats. The keeping of one or more horses, ponies and/or other large animals, or the raising of more than two of any smaller species over six months old requires facilities or areas in conformance to Article 5 Section 10A and 10B.
- E. All spreading or disposal of manure shall be accomplished in conformance with the “Maine Standards for Manure and Manure Sludge Disposal on Land” published by the University of Maine and Maine Soil and Water Conservation Commission in July 1972, and as this may be amended or superseded.
- F. Where soil is tilled it must comply with shoreland zoning regulations.

5.10 Keeping of Domesticated Chickens

The purpose of this section is to provide standards for the keeping of domesticated chickens in the Residential and Village Zones. It is intended to enable residents to keep a small number of female chickens on a non-commercial basis while creating standards and requirements that ensure that domesticated chickens do not adversely impact the neighborhood surround the property on which the chickens are kept.

A. Permit Required

1. An annual permit is required for the keeping of any domesticated chickens. The annual permit is personal to the permittee and may not be assigned.
2. An annual administrative fee of \$10.00
3. An applicant for a permit to keep chickens must demonstrate compliance with the criteria and standards in this section in order to obtain a permit.

B. Number and Type of Chickens Allowed

1. The maximum number of chickens allowed is twelve (12) per lot regardless of how many dwelling units are on the lot.
2. Only female chickens are allowed. There is no restriction on chicken species.

C. Non-Commercial Use Only

Chickens shall be kept for personal use only; no person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes. The slaughtering of chickens is prohibited.

D. Enclosures

1. Chickens must be kept in an enclosure or fenced area (chicken pen) at all times during daylight hours. Enclosures must be clean, dry, and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor, or other adverse impact. The chicken pen must provide adequate sun and shade and must be impermeable to rodents, wild birds, and predators, including dogs and cats. It shall be constructed with sturdy wire fencing buried at least 12” in the ground. The pen must be covered with wire, aviary netting, or solid roofing. The use of chicken wire is not permitted.
2. Chickens shall be secured within a henhouse during non-daylight hours.

- a. Any henhouse shall be at least twenty-five (25) feet from any residential structure or any other premises on any adjacent lots. The structure shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird-proof wire of less than one (1) inch openings. The use of scrap, waste board, sheet metal, or similar materials is prohibited.
- b. Henhouses shall only be located in rear yards. For a corner lot or other property where no rear yard exists, a side yard may be used as long as the twenty five (25) foot setback is met. In no case may a henhouse be placed in the front yard. Henhouses are not allowed to be located in any part of a home.

E. Odor and Noise Impacts

1. Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries
2. Perceptible noise from chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.

F. Predators, rodents, insects, and parasites

The property owner and/or chicken owner shall take all necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites that may result in unhealthy conditions to human habitation. Chickens may be removed by the Town, through the animal control officer and the cost of the same shall be borne by the property owner and or/chicken owner.

G. Feed and Water

Chickens must be provided with access to feed and clean water at all times.

H. Waste Storage and Removal

Provision must be made for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed container. NO more than one, twenty gallon container of manure shall be stored on any one property housing chickens. All other manure shall be removed. In addition, the henhouse, chicken pen and surrounding area must be kept free from trash and accumulated droppings.

I. Fees for Re-inspections

Following the Town's issuance of a notice of violation of the requirements hereunder and an order to correct violations, the Town will re-inspect at the expense of seventy five dollars (\$75.00) to the property owner and/or chicken owner to determine whether the violations have been fixed in compliance with this section. Failure to correct the violation shall result in a penalty imposed pursuant to section J below in addition to the re-inspection fee. If the violation have not been fixed in compliance with this section, the violator shall be assessed a re-inspection fee of one hundred and fifty dollars (\$150.00) for each subsequent re-inspection. Failure to pay the assessment for the re-inspections shall create a lien on the property of the violator.

J. Penalty

In addition to any other enforcement action which the town may take, violation of any provision of this article shall be a civil violation and a fine of one-hundred dollars (\$100.00) may be imposed. Each day that a violation continues will be treated as a separate offense. This penalty is in addition to any expense for re-inspection of the property

K. Revocation of permit

A permit to keep chickens may be revoked where there is a risk to public health or safety or for any violation of or failure to comply with any of the provisions of any other applicable ordinance or law.

L. Removal of Chickens

In addition to the penalty state in section J, any violation of the provisions of this article shall be grounds for an order from the city to remove the chickens and the chicken-related structures.

5.11 Proposed Streets

After a line of a future street is placed on the official map of the Town of Dover-Foxcroft, buildings shall be set back from such line as though it were a street line. Streets shall be constructed as specified in the Subdivision Ordinance.

5.12 Manufactured Housing

Provisions contained in this section shall apply to all units defined as “Manufactured Housing” according to Title 30-A, MRSA, Section 4358.

A. GENERAL

A building permit is required for placing a manufactured home within town. Evidence of payment of sales tax and property tax shall accompany an application for a building permit.

- a. All manufactured housing sited within the town after the effective date of this Ordinance shall comply with the design standards contained in this section.
- b. All manufactured housing sited within the town after the effective date of this ordinance shall comply with the minimum standards contained in this section. All manufactured homes constructed after June 15, 1976 and bearing the seal of the Department of Housing and Urban Development which certifies the manufactured home was built pursuant to the provisions of the Manufactured Home Construction and Safety Standards as revised shall be deemed to have fulfilled the safety standards of this section.
- c. Travel trailers shall not be used as a permanent manufactured home or single family dwelling. Any travel trailer in use more than 60 days in one year shall be stationed at a campground or, when not in use, stored on the premises of the owner.

B. DESIGN STANDARDS

All manufactured housing shall be sited and maintained in such a manner to blend harmoniously with other residential structures in close proximity. To this end all manufactured housing located within the Town of Dover-Foxcroft after the effective date of this ordinance shall be located on a permanent foundation which shall include at a minimum a gravel pad and skirting of material which is residential in appearance. Skirting shall be in place within 6 months of placement of the mobile home. Skirting material shall consist of properly treated all-weather materials which may include, but not be limited to, wood, masonry, masonry-like stone, decorative lattice or commercially available metal or plastic skirting.

C. SAFETY STANDARDS

1. Exit Facilities

- Required egress doors shall not be located where a lockable interior door must be used in order to exit.
- Homes shall have a minimum of two exterior doors not less than 12 feet from each other. One of the required exit doors must be accessible from the doorway of each bedroom without traveling more than 35 feet. All exterior doors shall provide a minimum of 28" wide by 74" high clear opening.
- Locks shall not require the use of a key for operation from the inside.

2. Egress Windows and Devices

- Every room designed expressly for sleeping purposes, unless it has an exit door, shall have at least one outside window.
- The bottom of the window opening shall not be more than 36 inches above the floor
- Locks, latches, operating handles, tabs and any other window, screen or storm window devices, which need to be operated in order to permit exiting, shall not be located in excess of 54 inches from the finished floor

3. Interior Doors

- Each interior door, when provided with a privacy lock, shall have a privacy lock that has an emergency release on the outside to permit entry when the lock has been locked by a locking knob, lever, button or other locking device on the inside.

4. Fire Detection Equipment

- All homes shall contain at least one operable smoke detector centrally located within the home and one operable smoke detector in each bedroom.
- Cabinet areas over cooking ranges or cook tops shall be protected by a metal hood.
- Ranges shall have a vertical clearance above the cooking top of not less than 24 inches to the bottom of combustible cabinets.

5. Carpeting

- Carpeting shall not be used in a space or compartment designed to contain only a furnace and/or water heater. Carpeting may be installed in other areas where a furnace or water heater is installed, provided that it is not located under the furnace or water heater.

4. Roof Load

- All home with roofs added after construction will require a professional engineer to inspect the roof to determine that the roof and home can withstand the rigors of a State of Maine winter or wind uplifts that may occur.

5. Heating and Fuel Burning System

- A person holding a master license issued by The State of Main Oil and Solid Fuel Examining Board shall inspect and certify that the heating and fuel system meets the requirements of NFPA-31-Installing of Oil Burning Equipment as adopted by that Board, or other applicable standards.

6. Electrical System

- A person holding a master license issued by the State of Maine Electricians Examining Board shall inspect and certify that the electrical system is safe and meets the National Electrical code in effect at the time the home was constructed.

5.13 Mobile Home Parks

“Mobile Home Park” means a parcel of land under unified ownership approved by the municipality for the placement of three or more manufactured homes. Mobile home parks shall comply with the following standards:

A. Lot size, dimension, and setbacks:

I. Lots served by public sewer

Minimum Lot area - 6,500 sq. feet

Minimum Lot width - 50 feet

II. Lots served by individual subsurface sewage disposal system

Minimum lot area - 20,000 sq. feet

Minimum lot width - 100 feet

III. Lots served by a central subsurface wastewater disposal system

Minimum lot area - 12,000 sq. feet

Minimum lot width - 75 feet

IV. The minimum overall density of a mobile home park served by a central subsurface sewage disposal system shall be no less than one unit per 20,000 sq. feet of total park area.

V. Lots within a shoreland zoning district shall meet the lot area, lot width, setback, and shore frontage requirements for that district.

VI. The overall density of the mobile home park shall be the combined area of its mobile home lots plus:

- The area required for road rights-of-way;
- The area required for buffer strips;
- For areas served by public sewer, an open space area for storage and recreation equal to 10% of the combined area of the individual lots.

VII. Lot setbacks - The following lot setbacks shall apply to all homes and accessory buildings:

- Front setback: 15 feet
- Side setback: 15 feet
- Rear setback: 10 feet

If these requirements conflict with the requirements of the Shoreland Zone, the stricter standard shall apply. If a lot is on a public road, the setback shall conform with the residential setback requirements applicable to residential dwelling units.

- The Planning Board may allow lot side yard setbacks to be reduced to 5 feet provided a distance of 20 feet is maintained between units for the purpose of providing more usable yard space on one side of the home.
- A minimum 20 foot separation shall be maintained between all manufactured homes in all directions.

B. Road Standards

Privately owned roads within the mobile home park shall be built according to accepted engineering standards and standards contained in Section 9.2 of the Dover-Foxcroft Subdivision Regulations.

- The layout and general development plan for major and minor access streets and driveways within the mobile home park, together with the location and dimensions of access junctions with existing public streets and rights-of-way shall be approved by the Planning Board.
- A traffic impact analysis shall be required if the park will generate more than 500 trips/day.
- For mobile home parks expected to generate 200 trips per day or more, there shall be at least two entrances from public streets or roads.
- On street parking shall be prohibited unless an eight foot parking lane is provided, in which case on-street parking may be permitted on the side of the road where the parking land is located.
- Curvilinear streets shall be utilized wherever possible. No street within the park shall be more than 200 feet without a curve or bend.
- No mobile home lot may have vehicular access directly onto a state highway.

- Two-way park roads shall have a minimum right-of-way of 23 feet and a minimum paved surface of 20 feet. On-street parking shall be prohibited.
- One-way streets shall have a minimum right-of-way of 18 feet and a minimum paved surface of 14 feet. On-street parking shall be prohibited.
- Parking lanes shall be a minimum of 8 feet in width, if provided.
- Cul-de-sac turnarounds shall have a minimum radius of 50 feet at the outer edge of the pavement, exclusive of any parking areas.
- If the developer intends to dedicate park streets to the public, such streets shall meet municipal road standards.

C. Parking Requirements

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

In addition to occupant parking, off-street guest and service parking shall be provided within the boundaries of the park at a ratio of 1 space for each 4 mobile home lots. Such parking shall be hard-surfaced and the spaces shall be reserved for that sole use. This requirement shall be waived if a parking lane provides an equivalent number of spaces.

D. Sidewalks/Walkways

The mobile home park shall contain pedestrian walkways that link all units and all service and recreational facilities. Such walkways shall be adequately surfaced and lit. A portion of the road surface may be reserved for walkways provided the roadway width is increased accordingly. Walkways shall be a minimum width of 3 feet.

E. Lighting

Outdoor lighting shall be provided to adequately illuminate internal streets and pedestrian walkways. Lights shall be sized and directed to avoid adverse impact on adjacent properties.

F. Signs

All signs shall be in accordance with section 5.7 of this Ordinance

G. Storm Drainage

A Storm drainage plan shall be prepared by a professional engineer showing ditching, culverts, storm drains, easements, and other proposed improvements sufficient to accommodate a 25-year storm.

H. Ground Water

1. For mobile home parks not served by a public sewer an assessment of the impacts of park development on ground water quality shall be submitted prior to final approval of

the park. The assessment shall be prepared by a Certified Geologist or Registered Professional Engineer, and shall include the following:

- a. A map showing the basic soil types
- b. The depth to the water table at representative points throughout the mobile home park
- c. Drainage conditions throughout the mobile home park
- d. Data on the existing groundwater quality, either from test wells in the mobile home park or from existing wells on neighboring properties
- e. An analysis and evaluation of the effect of the mobile home park on ground water resources. The evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the mobile home park, at the mobile home park boundaries and at a distance of 1000 feet from potential contamination sources, whichever is a shorter distance. For mobile home parks within the watershed of a lake, projections of the development's impact on ground water phosphate concentrations shall also be provided.
- f. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the mobile home park and within 200 feet of the mobile home park boundaries.

2. Standards

- a. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
- b. No mobile home park shall increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards. No mobile home park shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.
- c. If ground water contains contaminants in excess of the primary standards, and the mobile home park is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.
- d. If ground water contains contaminants in excess of the secondary standards, the mobile home park shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.

3. Development

Subsurface wastewater disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the Plan.

I. Utility Requirements

All mobile home parks shall provide permanent electrical, water and sewage disposal connections to each mobile home in accordance with applicable state and local rules and regulations.

J. Buffer Areas

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

- a. Abut residential land which has a gross density of less than half of that proposed in the park, or
- b. Abut residential land that is zoned at a density of less than half of that proposed in the park.

Further, no structures, streets or utilities may be place in the buffer strip except that they may cross a buffer strip to provide services to the park

- 2) Within 25 feet of any property line and within the buffer strip, visual screening and/or landscaping shall be provided. The visual screening may consist of fences, berms, landscaping (such as shrubs and trees) and/or natural existing vegetation. This screening shall effectively screen at least 80% of the homes from view of the adjacent property and shall be maintained throughout the life of the project.

K. Open Space

For mobile home parks served by a public sewer, an area amounting to no more than 10% of the total area devoted to individual lots shall be set aside for open space and/or recreation. Such space shall be accessible and useable by all residents of the park. Parking space, driveways and streets and buffer areas are not considered useable open space but community recreation buildings, pools and courts are considered as open space.

- At least 50% of the required open space shall consist of land that is suitable for active recreation or storage.
- All developed open space shall be designed and landscaped for the use and enjoyment of the park residents and shall be maintained for their long term use. Plans for these areas shall be submitted by the developer.
- To the maximum extent possible, undeveloped open space shall be left in its natural state. Improvements to make trails for walking and jogging or to make picnic areas are permitted.
- The developer shall submit, as part of his/her application, a copy of that portion of the proposed park rules and a plan which specifies how the open space is to be used and maintained and what conditions are to apply to its use. The plan shall specify the areas to be dedicated to open space, recreation, and storage.
- Open space shall be maintained and used for its stated purpose.

L. Storage

At least 300 cubic feet of enclosed tenant storage facilities shall be conveniently provided on or near each mobile home lot for the storage of materials and equipment.

M. Park Administration

The owner or operator of a mobile home park shall be responsible for ensuring the maintenance of all park-owned structures and their sites. Park management shall conform to

state laws. Compliance with this ordinance shall not exempt the park owner, developer, or manager from complying with other local, state, and federal codes and regulations.

N. Conversion of Park

No lot in a mobile home park may be sold or conveyed without the prior approval of the Planning Board. Any such lot sold or conveyed shall meet the lot size requirement of the district in which it is located.

ARTICLE 6 - ADDRESSING

6.1 Purpose

The purpose of this section is to enhance the easy and rapid location of properties by law enforcement, fire, rescue, and emergency medical services personnel.

6.2 Authority

This section is adopted pursuant to and consistent with 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.

6.3 Administration

This ordinance shall be administered by the Code Enforcement Officer who is authorized to and shall assign road names and numbers to all properties, subject to approval by the Board of Selectmen and after Public Hearing, both on existing and proposed roads, in accordance with the criteria in Sections 313.4 & 313.5. The Code Enforcement Officer shall also be responsible for maintaining the following official records:

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

6.4 Naming System

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. “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 Dover-Foxcroft shall not constitute or imply acceptance of the road as a public way.

The following criteria shall govern the naming system:

- a.) No two roads shall be given the same name (e.g. Pine Road and Pine Lane).
- b.) No two roads should have similar-sounding names (e.g. Beech Street and Peach Street).
- c.) Each road shall have the same name throughout its entire length.

6.5 Numbering System

Numbers shall be assigned every 50 feet along both sides of the road, with even numbers appearing on the left side of the road and odd numbers appearing on the right side of the road, ascending from the number origin.

The following criteria shall govern the numbering system:

- a.) All number origins shall begin from the corner of East Main Street & West Main Street. For dead-end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.
- b.) The number assigned to each structure shall be that of the numbered interval falling closest to the front door or the driveway of said structure if the front door cannot be seen from the main road.
- c.) Every structure with more than one principle use or occupancy shall have a separate number for each use or occupancy. For example, duplexes will have two separate numbers.
- d.) Apartments will have one property number followed by an apartment number, such as 235 Maple Street, Apt.2.

6.6 Compliance

All owners of structures shall, by the date stipulated in Section 313.8, display and maintain in a conspicuous place on said structure, the assigned numbers in the following manner:

- a.) Number on the Structure. Where the structure is within 50 (fifty) feet of the edge of the road right-of-way, the assigned number shall be displayed on the front of the structure in the vicinity of the front door or entry.
- b.) Number at the Street Line. Where the structure is over 50 (fifty) feet from the edge of the road right-of-way, the assigned number shall be displayed on a post, fence, wall, the mail box, or on some structure at the property line adjacent to the walk or access drive to the numbered structure.
- c.) Size and Color of Number. Numbers shall be a minimum 4 inches high and be of a contrasting color to its background.
- d.) Every person whose duty is to display the assigned number shall remove any different number which might be mistaken for, or confused with, the number assigned in conformance with this section.
- e.) Interior location. All residents and other occupants are requested to post their assigned number and road name adjacent to their telephone for emergency reference.

6.7 New Developments and Subdivisions

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

- a.) New Construction - Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to procure an assigned number from the Code Enforcement Officer. This shall be done at the time of the issuance of the building permit.

- b.) New Subdivisions - Any prospective subdivider shall show a proposed road name and lot numbering system on the pre-application submission to the Planning Board. Approval by the Planning Board after consultation with the Code Enforcement Officer, shall constitute the assignment of road names and numbers to the lots in the subdivision. On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots, in the center of the streets every 50 feet so as to aid in the assignment of numbers to structures subsequently constructed.

6.8 Effective Date

It shall be the duty of the Code Enforcement Officer to notify by mail each property owner and the Post Office of their new address at least 60 (sixty) days prior to the effective date of their use. It shall be the duty of each property owner to post new property numbers, in accordance with this ordinance, on the stated date of effective use.

On new structures, numbering will be installed prior to final inspection or when the structure is first used or occupied, whichever comes first

ARTICLE 7 - NON-CONFORMANCE

7.1 Purpose

It is the intent of these provisions to promote land use conformities, except that nonconforming conditions that legally existed before the effective date of this Ordinance, or any amendment thereto, shall be allowed to continue, subject to the requirements set forth in this section.

7.2 General Requirements

A. 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 nonconforming structure or lot, subject to the provisions of this Ordinance.

B. Repair and maintenance. This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs and 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. Plumbing projects may require permits.

7.3 Non-Conforming Structures and Uses

A. Any non-conforming use or facility may be continued and may be expanded by ten percent of the existing size at the time of adoption of this ordinance. Any non-conforming use upon the recommendation of the Planning Board may be expanded an additional ten percent of the existing size at the time of the adoption of this ordinance.

B. Any non-conforming structure damaged by fire, flood, explosion, or other casualty may be rebuilt and used as before if such building is performed within 12 months of such casualty and if the restored structure has no greater coverage and contains no greater cubic content than before such casualty.

C. In the event that any non-conforming use other than residential, conducted in the structure or otherwise, ceases, for whatever reason, for a period of one year, such non-conforming use shall not be resumed.

ARTICLE 8 - APPEALS

8.1 Appointment and Composition

- A. The municipal officers shall appoint members of the Board of Appeals in accordance with the requirements of Title 30-A MRSA Section 2691.
- B. The Board shall consist of five members serving terms of three years.
- C. The Code Enforcement Officer shall provide for the keeping of the minutes of the proceedings of the Board of Appeals, which shall show the vote of each member upon each question. All minutes of the Board shall be a public record.

8.2 Hearings

- A. For all appeals from decisions by the Code Enforcement Officer concerning applications for permits authorized by this ordinance, the Board of Appeals shall hold a public hearing as prescribed herein. The Town Clerk shall cause to be published and posted a notice which shall indicate the property involved, the nature of the appeal and the time and place of public hearing. In addition, the Code Enforcement Officer or the Board of Appeals shall notify, by first class mail, all abutting property owners (of the property subject to appeal) as to nature, time and place of the appeal. The Code Enforcement Officer shall have the option of notifying additional property owners.
- B. The Code Enforcement Officer, unless prevented by illness or absence from the state, shall attend all hearings and shall present to the Board of Appeals all plans, photographs or other factual information which is appropriate to an understanding of the appeal.
- C. All appeals to the Board of Appeals must be filed within 30 days of the date of decision or action.

