

2009

Town of Embden Maine Ordinances

Embden, Me.

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TOWN of Embden E-911 Ordinance

Section 1. Purpose:

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

Section 2. Authority:

This ordinance is adopted pursuant to and consistent with the municipal home rule powers as provided for in Article VIII, part 2, of the constitution of the state of Maine and Title 30- M.R.S.A section 3001.

Section 3. Definitions:

For the purpose of this ordinance, the following definitions shall apply. A "street" is any highway, road, street, avenue lane private way, or similar paved, gravel, or dirt way within a city, town or plantation. An "improved property" refers to any property on which a more or less permanent structure has been erected or placed.

Section 4. Official Map:

The map entitled "official street name map of the town of Embden, Maine" Dated _____ 199__ is hereby adopted as the official Map by which streets are named for the purpose of assigning property numbers. The Map shall be properties, both on existing and proposed streets, shall be the responsibility of the Planning Board. The Planning Board shall be responsible for maintaining the official records of the numbering system:

- A. The property number map of the Town of Embden.
- B. An alphabetical list of all property owners as identified by current assessment records, by last names, showing the assigned numbers.
- C. An alphabetical list of all streets with property owners listed in order of their assigned numbers.

Section 5. Numbering and naming system:

Each residence and business property shall have a number indicating its position on the street on which it is located. Every street with more than one property, improved or improved, shall have a name. The Embden voters are the final authority in assigning or accepting the names of such ways. A Street Name assigned by the town shall not constitute or imply acceptance of the street as a town way. Street names shall conform to U.S. postal service guidelines as published in their publication 28, postal addressing standards. In general, one whole number shall be assigned for every fifty (50) feet of street frontage, whether the property is improved or vacant. In general numbering shall begin at the end of the street closest to the datum line (designated point of origin) of the town with even numbers appearing on the left side of the street and odd numbers appearing on the right side of the street. Every improved property with more than one principle use or occupancy shall have a separate designator for each use or occupancy (i.e.) 235 Maple street, apt 2.

Section 6. Property owner to post numbers.

Every owner of an improved property shall on or before the effective date of this ordinance, display and maintain in a conspicuous place on said property, the number assigned. every person whose duty is to display the assigned numbers shall remove any different numbers which might be mistaken for or confused with, the number assigned in conformance with this ordinance. The number assigned shall be displayed in numerical form and shall be no less than four (4) inches in height. Numbers indicating the official number of each improved property shall be posted on both sides of the mailboxes, near the principal entrance to the property and in a manner as to be legible from the street on which side the property is located. If the principal entrance is not facing the street, The number shall be posted on the corner of the structure that is closer to the principal entrance on the side or back. If the structure is not visible from the street or is more than fifty (50) Feet from the street. Numbers shall be posted year-round, seasonal property included. All signs shall be of a reflective metal and shall be consistent with all other number signs in the town. These numbers shall be furnished to each of the owners (1) one time only. Any and all additional numbers must be purchased thru the town of Embden at the owners expense.

Section 7. Road Signs and road sign posts:

Initial placement and all maintenance of road signs and road posts shall be the responsibility of the town of Embden. All road sign posts shall be of metal and consistent throughout the town. All road signs shall be of (6) inch high metal blade with Four (4) inch high reflective letters. All road signs shall be so as to allow eight (8) feet from the ground to the bottom of the blade.

Section 8. Proposed street and proposed structures:

Proposed streets shall be named and numbered in accordance with the provisions of section 5 of this ordinance. New structures shall be posted with the number in accordance with the provisions of section 6. On the final plan showing proposed streets, the applicant shall mark on the plan, lines or dots, in the center of the streets every fifty (50) Feet so as to aid the town in assigning numbers to the buildings subsequently constructed. Proposed property numbers shall be noted on the blueprints, drawings, or plans submitted with the construction application for any required building or land use permit for approval.

Section 9. Unlawful to Numbers or deface street signs:

No person may alter, deface, or remove any number placed on any property in accordance with this ordinance, except for repair or replacement of such number. No person may alter, deface, or remove any street sign or street sign post erected in accordance with this ordinance, except for the repair or replacement of such sign or post.