8.3 Powers and Duties

A. Notification

All applicants for building permits that are denied for any reason shall be advised in writing of the right of appeal.

B. Administrative Appeals

To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration of this Ordinance.

C. Variance Appeals

To authorize variances upon appeal, within the limitations set forth in this Ordinance.

1) Parties that may seek an appeal are limited.

Anyone seeking an appeal must be an applicant, an abutter, or an aggrieved party.

2) Dimensional variances only.

Variances may be granted only from dimensional requirements including frontage, lot area, lot width, structure height, percentage of lot coverage, and setback requirements.

3) No use variances.

Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.

4) Limitations.

The Board of Appeals shall not grant a variance unless it finds that:

- a.) The proposed structure or use would meet the performance standards of this Ordinance except for the specific provision which has created the non-conformity and from which relief is sought; and
- b.) The strict application of the terms of this Ordinance to the petitioner and the petitioner's property would cause undue hardship. The term "undue hardship" as used in this subsection means:
 - i. The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood;
 - ii. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties;
 - iii. The practical difficulty is not the result of action taken by the petitioner or a prior owner
 - iv. No other feasible alternative to a variance is available to the petitioner;
 - v. The granting of a variance will not unreasonably adversely affect the natural environment; and
 - vi. The property is not located in whole or in part within shoreland areas as described in Title 38, section 435.

5) Disability variance.

The Board of Appeals may grant a variance to a property owner for the purpose of making that property accessible to a person with a disability who is living on the property. 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 property 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 on the property. For the purposes of this subsection, a disability has the same meaning as a physical or mental handicap under Title 5 MRSA Section 4553 and the phrase "structures necessary for access to or egress from the property" is defined to include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

6) Conditions.

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 on the variances as it deems necessary.

7) Certificate.

If a variance is granted under this section, the Board shall prepare a certificate, prepared in recordable form, indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a variance including any conditions on the variance, has been granted and the date of the granting. The certificate must be recorded by the property owner in the local registry of deeds within 30 days of final approval of the variance or the variance is void. The variance is not valid until recorded as provided in this subsection.

8) Appeals to Superior Court.

Appeals from the decisions of the Appeals Board shall be to the Superior Court within 45 days of the original decision.

ARTICLE 9 - DEFINITIONS

9.1 Construction of Language

In the interpretation and enforcement of this Ordinance, all words other than those specifically defined in the Ordinance shall have the meaning implied by their context in the Ordinance or their ordinarily accepted meaning. In the case of any difference of meaning or implication between the text of this Ordinance and any map, illustration or table, the text shall control.

The word “person” includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual or other legal entity.

The present tense includes the future tense, the singular number includes the plural, and the plural numbers include the singular.

The words “shall” and “will” are mandatory; the word “may” is permissive.

The word “lot” includes the words “plot” and “parcel.”

The word “building” includes the word “structure.”

The word “used” or “occupied” as applied to any land or building, shall be construed to include the words “intended, arranged, or designed to be used or occupied.”

The words “Town” or “municipality” means the Town of Dover-Foxcroft, Maine.

9.2 Definitions

In this Ordinance, the following terms shall have the following meanings:

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

Accessory Apartment: A separate housekeeping unit, complete with its own sleeping, cooking and sanitary facilities, that is substantially contained within the structure of a single-family dwelling but functions as a separate unit.

Accessory use or structure: A use or structure that is customarily both incidental and subordinate to the principal use or structure on the same lot. The term “incidental” in reference to the principal use or structure shall mean both a) subordinate and minor in significance to the principal use or structure, and b) attendant to the principal use or structure. Such accessory uses, when aggregated, shall not subordinate the principal use of the lot.

Agriculture: The cultivation of soil, producing or raising crops including gardening as a commercial operation. The term shall also include greenhouses, nurseries and versions thereof, but these two terms, when used alone, shall refer specifically to a place where flowers, plants, shrubs and/or trees are grown for sale.

Alteration: Any change or modification in construction, or change in the structural members of a building or structure such as bearing walls, columns, beams or girders, or in the use of a building. The term shall also include change, modification, or addition of a deck, dormer, staircase, or roof of a building.

Aggrieved party: A person who owns property in Dover-Foxcroft, whose land is directly or indirectly affected by the grant or denial of a permit or variance under this Ordinance, or a person whose land abuts or is directly across the road or street or body of water from 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.

Air Transportation Use: Airfields and landing strips provide areas or strips of land to launch and receive power driven and non-power-driven aircraft. Typical uses in this category include airports, airfields, heliports, helipads and landing areas for gliders and balloons.

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

Animal breeding or care: The keeping or raising of four or more animals, including domestic animals and pets, for any commercial use. This definition also includes kennels.

Antique Shop: A commercial establishment which sells furniture, pottery, and other relics from an earlier historic period which are sought after by collectors. Indoor and/or outdoor “Flea Markets” are not considered antique shops.

Auction Barn: Any lot or structure where the principle use is the offering of goods or real estate for sale by means of exchanges between an auctioneer and bidders.

Authorized agent: An individual or a firm having written authorization to act on behalf of a property owner or applicant. The authorization shall be signed by the property owner(s) or applicant(s).

Automobile graveyard, junkyard: a yard, field or other outdoor area used to store 3 or more unregistered or uninspected motor vehicles, as defined in Title 29-A, section 101, subsection 42, or parts of the vehicles. This definition includes an area used for automobile dismantling, salvage and recycling operations.

Automobile repair garage: A business establishment engaged in general repair, engine rebuilding, or parts replacement. Automotive repair shall not mean the sale of gasoline or other motor fuels.

Bed and breakfast: Any dwelling in which transient lodging or boarding and lodging are provided and offered to the public by the owner for compensation for less than one week. This dwelling shall also be the full-time, permanent residence of its owner. Otherwise, it shall be classified as a hotel/motel. There shall be no provisions for cooking in any individual guest room.

Boarding, lodging facility: Any residential structure where lodging and/or meals are provided for compensation for a period of at least one week, and where a family residing in the building acts as proprietor or owner. When the criteria for a family residing in the building cannot be met, the building shall be classified as a hotel/motel. There shall be no provisions for cooking in any individual guest room.

Boat Storage: Any lot or structure where the principle use is the storage of any water craft such as boats, jet-ski's, canoes etc.

Building height: The vertical distance between the highest point of the roof and the average grade of the existing or original ground adjoining the building, whichever distance is greater.

Business and professional offices: The place of business of doctors, lawyers, accountants, financial advisors, architects, surveyors, real estate and insurance businesses, psychiatrists, counselors, and the like or in which a business conducts its administrative, financial or clerical operations including banks and other financial services, but not retail sales nor activities utilizing trucks as part of the business operation.

Campground: Land upon which one or more tents are erected or trailers are parked for temporary use for a fee on sites arranged specifically for that purpose. The word "campground" shall include the words "camping ground" and "tenting grounds."

Cemetery: Property used for the interring of the dead.

Church: A building or structure, or group of buildings or structures, designed, primarily intended and used for the conduct of religious services, excluding school.

Civic, convention center: A building or complex of buildings that house municipal offices and services, and which may include cultural, recreational, athletic, convention and entertainment facilities owned and/or operated by a government agency.

Club: Any voluntary association of persons organized for social, religious, benevolent, literary, scientific, or political purposes, whose facilities, especially a clubhouse, are open to members and guests only and not the general public, and not engaged in activities customarily carried on by a business or for pecuniary gain. Such term shall include fraternities, sororities, and social clubs generally.

Conservation Development housing: A form of development that allows a subdivision design in which individual lot sizes and setbacks are reduced in exchange for the creation of common open space and recreation areas, the preservation of environmentally sensitive areas, agriculture and silviculture and the reduction in the size of road and utility systems. (Often known as Cluster Development / Housing.)

Code enforcement officer (CEO): A person appointed by the municipal officers to administer and enforce this Ordinance.

Commercial Complex: Any structure made up of interconnected or related structures whose primary use is activity carried out for pecuniary gain.

Commercial recreation: Any commercial enterprise that receives a fee in return for the provision of some recreational activity including but not limited to: campgrounds, racquet and tennis clubs, health facility, amusement parks, golf courses, gymnasiums and swimming pools, etc., but not including amusement facility, as defined herein.

Commercial school: An institution that is operated for profit, but is not authorized by the State to award baccalaureate or higher degrees, that offers classes in various skills, trades, professions, or fields of knowledge.

Commercial use: Any activity carried out for pecuniary gain.

Communication facility: Any facility supporting antennas and/or microwave dishes for the reception and retransmission of electronic signals.

Communications Tower – Any structure to support radio, cellular telephone and television transmission antennas; microwave relay towers; monopoles; and similar structures for transmission or reception and retransmission of electronic signals. Includes accessory equipment buildings that do not have office space. Does not include amateur radio operator antennas which are accessory to a residential use and television antennas which are accessory to a residential use.

Community center: A building that provides a meeting place for local, non-profit community organizations on a regular basis. The center shall not be engaged in activities customarily carried on by a business.

Community living arrangement: A housing facility for 8 or fewer persons with disabilities that is approved, authorized, certified or licensed by the State. A community living arrangement may include a group home, foster home or intermediate care facility.

Comprehensive Plan: The Comprehensive Plan of the Town of Dover-Foxcroft.

Concession – A place in a public location where food and drinks are sold.

Conforming: A building, structure, use of land or portion thereof, that complies with the provisions of this Ordinance.

Constructed: Built, erected, altered, reconstructed, moved upon, or any physical operations on the premises that are required for construction. Excavation, fill, drainage and the like shall be considered a part of construction.

Construction Equipment Storage: Any lot or structure where the principle use is the storage of vehicles and equipment which are designed to be used for construction / demolition; this includes articulated and continuous track vehicles etc.

Corner lot: A lot with at least two contiguous sides abutting upon a street or right-of-way.

Day care: Homes and centers licensed as such by the Maine Department of Health and Human Services.

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

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

District: A specified portion of the municipality, delineated on the land use map, within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

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

1. Dwelling unit – a room or suite of rooms used by a family as a habitation that is separate from other such rooms or suites of rooms, and which contains independent living, cooking, sleeping, bathing and sanitary facilities.

2. Single-family dwelling – any structure containing only one (1) dwelling unit for occupation by not more than one (1) family.

3. Two-family dwelling – A building containing only two (2) dwelling units, for occupation by not more than two (2) families.

4. Multi-family dwelling – A building containing three (3) or more dwelling units, such buildings designed exclusively for residential use and occupancy by three (3) or more families living independently of one another, with the number of families not exceeding the number of dwelling units.

Earth Material: Means any rock, natural soil, or fill and/or any combination thereof. Material being used for road projects by the Department of Transportation and their contractors is exempt.

Essential services: The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, and similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare.

Extractive industries: The excavation, processing or storage of soil, topsoil, peat, loam, sand, gravel, rock or other mineral deposits, not including:

1. The excavation of material incidental to and at the site of approved construction of buildings, driveways or parking areas;
2. The excavation of material incidental to and at the site of construction or repair of streets; and
3. The excavation, processing or storage of less than ten (10) cubic yards of material on a lot within a one-year period.

Family: One or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from a group occupying a tourist home, rooming house, hotel, motel or inn.

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

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters;
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

Forestry: The operation of timber tracks, tree farms, forest nurseries, the gathering of forest products, or the performance of forest services.

Frontage, road: The horizontal, straight-line distance between the intersections of the side lot lines with the road right-of-way.

Government Facilities and Grounds- Any lot or structure that's principle use is by local, state or federal governments for the carrying out of their duties.

Growth area: An area that is designated in a municipality's or multi-municipal region's comprehensive plan as suitable for orderly residential, commercial or industrial development, or any combination of those types of development, and into which most development projected over 10 years is directed.

Hardship: See undue hardship.

Home occupation: An occupation or profession that is carried on in no more than 25% of the ground floor area of a detached, single-family dwelling unit by the full-time, permanent occupant of the

dwelling, that is clearly incidental and secondary to the use of the dwelling for residential purposes, and that does not change the character thereof (by way of illustration and not of limitation, the term home occupation shall include foods such as breads, cookies or preserves, rugs, birdhouses, fishing flies, and quilts). The term “home occupation” shall include both professional and personal services, within the limits on number of employees established in other sections of this Ordinance. A retail sales outlet does not qualify as a home occupation unless the item sold is a product of the owner’s labor (for example: manufactured, produced, created, grown).

Hospital: An institution providing, but not limited to, overnight health services, primarily for in-patients, and medical or surgical care for the sick or injured, including as an integral part of the institution such related facilities as laboratories, out-patient departments, training facilities, central service facilities, and staff offices.

Hotel / Motel: A commercial building or group of buildings built to accommodate for a fee travelers and other transient guests who are staying for a limited duration, with sleeping rooms without cooking facilities, each rental unit having its own private bathroom and its own separate entrance leading either to the outdoors or to a common corridor or hallway. A hotel may include restaurant facilities where food is prepared and meals served to its guests and other customers.

Indoor Entertainment and Recreation: An establishment offering entertainment and/or recreation to the general public, where the activity takes place indoors. Such uses generally include, but are not limited to: physical fitness centers, indoor swimming pools, arcades/game rooms, indoor tennis facilities and bowling alleys.

Kennel: An establishment in which more than four (4) dogs or four (4) cats are sold, housed, bred, boarded, or trained for a fee.

Land use ordinance: An ordinance or regulation of general application adopted by the municipal legislative body which controls, directs or delineates allowable uses of land and the standards for those uses.

Legal Agent: A person authorized to act for and under the direction of another person when dealing with the Town. An agent can enter into binding agreements on the principal's behalf and may even create liability for said person.

Light Manufacturing Assembly Plant: A facility where parts are assembled into finished products. In an assembly plant, parts, components and other materials are typically produced elsewhere, whether by the assembly company or an outside vendor, and delivered to the assembly plant as needed.

Lot: An area of land in single ownership, or single leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the Planning Board and recorded in the county registry of deeds.

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

Lot coverage: The percentage of a lot covered by all impervious area.

Lot lines: The lines bounding a lot as defined below:

1. Front lot line: interior lots - the line separating the lot from a street right-of-way; corner or through lots - the line separating the lot from either street right-of-way. Where a right-of-way does not exist or cannot be determined, the front lot line shall be the edge of the paved or graveled area of the road.

2. Rear lot line: the lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to and the front lot line, not less than ten (10) feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front line of least dimension.

3. Side lot line: any lot line other than the front lot line or rear lot line.

Lot of record: A parcel of land, a legal description of which or the dimensions of which are recorded on a document or map on file with the county registry of deeds.

Lot, shorefront: Any lot abutting a body of water that is regulated by the shoreland zoning ordinance.

Lot, through: Any interior lot having frontages on two more or less parallel streets or rights-of-way or between a street and a body of water, or a right-of-way and a body of water, or between two bodies of water, as distinguished from a corner lot. All sides of through lots adjacent to streets, rights-of-way and bodies of water shall be considered frontage, and front yards shall be provided as required.

Lot width: The distance between the side boundaries of the lot measured at the front setback line.

Manufactured housing: A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by use of its own chassis or an independent chassis, to a building site.

Manufacturing: The creation of products from raw or partly wrought materials by hand, by machinery, or by other agency

Minimum lot area: The required lot area within a district for a single use. The lot area shall be determined on the basis of the “net residential acreage calculation,” contained in this Ordinance.

Mobile Home Park: A parcel of land under unified ownership approved by the municipality for the placement of three (3) or more manufactured homes.

Neighborhood convenience store: A store of less than 1,500 square feet of floor space intended to serve the convenience of a residential neighborhood primarily with the sale of merchandise including such items as, but not limited to, basic foods, newspapers, emergency home repair articles, and other household items, that may include “sit down,” dining or “eat-in” foods or take out windows.

Net acreage: The area of a lot or lots that is usable for determining allowable densities, as set forth in the “net acreage calculations” standard of this Ordinance.

Net residential density: The number of dwelling units per net acreage.

Newspaper facility: A facility whose principle product is published materials

Non-conforming: A building, structure, use of land, or portion thereof, that legally exists on the effective date of adoption or amendment of this Ordinance which thereafter fails to conform to all applicable provisions of this Ordinance.

Nursing home: A privately operated establishment where maintenance and personal or nursing care are provided for persons who are unable to care for themselves.

Outdoor Storage Business: A business providing separate self-storage units for individuals or other businesses. The storage areas are typically designed to allow private access by the tenant for storing or removing property.

Parking Facility: Means any land or any interest in land, structure or portions of structures, and improvements on land or structures intended for the off-street parking of motor vehicles by the public for a fee. Any such structure may be either single or multi-level and either at, above, or below the surface.

Parks and recreation: Non-commercially operated recreation facilities open to the general public including, but not limited to playgrounds, parks, monuments, green strips, open space, mini-parks, athletic fields, boat launching ramps, piers and docks, picnic grounds, swimming pools, and wildlife nature preserves, along with any necessary accessory facilities, rest rooms, bath houses, and the maintenance of such land and facilities. The term shall not include campgrounds, or commercial recreation and amusement centers.

Permitted use: A use that is listed as a permitted use in one or more of the districts established by this Ordinance. The term shall not include any prohibited uses.

Planned unit development: A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development often includes a mixture of uses and may include streets, buildings, open spaces and other site features.

Planning Board: The Planning Board of the Town of Dover-Foxcroft.

Principal use: The primary use and chief purpose of a lot or structure.

Public and private schools: Primary and secondary schools, or parochial schools, which satisfy either of the following requirements: the school is not operated for profit or as a gainful business; or the school teaches courses of study that are sufficient to qualify attendance in compliance with State of Maine compulsory education requirements.

Public Building: Any building where access by the general public is allowed.

Public Transportation Facility: A lot or structure whose principle use is to enable the provision of passenger transportation services which are available for use by the general public

Public Utility: Any person, form, corporation, municipal department, board or commission authorized to furnish gas, steam, electricity, waste disposal, communication facilities, transportation or water to the public.

Public Water Supply / Public Sewer: Water supply and sewage disposal system approved by the Town Board of Selectmen for municipal operation.

Pulp Mill: A facility that processes wood chips or other plant fiber source into a different finished product using mechanical, semi-chemical or fully chemical methods

Restaurant: An establishment where meals are prepared and served to the public for consumption on the premises entirely within a completely enclosed building; and where no food or beverages are served directly to occupants of motor vehicles or directly to pedestrian traffic from an exterior service opening or counter, or any combination of the foregoing; and where customers are not permitted or encouraged by the design of the physical facilities, by advertising, or by the servicing or packaging procedures, to take food or beverage for consumption outside the enclosed building.

Retail business: A business establishment engaged in the sale, rental or lease of goods or services to the ultimate consumer for direct use or consumption and not for resale.

Right-of-way: All public or private roads and streets, state and federal highways, private ways (now called public easements), and public land reservations for the purpose of public access, including utility rights-of-way.

Road: An existing state, county or town way or a street dedicated for public use and shown on a plan duly approved by the Planning Board and recorded in the county registry of deeds or a road dedicated for public use and shown on a plan duly recorded in the county registry of deeds prior to the establishment of the Planning Board and the grant to the Planning Board of its power to approve plans. The term shall also include private, undedicated roads that are described in a recorded document. The term “road” shall not include those ways that have been discontinued or abandoned.

Rural area: A geographic area that is identified and designated in a municipality’s or multi-municipal region’s comprehensive plan as an area that is deserving of some level of regulatory protection from unrestricted development for purposes that may include, but are not limited to, supporting agriculture, forestry, mining, open space, wildlife habitat, fisheries habitat and scenic lands, and away from which most development projected over 10 years is diverted.

Saw Mill: A commercial facility that processes wood logs into a different sized product. (Applies to Shingle Mills etc.)

Self-storage Unit: A structure containing separate storage spaces of varying size, leased or rented on an individual basis. Structures to be one story, distance between structures is to be at least twenty-four (24) feet, outdoor storage is prohibited. Space is not to be used for anything other than storage.

Service Business: A commercial activity primarily providing services, as opposed to one primarily providing or selling tangible goods. Includes the provision of services related to the care of persons, apparel or small household appliances.

Service station: Any place of business at which gasoline, other motor fuels or oils are sold to the public for use in a motor vehicle, regardless of any other business on the premises.

Setback: The minimum horizontal distance from a lot line to the nearest part of a building, including porches, steps and railings.

Special exception: A Use that would not be appropriate generally or without restriction throughout the district, but which if controlled as to number, location or relation to the neighborhood, would be acceptable. Such as use may be permitted in such districts as a special exception, if a specific provision is made in this zoning ordinance and reasonable restrictions imposed by the Planning Board are complied with.

Street: Public way for vehicular traffic which affords the principle means of access to abutting properties.

Street Frontage: Lot lines which abut a public street.

Structure: Anything constructed or erected, the use of which requires a fixed location on or in the ground or in the water, or an attachment to something having a fixed location on the ground, including buildings, driveways, parking lots, wind turbines, water towers, silos, billboards, signs, commercial park rides and games, but not including sidewalks, fences,, and field or garden walls or embankment retaining walls.

Swimming pool: An outdoor, man-made receptacle or excavation designed to hold water to a depth of at least twenty-four (24) inches, primarily for swimming or bathing, whether in the ground or above the ground.

Undue hardship: As used in this Ordinance, the words “undue hardship” shall mean all of the following:

1. That the land in question cannot yield a reasonable return; and
2. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and
3. That the granting of a variance will not alter the essential character of the locality; and
4. That the hardship is not the result of action taken by the applicant or a prior owner.

A variance is not justified unless all elements are present in the case.

Use: The manner in which land or a structure is arranged, designed or intended, or is occupied.

Variance: A relaxation of the terms of this Ordinance where such relaxation will not be

contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicants, a literal enforcement of the Ordinance would result in undue hardship as defined in this Ordinance. Variances permissible under this Ordinance are limited to height of buildings, structures, lot size, yard and open space sizes, frontage and setbacks.

Waste Facility: Means any lot or structure where the principle use is handling hazardous, biomedical or solid waste, waste oil, sludge or septage, including dumps. A lot or structure does not become a waste facility solely because:

- A. It is used by its owner for disposing of septage from the owner's residence;
- B. It is used to store for 90 days or less hazardous wastes generated on the same premises;
- C. It is used by individual homeowners or lessees to open burn leaves, brush, deadwood and tree cuttings accrued from normal maintenance of their residential property, when such burning is permitted; or
- D. It is used by its residential owner to burn highly combustible domestic, household trash such as paper, cardboard cartons or wood boxes, when such burning is permitted.

Wood Processing Operation: Any facility where trees, logs, or wood products are cut, split or reshaped and where the finished wood products are sold.

Yard: Space on a lot not occupied with a building or structure. Porches, whether or not enclosed, shall be considered as part of the main building and shall not project into a required yard.

Zoning ordinance: A type of land use ordinance that divides a municipality into districts and that prescribes and reasonably applies different regulations in each district.

APPENDIX

Town of Dover-Foxcroft

ORDINANCE PERTAINING TO OPERATION OF VEHICLES ON TOWN WAYS

MARCH 28, 2016

Section 1. Operation and Registration of Bicycles.

Bicycles shall be operated within Dover-Foxcroft according to State Law.

Section 2. Parking on Public Ways and Parking Lots

A. Parking on the following streets is restricted to parallel parking only:

1. All streets in Dover-Foxcroft
2. Double parking upon any street within the limits of the town is hereby prohibited.
3. Angled parking so designated by painted lines shall constitute parallel parking for the purposes of this ordinance.

B. There shall be no parking in areas designated as no parking zones

C. It shall be unlawful to park a vehicle for more than two (2) consecutive hours on any street or public parking area within Dover-Foxcroft unless said area is posted with a time restriction other than 2 hour.

The two hour restriction in this Subsection (C) shall not apply between the hours of 6:00 PM of each day and 8:00 AM of the following morning.

E. The Town Manager shall cause to be appropriately marked and designated such loading zones, taxicab stands, and prohibited parking zones on East Main Street, South Street, North Street, West Main Street, Summer Street, and Lincoln Street as the Selectmen shall designate. Such loading zones shall be restricted for use in loading and unloading of merchandise. When a prohibited parking zone is so designated and marked, it shall be unlawful for any vehicle other than a truck, delivery van or similar vehicle to park therein, or for such vehicle to park therein longer than may be reasonably required for loading and unloading. When a taxicab stand is so designated and marked, it shall be unlawful for any vehicle other than a taxicab to park therein.

F. It shall be unlawful for any person to park any motorized vehicle or any trailer occupying a parking space larger than one hundred eighty (180) square feet (whether or not the parking space be marked as such on the ground) on any public right of way or public parking lot within the Town of Dover-Foxcroft. This provision shall not apply to public vehicles, ambulances, fire functions for which they are designed. The provisions

of Subsection K of this Section 2 shall not apply to a violation of this Subsection. The Dover-Foxcroft Board of Selectmen may adopt a procedure for issuing permits for a motor vehicle larger than 180 square feet to occupy a public parking space. Permits shall designate the specific location and time limit parking is allowed.

G. From November 15 of one year to April 15 of the following year, it shall be unlawful for any person to leave any vehicle parked within the limits of any public street or way or public parking lot within said Town, so as to interfere with municipal snow removal operations, between the hours of 11:00 PM of each day and 6:00 AM of the following day. In addition to any penalty imposed by this ordinance, the Police Department may tow away and store any vehicle found in violation of this Subsection, at the owner's expense.

H. It shall be unlawful to leave any vehicle with a license gross vehicle weight over 10,000 pounds parked within the limits of any public street or way for more than one hour. The penalty for violation of this Subsection shall be Fifty Dollars (\$50.00.)

I. Except where otherwise provided therein, all persons charged with a violation of this or any other ordinance of the Town of Dover-Foxcroft relative to parking may waive all court action by payment fee of Twenty-Five Dollars (\$25.00) to the Town within seven days from the date of the alleged violation. Except as otherwise herein provided, the penalty for violation of any provision of this Section shall be \$25.00.

- J.
1. The term "vehicle" shall mean any conveyance in, upon, or by which any person or property is or may be transported on the highways.
 2. The term "parking" shall mean the stopping of a vehicle, attended or unattended, upon a public way or in a public parking lot, or otherwise than in obedience to traffic regulations or traffic signs or signals, for a period longer than reasonably necessary to load or unload passenger freight.
 3. The fact that a vehicle is unlawfully parked shall be prima-facie evidence of the unlawful parking of such vehicle by the person in whose name the vehicle is registered.

K. The Board of Selectmen is designated as the licensing authority to regulate rates of fare, routes, and standing places of vehicles for hire except where jurisdiction rests with the Public Utilities Commission. All such vehicles shall carry a liability insurance policy in the amount and in form satisfactory to the Board of Selectmen as a condition precedent to the granting of license to operate.

Section 3. Gross Vehicle Weight Limit, Essex Street

No loaded truck of over 20,000 pounds gross weight (vehicle and load) shall be permitted on Essex Street from the intersection of Vaughn Street to the Landfill Road, except for service trucks while providing service to one or more residences on that section of Essex Street and except for public vehicles doing road repair, construction, or maintenance work, or local

residents going to or from their homes. Notwithstanding any other provisions of these ordinances, the fine imposed for the violation of this section of the ordinance shall be not less than One Hundred Dollars (100.00).

As used in this Section, the term “loaded truck” shall include any truck carrying a load (other than passengers) not permanently attached to the vehicle, and the term “service vehicle” shall include, but shall not necessarily be limited to fuel oil trucks, rubbish removal trucks, delivery trucks, and snow plowing or standing trucks.

Section 4. Use of Sidewalks

A. It shall be unlawful for any person to operate or to park any motorized vehicle, whether it be a truck, automobile, motorcycle, all-terrain vehicle, or other motorized means of conveyance, upon any public sidewalk in the Town of Dover-Foxcroft for a period longer than reasonably necessary to cross the same or to load or unload passengers and freight.

B. The provisions of this Section shall not be applicable to motorized wheelchairs, or to municipal equipment being operated for authorized maintenance purposes.

Section 5. Heavy Loads Limited

SUMMARY: The following rules and regulations restrict heavy loads on posted State and State Aid Highways from November 15 to June 1.

Definitions

A. The definitions contained in Title 29, Section 1 of the Maine Revised Statutes Annotated shall govern the construction of the words contained in this regulation.

B. Gross weight is the combined weight of the vehicle and its load.

C. Special Mobile Equipment shall mean every self-propelled vehicle not designated or used primarily for the transportation of person or property and incidentally operated or moved over the highways, including road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, well drillers, and wood-sawing equipment used for hire. This enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this Section.

Designated Closed Ways

In order to prevent excessive damage to Town roads, the Town Manager may close all or part of a highway to heavy weight vehicles during any time from November 15 to June 1. No vehicles shall travel over closed ways except those permitted by this regulation. The Town Manager may delegate this authority to the Public Works Foreman.

Notice

Notice shall be given erecting at each end of the closed highway a poster indicating the following: 1) the date of the posting; 2) a description of the highway closed; 3) a summary of the vehicles exempt from the closing; 4) the name, business address, and the telephone number of the Division's Engineer; 5) statutory and regulatory references.

Exemption – Frozen Highways

This regulation shall not apply to any closed highway which is solidly frozen.

Exempt Vehicles

The following vehicles are exempt from this regulation:

- A. Any vehicle or combination of vehicles registered for a gross weight of 23,000 pounds or less.
- B. Any vehicle or combination of vehicles registered for a gross weight in excess of 23,000 pounds and traveling without a load other than tools or equipment necessary for the proper operation of the vehicle. This exemption does not apply to special mobile equipment.
- C. Any vehicle engaged in highway maintenance under the direction of the Town of Dover-Foxcroft.
- D. Any two-axle home heating fuel delivery truck registered in excess of 23,000 pounds that has an exemption certificate issued by the Maine Department of Transportation. Exempt trucks shall not carry loads exceeding 23,000 gross weight.
- E. Any vehicle engaged in the transportation of bulk milk or bulk feed which is registered in excess of 23,000 pounds with an exemption certificate issued by the Maine Department of Transportation carrying a partial load with a weight equal to or less than indicated on the exemption certificate as documented by delivery slips or bills of lading accompanying the vehicles. The allowable weight indicated on the exemption certificate will be calculated based on various reduced loads per inch width tire manufacturer's rating.

PENALTY:

The penalty for violation of the provisions of this Section 5 shall be not less than Fifty Dollars (\$50.00).

Section 6. Temporary Street Closings

The Chief of Police or designee may, on the written application of any person, on forms to be provided by the Town, approve the temporary closing of any Town street or road, or any portion thereof, upon a finding by the Police Chief that the temporary closing will not create a hazard to the traveling public; and subject to suitable arrangements to post the street or road concerned and to designate alternative routes for vehicle travel during the temporary closing.

Except under emergency circumstances, e.g., removal of fallen trees or lines or repair of broken water pipes, any application for this purpose must be submitted to the Police Chief at least 48 hours prior to the requested start of the closure. The Police Chief shall review the application and inform the applicant of his or her decision within 24 hours after receipt of the completed application. If the application is denied, the Police Chief's decision shall be in writing and shall state the reason for denial.

Any person who violates any temporary road closure that has been approved by the Police Chief and posted in accordance with this ordinance commits a civil violation for which, upon conviction, a fine of not more than Two Hundred Fifty Dollars (\$250.00) may be imposed.

Section 7. Prior Ordinances

This ordinance supersede all prior rules, regulations, and ordinances regarding the same subject matter.

Section 8. Effective Date

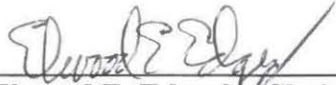
This ordinance as amended shall become effective on March 28, 2016.

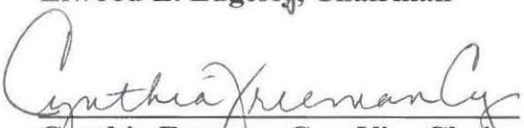
TOWN OF DOVER-FOXCROFT

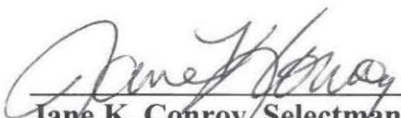
Amendments: Town of Dover-Foxcroft Ordinance Pertaining to the Operation of Vehicles on Town Ways

Resolved by Order of the Municipal Officers
Adopted: March 28, 2016

Certified by:


Elwood E. Edgerly, Chairman


Cynthia Freeman Cyr, Vice Chairman


Jane K. Conroy, Selectman


Gail D'Agostino, Selectman

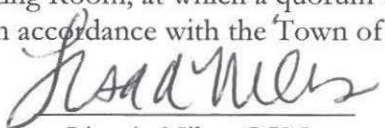

Stephen G. Grammont, Selectman


Scott A. Taylor, Selectman


W. Ernie Thomas

I hereby certify as the duly qualified Clerk of the Town of Dover-Foxcroft, Maine that the
aforementioned Resolution was adopted by Order of the Municipal Officers of the Town of
Dover-Foxcroft at their regular meeting, following a public hearing, held on Monday, March
28, 2016 at the Dover-Foxcroft Municipal Building Meeting Room, at which a quorum was
present and voting and that such Resolution was voted in accordance with the Town of
Dover-Foxcroft Board of Selectmen.

(seal)


Lisa A. Niles, CCM

TOWN OF DOVER-FOXCROFT

PEDDLING AND SOLICITING ORDINANCE

I. PURPOSE AND INTENT

The purpose of this ordinance is to allow limited and controlled use of public ways and public lands for small-scale sales activities traditionally conducted in public places such as farmers' markets and craft fairs, and through licensing to prevent nuisance conditions and threats to the public health, safety and welfare which could otherwise result if public ways and public lands were opened to the unlimited retail sales activities. The intent of this ordinance is to allow appropriate public places to be used for the sale of goods and products customarily produced in home businesses or sold at roadside farm stands or dockside locations; typically such goods and products are made, grown, caught, gathered, prepared, baked, cooked or canned/preserved by the seller.

II. LICENSE REQUIRED

No person shall expose for sale upon the public streets of the town, nor within a public right-of-way, nor upon any property owned or controlled by the Town, nor go from place to place in the town exposing for sale and selling goods, wares or merchandise at retail without first having secured a license to do so as hereinafter provided.

III. GRANTING LICENSE BY TOWN CLERK

The Town Clerk may grant a license to expose for sale or sell upon the public streets of the town, upon a public right-of-way, upon any public lands owned or controlled by the Town, or go from place to place in the town exposing for sale and selling goods, wares or merchandise at retail. ~~There shall be three classes of licenses: 3 day licenses; 90 day licenses; and one year licenses.~~

*There shall be four classes of licenses: 1 day licenses; 3 day licenses; Season (May – Oct, 6 mos.) licenses; and One year licenses.

*- License types adjusted according to a schedule adopted by the Board of Selectmen – 07/01/2006

IV. APPLICATION FOR LICENSE

Application for a license shall be in writing on forms provided by the Town. It is a violation of this ordinance to provide inaccurate information on a license application or to conduct the licensed activity in a manner different from the information provided on the application.

No license shall be issued unless the applicant shall provide to the town a copy of the seller's certificate of registration with the Maine Sales Tax

Assessor; a federal tax identification number, if required; and a proper scale registration if goods are to be sold by weight.

V. INFORMATION IN LICENSE

Every license issued under this chapter shall include upon it, the name and address of the person to whom such license has been issued, the licensee's federal tax number, if required, the licensee's state sales tax number, the time period covered by the license, the date of expiration thereof, and the amount paid as a license fee therefore.

VI. FEE

Each applicant granted a license hereunder shall pay to the town a license fee for consecutive days as follows:

A. For a three (3) day license:	\$5.00	
B. For a ninety (90) day license:	15.00	
C. For one year:	60.00	
a. *One Day		\$ 50.00
b. *Three Day		100.00
c. *Season (May – Oct, 6 mos.)		350.00
d. *One Year		450.00

*-"FEES HAVE BEEN ADJUSTED ACCORDING TO A SCHEDULE ADOPTED BY THE BOARD OF SELECTMEN" 07/01/2006
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VII. REVOCATION AND SUSPENSION

The Clerk may revoke a license issued under this ordinance upon finding that the licensee has violated any provision of the ordinance. The clerk shall first give the licensee notice of the grounds for the proposed revocation and an opportunity to be heard. In an emergency affecting the public health, safety or welfare, the Clerk may suspend the license pending a hearing.

VIII. INELIGIBILITY FOR LICENSE

The Clerk may decline to issue a license to an applicant who was previously licensed under this ordinance and during the term of the most recent license held by that applicant violated any provision of this ordinance, if the Clerk finds that such a violation was intentional and material or if the Clerk finds that the applicant violated the same provision more than once. An applicant who is denied a license under this subsection is not permitted to reapply for 3 days after the denial if the application was for a 3 day license; 90 days after the denial if the application was for a 90 day license; and one year if the application was for a one year license.

IX. DISPLAY OF LICENSE

Every person to whom a license is issued hereunder shall display such a license, so as to be clearly visible to public view at all times, when exposing for sale or selling any goods, wares or merchandise at retail upon the public streets of the town, upon a public right-of-way, or upon any public lands owner or controlled by the Town.

Every person to whom a license is issued hereunder, whenever demanded by a constable or police officer of the town, shall provide such a license to the person demanding the same. Any person who neglects or refuses to do so, shall be subject to the provisions of Section VII of this chapter and such license shall be revoked.

X. VIOLATIONS AND PENALTIES

Whoever shall expose for sale or sell upon the public streets of the town or upon a right-of-way, or upon any property owned or controlled by the town go from place to place in the town exposing for sale or selling goods, wares or merchandise in violation of the chapter shall be punished by a fine of not more than one hundred dollars (\$100), with each day to be considered a separate violation, to be recovered on complaint for the use of the Town.

The Town reserves the right to revoke any license granted and the right to withhold the granting of future licenses to serious and/or repeat violators of this chapter.

XI. RETAINED AUTHORITY OVER PUBLIC PROPERTY

This ordinance does not limit the authority of the Town to control public property. Whenever it deems it appropriate or necessary to do so, the Board of Selectmen may designate locations where the activities licensed under this ordinance are allowed, prohibited or allowed subject to limitations and conditions or may designate specific locations for particular persons or types of activities licensed under this ordinance. The Board of Selectmen may exercise this power by order , without amending this ordinance, but shall first give notice and the opportunity to be heard to any existing licensee who would not be affected by the Selectmen's proposed action.

No seller shall have any exclusive right to any location in the public streets or property, nor shall any be permitted a stationary location, nor shall be permitted to operate in any congested area where the seller's operation might impede or inconvenience the public. For the purpose of this ordinance, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

XII. SIZE OF OPERATION LIMITED

No person licensed to use a public street, right-of-way or public lands under this ordinance shall utilize or occupy more than one hundred eighty (180) square feet.

XIII. NONAPPLICABILITY

The provisions of this chapter shall not apply to commercial agents or other persons selling, by samples, lists, catalogs or otherwise goods, wares or merchandise for future delivery or persons selling newspapers or religious literature door to door. Nor shall the provisions of this chapter apply to periodic sales conducted by local non-profit, charitable, educational, cultural, religious, philanthropic, social or fraternal organizations or periodic sidewalk sales by local tax paying businesses immediately adjacent to their premises.

XIV. GOODS, WARES AND MERCHANDISE OFFERED FOR SALE TO BE LIMITED

Goods, wares and merchandise offered for sale upon the public streets of the town, upon a public right-of-way, or upon any public lands owned or controlled by the town shall be limited to the following categories:

- A. Fresh fruit and vegetables;
- B. Seedlings and flowers;
- C. Fresh and frozen meats;
- D. Fresh eggs and dairy products;
- E. Fish, lobsters and other ocean products;
- F. Baked and canned goods;
- G. Cider, syrup, honey, jams and jellies;
- H. Herbs and organic products;
- I. Fiddleheads and wild berries;
- J. Wreaths and Christmas trees;
- K. Home made furniture and cabinetwork;
- L. Home made arts and crafts; and
- M. Mobile push carts and lunch wagons serving non-alcoholic beverages and fried, grilled or fresh sandwiches and incidentals.

XV. LICENSEE RESPONSIBILITIES

It shall be the responsibility of each licensee to ensure the area where they establish their sales is kept clean and that no merchandise, trash, litter or other materials are left in such area at the end of each day.

Violations of this provision may result in the license revocation and punishment under section VII.

TOWN OF DOVER-FOXCROFT MORATORIUM ORDINANCE
REGARDING PRIVATE DISTRIBUTION CORRIDORS TO INCLUDE PAVED
HIGHWAYS, PIPELINES AND HIGH TENSION TRANSMISSION LINES

The Town of Dover-Foxcroft, MAINE adopts the following Moratorium Ordinance as follows:

WHEREAS, - the Town of Dover-Foxcroft and surrounding region, are faced with the possible construction of a Private Distribution Corridor, to include private paved highways, pipelines and high tension transmission lines; and

WHEREAS, this potential development has been proposed and has not been adequately provided for in the Town's current Comprehensive Plan and ordinances; and

WHEREAS, there is a strong likelihood that certain areas of the Town will continue to be subjected to this development pressure due to the amount of undeveloped land, the nonexistence of any regulations or restrictions on the location of a Private Corridor, and the relatively low land prices of some of the land at issue; and

WHEREAS, the development of such Corridors could pose serious threats to public health, safety, welfare and livelihoods by destroying acres of forests, wildlife habitat, wetlands, and aquifers; and

WHEREAS, the present threat of such development is causing fear, uncertainty, condemnation blight and loss of land values now; and

WHEREAS, such development will affect water, air, and soil quality, vistas and ecosystems which thereby affects land values, the rural-agricultural nature of the Town, and future quality of life in the community; and

WHEREAS, the Town will need at least 180 days to thoroughly evaluate any proposed private corridor development and to develop ordinances which protect and support the local economy while also protecting the region's ecosystems; and

WHEREAS, these facts create a necessity within the meaning of 30-A MRSA §4356 (1)(B) which requires that the following Moratorium Ordinance be adopted for the preservation of public health, safety, and welfare, and the prevention of any degradation of the natural resources of the community.

NOW, THEREFORE, the Town of Dover-Foxcroft ordains that a

moratorium is hereby imposed, effective in thirty days and applicable, to the maximum extent permitted by law, and subject to the severability clause below, to all proceedings, applications, and petitions now pending (within the meaning of 1 MRSA §302) as of June 10, 2014, and on any new construction or use, requiring approval under the terms of the Town's zoning and land use ordinances and regulations until the effective date of the necessary amendments to the zoning and land use ordinances and regulations or until December 10, 2014 .