Section 10. Penalty:

Any violations of the provisions of this ordinance shall be subject to a civil penalty, payable to the town of Embden of not less than \$25.00 and not more than \$100.00 for each violation, together with payment of the legal fees as provided by law. Each day a violation is permitted to continue is a separate violation.

Section 11. Separability:

If any portion of this ordinance shall be declared invalid, it shall not effect any other portion of this ordinance.

Section 12. Effective date:

This ordinance shall become effective as of 1 April 1996. It shall be the duty of the town to notify by mail each owner and the post offices of this address within thirty (30) days of notification. On new structures, numbering will be installed prior to final inspection, if required by local ordinance, or when the structure is first used or occupied, whichever comes first.

Town of Embden
809 Embden Pond Road
Embden, Maine 04958
(207) 566-5551
Incorporated June 22, 1804

RECALL ORDINANCE

Elected Officials May Be Recalled:

Any elected official, other than a School Committee member, may be recalled and removed from office by the qualified members of the Town as herein provided. Recall is intended to be used when, in the opinion of the number of voters hereinafter specified, an elected official, acting as such, has caused a loss of confidence in the official's judgment or ability to perform the duties and responsibilities of office.

MRSA§2505. Recall of municipal officials:

1. Petition for recall. On the written petition pursuant to subsection 4 of a number of voters equal to at least 25% of the number of votes cast in the municipality at the last gubernatorial election, an election must be held to determine the recall of an elected official of that municipality. [2011, c. 324, §1(NEW) .]

2. Notice of intention. In order to initiate a recall election under subsection 1, the initiator(s) of the petition shall file a notice of intention of recall with the municipal clerk of the municipality. A notice of intention of recall under this subsection must include the name, address and contact information of the person(s) filing the notice and the name and position of the official subject to recall under this section.

Only a person registered to vote in the municipality may file a notice of intention of recall under this subsection. [2011, c. 324, §1 (NEW) .]

3. Petition forms. Within 3 business days of receipt of a notice of intention of recall under subsection 2, the municipal clerk shall prepare petition forms for the collection of signatures under subsection 4 and send notice to the initiator(s) of the petition under subsection 2 that the petition forms are available.

The municipality may charge the initiator(s) of the petition a reasonable fee for preparing and providing the petition forms under this subsection. A petition form under this subsection must include:

A. At the top of the form, the name and position of the official subject to recall, the name and contact information of the initiator of the petition, a specific statement of the reason for recall, and the date by which the signatures must be submitted to the municipal clerk under subsection 4;

B. Spaces for each voter's signature, actual street address and printed name; and

C. Space at the bottom of the form for the name, address and signature of the person circulating the petition form. [2011, c. 324, §1 (NEW).]

4. Collection and submission of signatures. A petition form under subsection 3 may be circulated or signed only by a registered voter(s) of the municipality. A circulator of a petition form shall fill in the information required under subsection 3, paragraph C and sign the form prior to submission of the form to the municipal clerk. The initiator(s) of the petition under subsection 2 shall collect the petition forms from all circulators and submit the signed petition

forms to the municipal clerk within 14 days of receipt of notice from the clerk that the petition forms are available under subsection 3. A municipal clerk may not accept a petition form submitted more than 14 days after sending notice of availability to the initiator under subsection 3, and any voter signatures on that form are invalid. [2011, c. 324, §1 (NEW) .]

5. Petition certification and notification. Within 7 business days of receiving petition forms under subsection 4, the municipal clerk shall determine whether the petition forms meet the criteria under subsection 4 and certify the validity of any signatures on the petition forms. If the municipal clerk finds that the number of valid signatures submitted under subsection 4 meets or exceeds the requirements under subsection 1, the clerk shall certify the petition and immediately send notification of the certification to the municipal officers, the initiator(s) of the petition and the official subject to the recall.

If the municipal clerk finds the number of valid signatures submitted under subsection 4 does not meet the requirements for a petition under subsection 1, the municipal clerk shall file the petition and the petition forms in the clerk's office and notify the initiator(s) of the petition. [2011, c. 324, §1 (NEW) .]