BE IT FURTHER ORDAINED, that the Planning Board, Board of Appeals, the Code

Enforcement Officer, all Town agencies and all Town employees shall neither accept nor

approve applications, plans, permits, licenses, and/or fees for any new construction or uses governed by this Moratorium Ordinance for such privately owned corridors for said period of time; and

BE IT FURTHER ORDAINED, that those provisions of the Town's Land Use Ordinance and regulations which are inconsistent or conflicting with the provisions of this Moratorium, including, without limitation, the requirements for site plan review by the Planning Board, subdivision and/or special exception review by the Planning Board, and any variance appeals by the Board of Appeals, are hereby repealed to the extent that they are applicable for the duration of the Moratorium Ordinance hereby ordained, but not otherwise;

BE IT FURTHER ORDAINED, that to the extent any provision of this Moratorium Ordinance is deemed invalid by a court of competent jurisdiction, the balance of the Moratorium Ordinance shall remain valid.

EMERGENCY CLAUSE:

In view of the emergency cited in the preamble, this Moratorium Ordinance shall take effect immediately upon passage by the Town, shall apply, to the maximum extent permitted by the law but subject to the severance clause above, to all proceedings, application and petitions not pending as of June 10, 2014, and shall stand repealed as of June 10, 2014.

RESOLUTION # 115 - 121514

**RESOLUTION TO EXTEND THE TOWN OF DOVER-FOXCROFT MORATORIUM ORDINANCE
REGARDING PRIVATE DISTRIBUTION CORRIDORS TO INCLUDE PAVED HIGHWAYS, PIPELINES, AND
HIGH TENSION TRANSMISSION LINES**

RESOLVED, by the Board of Selectmen of the Town of Dover-Foxcroft, that:

WHEREAS, the Town of Dover-Foxcroft, pursuant to a Town Meeting Referendum Vote on June 10, 2014, voted to adopt Article 12 to enact the TOWN OF DOVER-FOXCROFT MORATORIUM ORDINANCE REGARDING PRIVATE DISTRIBUTION CORRIDORS TO INCLUDE PAVED HIGHWAYS, PIPELINES, AND HIGH TENSION TRANSMISSION LINES [hereinafter "Moratorium"]; and

WHEREAS, 30-A M.R.S.A. § 4356 provides that, after notice and hearing, the municipal officers may extend moratoriums for additional 180-day periods; and

WHEREAS, a properly noticed public hearing was held on the 15th day of December, 2014, to allow the Board of Selectmen to consider the need to extend the moratorium and whether reasonable progress has been made to alleviate said need, at which the Board of Selectmen heard from all persons wishing to speak to the issue of extending the Moratorium; and

WHEREAS, pursuant to this hearing, the Board of Selectmen have found the problem giving rise to the Moratorium still exists, and that the Town of Dover-Foxcroft has made reasonable progress to alleviate this need for the Moratorium, including efforts to the assemble, compile and analyze appropriate data to update the Town of Dover-Foxcroft Comprehensive Plan; and

WHEREAS, additional time is warranted to provide sufficient time to alleviate the need giving rise to the Moratorium.

NOW, THEREFORE, the Board of Selectmen of the Town of Dover-Foxcroft hereby extends the Moratorium by an additional 180-day time period, whereby the Town shall neither accept nor

approve applications, plans, permits, licenses, and/or fees or any other governmental approvals for any new construction or uses governed by the Moratorium for such privately owned corridors for said period of time as set forth in the provisions of the Moratorium.

BE IT FURTHER ORDAINED, that those provisions of the Town's Land Use Ordinance and any other Town ordinances or regulations which are inconsistent or conflicting with the provisions of the Moratorium, including, without limitation, the requirements for site plan review by the Planning Board, and any variance appeals by the Board of Appeals, are hereby repealed to the extent that they are applicable for the duration of the Moratorium, but not otherwise; and

BE IT FURTHER ORDAINED that to the extent any provision of this Resolution or the Moratorium is deemed invalid by a court of competent jurisdiction, the balance of the Resolution and/or Moratorium shall remain valid.

DATED this 15th Day of December, 2014.

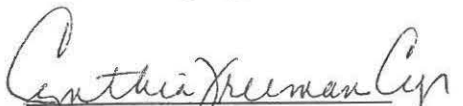
BOARD OF SELECTMEN OF THE TOWN OF DOVER-FOXCROFT


Absent

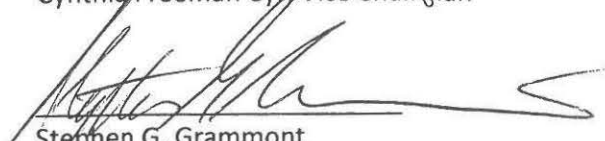
Elwood E. Edgerly, Chairman

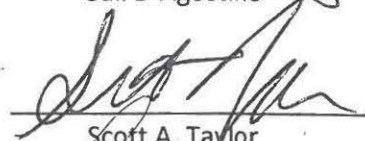
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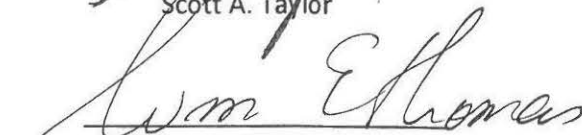
Jane K. Conroy


Cynthia Freeman Cyr, Vice Chairman


Gail D'Agostino


Stephen G. Grammont


Scott A. Taylor


W. Ernie Thomas

(seal)

PUBLIC INDECENCY ORDINANCE
TOWN OF DOVER-FOXCROFT

June 1995

Certified by:

John F. Hall
James M. Lewis
Fredrick D. Brown
James Merrill
Edson Ball

Dover-Foxcroft Board of Selectmen

Approved June 26, 1995

Barbara J. Moore
Barbara J. Moore Town Clerk

PUBLIC INDECENCY ORDINANCE

OF THE

TOWN OF DOVER-FOXCROFT, MAINE

Section 1. Purpose.

The two purposes of this ordinance are (1) to prohibit certain acts of commercial exploitation of human sexuality in commercial or business establishments within the Town of Dover-Foxcroft in order to reduce the likelihood of criminal activity, moral degradation, sexually transmitted diseases and disturbances of the peace and good order of the community which may occur when such commercial exploitation is permitted in such places, and (2) to protect the health, safety, welfare and morals of the community by using the government's recognized and traditional police power to protect societal order, morality and physical and emotional health without infringing on protected First Amendment rights.

Section 2. Definitions.

For the purposes of this section, the following definitions apply:

- A. Sexual intercourse means any penetration of the female sex organ by the male sex organ. Emission is not required.
- B. Sexual act means any act of sexual gratification between 2 persons involving direct physical contact between the sex organs of one and the mouth or anus of the other or direct physical contact between the sex organs of one and the sex organs of the other, or direct physical contact between the sex organs of one and an instrument or device manipulated by the other. A sexual act may be proved without allegation or proof of penetration.
- C. Sexual contact means any touching of the genitals, directly or through clothing, other than as would constitute a sexual act, for the purpose of arousing or gratifying sexual desire.
- D. Nudity means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque

covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

- E. Public place means a place to which the public at large or a substantial group has access, including but not limited to commercial or business establishments, public ways, schools, government-owned facilities, and the lobbies, hallways, and basement portions of apartment houses, hotels, motels, public buildings and transportation terminals.
- F. Public indecency means the knowing or intentional commission of an act of sexual intercourse, a sexual act, sexual contact or nudity in a public place.

Section 3. Public Indecency Prohibited.

- A. Engaging in public indecency is prohibited.
- B. Encouraging or permitting another person or persons to engage in an act or acts of public indecency by the person who or entity which owns, leases or otherwise controls a premises on which the act or acts of public indecency occur(s) is prohibited.

Section 4. Penalties.

- A. The violation of any provision of this Article shall be punished by a fine not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) 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 Article by appropriate action, including but not limited to revocation of any Town license for a premises or commercial or business establishment in which the public indecency occurs.
- B. If the Town is the prevailing party in any action brought to enforce this ordinance, the Town must be awarded reasonable attorneys' fees, expert witness fees, and costs, unless the court finds that special circumstances make the award of these fees and costs unjust.

Section 5. Severability.

If any section, phrase, sentence or portion of this Article 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.

June 1995

\$8.25

SHORELAND ZONING ORDINANCE

State Imposed 6/20/1979

1/1/89

4/30/90 – map amendment

6/13/92 – amended

6/28/93 – amended

6/24/96 – amended

6/23/97 – map amendment

6/26/00 – amended

6/25/01 – amended

6/24/02 – amended

10/27/03 – map amendment

3/8/04 – amended

6/28/04 – map amendment

6/12/07 – amended

9/10/2012- amendment

11/14/2012 - amendment

1/1/2013 – repeal of Timber Harvesting Standards

6/10/2014 - amendment

6/9/2015 - amendment

Dover-Foxcroft Shoreland Zoning Ordinance

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SECTION 1 - PURPOSE

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

SECTION 2 - AUTHORITY

This Ordinance has been prepared in accordance with the provisions of Title 38 sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).

SECTION 3 - APPLICABILITY

This Ordinance applies to all land areas within 250 feet, horizontal distance, of the:

- Normal high-water line of any great pond or river,
- Upland edge of a freshwater wetland,

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

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

SECTION 4 - EFFECTIVE DATE OF ORDINANCE AND ORDINANCE AMENDMENTS

A. Effective Date of Ordinance and Ordinance Amendments. This Ordinance, which was adopted by the municipal legislative body on June 28, 1993, shall not be effective unless approved by the Commissioner of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance, or Ordinance Amendment, within forty-five days of his/her receipt of the Ordinance, or Ordinance Amendment, it shall be automatically approved.

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

B. Repeal of Municipal Timber Harvesting Regulation. The municipal regulation of timber harvesting activities is repealed on January 1, 2013, in accordance with 38 M.R.S.A. section 438-B, at which time the State of Maine Department of Agriculture, Conservation and Forestry, Bureau of Forestry shall administer timber harvesting standards in the shoreland zone.

SECTION 5 - AVAILABILITY

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

SECTION 6 - SEVERABILITY

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

SECTION 7 - CONFLICTS WITH OTHER ORDINANCES

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the municipality the more restrictive provision shall control.

SECTION 8 - AMENDMENTS

This Ordinance may be amended by majority vote of the legislative body. 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.

SECTION 9 - DISTRICTS AND ZONING MAP

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

1. Resource Protection (SRP)
2. Limited Residential (SLR, SLR1)
3. Limited Commercial (SLC, SLC1)
4. General Development (SGD, SGD1)
5. Stream Protection (SSP)

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.

NOTE: Because of map scale or other reason, a municipality may have a series of maps depicting its shoreland zone.

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.

SECTION 10 - INTERPRETATION OF DISTRICT BOUNDARIES

Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the center lines of streets, roads and rights of way, and the boundaries of the shoreland areas 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.

The depiction of the Shoreland Zoning Districts on the Shoreland Zoning Map for the Town of Dover-Foxcroft is merely illustrative of the general location of the shoreland zone. The boundary of the shoreland zone shall be determined by the shoreline of the water body or wetland, regardless of the boundary shown on the map.

SECTION 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.

SECTION 12 - NONCONFORMANCE

A. Purpose

It is the intent of this Ordinance to promote land use conformities, except that nonconforming 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 nonconforming condition shall not be permitted to become more nonconforming.

B. General

1. Transfer of Ownership: Nonconforming structures, lots, and uses may be transferred, and the new owner may continue the nonconforming use or continue to use the nonconforming 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 nonconforming uses and structures including repairs or renovations that do not involve expansion of the nonconforming use or structure, and such other changes in a

nonconforming use or structure as federal, state, or local building and safety codes may require.

NOTE: See Section 17 for the definitions of nonconforming structures, nonconforming uses and nonconforming lots.

C.Nonconforming Structures

1.Expansions: All new structures must meet the shoreline setback requirements contained in Section 15. A nonconforming 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 nonconformity of the structure and is in accordance with the subsections of Section 12(C)(1).

- a. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement.
- b. Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body, tributary stream or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement.
- c. Notwithstanding Sections 12(C)(1)(b), if a nonconforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body, tributary stream or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable standards of this Ordinance are met and the expansion is not prohibited by Section 12 (C)(1) above.
 - i. The maximum total footprint of the principal structure may not be expanded to an area greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater.
 - ii. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.
- d. All other nonconforming principal and accessory structures that do not meet the water body, tributary stream or wetland setback requirements may be expanded or altered as follows, as long as other applicable standards of this Ordinance are met and the expansion is not prohibited by Section 12 (C)(1) and subsections (a), (b), or (c) above:
 - i. For structures located less than 75 feet from the normal high-water line of a water body, tributary stream or upland edge of a wetland, the maximum combined total footprint of all structures may not be expanded to an area greater than 1,000 square feet or 30%

larger than the footprint that existed on January 1, 1989, whichever is greater.

- ii. For structures located less than 75 feet from the normal high-water line of a water body, tributary stream or upland edge of a wetland, the maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.
 - iii. For structures located less than 100 feet from the normal high-water line of a great pond or a river flowing to a great pond, the maximum combined total footprint of all structures may not be expanded to an area greater than 1,500 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater.
 - iv. For structures located less than 100 feet from the normal high-water line of a great pond or a river flowing to a great pond, the maximum height of the structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater.
 - v. For structures located less than 100 feet from the normal high-water line of a great pond or a river flowing to a great pond, any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream or upland edge of a wetland must meet the footprint and height requirements of Sections 12 (C) (1) (d) (i) and (ii).
- e. In addition to the limitations in Section 12 (C) (1) and subsections (a), (b) and (c) above, structures that are nonconforming due to their location within the Resource Protection District and are located at less than 250 feet from the normal high-water line of a water body or the upland edge of a wetland may be expanded or altered as follows, as long as other applicable standards of this Ordinance are met:
- i. The maximum combined total footprint of all structures may not be expanded to an area greater than 1,500 square feet or 30% larger than the footprint that existed at the time the Resource Protection District was established on the lot, whichever is greater.
 - ii. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater.
 - iii. Any portion of the structures located less than 100 feet from the normal high-water line of a great pond or a river flowing to a great pond, must meet the footprint and height requirements of Sections 12 (C) (1) (d) (iii) and (iv).
 - iv. Any portion of the structures located 75 feet from the normal high-water line of a water body, tributary stream or upland edge of

a wetland must meet the footprint and height requirements of Sections 12 (C) (1) (d) (i) and (ii).

- f. Any approved plan for expansion of a nonconforming structure under Section 12 (C) (1) must be recorded by the applicant in the registry of deeds of the county in which the property is located within 90 days of approval. The recorded plan must include the existing and proposed footprint of structures on the property, the existing and proposed height of the structures on the property, the shoreland zone boundary and evidence of approval by the municipal permitting authority.

2. Foundations: Whenever a new, expanded or replacement foundation is constructed under a nonconforming structure, the structure and new foundation must be placed such that the shoreline setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 12 (C) (3) below.

3. Relocation: A nonconforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board or its designee, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming.

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:

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

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

4. Reconstruction or Replacement: Any nonconforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board or its designee in accordance with Section 12 (C) (3) above. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity.

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 nonconforming footprint of the reconstructed or replaced structure at its new location. If the total amount of footprint of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure.

When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12 (C) (3) above.

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

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

5. Change of Use of a Nonconforming Structure: The use of a nonconforming 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. Nonconforming Uses

1. Expansions: Expansions of nonconforming uses are prohibited, except that nonconforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as allowed in Section 12 (C)(1) above.
2. Resumption Prohibited: A lot, building, or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a nonconforming 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 nonconforming use may be changed to another nonconforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, including water dependent uses, 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 (BC) (5) above.

E. Nonconforming Lots

1. Nonconforming Lots: A nonconforming 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 nonconforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

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

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

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

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

SECTION 13 - ESTABLISHMENT OF DISTRICTS

A. Resource Protection District (SRP) - The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed, and areas which meet the criteria for the Limited Commercial, or General Development Districts need not be included within the Resource Protection District.

1. Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.
2. Areas of two or more contiguous acres with sustained slopes of 20% or greater.
3. 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.

4. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.

B. Limited Residential District (SLR, SLR1)

1. SLR - The SLR District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, or Stream Protection District, and areas which are used less intensively than those in the Limited Commercial District, or the General Development District.
2. SLR1 - The SLR1 District includes areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, or Stream Protection District, and areas that are used less intensively than those in the Limited Commercial District or the General Development District. It includes areas that are currently developed. The density of existing development is higher than those areas designated as SLR.

C. Limited Commercial District (SLC, SLC1)

1. SLC - The Limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District, which should not be developed as intensively as the General Development District. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.
2. SLC1 - The Limited Commercial District includes areas of mixed, light commercial, and residential uses, exclusive of the Stream Protection District, which would not be developed as intensively as the General Development District. This includes areas of 2 or more acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited. It includes areas that are currently developed. The density of existing development is higher than those areas designated as SLC.

D. General Development District (SGD, SGD1) - The General Development District includes the following types of areas:

1. Areas of two or more contiguous acres devoted to commercial, industrial, or intensive recreational activities, or a mix of such activities, including but not limited to the following:
 - a. Areas devoted to manufacturing, fabricating or other industrial activities;
 - b. Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and

- c. Areas devoted to intensive recreational development and activities, such as but not limited to, amusement parks, race tracks, and fairgrounds.
2. Areas otherwise discernible as having patterns of intensive commercial, industrial or recreational uses.

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

The SGD1 District includes areas that are currently developed at a higher density than areas within the SGD district.

E. Stream Protection District (SSP) - 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, river or saltwater body, or within two-hundred 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 fifty (250) feet, horizontal distance, of the above water bodies or wetland, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

SECTION 14 - TABLE OF LAND USES

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

Key to Table 1:

Yes - Allowed (no permit required but the use must comply with all applicable land use standards.

No - Prohibited

PB - 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:

SRP - Resource Protection

SLR - Limited Residential

SLR1 - Limited Residential (modified lot size frontage & setback)

SLC - Limited Commercial

SLC1 - Limited Commercial (modified lot size, frontage & setback)

SGD - General development

SGD1 - General development (modified lot size, frontage & setback)

SSP - Stream protection

TABLE OF LAND USES IN THE SHORELAND ZONE

	SSP	SRP	SLR/SLR1	SLC/SLC1	SGD/SGD1
1. Non-intensive recreational uses not requiring structures such as hunting, fishing, and hiking	yes	yes	yes	yes	yes
2. Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes
3. Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO(1)	yes	yes	yes
4. Fire prevention activities	yes	yes	yes	yes	yes
5. Wildlife management practices	yes	yes	yes	yes	yes
6. Soil and water conservation practices	yes	yes	yes	yes	yes
7. Mineral exploration	no	yes	yes(2)	yes(2)	yes(2)
8. Mineral extraction including sand and gravel extraction	no	PB(3)	PB	PB	PB
9. Surveying and resource analysis	yes	yes	yes	yes	yes
10. Emergency operations	yes	yes	yes	yes	yes
11. Agriculture	yes	PB	yes	yes	yes
12. Aquaculture	PB	PB	PB	yes	yes
13. Principal structure and uses:					
A. One and two family residential, including driveways	PB(4)	PB(9)	CEO	CEO	CEO
B. Multi-unit residential	no	no	PB	PB	PB
C. Commercial	no(10)	no(10)	no(10)	PB	PB
D. Industrial	no	no	no	no	PB
E. Governmental & Institutional	no	no	PB	PB	PB
F. Small non-residential facilities for educational, scientific Or nature interpretation purposes	PB(4)	PB	CEO	CEO	CEO
14. Structures accessory to allowed uses	PB(4)	PB	CEO	CEO	yes
15. Piers, docks, wharves, bridges and other structures and uses extending or located below the shoreline:					
a. Temporary	CEO(11)	CEO(11)	CEO(11)	CEO(11)	CEO(11)
b. Permanent	PB	PB	PB	PB	PB
16. Conversions of seasonal residences or year-round residences	LPI	LPI	LPI	LPI	LPI
17. Home Occupations	PB	PB	PB	CEO	yes
18. Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI	LPI
19. Essential services					
A. Roadside distribution lines (34.5kV and lower)	CEO(5)	CEO(5)	yes(12)	yes(12)	yes(12)
B. Non-roadside or cross-country distribution lines involving ten Poles or less in the shoreland zone	PB(5)	PB(5)	CEO	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	PB
D. Other essential services	PB(5)	PB(5)	PB	PB	PB
20. Service drops as defined to allowed uses	yes	yes	yes	yes	yes
21. Public and private recreational areas involving minimal structural development	PB	PB	PB	CEO	CEO
22. Individual, private campsites	CEO	CEO	CEO	CEO	CEO
23. Campgrounds	no	no(6)	PB	PB	PB
24. Road construction	PB	no(8)	PB	PB	PB
25. Parking facilities	no	no(6)	PB	PB	PB
26. Marinas	PB	no	PB	PB	PB
27. Filling and earth moving of \leq 10 cubic yards	CEO	CEO	yes	yes	yes
28. Filling and earth moving of $>$ 10 cubic yards	PB	PB	CEO	CEO	CEO
29. Signs	yes	yes	yes	yes	yes
30. Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO
31. Uses similar to uses requiring CEO permit	CEO	CEO	CEO	CEO	CEO
32. Uses similar to uses requiring PB permit	PB	PB	PB	PB	PB

1. In RP not permitted within 75 feet of normal high water line of great ponds, except to remove safety hazards.
2. Requires permit from the Code Enforcement Officer if more than 100 sq feet of surface area in total, is disturbed.
3. Intentionally blank.
4. Provided that a variance from the setback requirements is obtained from the Board of Appeals
5. See further restrictions in Section 15(L)
6. Except when area is zoned for RP due to floodplain criteria in which case a permit is required from the Planning Board.
7. Intentionally blank
8. Except as provided in Section 15(H)(3)
9. Single family residential structures may be allowed by special exception only according to the provisions of Section 16(E), Special exceptions. Two-family residential structures are prohibited.
10. Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.
11. Excluding bridges and other crossings not involving earthwork, in which case no permit is required.
12. Permit not required but must file a written "notice of intent to construct" with CEO.