6. Scheduling recall election. Within 10 business days of certification of the petition under subsection 5, the municipal officers shall schedule a recall election to determine whether the official subject to the recall petition should be recalled. The election must be held no less than 45 days nor more than 75 days after certification of the petition under subsection 5 unless a regular municipal election is scheduled to be held within 90 days of the certification of the petition under subsection 5, in which case the recall election must be held on the date of the regular municipal election. If the municipal officers fail to schedule a recall election within 10 days of certification of the recall petition under subsection 5, the municipal clerk shall schedule the recall election pursuant to the date requirements of this subsection. [2011, c. 324, §1 (NEW) .]

7. Ballots for recall election. If the official subject to the recall does not resign from office within 10 business days of certification of the recall petition under subsection 5, the ballots for the recall election under subsection 6 must be printed. A ballot for a recall election under this section must read: "Do you authorize the recall of (name of official) from the position of (name of office)? () Yes () No" [2011, c. 324, §1 (NEW) .]

8. Results of recall election. Within 2 business days of a recall election under subsection 6, the municipal clerk shall certify and record the election results and notify the municipal officers of those results. If a majority of voters vote to remove the official, the recall takes effect on the date the election results are recorded pursuant to this subsection. [2011, c. 324, §1 (NEW) .] **9. Limitation of recall.** An elected official may be the subject of a recall petition under this section only if the official is convicted of a crime, the conduct of which occurred during the official's term of office and the victim of which is the municipality. [2011, c. 324, §1 (NEW) .]

Town of Embden

Ordinance Restricting Vehicle Weight on Posted Ways

Adopted March 2009

Section 1. Purpose and Authority

The purpose of this “Ordinance Restricting Vehicle Weight on Posted Ways” (hereinafter, the Ordinance) is to prevent damage to town ways and bridges in the Town of Embden which may be caused by vehicles of excessive weight, to lessen safety hazards and the risk of injury to the traveling public, to extend the life expectancy of town ways and bridges, and to reduce the public expense of their maintenance and repair. This Ordinance is adopted pursuant to 30-A M.R.S.A. § 3009 and 29-A M.R.S.A. §§ 2395 and 2388.

Section 2. Definitions

The definitions contained in Title 29-A M.R.S.A. shall govern the construction of words contained in this Ordinance. Any words not defined therein shall be given their common and ordinary meaning.

Section 3. Restrictions and Notices

The municipal officers may, either permanently or seasonally, impose such restrictions on the gross registered weight of vehicles as may, in their judgment, be necessary to protect the traveling public and prevent abuse of the highways, and designate the town ways and bridges to which the restrictions shall apply.

Whenever notice has been posted as provided herein, no person may thereafter operate any vehicle with a gross registered weight in excess of the restriction during any applicable time period on any way or bridge so posted unless otherwise exempt as provided herein.

The notice shall contain, at a minimum, the following information: the name of the way or bridge, the gross registered weight limit, the time period during which the restriction applies, the date on which the notice was posted, and the signature of the Road Commissioner. The notice shall be conspicuously posted at each end of the restricted portion of the way or bridge in a location clearly visible from the traveled way.

Ordinance Restricting Vehicle Weight on Posted Ways

Whenever a restriction expires or is lifted, the notices shall be removed wherever posted. Whenever a restriction is revised or extended, existing notices shall be removed and replaced with new notices. No person may remove, obscure or otherwise tamper with any notice so posted except as provided herein.

Section 4. Exemptions

Vehicles that are exempt from the Maine Department of Transportation's (MDOT) Rules and Regulations Restricting Heavy Loads on Closed Ways, dated December 31, 1996 and amended on March 4, 1998, a copy of which is attached hereto and is hereby incorporated as part of this Ordinance, are exempt from this Ordinance.

The owner or operator of any vehicle not otherwise exempt as provided herein may apply in writing to the municipal officers for a permit to operate on a posted way or bridge notwithstanding the restriction. The municipal officers may issue a permit only upon all of the following findings:

- a. no other route is reasonably available to the applicant;
- b. it is a matter of economic necessity and not mere convenience that the applicant use the way or bridge;
- c. and the applicant has tendered cash, a bond or other suitable security running to the municipality in an amount sufficient, in their judgment, to repair any damage to the way or bridge which may reasonably result from the applicants use of same.

Even if the municipal officers make the foregoing findings, they need not issue a permit if they determine the applicant's use of the way or bridge could reasonably be expected to create or aggravate a safety hazard or cause substantial damage to a way or bridge maintained by the municipality. They may also limit the number of permits issued or outstanding as may, in their judgment, be necessary to preserve and protect the highways and bridges.

In determining whether to issue a permit, the municipal officers shall consider the following factors:

- a. the gross registered weight of the vehicle;
- b. the current and anticipated condition of the way or bridge;
- c. the number and frequency of vehicle trips proposed;
- d. the cost and availability of materials and equipment for repairs;
- e. the extent of use by other exempt vehicles; and
- f. such other circumstances as may, in their judgment, be relevant.

The municipal officers may issue permits subject to reasonable conditions, including but not limited to restrictions on the actual load weight and the number or frequency of vehicle trips, which shall be clearly noted on the permit.

Section 6. Administration and Enforcement

This Ordinance shall be administered and may be enforced by the Embden Board of Selectmen or their duly authorized designee, the Embden Road Commissioner.

Section 7. Penalties

Any violation of the Ordinance shall be a civil infraction subject to a fine of not less than

\$250.00 nor more than \$1000.00. Each violation shall be deemed a separate offense. In addition to any fine, the municipality may seek restitution for the cost of repairs to any damaged way or bridge and reasonable attorney fees and costs. Prosecution shall be in the name of the municipality and shall be brought in the Maine District Court.

Section 8. Amendments

This Ordinance may be amended by the municipal officers at any properly noticed meeting.

Section 9. Severability; Effective Date

In the event any portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect. This Ordinance shall take effect immediately upon enactment by the municipal officers at any properly noticed meeting.

SHORELAND ZONING ORDINANCE
EMBDEN, MAINE
June 21, 2004

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SHORELAND ZONING ORDINANCE
EMBDEN, MAINE

ARTICLE 1 - PURPOSES:

This ordinance is enacted to comply with Title 38 Sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.) and in the shoreline areas, to preserve healthful environment, wildlife habitats, shore cover and natural beauty and to prevent water pollution and over development.

ARTICLE 2 - APPLICABILITY

2.1 SHORELINE AREAS - This Ordinance applies to all land areas within 250 feet, horizontal distance, of the normal high-water line of any great pond, or river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; and within 75 feet, horizontal distance, of the normal high-water line of a stream. This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending beyond the normal high-water line of a waterbody or within a wetland.

ARTICLE 3 - SHORELINE ZONING DISTRICTS:

The two hundred and fifty foot (250') deep belt of land immediately surrounding the shoreline areas described in Article 2 is hereby divided into categories of districts for varying uses as described in Articles 3.1; 3.2; 3.3; 3.4 and 3.5. Also included is the seventy-five foot (75') deep belt of land as described in Article 2. These districts are shown on the attached map and its accompanying list, both of which are integral portions of this Ordinance. Unless described otherwise in said list, the side boundaries of zoning districts shall run inland perpendicularly from the average contour of the normal high water mark. The categories of the districts are:

3.1 RESOURCE PROTECTION DISTRICT shall include areas where development would unduly harm wildlife, water quality or other items having particular need for preservation. This District shall include: Bogs, swamps and other identified wetlands; valuable wildlife areas specified by the State or the town; flood-plain areas as shown by flood-of-record or by recent flood-plain soils; two-acre areas having slopes greater than 20%; and areas containing significant wildlife, beauty, artifacts or other items worthy of special preservation as designated by due process. This District will be less than 250' deep when included within the shoreline sector of a Laterally Split District.

3.2 LIMITED RECREATIONAL-RESIDENTIAL DISTRICT shall be that portion of the shoreline zone not within any other zoning district, and the rear (inland) sector of a Laterally Split District.

3.3 LATERALLY-SPLIT DISTRICTS shall have a belt of Resource Protection District of specified depth inland from the shoreline, behind which there shall be Limited Recreational -Residential District for the balance of the 250' depth inland. Lots shall have a straight-line shore frontage of five hundred feet (500) as a condition for construction or development within the Limited Recreational-Residential District sector. There shall be two such Laterally-Split Districts. The seventy-five Foot Laterally-Split District (75' LSD) shall have a Resource Protection District belt extending 75' inland. The One Hundred Foot Laterally-Split District (100' LSD) shall have a Resource Protection District belt extending 100' inland.

3.4 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 within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland. Where a stream and its associated shoreland area is located within two-hundred and fifty (250) feet horizontal distance, of the above waterbodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that waterbody or wetland.