Note: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to 38 M.R.S.A. section 480-C. If the activity occurs in, on, over, or adjacent to any freshwater 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;
- D. Any construction or alteration of any permanent structure

SECTION 15 - LAND USE STANDARDS - All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

A. Minimum Lot Standards and Setback Requirements

<u>1. District</u>	<u>Minimum Lot Area</u> (square feet)	<u>Min. Shorefront</u>	<u>Min Setback*</u>
SLC	40,000	200'	75'
SLC1	20,000	100'	25'
SGD**	40,000	200'	25'
SGD1	5,000	50'	0'
SLR	40,000	200'	100' from NHWL great ponds & rivers/75' from upland edge of wetland
SLR1	20,000	100'	75'
SRP	40,000	200'	100' from NHWL great ponds & river 75' from upland edge of wetland
SSP	40,000	200'	75'

* Min. setback applies to the setback from the NHWL of a great pond or river or upland edge of a wetland unless otherwise noted. Tributary streams occurring in the shoreland zone shall meet setback requirements for the particular zone in which they are located.

**For Tax Map 36 Lots 1 and 1B the minimum lot area required per use is 2,500 square feet, the minimum shore frontage required per use is 18 feet, and the minimum shoreline setback is 25 feet. The reduced lot standards are applied due to the recognition that the lot is in a general development district that was intensively developed with industrial or commercial uses and is part of a brownfields program. This lot is served by public water and sewer. Access to the shoreline is limited, by a recreational trail system that has limited spur trails to the shoreline, protecting the vegetated buffer.

- a. No new lots shall be created adjacent to Sebec Lake, Garland Pond or Brann's Mill Pond which contains less than 40,000 square feet of lot area and 200' of frontage, (unless the lots are created in accordance with section 12(E(3) of this Ordinance).

- 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 whenever possible.

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.
6. The water body or wetland setback provision shall neither apply to structures which require direct access to the water as an operational necessity, such as piers, docks, or retaining walls, nor to other functionally water-dependent uses.
7. On a nonconforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

B. Principle or Accessory Structures

1. 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.
 - a. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.
 - b. The height of a structure shall exclude a nonhabitable feature mounted on a structure roof for observation purposes, such as a cupola, a dome or a widow's walk, provided the following conditions are met:
 - i. the feature is being added to, or is part of, a conforming structure,
 - ii. the structure is not located in a Resource Protection or Stream Protection District,
 - iii. the feature does not extend beyond the exterior walls of the structure,
 - iv. the feature has a floor area of fifty-three (53) square feet or less, and
 - v. the feature does not increase the height of the structure, as defined, more than seven (7) feet.

2. The lowest floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils. Accessory structures may be placed in accordance with the standards of the Floodplain Management Ordinance that is consistent with the April 2005 or later version under the National Flood Insurance Program.
3. Except in the SGD, SGD1 and SLC1 Districts, non-vegetated surfaces shall not exceed twenty (20) percent of the portion of the lot located within the shoreland zone. In the shoreland zone of SGD, SGD1 and SLC1 Districts, non-vegetated surfaces shall not exceed seventy (70) percent of the portion of the lot within the shoreland zone. Within the SGD and SGD1 districts, in order to site public recreational facilities, areas of non-vegetated surfaces in the shoreland zone may be revegetated in order to create new non-vegetated surfaces on the same lot at least 25 feet, horizontal distance from the shoreline. Such revegetation shall occur before the expiration of the permit for the project creating new non-vegetated surfaces.

Non-vegetated surfaces include, but are not limited to the following: structures, driveways, parking areas, and other areas from which vegetation has been removed. Naturally occurring ledge and rock outcroppings are not counted as non-vegetated surfaces for lots that were recorded on March 24, 1990, and that have been in continuous existence since that date.

Section 15 (B) (3) shall not apply to public boat launching facilities, regardless of the district in which the facility is located.

4. Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:
 - a. The site has been previously altered and an effective vegetated buffer does not exist;
 - b. The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.
 - c. The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation and which cannot be stabilized with vegetative plantings.
 - d. The total height of the wall(s), in the aggregate, are no more than 24 inches.
 - e. Retaining walls are located outside of the 100 year floodplain on rivers, streams, 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 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:
- i. The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;
 - ii. Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff.
 - iii. Only native species may be used to establish the buffer area.
 - iv. A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland.
 - v. A footpath not to exceed the standards in Section 15(P)(2)(a), may traverse the buffer.

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

4. Notwithstanding shoreline setback requirements in Sections 15(A) and 15(B) above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided: that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

C. Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Located 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 in non-tidal waters shall not be wider than six feet for non-commercial uses.
5. No new structure shall be built on, over, or abutting a pier, wharf, dock, or other structure extending or located 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.

6. New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resource Protection Act.
7. No existing structures built on, over, or abutting a pier, dock, wharf, or other structure extending or located 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. Except in the General Development District, structures built on, over, or abutting a pier, wharf, dock, or other structure extending or located 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.

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

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

1. Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.
2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall meet the shoreline setback requirements for structures for the district in which such areas are located.

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

1. One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.
2. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall meet the shoreline setback requirements for structures for the districts in which such areas are located.

3. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.
4. The clearing of vegetation for the siting of the recreational vehicle, tent, or similar shelter in a Resource Protection District shall be limited to one thousand (1,000) square feet.
5. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
6. When a recreational vehicle, tent, or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

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

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

G. Parking Areas

1. Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located, except that the setback requirement for parking areas serving public boat launching facilities, in districts SLR, SLR1, and SLC may be reduced to no less than fifty (50) feet from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists.

2. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent storm water runoff from flowing directly into a water body, wetland or tributary stream, 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 to meet the shoreline setback requirements for structures for the district in which such areas are located. If no other reasonable alternative exists in zones SLR, SLR1, and SLC as determined by the Planning Board, the road and/or driveway setback requirement shall be no less than fifty (50) feet upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet, 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 nor to roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline 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 its 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:
 - 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 Commercial and Limited Residential Districts:

1. Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. In the Limited Commercial District, however, such signs shall not exceed sixteen (16) square feet in area. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.
2. Name signs are allowed, provided such signs shall not exceed two (2) signs per premises and shall not exceed twelve (12) square feet in the aggregate.
3. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.
4. Signs relating to trespassing and hunting shall be allowed without restrictions 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 stormwater runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces, and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm waters.
2. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.
3. In addition, new trail spurs shall be designed and constructed to shed water toward vegetated areas, in order to avoid erosion and minimize channelized flow to the water body, tributary stream or wetland.

Note: The Stormwater Management Law (38 M.R.S.A. Section 420-D) requires a full permit to be obtained from the DEP prior to construction of a project consisting of 20,000 square feet or more of impervious area or 5 acres or more of a developed area in an urban impaired stream watershed or most-at-risk lake watershed, or a project with 1 acre

or more of developed area in any other stream, or wetland watershed. A permit-by-rule is necessary for a project with one acre or more of disturbed area but less than 1 acre impervious area (20,000 square feet for most-at-risk lakes and urban impaired streams) and less than 5 acres of developed area. Furthermore, a Maine Construction General Permit is required if the construction will result in one acre or more of disturbed area.

K. Septic Waste Disposal

1. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules and the following:
 - a. clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland and
 - b. a holding tank is not allowed for a first-time residential use in the shoreland zone.

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

L. Essential Services

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

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

Mineral extraction may be permitted under the following conditions:

1. A reclamation plan shall be filed with, and approved by, the Planning Board before a permit is granted. Such plan shall describe, in detail, procedures to be undertaken to fulfill the requirements of paragraph 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 or a river flowing to 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 fifty (50) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.
3. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
 - a. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

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

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

N. Agriculture

1. All spreading of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. Section 4201-4209).
2. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond, classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be

constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.

3. Agriculture activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

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

4. There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams, and freshwater wetlands. Operations in existence on the effective date of this Ordinance and not in conformance with this provision may be maintained.
5. Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance of other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams, and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan.
6. In the SLR1 zone adjacent to Brann's Mill Pond, Sebec Lake, and Garland Pond, a seventy-five (75) foot setback for activities in sections 1-5 shall apply instead of 100'.

NOTE: 17 M.R.S.A. section 2805(4) requires a municipality to provide the Commissioner of Agriculture, Food and Rural Resources with a copy of any proposed ordinance that impacts farm operations. The law further requires the Commissioner to review the proposed ordinance and advise the municipality if the proposed ordinance would restrict or prohibit the use of best management practices. A copy of a shoreland zoning ordinance that regulates no more restrictively than contained in these Guidelines need not be provided to the Commissioner of Agriculture, Food and Rural Resources.

O. Timber Harvesting - Repealed January 1, 2013

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

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

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

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

a. There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown, except for the allowed footpath and for permitted trail spurs. 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. Trail spurs shall comply with Section 15.P.2.e. below.

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, except for new trail spurs which shall comply with Section 15.P.2.f. below. For the purposes of section 15(P)(2)(b) a "well-distributed stand of trees" adjacent to a great pond classified GPA, or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular 1250 square feet) area as determined by the following rating system.

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

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

Note: As an example, adjacent to a great pond, if a 25-foot x 50-foot plot contains four (4) trees between 2 and 4 inches in diameter, three trees between 4 and 12 inches in diameter, two trees between 4 and 8 inches in diameter, and two trees over 12 inches in diameter, the rating score is: (4x1) + (2x2) + (3 x 4) + (2 x 8) = 36 points.

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

The following shall govern in applying this point system:

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

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

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

- c. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height, and other ground cover including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 15(P) paragraphs 2 and 2a above.
- d. Pruning of tree branches, on the bottom 1/3 of the tree is allowed.
- e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.
- f. In the ~~SGD~~ and ~~SGD~~ districts, as part of permitted public recreational facilities, trail spurs may be permitted in accordance with the following:
 - i. Trail spurs shall be limited in number and spaced in order to protect the vegetated buffer; only one trail spur shall be constructed per 200 feet of shore frontage as defined.
 - ii. Trail spurs shall meander, to the extent possible given the distance between the recreational trail and shoreline, so as not to create a clear line of sight through the buffer.
 - iii. Trail spurs shall be sited such that the canopy and other natural vegetation is maintained to the greatest practical extent, by choosing locations that require the least amount of trees and other natural vegetation to be removed, except as provided in Section 15.P.2.g. below. "Other natural vegetation" is defined in Section 15.P.2.b. above. Where a canopy opening greater than 250 square feet is created, as described in Section 15.P.2.a., revegetation shall be required adjacent to the trail spur that resulted in the cleared opening.

Where saplings are reduced to less than five (5), as described in Section 15.P.2.b., revegetation shall be required adjacent to the trail spur to replace the saplings removed. Only within the width of the trail spur shall vegetation under three (3) feet in height and other ground cover be removed. Any revegetation activities shall be in accordance with Section 15.P.8. below.

- iv. Trail spurs shall be limited to a tread path no more than three (3) feet in width and to an overall clearance no more than four (4) feet in width. The tread path shall be measured on the ground, in a straight line, between the side edges of the trail spur. The overall clearance shall be measured as a horizontal distance between the nearest tree trunks and/or shrub stems on either side of the trail spur. The widths shall not be exceeded at any point on the trail spur. Pruning tree branches on the bottom 1/3 of the tree is allowed. Revegetation may be necessary to create an adequate buffer and maintain an acceptable trail width. Any revegetation activities shall be in accordance with Section 15.P.8. below.
 - v. Notwithstanding, no more than 40% of the total volume of trees four (4) inches of more in diameter, measured at 4 1/2 feet above ground level, may be removed in any ten (10) year period.
- g. In the SGD and SGD districts, as part of permitted public recreational facilities, removal of vegetation may be permitted in accordance with the following:
- i. The standards of Section 15.P.2.a. through Section 15.P.2.e. may be exceeded in order to remove non-native invasive species of vegetation.
 - ii. Removal activities may be conducted with motorized equipment; however, no motorized equipment shall be operated or stored within 25 feet, horizontal distance, of the shoreline, where equipment used shall be limited to hand tools, except that equipment may be operated and stored on existing structural surfaces such as pavement or gravel. Removal activities shall comply with Section 15.Q Erosion and Sedimentation Control.
 - iii. Where removal of vegetation exceeds the standards of Section 15.P.2.a. through Section 15.P.2.e, revegetation shall be required. Such revegetation activities shall be in accordance with Section 15.P.8. below.
 - iv. All areas of exposed soils shall be revegetated or otherwise permanently stabilized, in accordance with Section 15.P.8. and Section 15.Q
- h. In order to maintain the vegetation in the shoreline buffer, clearing or removal of vegetation for allowed activities, including associated construction and related equipment operation, within or outside the shoreline buffer, must comply with the requirements of Section 15(P)(2).

Section 15.P.2. does not apply to the following: Those portions of public recreational facilities adjacent to public swimming areas as long as clearing or removal of vegetation is limited to the minimum area necessary; Emergency response activities conducted by the Department, the U.S. Environmental Protection Agency, the U.S. Coast Guard, and their agents.

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

(40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

4. In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared. This provision applies to the portion of the lot within the shoreland zone, including the shoreline buffer area. This provision shall not apply to the General Development Districts.
5. Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.
6. Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 15(P).
7. In the SLR1 zone adjacent to Sebec Lake, Garland Pond, and Brann's Mill Pond a setback of 75' for activities listed in Sections 2 and 3 shall apply instead of 100'.
8. Revegetation activities required or necessitated by provisions above shall be described in a revegetation plan. A revegetation plan may also be required when it is determined by the permitting authority that revegetation is required to ensure the purposes of this Ordinance. Any revegetation plan required shall be part of the permit application. It shall be the burden of the landowner to ensure the revegetation plan is fully implemented and maintenance occurs as required.
 - a. The following shall occur:
 - i. The revegetation plan shall be prepared with and signed by a licensed forester.
 - ii. Revegetation shall occur within the same shoreline distance, and as close in adjacency as reasonable, as the area where vegetation was removed, except in the footprint of permitted structures or trail spurs.
 - iii. Vegetation to be planted shall not be invasive species.
 - iv. Vegetation to be planted shall consist of trees and saplings; if more than three (3) trees or saplings are to be planted, then at least three (3) different species shall be used.
 - v. Vegetation to be planted shall also consist of woody vegetation, vegetation under three feet in height, ground vegetation, and ground cover; in areas where ground cover is lacking, the area shall be supplemented with leaf mulch, bark mulch, and/or plantings of native shrubs and other woody and herbaceous vegetation, in quantities and variety sufficient to retard erosion and provide for effective infiltration of stormwater.
 - vi. Revegetation shall occur before the expiration of the permit allowing the associated project; if the project is not completed before permit expiration, then a new revegetation plan shall be submitted with any renewal or new permit application.
 - b. The following should also occur, and may be required by the permitting authority or the licensed forester:
 - i. The revegetation plan should include a scaled site plan of vegetation to be removed, vegetation to remain and vegetation to be planted.

- ii. The revegetation plan should include a list of vegetation to be planted, which should be native species.
- iii. When choosing vegetation to be planted, the licensed forester should take into consideration site conditions, such as steep sloped areas, wet swale areas or poor soil conditions, and make recommendations for these unique areas on the site.
- c. The following maintenance shall occur:
 - i. A survival rate of 80% of planted trees over 5 years shall be required, and replanting shall be required when the survival rate is not met; higher survival rates, additional years of maintenance, or survival rates and years of maintenance for other vegetation may be required by the permitting authority.
 - ii. If vegetation fails due to severe erosion conditions, then another form of permanent stabilization shall be implemented and may require additional permitting.
 - iii. The permitting authority may require that the maintenance plan call for replanting of vegetation that dies in areas prone to erosion, areas capturing runoff and areas of significant habitat, regardless of survival rate.
 - iv. The permitting authority may require a maintenance plan as part of the revegetation plan.
- 9. The clearing or removal of vegetation associated with brownfields or voluntary response action program projects pursuant to 38 M.R.S.A. section 343-E is exempt from Section 15(P), provided that the following provisions are met:
 - a. The clearing or removal of vegetation is within the shoreland zone of rivers that are designated as General Development Districts; and
 - b. The clearing or removal of vegetation is necessary for remediation activities to clean up contamination.

Q. Erosion and Sedimentation Control

- 1. All activities which involve filling, grading, excavation, or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
 - a. Mulch and revegetate disturbed soil.
 - b. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
 - c. Permanent stabilization structures such as retaining walls or riprap.
- 2. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
- 3. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed

soil at every phase of construction shall be minimized to reduce the potential for erosion.

4. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
 - a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
 - b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
 - c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
5. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a ten (10) year storm or greater, and shall be stabilized with vegetation or lined with riprap.
6. In addition, the following standards apply to new trail spurs:
 - a. Trail spurs shall be sited such that soil erosion and channelized flow to the shoreline is prevented and steep slopes to the shoreline are avoided.
 - b. Erosion prevention measures may include steps, water bars, drainage dips, and minor side-sloping of trails, and any necessary lining of the trail with erosion control mulch.
 - c. Trail spurs shall not be constructed as structures, by having a base material such as, but not limited to, pavement, concrete, gravel or similar material.
 - d. Trail spurs shall be constructed using hand tools, including power hand tools, only. No motorized equipment shall be operated or stored within 25 feet, horizontal distance, of the shoreline, except on existing structural surfaces such as pavement or gravel.
7. When an excavation contractor will perform the activities, compliance with the following shall be required:
 - a. A person certified in erosion control practices by the Maine Department of Environmental Protection shall be responsible for management of erosion and sedimentation control practices at the site. This person shall be present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control measures have been installed which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion.
 - b. Include on the required plan or permit application, the name and certification number of the person who will oversee activities causing or resulting in soil disturbance.

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, may 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, Maine Licensed Site Evaluator, 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 Sites - Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the Natural 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.

SECTION 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 this permit is performed.

1. A permit is not required for the replacement of an existing road culvert as long as:
 - a. The replacement culvert is not more than 25% longer than the culvert being replaced.

b. The replacement culvert is not longer than 75 feet.

c. Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the water course.

2. A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

3. Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

C. Permit Application

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

2. All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder certifying that the information in the application is complete and correct.

3. All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.

4. If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.

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

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

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

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

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

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

1. There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.
2. The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.

3. All proposed buildings, sewage disposal systems and other improvements are:
 - a. located on natural ground slopes of less than 20%, and
 - b. located outside the floodway of the 100-year floodplain along rivers and artificially formed great ponds along rivers based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year floodplain elevation; 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 $\frac{1}{2}$ the width of the 100-year floodplain.

4. The total footprint, as defined, is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.
5. All structures, except functionally water dependent structures, are set back from the normal high-water line of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than 75 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the 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. Installation of Public Utility Service - No public utility, water district, sanitary district, or any utility company of any kind may 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. Following installation of service, the company or district shall forward the written authorization to the municipal officials, indicating that installation has been completed.

H. Appeals

1. **Powers and Duties of the Board of Appeals** - The Board of Appeals shall have the following powers:
 - a. **Administrative Appeals** - To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the

Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of an 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 are granted only under the following conditions:

- (a). Variances may be granted only from dimensional requirements, including but not limited to, lot width, structure height, percentage of lot coverage, area and setback requirements.
- (b). Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
- (c). The Board shall not grant a variance unless it finds that:
 - i. The proposed structure meets all applicable provisions of Section 15, except for the specific provision which has created the non-conformity and from which relief is appropriate hereunder; and
 - ii. The strict application of the dimensional requirement would result in undue hardship. The term "undue hardship" means:
 - a. That the land in question cannot yield a reasonable economic return unless a variance is granted;
 - b. That the need for a variance is due to the unique circumstances of the property and not the general conditions of the neighborhood.
 - c. That the granting of a variance will not alter the essential character of the locality; and
 - d. That the hardship is not the result of action taken by the applicant or prior owner.
- (d). Notwithstanding Section 16(H)(2)(C)(ii)above, in accordance with 30-A M.R.S.A. section 4353-A, the Code Enforcement Officer may approve a permit to the owner of a residential dwelling unit for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses that dwelling. The permit is deemed to include the variance, which shall be solely for installation of equipment or the construction of structures necessary for access to or egress

from the dwelling by the person with the disability. The Code Enforcement Officer may impose conditions on the permit, including limiting the permit to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include ramps and associated railing, and wall or roof systems necessary for the safety or effectiveness of the structure. Such permitting is subject to Sections 16(H) (2) (f) and 16(H) (4) (b) (iv) below.

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

3. Administrative Appeals

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

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

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 from 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.

b. Decision by Board of Appeals

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

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

6. Reconsideration – In accordance with 30-A, M.R.S.A. Section 2691(3)(F) The Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that

reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

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

I. ENFORCEMENT

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

2. Code Enforcement Officer

- a. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of the 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.

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, Subsection 4452.