3.5 LIMITED COMMERCIAL DISTRICT includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District. This District includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

3.6 GENERAL DEVELOPMENT DISTRICT shall include areas of two or more acres already in use for commercial or industrial purposes.

ARTICLE 4 - NON CONFORMING USES

4.1 **PURPOSE:** Non-conforming uses are the hitherto legal structures, works, or practices which do not conform with the protective standards of this Ordinance.

4.2 **GENERAL:** The Ordinance has been enacted for the joint protection of everybody. Accordingly, although non-conforming uses may continue, be repaired and be maintained, or if approved by the CEO, may be moved inland to conform with this Ordinance, no non-conforming use may add to its enclosed, livable space or otherwise be

expanded, changed to another non-conforming use or renewed after a 12-month abandonment except as listed in Section 4.3.

4.2.1 - Transfer of Ownership - Except as otherwise provided by State Statute or Municipal Ordinance, non-conforming structures, lots, and uses may be transferred, and the new owner may continue the nonconforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.

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

A. Installing new or replacement exterior siding, roofing, doors or windows of similar size.

B. Installing new or replacement skylights or chimneys.

4.3 EXCEPTIONS: Regardless of the foregoing, nothing in this article shall prohibit the following:

4.3.1 - Improving water supply and sewage disposal systems so that they comply with the State of Maine Internal Plumbing and Subsurface Wastewater Rules.

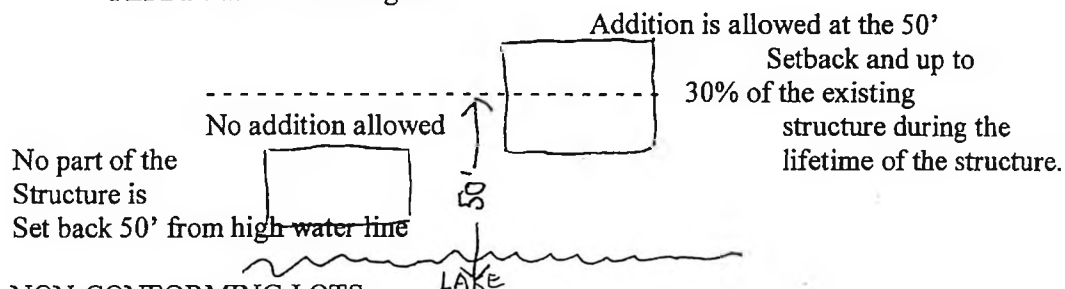
4.3.2 - No structure which is less than the required setback from the high-water line of a waterbody, tributary stream, or upland edge of a wetland shall be expanded toward the waterbody, tributary stream, or wetland.

4.3.3 - Installing new or replacement exterior siding, roofing, doors or windows.

4.3.4 - Installing new or replacement skylights or chimneys.

4.3.5 - After January 1, 1992, an addition is allowed at the 50' set back and up to 30% of the existing structure during the lifetime of the structure, provided the total structures do not cover 20% of the lot.

NOTICE --- EXPANSIONS OF ANY PORTION OF A STRUCTURE LYING WITHIN 50' OF THE NORMAL HIGH WATER MARK ARE NOT PERMITTED. See diagram.



4.4 NON-CONFORMING LOTS:

4.4.1 - Non-conforming Lots: A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need of 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 size and frontage can be met. Variances relating to setback or other requirements not involving lot size or frontage shall be obtained by action of the Board of Appeals.

4.4.2 - Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the Subsurface Waste-water 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.

4.4.3 - 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 may be conveyed separately or together provided they have at least 100' of shore frontage, 20,000 square feet of lot area, and soils suitable for on-site sewage disposal.

4.5- Non-conforming Structures

4.5.1 - Expansions. A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs (a) and (b) below.

(a) After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body or upland edge of a wetland, that portion of the structure shall not be expanded, as measured in floor area or volume, by 30% or more, during the lifetime of the structure.

(2) Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided:

(i) The structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the planning board or its designee, basing its decision on the criteria specified in subsection 4.5.2 - Relocation below.

(ii) The completed foundation does not extend beyond the exterior dimensions of the structure; and

(iii) The foundation does not cause the structure to be elevated by more than three (3) additional feet.