Note: Current penalties include fines of not less than \$100 nor more than \$2500 per violation for each day that the violation continues. However, in a resource protection district the maximum penalty is increased to \$5,000 (38 M.R.S.A. Section 4452)

SECTION 17 - DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Excavation Contractor - an individual or firm that either is engaged in a business that causes the disturbance of one or more cubic yards of soil, or

is in a business in which the disturbance of one or more cubic yards of soil results from an activity that the individual or firm is retained to perform. Disturbance includes: grading, filling, and removal. A person or firm engaged in agriculture or timber harvesting activities is not considered an excavation contractor as long as best management practices for erosion and sedimentation control are used. Municipal, state and federal employees engaged in projects associated with that employment are not considered excavation contractors.

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

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

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

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

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

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

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

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

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

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

circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

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

Functionally water-dependent uses - Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters that cannot be located away from these waters. These uses include, but are not limited to, commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish-related storage and retail and wholesale marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aides, basins and channels, shoreline structures necessary for erosion control purposes, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that cannot reasonable be located or operated at an inland site, and uses that primarily provide general public access to inland waters. Recreational boat storage buildings are not considered to be a functionally water-dependent use.

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

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

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

Height of a structure - the vertical distance between the mean original prior to construction) grade at the downhill side of the structure and the highest point of the structure.

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

Increase in nonconformity of a structure - any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For

example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

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

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

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

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

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

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

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

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

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

Minimum lot width - the closest distance between the side lot lines of a lot.

When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

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

Native - indigenous to the local forests.

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

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

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

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

Normal high-water line - that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond. In the case of wetlands adjacent to rivers and great ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water.

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 or located 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.

Primitive trail - a public or private path or trail, established for walking, hiking, non-motorized biking purposes, snow-shoeing, or cross-country skiing. Primitive trails are not structures if there is no base material used such as, but not limited to, pavement, concrete, gravel or similar material. Structural primitive trails must meet the shoreline

setback for structures in the applicable district, except for associated de minimis structures such as signage or exercise stations that are similar to fences or poles in their impact to the vegetated buffer

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

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

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

Recreational Trail - a way across land, used primarily for recreational purposes including, but not limited to, such uses as: bicycling, Nordic (cross-country) skiing, day hiking, equestrian activities, jogging or similar fitness activities, trail biking, overnight or long distance backpacking, roller skating, in-line skating, dog sledding, running, snowmobiling, canoe and kayak portaging; and vehicular travel by motorcycle, four-wheel drive or all terrain, off-road vehicles. Recreational trail use may be limited by the permitting authority or owner. Recreational trail include the terms primitive trail and trail spur.

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

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

Residential dwelling unit - a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet

facilities. The term shall include mobile homes, and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

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

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

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.

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

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

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

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

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

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

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

Significant river segments - See 38 M.R.S.A. Section 437.

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

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

Structure – whether temporary or permanent: anything located, built, constructed or erected for the support, shelter, or enclosure of persons, animals, goods, or property of any kind; anything built, constructed or erected on or in the ground. The term structure includes decks, patios and satellite dishes. Structure does not include fences; poles; wiring, guy wires, guy anchors, and other aerial equipment normally associated with service drops; subsurface waste water disposal systems as defined in Title 30-A, section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; and wells or water wells as defined in Title 32, section 4700-E, subsection 8.

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

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

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

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

Trail Spur – a primitive trail with no base material (pavement, concrete, gravel or similar material) that extends toward the shoreline from a recreational trail.

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

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

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

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

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

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

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

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

Wetland - a freshwater wetland.

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

Town of Dover-Foxcroft

34 Main Street, East

Dover-Foxcroft, Maine 04426

(207) 564-3318

SOLID WASTE DISPOSAL ORDINANCE

Section I

Definitions: For the purpose of this ordinance, the following terms shall have the meaning ascribed to them in this section.

- 1) Administrator. Administrator is the municipal officer who has final responsibility for administration of the solid waste facility.
- 2) Ashes. Ashes shall mean residue of the combustion of solid fuels.
- 3) Contractor. Contractor shall mean individual, firm, corporation, partnership or other entity or their employees who have a current contract with the Town of Dover-Foxcroft to maintain and operate the Dover-Foxcroft Landfill and who are present at the landfill.
- 4) Department. The State Department of Environmental Protection.
- 5) Garbage. Garbage means all putrescible animal or vegetable wastes resulting from the handling, preparation, cooking and consumption of food in any private dwelling house, multiple dwelling, hotel, restaurant, building, or institution.
- 6) Hazardous Waste. Hazardous Waste means a substance designated as hazardous by the Department of Environmental Protection.
- 7) Hot Load. Any loads of solid waste that are on fire, smouldering or are potentially flammable by spontaneous combustion. Hot loads include wood stove ashes, cigarette tray residue, coal ash and clinkers, residue from a fire, etc.
- 8) Household Wastes. Household waste shall mean mixed refuse, ashes and bulk refuse originating in and around private dwellings, multiple dwellings, fraternity houses, living quarters or dining facilities located in schools, colleges or universities.
- 9) Inert Material. Inert material means solid waste that does not react with other substances under ordinary conditions, including but not limited to concrete, rocks, bricks, plaster, contaminated fill, building construction wastes, etc.

- 10) Junk. Junk means old, worn-out, or unserviceable plumbing or heating supplies, household appliances and furniture, scrap, scrap copper, brass, rope, rags, batteries, rubber debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material or parts thereof.
- 11) Landfill, Sanitary. Sanitary landfill means a disposal facility for solid waste on land designed to protect the environment.
- 12) Landscape Refuse. Landscape refuse means leaves, garden strubble, lawn rakings, weeds and other material that can be composted and reused as a soil conditioner.
- 13) Litter. Litter means any wastes as defined by the Maine State Litter Law that have collected or scattered in an unplanned manner in any location other than the area designated for appropriate handling. For this definition litter may include manure.
- 14) Operator. The Town employee at the Landfill in charge of its operation and maintenance.
- 15) Refuse. Refuse shall mean mixed garbage and rubbish placed and stored together in a standard refuse container.
- 16) Resource Recovery. Resource recovery means the recovery of materials or substances that still have useful physical or chemical properties after serving a specific purpose and can be reused or recycled for the same or other purposes.
- 17) Rubbish. Rubbish means all cardboard, plastic, metal, or glass food containers, waste paper, rags, sweepings, small pieces of wood, excelsior, rubber, leather, and similar waste materials that ordinarily accumulate around a home, business or industry. It shall not include garbage, ashes, bulk refuse, dead animals, hazardous waste, industrial waste, or building waste resulting from the operations of a contractor.
- 18) Salvaging. Salvaging is the controlled removal of reusable discarded solid waste.
- 19) Septage. Septage means waste, refuse effluent, sludge and any other materials from septic tanks, cesspools, or any other similar facility.
- 20) Solid Waste Facilities. Means all facilities owned by the Town used to collect, transport or dispose solid waste, to include the sanitary landfills, solid waste equipment, etc.

- 21) Solid Waste Management. Solid waste management means purposeful, systematic, and unified control of the collection, storage, transportation, processing, salvaging, and disposal of solid waste.
- 22) Solid Wastes. Solid waste means unwanted or discarded solid material with insufficient liquid content to be free flowing, including by way of example, and not by limitation, rubbish, garbage, junk, refuse, inert household wastes, material, landscape refuse, wood wastes, white goods, but shall not include sludge, septage, hazardous wastes, agricultural or industrial wood byproducts.
- 23) Special Wastes. Special wastes include that fraction of solid wastes and other wastes designated by the Administrator to be handled, stored or disposed separately. Special wastes include but are not limited to white goods, tires, inert material, hot loads, wood wastes, carrion, asbestos, oil, fuels, paints, ash recyclable materials, etc.
- 24) Storage. Storage means the containment of any waste that is not hazardous for a period of less than one year in such a manner as not to constitute disposal.
- 25) Sludges. Sludges means the concentration of solids resulting from the treatment of liquid wastes such as sewage, industrial wastes, commercial wastes, etc.
- 26) Tires. Tires shall include all tires, tubes, and rubber protective flaps. Tire rims are not included under this definition.
- 27) Transport. Transport means movement of solid waste from the point of generation to any intermediate points, and finally to the point of ultimate storage or disposal.
- 28) Vector. Vector means a carrier, usually an insect, bird, or rodent, that is capable of transmitting a pathogen from one organism to another or from one place to another.
- 29) White Goods. White goods means large appliances, including but not limited to stoves, refrigerators, freezers, washing machines, clothes dryers, dishwashers, and air conditioners.
- 30) Wood Wastes. Wood waste means dry waste made of wood to include trees, stumps, brush, slabs, edgings, and pallets.
- 31) Person. Person shall mean any individual, firm, corporation, partnership or association or other entity.

SECTION II

Responsibility

The Town of Dover-Foxcroft and its inhabitants assume overall responsibility for Town owned solid waste facilities and proper disposal of wastes accepted.

The administrator of this ordinance and overall supervisor of solid waste facilities is the Town Manager of the Town of Dover-Foxcroft.

The town is responsible for the day-to-day operation, and maintenance of solid waste facilities.

It shall be the duty of the Police Department and the operator to strictly enforce this ordinance, and to see that any and all violations are promptly abated and violators prosecuted, and it shall be the special duty of the Chief of Police and all policemen to promptly summons any violators of this ordinance.

Other responsibilities and duties shall be as outlined in Solid Waste Facility Operational and Maintenance Manual or as designated by the administrator.

Section III

Management.

Solid Waste Disposal

All solid waste must be disposed at the Town of Dover-Foxcroft's Solid Waste Facility unless a permit is obtained to do otherwise as discussed in Section VIII.

No person or persons shall at any time throw or deposit any solid waste or litter within the limits of any streets, highways, passageways, or over any bridge, or into the waters or onto the ice of any lake, pond, or river within the Town of Dover-Foxcroft.

Section IV

Solid Waste Transportation

All solid waste transportation within the Town of Dover-Foxcroft must be placed in covered containers securely fastened to the vehicle to prevent spillage and litter.

Waste deposited along the road to the landfill or at the landfill entrance gate is prohibited.

Section V

Usage of Solid Waste Facilities

Solid waste facilities owned, operated and maintained by the Town of Dover-Foxcroft shall be for the disposal of solid waste produced within the boundaries of the Town of Dover-Foxcroft.

No person shall be permitted to dispose of, at the Dover-Foxcroft Solid Waste Facility, any solid waste produced outside the Town of Dover-Foxcroft unless such waste is transported from a town that holds a current contract to use the Town of Dover-Foxcroft's Landfill. In the event such solid waste may have been unloaded by such a person, such person shall be required to remove such solid waste immediately or be prepared to pay to the Town of Dover-Foxcroft \$100.00 minimum fine. ONLY USERS SHOWING A VALID PERMIT ISSUED BY THE TOWN CLERK'S OFFICE SHALL BE ALLOWED TO USE THE LANDFILL.

Section VI

Operation of Solid Waste Facilities

Solid waste shall be disposed at the solid waste facilities only during the times designated by the Dover-Foxcroft Board of Selectmen.

Solid waste facilities shall be operated in accordance with the Maine Department of Environmental Protection (DEP) regulations, the operation and maintenance manuals or as designated by both the administrator and the Department.

Discharging of firearms and burning of solid waste, except as allowed under DEP regulations, at the Town's solid waste facilities is strictly prohibited.

Section VII

Salvage

All solid waste delivered and deposited for disposal at the Town of Dover-Foxcroft solid waste disposal facilities shall become the property of the Town of Dover-Foxcroft. No person shall separate, collect, carry off or dispose of such materials unless authorized in writing by the administrator. The Dover-Foxcroft Board of Selectmen may contract to dispose of salvage from time to time.

Section VIII

Solid Waste Separation

The Town of Dover-Foxcroft's solid waste facilities will dispose of all solid waste and special wastes. Special wastes must be separated by the user and disposed in areas designated by the administrator. Solid waste shall be separated into normal household wastes, white goods, tires (without rims), wood wastes, inert material, hot loads, recycleable material and other wastes designated for separation by the administrator.

The operator is authorized to inspect all solid waste before it is disposed of to ensure proper separation. Users found depositing unseparated waste at the transfer facility shall be in violation of this ordinance. Users refusing to allow inspection of their solid waste shall be denied use of the solid waste facilities.

The following solid waste shall be considered unacceptable for disposal in the Town of Dover-Foxcroft's solid waste facilities.

1) All hazardous wastes and substances such as poisons, acids, caustics, infected materials, oil, explosives, flammable liquids, and wastes of unknown origins.

2) Unusual quantities of more than 6 cubic yards per week of material resulting from the construction or wrecking of buildings and structures or that may result from industrial or agricultural processes. Quantities in excess of 6 cubic yards per week shall be disposed of by any person by first obtaining a permit from the administrator.

3) Landscape refuse in addition to six cubic yards per week. Quantities in excess of 6 cubic yards per week shall be disposed of by any person by first obtaining a permit from the administrator.

Section IX

Private Disposal Sites

It shall be unlawful for any person, firm, or corporation to dispose of solid waste at any location within the Town of Dover-Foxcroft other than Town-owned solid waste facilities unless a permit is obtained from the Dover-Foxcroft Board of Selectmen.

Permits will only be issued to persons, firms, or corporations who have satisfactorily met all Federal, State and Local laws and regulations. Permits may be revoked by the Dover-Foxcroft Board of Selectmen when deemed necessary to ensure the general public health and welfare.

Section X

Penalty

Any person or persons, firm or corporation who violates any of the provisions of this ordinance shall upon conviction be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense and each day's continuance or failure to comply herewith shall constitute a separate and distinct offense for each of said days and shall be punishable as such.

Furthermore, any person who violates any provision of this ordinance may be evicted from the landfill site and future admittance until authorized by the administrator. Such individual may also be sued for trespass by the municipality.

Section XI

Severability

Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

Section XII

Effective Date, Repeal of Prior Ordinance

The effective date of this ordinance shall be the day following its adoption by affirmative vote of the voters of the Town of Dover-Foxcroft at a meeting duly called for that purpose, and the adoption of this Ordinance shall have the effect of repealing Sections 1 and 2 of Article II of the "Bylaws and Ordinances" of the Town of Dover-Foxcroft.

3/10/86

ORDINANCE AMENDING THE TOWN OF DOVER-FOXCROFT
SOLID WASTE DISPOSAL ORDINANCE
TO PROVIDE FOR MANDATORY RECYCLING

Section 1. Purpose:

A. It is hereby declared that recycling is a wise and prudent solid waste management technique that saves tipping fees, saves energy, reduces pollution and environmental degradation, keeps usable manufacturing material in the economy, and promotes a developing sense of waste awareness. It is therefore the policy of the Town of Dover-Foxcroft to encourage recycling to the maximum extent possible.

B. In the light of the foregoing policy, this amendment is hereby adopted to expand and clarify Section II, Responsibility; Section VIII, Solid Waste System; and Section X, Penalty of the Town of Dover-Foxcroft Solid Waste Disposal Ordinance, adopted March 10, 1986.

Section 2. Amendment of Section II:

Section II of the Town of Dover-Foxcroft Solid Waste Disposal Ordinance is hereby amended by adding a new paragraph at the end thereof, to read as follows:

The Board of Selectmen of the Town of Dover-Foxcroft may, after public hearing, adopt such other rules and regulations not inconsistent with the terms of this Ordinance to promote the general purposes of the Ordinance and any amendments thereto.

Section 3. Amendment of Section VIII:

Section VIII of the Town of Dover-Foxcroft Solid Waste Disposal Ordinance is hereby amended to read as follows:

- A. All solid waste shall have the following commodities separated out and in a readily handleable form, as may be required by the operator, when brought to the facility:
1. Glass. All glass, beverage glass, bottles, jars, or other forms shall be separated and delivered to the facility and shall be deposited into bins according to color - green, brown, and clear. All containers shall be rinsed clean and free of caps, covers, metal, or plastic.
 2. Aluminum Beverage Cans. All aluminum cans shall be separated and delivered to the facility in an easily handleable form. All cans shall be rinsed clean.
 3. Newspaper. Color printed will be separated from black and white and shall be securely bundled in bundles not to exceed 40 pounds in weight.
 4. Magazines. Not recycled at this time. To be placed in the transfer station.
 5. Computer paper shall be bundled separately the same as newspapers.

6. Corrugated Cardboard. All cardboard shall be delivered, boxes broken down flat and deposited in the designated area.
 7. Furniture. Shall be disassembled. All metal plates, arms, supports, levers, etc. shall be removed and wooden members will be placed with demolition lumber.
 8. Demolition lumber. Shall be cut into manageable lengths and placed in the designated area. Lumber shall be free of nails, metal, and shingles.
 9. Mattresses, bedsprings. Shall be disassembled and springs removed for separate placement in the White Goods area.
 10. Steel, aluminum, copper, brass. Items shall be separated by material type and placed in proper designated area.
 11. Tires. Shall be placed in the designated area. Rims shall be removed from all tires.
 12. Plastic containers, including, but not limited to, milk jugs, oil cans, detergent bottles, etc., shall be washed clean and deposited in the designated area at the Facility.
 13. Compost. All vegetable matter including lawn, leaf and garden waste, wet paper, pet litter, and all similar waste that will decompose to an organic/inorganic soil mixture shall be deposited in the designated area.
- B. Refrigerators, stoves, freezers, and other metal items shall be placed in the area designated for white goods.
- C. Large tree trunks and stumps shall be placed in the area so designated.
- D. Tree limbs, branches, brush, and clean wood shall be placed in the burn pile.
- E. Portable radios, televisions, and other electronic equipment shall be placed in the demolition area.
- F. The operator is authorized to inspect all solid waste before it is disposed of to ensure proper separation. Users found depositing unseparated waste at the transfer facility shall be in violation of this ordinance and shall be penalized or fined as provided in Section X hereof. Users refusing to allow inspection of their solid waste shall be denied use of the solid waste facilities.
- G. The following solid waste shall be considered unacceptable for disposal in the Town of Dover-Foxcroft's solid waste facilities.
1. All hazardous wastes and substances such as poisons, acids, caustics, infected materials, oil, explosives, flammable liquids, and wastes of unknown origins.

2. Unusual quantities of more than six cubic yards per week of material resulting from the construction or wrecking of buildings and structures or that may result from industrial or agricultural processes. Quantities in excess of six cubic yards per week shall be disposed of by any person after first obtaining a permit from the administrator.
3. Landscape refuse in addition to six cubic yards per week. Quantities in excess of six cubic yards per week shall be disposed of by any person after first obtaining a permit from the administrator.

Section 4. Amendment of Section X:

Section X of the Town of Dover-Foxcroft Solid Waste Disposal Ordinance is hereby amended to read as follows:

Section X. Penalties and Fines.

- A. The following fees shall be assessed by and paid to the Operator for the benefit of the Town at the time of drop-off if the solid waste deposited by any person has not been properly separated according to the provisions of this Ordinance:
 1. Passenger vehicle \$ 5.00 per trip
 2. 3/4 ton truck or less 20.00 per trip
 3. More than 3/4 ton 30.00 per trip
 4. Commercial hauler and private contractor 50.00 per trip
- B. Any person or persons, firm or corporation who violates any of the other provisions of this Ordinance shall upon conviction be fined not less than Fifty (\$50.00) Dollars, nor more than Five Hundred (\$500.00) Dollars for each offense, and each day's continuance or failure to comply herewith shall constitute a separate and distinct offense for each of said days and shall be punishable as such.
- C. In addition to the foregoing, any person who violates any provision of this ordinance may be evicted from the land-fill site and future admittance until authorized by the administrator. Such person may also be sued for trespass by the municipality.

Section 5. Effective Date.

The effective date of this Amendment shall be a date at least 60 days following the opening of the recycling center, pending which time recycling shall be voluntary. The Board of Selectmen shall determine the exact effective date consistent with the provisions of this Section.

Town of Dover-Foxcroft:

Ordinance to Require the Issuance of Special Amusement Permits

Purpose.

The purpose of this article is to control the issuance of special amusement permits for music, dancing, or entertainment in facilities licensed by the State of Maine to sell liquor under 28-A M.R.S.A. §1054.

Definitions.

The following definitions shall apply unless the context indicates another meaning:

ENTERTAINMENT- Any amusement, performance, or exhibition or diversion for patrons or customers of the licensed premises, whether provided by professional entertainers or by full-time or part-time employees of the licensed premises who's incidental duties include activities with an entertainment value.

LICENSEE- The holder of a license issued under the alcoholic beverages statutes of the State of Maine or any person, individual, partnership, firm, association, corporation, or other legal entity acting as agent or employees of the holder of such a license

Permit Required; Admission Charges; Live Entertainment.

No licensee for the sale of liquor to be consumed on his or her licensed premises shall permit on such licensed premises located in the Town of Dover-Foxcroft any music, except a radio or mechanical device, and dancing or entertainment of any sort unless the licensee shall have first obtained a special amusement permit approved by the Town of Dover-Foxcroft Board of Selectmen.

- A. Application Form. Applications for special amusement permits and annual renewals thereof shall be made in writing on forms provided by the Town Clerk and signed by the licensee. Each application shall state the name and address of the applicant; the name, address, and nature of the proposed amusement; whether admission will be charged under Subsection B and if so, the area so designated and whether the applicant has ever had a state liquor license or special amusement permit denied or revoked and if so, an explanation thereof.
- B. Admission Charges. The licensee of a licensed hotel, Class A restaurant, Class A Tavern, or restaurant or malt liquor licensee, as defined in the M.R.S.A. Title 28-A, who has been issued a special amusement permit may charge admission in designated areas; provided however, that such area must be so designated in the application and provided by the Board of Selectmen.

C. Live Entertainment Regulated.

- (1) No licensee shall permit entertainment on the licensed premises, whether provided by professional entertainer(s), employees of the licensed premises, or any person when the entertainment involves:
 - (a) The performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.
 - (b) The actual or simulated touching, caressing, or fondling on the breasts, buttocks, anus, or genitals.
 - (c) The actual or simulated displaying of the genitals, pubic hair, buttocks, anus, or any portion of the female breasts at or below the areola area thereof.
 - (d) The permitting by any licensee of any person to remain in or on the licensed premises who exposes to any public view any portion of his or her genitals or anus.
- (2) For the purposes of this subsection, the term "displaying" or "expose" shall mean unclothed or costumed and not covered by a full opaque material.

Permit Fee.

The permit fee shall be the fee established by the Board of Selectmen for special amusement permits plus the cost of advertising for a public hearing.

Public Hearing.

Prior to granting a new special amusement permit and after review by the Chief of Police, the Board of Selectmen and other officials as the Board of Selectmen may require shall hold a public hearing after reasonable notice of the same has been given to the applicant and has been advertised at the applicants expense in a newspaper of general circulation in the town at least seven days in advance. At the public hearing, the testimony of any interested parties shall be heard. Special amusement permit renewals may require a public hearing as determined by the Board of Selectmen.

Issuance of Permit.

- A. After the public hearing, the Board of Selectmen shall grant the special amusement permit requested unless the issuance of the permit would be detrimental to the public health, safety, or welfare, or would violate any applicable state law or town ordinance.
- B. Restrictions: In approving such a permit, the Board of Selectmen may impose reasonable restrictions to protect property owners in the vicinity of the licensed premises from any nuisance aspects of the proposed amusement, including the location and size of the premises, the facilities that may be required for the permitted activities on those premises, the facilities that may be required for the permitted activities on those premises, and the hours during which the permitted activities will be amused.

Notice of Decision.

Any licensee requesting a special amusement permit shall be notified in writing of the Board of Selectmen's decision no later than 15 days from the date of its decision. In the event that a licensee is denied a permit or restrictions are imposed upon the permit, the licensee shall be provided in writing with the reasons for the denial or a list of the restrictions. A licensee may not reapply for the same permit within 30 days.

Duration of Permit.

A special amusement permit shall be valid only for the license year of the existing liquor license.

Suspension or Revocation of Permit.

The Board of Selectman may, after a public hearing preceded by notice to interested parties, suspend or revoke any special amusement permit on the grounds that the music, dancing, or entertainment so permitted is detrimental to the public health, safety, or welfare, or violates any applicable state law or town ordinance. If the Board of Selectmen revoke or suspend a licensee's special amusement permit, he or she shall be notified in writing within 15 days of the reasons for such action.

Appeals.

A licensee whose request for a special amusement permit has been denied, approved with restrictions, or revoked or suspended may, within 30 days of such action, appeal the decision to the Board of Appeals. The Board of Appeals may grant or reinstate the permit only if it finds that the denial, imposition of restrictions or revocation, or suspension was arbitrary or capricious.

Violation and penalties.

Whoever violates any provision of this article shall be fined not less than \$100 not more than \$500 to be recovered on complaint to the use of the Town of Dover-Foxcroft. Each day that such violation continues shall constitute a separate offense.

Town of Dover-Foxcroft

Subdivision Ordinance

Effective September 1972

Revised: January 6, 1986

November 17, 1988

July 20, 1989

September 21, 1989

December 1, 1994

October 27, 2003

June 22, 2010

TOWN OF DOVER-FOXCROFT SUBDIVISION ORDINANCE

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SECTION 1 - AUTHORITY AND PURPOSE

Pursuant to the authority vested in Dover-Foxcroft Planning Board and in accordance with the provisions in Title 30A of the Maine Revised Statutes, Section 4403, is authorized and empowered to approve subdivisions in the Town of Dover-Foxcroft.

SECTION 2 - TITLE

These regulations shall be known and cited as the Subdivision Regulations of the Town of Dover-Foxcroft, Maine.

SECTION 3 - DEFINITIONS

Board means the Planning Board of the Town of Dover-Foxcroft, Maine

CEO means the Code Enforcement Officer for the Town of Dover-Foxcroft.

Conservation Subdivision means a subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located in return for the provision of permanent conserved open space.

Density Bonus is an increase in the maximum allowable development on the land in exchange for helping the Town to achieve public policy goals. Increasing development density may allow for increases in developed square footage or increases in the number of developed units.

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

Easement means an acquired privilege or right of use which one party may have in the land of another.

Engineer means the duly designated registered professional engineer of the subdivider.

Freshwater wetland means freshwater swamps, marshes, bogs and similar areas which are:

- A. 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 wetland vegetation typically adapted for life in saturated soils; and
- B. Not considered part of a great pond, coastal wetland, river, stream or brook.

These areas may contain small stream channels or inclusions of land that do not conform to the criteria of this subsection.

Lot means a parcel of land capable of being occupied by one principal structure and its accessories, or used for one particular purpose and designated as such on a plat.

Minor Subdivision means a subdivision of four lots or less with no roads or other major improvements and not located within 100' of a lake, pond, or river.

Major Subdivision means all other subdivisions.

Plat means a map, plan, drawing, or chart on which a subdivision of land is shown. **Final Plat** means the final map plan, drawing or chart on which the subdivider's plan or subdivision is presented to the Board for approval and which, if approved will be submitted to the Registry of Deeds of Piscataquis County for recording.

Principal Structure means any building or structure in which the main use of the premises takes place.

Right of Way shall mean a strip of land used or intended to be used for a street, cross walk, water main, sanitary or storm sewer main, or for other special use including public use. The usage of the term "right of way" for land platting purposes in these regulations shall mean that every right-of-way hereafter established and shown on a record plat is to be separate and distinct from the lots and parcels adjoining such right of way, and not to be included within the dimensions or areas of such other lots or parcels.

Selectmen means the Selectmen of the Town of Dover-Foxcroft.

Setback means the distance between a legal boundary (right of way, lot line, or property line) and any part of the building.

Street relates to and includes street, avenue, boulevard, road, alley, highway or other way, including all the land between the sidelines of the layout or conveyance of dedication therefore, but shall not include driveways serving not more than two adjacent lots.

Subdivider means the registered owner(s) or the authorized agent of the registered owner(s) of a subdivision.

Subdivision means the division of a tract or parcel of land into three (3) or more lots within any five-year period, which begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, developments, buildings, or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into three (3) or more dwelling units within a five-year period, the construction or placement of three (3) or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into three or more dwelling units within a five-year period.

- A. In determining whether a tract or parcel of land is divided into three or more lots, the first dividing of the tract or parcel is considered to create the first two lots and the next dividing of either of these first two lots, by whomever accomplished, is considered to create a third lot, unless:
 - (1) Both divisions are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single family residence, that has been the subdivider's principal residence for a period of at least five years immediately preceding the 2nd division; or
 - (2) The division of the tract or parcel is otherwise exempt under this subchapter.

- B. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this subchapter, do not become subject to this subchapter by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The municipal reviewing authority shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.
- C. A lot of 40 or more acres shall be counted as a lot solely for the purpose of determining whether a subdivision is created. Subdivision submission requirements shall not apply to a residual lot of 40 or more acres.
- D-1. A division accomplished by devise does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.
- D-2. A division accomplished by condemnation does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.
- D-3. A division accomplished by order of court does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.
- D-4. A division accomplished by gift to a person related to the donor of an interest in property held by the donor for a continuous period of 5 years prior to the division by gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person not related to the donor of the exempt real estate as provided in this paragraph, then the previously exempt division creates a lot or lots for the purposes of this subsection. "Person related to the donor," means a spouse, parent, grandparent, brother, sister, child or grandchild related by blood, marriage or adoption. A gift under this paragraph can not be given for consideration that is more than half the assessed value of the real estate.
- D-5. A division accomplished by a gift to a municipality if that municipality accepts the gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.
- D-6. A division accomplished by the transfer of any interest in land to the owners of land abutting that land that does not create a separate lot does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person without all of the merged land, then the previously exempt division creates a lot or lots for the purposes of this subsection.
- E. The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971 is not a subdivision.
- F. In determining the number of dwelling units in a structure the provisions of this subsection regarding the determination of the number of lots apply, including exemptions from the definition of a subdivision of land.

- G. Notwithstanding the provisions of this subsection, leased dwelling units are not subject to subdivision review if the municipal reviewing authority has determined that the units are otherwise subject to municipal review at least as stringent as that required under this subchapter.
- H. This subchapter may not be construed to prevent a municipality from enacting an ordinance under its home rule authority that:
 - 1. Expands the definition of “subdivision” to include the division of a structure for commercial or industrial use; or
 - 2. Otherwise regulates land use activities.

A municipality may not enact an ordinance that expands the definition of a subdivision except as provided in this subchapter. A municipality that has a definition of “subdivision” that conflicts with the requirements of this subsection at the time this paragraph takes effect shall comply with this subsection no later than January 1, 2006. Such a municipality must file its conflicting definition at the county registry of deeds by June 30, 2003 for the definition to remain valid for the grace period ending January 1, 2006. A filing required under this paragraph is not a recording in the books of records at the registry of deeds; it is a posting for public availability as tax maps are held and made available for public inspection.

- I. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under paragraphs D-1 to D-6, or subsequent transfer of that entire lot by the original holder of the security interest or that person’s successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

Tract or Parcel of Land means all contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road.

Outstanding River Segments is in accordance with Title 12, Section 402, “outstanding river segments” in Dover-Foxcroft means the Piscataquis River from the Penobscot River to the Monson and the Blanchard Plantation town line.

SECTION 4 - ADMINISTRATION

4.1 Reviewing Authority.

All requests for subdivision approval shall be reviewed by the municipal planning board. On all matters concerning subdivision review, the Planning Board shall maintain a permanent record of all its meeting, proceedings and correspondence.

4.2 Joint Meetings.

If any portion of a subdivision crosses municipal boundaries, the reviewing authorities from each municipality shall meet jointly to discuss the application.

4.3 Regulations.

The Planning Board may, after a public hearing, adopt additional reasonable regulations governing subdivisions which shall control until amended, repealed or replaced by regulations adopted by the municipal legislative body. The Planning Board shall give at least seven (7) days notice of such a hearing. The Board shall transmit any changes to the Piscataquis County Registry of Deeds.

The Dover-Foxcroft Subdivision Regulations provide for a multi-stage review procedure consisting of the following three stages:

1. Sketch plan;
2. Preliminary plan;
3. Final plan

Each stage must meet the time requirements of Subsection 4.4 and 4.5.

4.4 Procedure.

The CEO shall prepare a written agenda for each regularly scheduled meeting. The agenda shall be prepared at least one week in advance of the meeting, distributed to the Board members and any applicants appearing on the agenda. Applicants shall request to be placed on the Board's agenda at least ten (10) days in advance of a regularly scheduled meeting by contacting the Code Enforcement Officer. Applicants who are not on the Board's agenda may be heard but only after all agenda items have been completed and then only if a majority of the Board so votes. However, the Board shall take no action on any application not appearing on the Board's written agenda.

4.5 Subdivision Review Fee.

All applications for subdivision review shall be accompanied with the appropriate fee as determined from the fee schedule adopted by the Board of Selectmen on July 17, 1989 as amended.

SECTION 5 - PREAPPLICATION PROCEDURE AND SUBMISSIONS AND ON SITE INSPECTION

5.1 Purpose.

The purpose of the pre-application and the on-site inspection is for the applicant to present general information regarding the proposed subdivision to the Board and receive the Board's comments prior to the expenditure of substantial sums of money.

5.2 Applicant Presentation and Submission of Sketch Plans.

The pre-application sketch plan shall show, in simple sketch form, the proposed layout of streets, lots, building, and other features in relation to existing conditions. The sketch plan, which may be a free-hand penciled sketch, should be supplemented with general conditions of the site and the proposed development. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the assessor's map(s) on which the land is located. The sketch plan shall be accompanied by a copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision.

5.3 Question and Answer Period.

The Board makes suggestions to be incorporated by the applicant into subsequent submissions.

5.4 Contour Interval and On-site Inspection.

Within thirty days, the Board shall determine and inform the applicant in writing of the required contour interval of the Preliminary Plan and hold an on-site inspection of the property. The applicant shall place "flagging" at the centerline of any proposed streets, and at the approximate intersection of the street centerlines and lot corners, prior to the on-site inspection.

5.5 Rights Not Vested.

The submittal or review of the pre-application sketch plan shall not be considered the initiation of the review process for the purpose of bringing the plan under the protection of Title 1, M.R.S.A., Section 302.

SECTION 6 - PRELIMINARY PLAN FOR SUBDIVISIONS

6.1 Procedure

- A. Upon receipt of an application for Preliminary Plan approval of a subdivision, the CEO shall:
 1. Issue a dated receipt to the applicant,
 2. Notify in writing all owners of abutting property that an application for subdivision approval has been submitted, specifying the location of the proposed subdivision and including a general description of the project.
 3. Notify the clerk and review authority of the neighboring municipalities if any portion of the subdivision includes or crosses the municipal boundary.
- B. The applicant or his duly authorized representative shall attend the meeting of the Board to present the Preliminary Plan application.
- C. Within 30 days after receiving the Preliminary Plan application, the Planning Board shall notify the applicant in writing either that the application is complete, or, if the application is incomplete, the specific additional material needed to complete the application.
- D. Upon determination that a complete application has been submitted for review, the Board shall issue a dated receipt to the subdivider. The Board shall determine whether to hold a public hearing on the preliminary Plan application.
- E. If the Planning Board decides to hold a public hearing, it shall hold the hearing within 30 days after determining it has received a complete application. The Planning Board shall have notice of the date, time, and place of hearing: given to the applicant and published at least twice in a newspaper having general circulation in the municipality in which the subdivision is proposed to be located. The date of the first publication must be at least 7 days before the hearing.
- F. Within 30 days of a public hearing or, if no hearing is held, within 60 days of determining it has received a complete application or within any other time limit that is mutually agreed to, the Planning Board shall make finding of fact on the application, and approve, approve with conditions, or deny the preliminary plan application. The Board shall specify in writing its finding of facts and reasons for any conditions or denial.

6.2 Submissions

The preliminary plan application shall consist of the following items:

- A. Preliminary Plan - 8 copies of the preliminary plan shall be submitted. The preliminary plan shall be drawn to scale no smaller than 1"=100'.
- B. Results of Test Pits/Approval from Superintendent of the Wastewater Treatment Plant - When sewage disposal is accomplished by subsurface wastewater disposal systems, test pit analyses conducted by a licensed site evaluator or certified soil scientist shall be provided.

When sewage disposal is to be accomplished by connection to a public sewer, a letter from the Wastewater Superintendent stating the public sewer system has the capacity to collect and treat the wastewater shall be provided.

- C. Proof of Adequate Water Supply - When water is supplied by the public water supply, a written statement from the Dover-Foxcroft Water District Superintendent shall be submitted indicating there is adequate supply and pressure for the subdivision.
- D. Names and addresses of abutting property owners of the proposed subdivision.
- E. Verification of right title or interest in the property.

6.3 Preliminary Plan.

The preliminary plan shall include the following information: The Planning Board may require additional information to be submitted, where it finds necessary in order to determine whether the criteria of Title 30A M.R.S.A. 4404 are met.

For subdivision developments within Land Use Districts RES, RR1 and RR2, a Conservation Development Option preliminary plan should be submitted alongside a traditional sub-division. See Section 9.6 for applicable standards.

- A. Proposed subdivision name, name and address of owner of record, name of subdivider and person making layout, date, north point, scale, current zoning of property, total acreage of proposed subdivision (including roads) and tax assessor's map and lot number of property.
- B. Names of owners of record of abutting properties, abutting subdivision names, streets, easements, parks and public open spaces, and similar facts regarding abutting property.
- C. Location of property lines and their approximate dimensions, existing easements, buildings, water courses, ponds or standing water, rock ledges wetlands, and other essential features.
- D. Existing water lines, sewer lines, culverts, storm drains and proposed connections or alternative means of providing water supply and disposal of sewage and surface drainage. Location of each test pit site and water well.
- E. For subdivisions not served by a public sewer, an assessment of the impacts of the subdivision on ground water quality shall be submitted prior to final approval of the park. The assessment shall be prepared by a Certified Geologist or Registered Professional Engineer, and shall include the following:
 - 1. Application:
 - a) A map showing the basic soil types.
 - b) The depth to the water table at representative points throughout the subdivision.
 - c) Drainage conditions throughout the subdivision.
 - d) Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.
 - e) An analysis and evaluation of the effect of the subdivision on ground water resources. The evaluation shall at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision, at the subdivision boundaries and at a distance of 1000 feet from potential contamination sources,

whichever is a shorter distance. For subdivisions within the watershed of a lake, projections of the development's impact on ground water phosphate concentrations shall also be provided.

- f) A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.

2. Standards:

- a) Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
- b) No subdivision shall increase any contaminant concentrations in the ground water to more than one half of the Primary Drinking Water Standards. No subdivision shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards
- c) If ground water contains contaminants in excess of the primary standards and the subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.
- d) If ground water contains contaminants in excess of the secondary standards, the mobile home park shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.

3. Development – Subsurface wastewater disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the Plan.

- F. Location, name and widths of existing and proposed streets and highways with estimated sight distances shown at intersections, proposed typical cross sections of roads, and the elevations of sufficient points of the road to indicate the general topography.
- G. Where the topography is such as to make difficult the inclusion of any public facilities within the public area so laid out, the preliminary layout shall show the boundaries of proposed permanent easements over and under private property.
- H. Proposed lots, approximate size of each lot, total acreage of subdivision, and building setback lines.
- I. Location of all parcels of land proposed to be dedicated to public use and the conditions of such dedication and a copy of such private deed restrictions as are intended to cover part or the entire tract.

J. Buffer Areas –

- 1) A 50 foot wide buffer strip shall be provided along all property boundaries to:
 - a. Abut residential land which has a gross density of less than half of that proposed in the subdivision, or
 - b. Abut residential land that is within a land use district with a density of less than half of that proposed in the subdivision.

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

- 2) Within 25 feet of any property line and within the buffer strip, visual screening and/or landscaping shall be provided. The visual screening may consist of fences, berms, landscaping (such as shrubs and trees) and/or natural existing vegetation. This screening shall effectively screen at least 80% of the homes from view the adjacent property and shall be maintained throughout the life of the project.

K. Open Space – For subdivisions served by a public sewer, an area amounting to no more than 10% of the total area devoted to individual lots shall be set aside for open space and/or recreation. Such space shall be accessible and useable by all residents of the subdivision. Parking space, driveways and streets and buffer areas are not considered useable open space but community recreation buildings, pools and courts are considered as open space.

- At least 50% of the required open space shall consist of land that is suitable for active recreation or storage.
- All developed open space shall be designed and landscaped for the use and enjoyment of the subdivision residents and shall be maintained for their long term use. Plans for these areas shall be submitted by the developer.
- To the maximum extent possible, undeveloped open space shall be left in its natural state. Improvements to make trails for walking and jogging or to make picnic areas are permitted.
- The developer shall submit, as part of his/her application, a copy of that portion of the proposed subdivision rules and a plan which specify how the open space is to be used and maintained and what conditions are to apply to its use. The plan shall specify the areas to be dedicated to open space, recreation, and storage.
- Open space shall be maintained and used for its stated purpose.

L. Storm Drainage – A Storm drainage plan shall be prepared by a professional engineer showing ditching, culverts, storm drains, easements, and other proposed improvements sufficient to accommodate a 25-year storm.

M. Road Standards - Privately owned roads within the subdivision shall be built according to accepted engineering standards and standards contained in Section 9.2 of this Ordinance.

- The layout and general development plan for major and minor access streets and driveways within the subdivision together with the location and dimensions of access junctions with existing public streets and rights-of-way shall be approved by the Planning Board.
- A traffic impact analysis shall be required if the subdivision will generate more than 500 trips/day.
- For subdivisions expected to generate 200 trips per day or more, there shall be at least two entrances from public streets or roads.
- On street parking shall be prohibited unless an eight foot parking lane is provided, in which case on-street parking may be permitted on the side of the road where the parking land is located.
- Curvilinear streets shall be utilized wherever possible. No Street within the subdivision shall be more than 200 feet without a curve or bend.
- No subdivision lot may have vehicular access directly onto a state highway.
- Two-way park roads shall have a minimum right-of-way of 23 feet and a minimum paved surface of 20 feet. On-street parking shall be prohibited.
- One-way streets shall have a minimum right-of-way of 18 feet and a minimum paved surface of 14 feet. On-street parking shall be prohibited.
- Parking lanes shall be a minimum of 8 feet in width, if provided.
- Cul-de-sac turnarounds shall have a minimum radius of 50 feet at the outer edge of the pavement, exclusive of any parking areas.
- If the developer intends to dedicate subdivision streets to the public, such streets shall meet municipal road standards.

N. Location and size of any bridges or culverts which may be required.

O. Topography and contour interval determined at pre-application meeting.

P. If any portion of the subdivision is within the 100 year floodplain, the boundaries of the 100 year floodplain and the 100 year flood elevation shall be shown on the plan.

SECTION 7 - FINAL PLAN FOR SUBDIVISIONS

7.1 Procedure.

- A. Upon receiving an application for final plan approval, the CEO shall issue a dated receipt to the applicant.
- B. The subdivider or his duly authorized representative shall attend the meeting of the Board to discuss the final plan.
- C. Within 30 days after receiving the final plan application the Planning Board shall notify the applicant in writing either that the application is complete or, if the application is incomplete, the specific additional material needed to complete the application.
- D. Upon determination that a complete application has been submitted for review, the Board shall issue a dated receipt to the subdivider. The Board shall determine whether to hold a public hearing on the final plan application.
- E. If the Board decides to hold a public hearing, it shall hold the hearing within 30 days of determining it has received a complete application. The Board shall have notice of the date, time, and place of hearing given to the application and published at least two times in a newspaper having circulation in the municipality in which the subdivision is proposed to be located. The date of the first publication must be at least seven days before the meeting.
- F. Within 30 days of a public hearing or, if no hearing is held, within 60 days of determining it has received a complete application or within any other time limit that is otherwise mutually agreed to, the Board shall make findings of fact, and conclusions relative to the criteria for approval contained in Title 30-A M.R.S.A. Section 4404 and the standards of these regulations. If the Board finds that all the criteria of the statute and the standards of these regulations have been met, they shall approve the final plan. If the Board finds that any of the criteria of the statute or the standards of these regulations have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The reasons for any conditions shall be stated in the records of the Board.
- G. Monumentation shall be in accordance with standards for category I, Condition 3, Standard Boundary Surveys set forth by the Board of Registration for Land Surveyors; Monuments shall be installed prior to approval of the final plan.

7.2 Final Plan Submissions

The final plan application shall consist of the following items:

- A. Final Plan - 8 copies of the final plan and one reproducible copy of the final plan with a scale no smaller than 1"=100' shall be submitted for planning board review and recording in the Piscataquis County Registry of Deeds.
- B. Typical road cross section - a scaled drawing which shows: the width of the traveled way, shoulders, and rights-of-way; the depth of the road base, sub-base and pavement; and the slope of the roadway.

- C. Road Profile - A scaled drawing which shows the existing and proposed elevation of the centerline of the proposed roads. Any significant features, such as culverts for bridges and utilities shall be shown.
- D. Cross section of road at culverts - A scaled drawing showing the road width, depth of base, sub-base, and pavement in relation to the culvert.
- E. Utility Plan (If public water or sewer is used) - Utility plan should show sewer lines, water lines, storm drains, electric lines, fire hydrants and other significant utilities. The sizes, slope and type of sewer line, water line and storm drains shall be shown on the plan. Manholes and catch basins shall be shown on the plan with relevant invert elevations.

7.3 Final Plan.

The final plan shall include the following information:

- A. The proposed subdivision name or identifying title, the name of record and subdivider, the name and seal of the surveyor, date, scale and north arrow.
- B. Street lines, setback lines, pedestrian ways, lot lines, lot size, reservations, easements and areas to be dedicated to public use and areas the title to which is reserved by the developer, deed restrictions and covenants. The plan shall contain sufficient data to allow the location of every street line, lot line, and boundary line to be readily determined and reproduced upon the ground.
- C. Certification by a professional land surveyor that the subdivision survey shall conform to the "Standard Boundary Survey, Category 1, Condition 3" as defined by the State Board of Registration for Land Surveyors.
- D. Where roads are to remain privately owned, the following words shall appear on the final plan: "All roads shall remain private roads to be maintained by the developer or the lot owners. In addition, if a subdivision includes a seasonal road, then all such roads shall be plainly labeled "Seasonal Road".
- E. If a subdivision is located on a town road which is currently discontinued to winter maintenance, then such road shall be labeled on the final plan "Discontinued to Winter Maintenance".

SECTION 8 - REVIEW CRITERIA

The Planning Board shall consider the following criteria before granting approval of the final subdivision plan and shall determine that the proposed subdivision:

- A. Will not result in undue water or air pollution. In making this determination it shall at least consider: the land elevations of land above sea level and its relation to the flood plains; the nature of soil and subsoil and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; availability of streams for disposal of effluents; and the applicable state and local health and water resources regulations;
- B. Has sufficient water available for the reasonable foreseeable needs of the subdivision;
- C. Will not cause an unreasonable burden on an exiting municipal water supply, if one is to be utilized;
- D. Will not cause unreasonable soil erosion or reduction in the capacity of land to hold water so that a dangerous or unhealthy condition may result;
- E. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;
- F. Will provide for adequate solid and sewage waste disposal;
- G. Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;
- H. Will not place an unreasonable burden on the ability of the local governments to provide municipal or governmental services;
- I. Will not place an undue adverse effect on the scenic or natural beauty of the area, aesthetic, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or municipality, or rare and irreplaceable natural areas;
- J. The subdivider has adequate financial and technical capacity to meet the above stated standards and construction standards;
- K. The subdivision plan shall conform with the town's comprehensive plan, and any other pertinent town or state laws or regulations;
- L. Whenever situated in whole, or in part, within 250 feet of any wetland, pond, lake, or river, will not adversely affect the quality of that body of water or unreasonable affect the shoreline of that body of water.

Furthermore, when lots in a subdivision have frontage on an outstanding river segment (Piscataquis River) the proposed subdivision plan shall require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet. To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than

250 feet which it not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore. These frontage and set back provisions shall not apply either within areas zoned as general development or within areas designated by ordinance as densely developed. The determination of which areas are densely developed shall be based on a finding that, as of September 23, 1983, existing development within an area of 10 or more acres contains at least one principal structure per two acres.

- M. The proposed subdivision will not alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.
- N. Based on the Federal Emergency Management Agency's Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100 year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100 year flood elevation;
- O. Freshwater Wetlands. All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands.
- P. River, stream, or brook. Any river, stream, or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream, or brook" has the same meaning as in Title 38, section 480-B, subsection 9; and
- Q. Stormwater - The proposed subdivision will provide for adequate storm water management.
- R. The long term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorous concentration during the construction phase and life of the proposed subdivision.

SECTION 9 - DESIGN STANDARDS

9.1 Water Systems

Each water system shall be at least 100 feet from any portion of a septic tank or drainage field on its own or adjoining lots.

9.2 Roads

A. Design guidelines for roads.

Any new roads to be constructed within a subdivision shall adhere to the minimum standards as detailed in the table below:

Road Classification	Arterial	Collector	Local	Industrial / Commercial	Seasonal
Right of way width	80'	66'	50'	80'	50'
Traveled way	44'	20'	18'	44'	16'
Shoulder width	9'	4'	2'	9'	2'
Minimum grade	0.5%	0.5%	0.5%	0.5%	0.5%
Maximum grade	5.0%	10%	10%	5.0%	5.0%
Roadway crown	1/4"/ft	1/4"/ft	1/4"/ft	1/4"/ft	1/4"/ft
Maximum grade within 75' of intersection	2%	3%	3%	2%	3%
Dead-end streets: Max. length	-----	-----	-----	1000'	-----
Radii at turn around: property line (min)	-----	-----	60'	70'	-----
pavement (min)	-----	-----	42'	44'	-----
Sidewalk width (if required)	5'	5'	5'	5'	----
Aggregate sub-base*	18"	12"	12"	18"	12"
Crushed aggregate base**	6"	6"	6"	6"	----
Hot bituminous pavement	3"	2.5"	2"***	3"	----
Horizontal curve radius minimum	150'	150'	150'	150'	150'

* Dimensions indicate thickness after compaction

** Pavement only required in urban areas

9.3 Sight Distance

The minimum allowable sight distances for all accesses onto all roads located outside urban compact areas are set forth below.

Posted Speed (MPH)	Sight Distance (Feet)
20	155
25	200
30	250
35	305
40	360
45	425
50	495
55	570
60	645

B. Definitions

1. **Arterial Roads** - means high volume roadways which provide linkage between major cities and towns and developed areas, capable of attracting travel over long distances
2. **Collector Roads** - means routes that gather traffic from local and private roads and deliver it to the arterial system.
3. **Local Roads** – are characterized by many points of direct access to adjacent properties and have a relatively minor role in accommodating mobility.
4. **Industrial/Commercial Roads** - means roads primarily for access to abutting industrial and commercial properties.
5. **Seasonal Roads** - means roads maintained only during the summer season and used for vehicular traffic only after the frost is out in the spring and until snow is on the ground in the fall. These roads provide access to recreational properties such as lakeside camps. The required construction standards are not intended to meet the quality of construction necessary for town acceptance or year-round maintenance.

- C. The arrangement of streets in the subdivision shall provide for continuation of the principal streets in adjoining subdivisions, or for their proper projection when adjoining property is not subdivided and shall be of a width at least as great as that of such existing connecting streets, but in no case less than that required under this section.
- D. Intersecting property lines at street intersections shall be joined by a curve of at least a twenty-foot radius.
- E. Streets should be laid out to intersect as nearly as possible at right angles. No streets shall intersect another with an angle of less than sixty degrees. Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of one hundred fifty feet between their center line.

F. Streets which join or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the town.

9.4 Utilities.

All utilities are to be placed underground where practicable and possible (at discretion of the Planning Board). Utility boxes must be located out of the road right of way and at least 33' from the center line of the road.

9.5 Drainage.

All proposed drainage facilities and culverts shall be designed to accommodate a 10 year - 24 hour event. Natural water courses shall be cleaned and increased in size where necessary to take care of the storm water runoff. When estimated storm water runoff amounts are not available, drainage ditches at least three feet in width and sixteen inches in depth at their midpoint below center line grade shall be constructed in the right-of-way adjacent to both of the roadway shoulders. Grades, slopes and culverts shall be installed to avoid standing water in the ditch line. In any road classification, cross-over culverts under the roadway shall be a minimum of 15" in diameter and made of galvanized steel. Drainage easements from abutting property owners may be required by the Planning Board if the natural drainage is altered on abutting property.

9.6 Lot Configuration.

The minimum width of a lot abutting any street shall be 30% of the depth of the lot (depth meaning the average horizontal distance between front and rear lines).

9.7 Conservation Development Subdivisions

It is the policy of the Town of Dover-Foxcroft to encourage the use of Conservation Development subdivisions in order to preserve a sense of space, provide for sustainable agriculture and forestry as well as recreational land, and harmonize new development with the traditional open, wooded, agricultural, rural and village landscapes of the Town.

Notwithstanding provisions of the Land Use ordinance relating to dimensional requirements, the Planning Board, in reviewing and approving proposed residential subdivisions in the Residential (RES), Rural Residential One (RR1) and Rural Residential Two (RR2) land use districts, may modify the provisions related to dimensional requirements to permit flexibility in approaches to housing and environmental design. (This shall not be construed as granting variances to relieve hardship.)

Any proposed subdivision developments located in the RES, RR1 or RR2 Land Use districts require a Conservation Development option to be included in the preliminary plan. The plan should be drafted according to the following standards:

Basic Standards for Conservation Development Subdivisions

1. Submissions for an conservation subdivision shall include, as appropriate unless any of the same is waived, all plans and materials required for a conventional subdivision (Section 6.2 and 6.3).
2. The Planning Board shall allow lots within conservation developments to be reduced in lot area, street frontage and lot width below the minimum normally required by this ordinance in return for

provision of conserved open space, as long as the maximum number of dwelling units is not exceeded, according to the calculations below.

The number of permitted dwelling units on a site can be calculated in the following manner:

- Determine the net residential acreage by taking the total area of the parcel and subtracting, in order, the following:
 - a. 15% of the area of the parcel to account for roads and parking.
 - b. 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:
 - i. Slopes greater than 15%.
 - ii. Wetland soils.
 - iii. Portions of the lot subject to rights of way.
 - iv. Portions of the lot located in the resource protection zone.
 - v. Portions of the lot covered by surface waters.
 - vi. Portions of the lot utilized for storm water management facilities.
- Divide the net residential acreage by the minimum lot size in the district.

Residential density shall be no greater than is permitted in the district in which the development is proposed.

9.8 Density Bonus is allowed when the Planning Board determines that it is warranted. The number of permitted dwelling units on a site can be increased by anywhere up to 25% of the number calculated in the manner above. (Results should be rounded up to the nearest whole number.)

A density bonus may be awarded for any reason that helps achieve the goals of the Town's Comprehensive Plan or other such benefits permitted by the Planning Board. These include but are not limited to:

- Public access to usable open space provided by the developer such as, but not limited to, public access to trails, recreation areas or water bodies.
- Preservation of historic structures
- Preservation of sensitive and/or unique environmental areas that may not be covered by existing regulations or protections
- Provision of Public Lighting
- Provision of extra buffering considerations beyond the basic standards of this ordinance
- Preservation of scenic vistas and landscape
- Connection to existing sewer and water systems

3.) The total area of conserved open space within the development shall equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally required by the land use ordinance. However, at least fifty percent (50%) of the area of the entire parcel or tract shall be included as conserved open space. Conserved open space shall not include road rights of way, streets, drives, or parking.

4.) Shore frontage and shore setback requirements shall not be reduced below the minimum shore frontage or shore setback required in the land use district.

- 5.) Distances between residential structures in multi-family open space subdivisions shall be a minimum of the height of the tallest structure.
- 6.) A reduction of required setback distances may be allowed at the discretion of the Board, provided that the front, side and rear setbacks shall be no less than twenty-five (25) feet or that required for the applicable land use district, whichever shall be less.
- 7.) All conserved open space land, facilities and property shall be owned by:
- a. The owners of the lots or dwelling units by means of a lot owners' association;
 - b. An association which has as its principal purpose the conservation or preservation of land in essentially its natural condition; or
 - c. The municipality.
- 8.) Further subdivision of the conserved land or open space and its use for other than non-commercial recreation, agriculture, or conservation purposes, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land. When open space is to be owned by an entity other than the municipality, there shall be a conservation easement deeded to the municipality prohibiting future development.
- 9.) The common land or open space shall be shown on the final plan with appropriate notations on the plan to indicate:
- a. It shall not be used for future building lots; and
 - b. Which portions of the open space, if any, may be dedicated for acceptance by the municipality.
- 10.) On all parcels, the conserved open space uses shall be appropriate to the site.
- a. On parcels that contain significant portions of land suited to agricultural production, open space shall be conserved for agriculture or other consistent open space uses such as forestry, recreation (active or passive), and resource conservation.
 - b. When the principal purposes of conserving portions of the open space is the protection of natural resources such as wetlands, aquifers, wildlife and plant habitats, and stream corridors, open space uses in those portions may be limited to those which are no more intensive than passive recreation.
 - c. Open space areas, shall be contiguous, where possible, to allow linking of open space areas throughout the Town.
 - d. The Planning Board may limit the use of any open space at the time of final plan approval where the Board deems it necessary to protect adjacent properties or uses, or to protect sensitive natural features or resources. A proposed change in use of open space land, other than that specified at the time of plan approval, shall be reviewed by the Planning Board as an amendment to the approved plan.

SECTION 10 - VARIANCES

Where strict conformity with these regulations would cause undue hardship or injustice to the subdivider, a subdivision plan substantially in conformity with these regulations may be approved by the Board provided that the spirit of these regulations and public convenience and welfare will not be adversely affected.

SECTION 11 - AMENDMENTS

These regulations may be amended or rescinded by the Board. The Code Enforcement Officer shall transmit a record of any changes so authorized to the Register of Deeds in Piscataquis County.

SECTION 12 - ENFORCEMENT

- A. Whenever the initial approval or any subsequent amendment of a subdivision is based in part on the granting of a variance from any applicable subdivision approval standard, that fact must be expressly noted on the face of the subdivision plan to be recorded in the Registry of Deeds.
 - 1. In the case of an amendment, if no amended plan is to be recorded, a certificate must be recorded in recordable form and recorded in the Registry of Deeds. This certificate must:
 - a. Indicate the name of the current property owner;
 - c. Identify the property by reference to the last recorded deed in its chain of title; and
 - d. Indicate the fact that a variance, including any conditions on the variance, has been granted and the date of the granting.
 - 2. The variance is not valid until recorded as provided in this paragraph. Recording must occur within 90 days of the final subdivision approval or approval under Title 38, Chapter 3, subchapter I, article 6 where applicable, whichever date is later, or the variance is void.
- B. Whenever the subdivision is exempt from Title 38, chapter 3, subchapter 1, article 6, because of the operation of Subdivision exemptions from site location, that fact must be expressly noted on the face of the subdivision plan to be recorded in the Registry of Deeds. The developable land, as defined in Title 38, section 488, subsection 5, must be indicated on the plan. The person submitting the plan for recording shall prepare a sworn certificate in recordable form and record it in the Registry of Deeds. This certificate must:
 - 1. Indicate the name of the current property owner;
 - 2. Identify the property by reference to the last recorded deed in its chain of title and by reference to the subdivision plan;
 - 3. Indicate that an exemption from Title 38, chapter 3, subchapter I, article 6, has been exercised;
 - 4. Indicate that the requirements of Title 38, section 488, subsection 5, have been and will be satisfied and

5. Indicate the date of notification of the Department of Environmental Protection under Title 38, section 488, subsection 5.

The exemption is not valid until recorded as provided in this paragraph. Recording must occur within 90 days of the final subdivision approval under this subchapter or the exemption is void.

- C. A building inspector may not issue any permit for a building or use within a land subdivision unless the subdivision has been approved under this subchapter and under Title 38, chapter 3, subchapter I, article 6, where applicable.
- D. Any person who sells, leases, develops, builds upon, or conveys for consideration, offers or agrees to sell, lease, develop, build upon or convey for consideration any land or dwelling until in a subdivision that has not been approved under this subchapter and under Title 38, chapter 3, subchapter I, article 6, where applicable, shall be penalized with section 4452.
- E. Any person who, after receiving approval from the municipal reviewing authority or approval under Title 38, chapter 3, subchapter I, article 6, and recording the plan at the Registry of Deeds, constructs or develops the subdivision, or transfers any lot in a manner other than depicted on the approved plans or amendments or in violation of any condition imposed by the municipal reviewing authority of the Department of Environmental Protection, when applicable, must be penalized in accordance with section 4452.
- F. Any person who sells, leases or conveys for consideration any land or dwelling until in a subdivision approved under this subchapter and exempt from Title 38, chapter 3, subchapter I, article 6, because of the operation of Title 38, section 488, subsection 5, shall include the instrument of sale, lease or conveyance a covenant to the transferee that all the requirements of Title 38, section 488, subsection 5, have been and will be satisfied.

- 2. Permanent marker required** - No person may sell or convey any land in an approved subdivision unless at least one permanent marker is set at one lot corner of the lot sold or conveyed. The term permanent marker includes, but is not limited to the following:

- i. A granite monument;
- ii. A concrete monument;
- iii. An iron pin, or
- iv. A drill hole in ledge

- 3. Utility installation** - No public utility, water district, sanitary district or any utility company of any kind may install services to any lot or dwelling until in a subdivision, unless written authorization attesting to the validity and currency of all local permits required under this chapter has been issued by the appropriate municipal officials. Following installation of service, the company or district shall forward the written authorization to the municipal officials indicating that installation has been completed.

- 4. Permit Display** - Display permit if in a great pond watershed.

- 5. Revisions to existing plat or plan** - Any application for subdivision approval which constitutes a revision or amendment to a subdivision plan which has been previously approved shall indicate that

fact on the application and shall identify the original subdivision plan being revised or amended. In reviewing such an application, the municipal reviewing authority shall make finding of fact establishing that the proposed revision does or does not meet the criteria of section 4404.

1. Recording. If a subdivision plat or plan that is presented for recording to a register of deeds and that plat or plan is a revision or amendment of an existing plat or plan, the register shall:
 - a. Indicate on the index for the original plat or plan that has been superseded by another plat or plan;
 - b. Reference the book and page or cabinet and sheet on which the new plat or plan is recorded; and
 - c. Ensure that the book and page or cabinet and sheet on which the original plan or plat is recorded are referenced on the new plat or plan.

SECTION 13 - ADOPTION

13.1 These regulations may be amended by the Legislative Body of the Town of Dover-Foxcroft.

13.2 A public hearing shall be held prior to the adoption of any amendment. Notice of the hearing shall be provided at least seven days in advance of the hearing.

SECTION 14 - SEPARABILITY

If any section, provision, portion, clause or phase of these regulations shall be held to be invalid or unconstitutional by any court or competent authority, such holding shall not affect or invalidate any other section, clause, provision, portion or phase of this ordinance.

Yard Sale Ordinance
Town of Dover-Foxcroft
Adopted: March 10, 1986
Amended June 26, 2000

- (a) Yard sales conducted upon residential premises shall be limited to three (3) consecutive days, and no more than four (4) such sales shall take place in any one calendar year. A subsequent sale must take place more than thirty (30) days after the last day of the preceding sale.
- (b) One sign may be placed upon a residential premise where the yard sale is taking place. For those yard sales taking place on a side street, one additional sign advertising the yard sale may be placed at the nearest intersection of a major road. For the purpose of this ordinance, a major road shall mean state routes 6/16, 7, 15, and 153. Yard sale signs must not be attached to telephone poles or street signs and must be free standing and taken down at the end of the yard sale.
- (c) Definition: For the purpose of this ordinance, a yard sale is considered to be an accumulation of personal property being offered for sale and displayed in a yard, garage, barn, or porch of a residential premise.
- (d) Violations: As provided for in Article VII of the Bylaws and Ordinances (upon conviction, punishable by a fine not to exceed \$100.