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

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board 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

4.5.3 - Reconstruction or Replacement. Any non-conforming structure which is located less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland and which is removed, or damaged or destroyed 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 one year of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

Any non-conforming structure which is damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit from the Planning Board.

In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent the Planning Board shall consider in addition to the criteria in paragraph 4.5.3 above, the physical condition and type of foundation present, if any.

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

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

4.6 - Non-conforming Uses

4.6- Expansions. Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as permitted in Section 4.5.1 (a).

4.6.1 Resumption Prohibited. A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.

4.6.2 Change of Use. An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, than the former use, as determined

by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 4.5.4.

ARTICLE 5 - LAND USE STANDARDS: Shoreline area land uses shall observe the following:

5.1 AGRICULTURE

5.1.1 - Manure and Manure Sludge shall be spread on land only under conditions that encourage absorption and inhibit effluent run-off. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond or a river, or within seventy-five (75) feet, horizontal distance, of other waterbodies, tributary streams, or wetlands. Within five (5) years of the effective date of this ordinance 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. Existing facilities which to not meet the setback requirement may remain, but must meet the no discharge provision within the above five (5) year period.

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

5.1.3 - Over a Half Acre of Soil, or any soil in a Resource Protection District, shall only be tilled in conformance with a Conservation Plan meeting the standards of the State Soil and Water Conservation District and the Plan number filed with the Planning Board.

5.1.4 - After the effective date of this Ordinance, newly established livestock grazing areas shall not be permitted within the one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond; within seventy-five (75) feet, horizontal distance of other waterbodies, nor; within twenty-five (25) feet, horizontal distance, of tributary streams, and wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Soil and Water Conservation Plan.

5.2 BEACH CONSTRUCTION requires a permit from the Maine State Department of Environmental Protection.

5.3 CAMPGROUNDS AND INDIVIDUAL PRIVATE CAMPGROUNDS

5.3.1 - In addition to State requirements, campgrounds shall have at least 5,000 square feet area for each camping site, roadway and driveways excluded. Land supporting wetland vegetation, and land below the normal high-waterline of a waterbody shall not be included in calculating land area per site. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet from the normal high-water line of a great pond or river, and seventy-five (75) feet from the normal high water line of other water bodies, tributary streams, or the upland edge of a wetland.

5.3.2 - Individual Private Campsites not associated with campgrounds are permitted provided the following conditions are met:

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

5.3.2.2 - Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back 100' from the normal high-water line of a great pond and 75' from the normal high-water line of other waterbodies, tributary streams or the upland edge of a wetland.

5.3.2.3 - Recreational vehicles shall not be located on any type of permanent foundation except for gravel pad, and no structure(s) except canopies shall be attached to the recreational vehicle.

5.3.2.4 - The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to 1,000 square feet.

5.3.2.5 - 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.

5.3.2.6 - When a recreational vehicle, tent or similar shelter is placed on-site for more than 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.

5.4 CLEARING OF THE SHORELINE AREA

Within a shoreland area zoned for Resource Protection abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards. Elsewhere, in any Resource Protection District the clearing of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

5.4.1 - Except in area as described in Article 5.4, above, and except to allow for the development of permitted uses, within a strip of land extending 100 feet, horizontal distance, inland from the normal high-water line of a great pond and 75 feet, horizontal distance, from any other waterbody, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

5.4.1.1 - There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath not to exceed 6 feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created.

5.4.1.2 - Selective cutting of trees within the buffer strip is permitted provided that a well distributed stand of trees and other vegetation is maintained. For the purposes of this section a "well-distributed stand of trees and other vegetation" adjacent to a great pond, and streams flowing to a great pond shall be defined as maintaining a rating score of 12 or more in any 25 foot by 25 foot square (625 square feet) area as determined by the following rating system.

Diameter of Tree at 4 ½ feet Above Ground Level (inches)	POINTS
2 - 4 in.	1
>4 - 12 in.	2
>12 in.	4

Adjacent to other waterbodies, tributary streams, and wetlands, a “well-distributed stand of trees and other vegetation” is defined as maintaining a minimum rating score of 8 per 25-foot square area.

EXAMPLE: Adjacent to a great pond - if a 25' x 25' plot contains 3 trees between 2 and 4 inches in diameter, 3 trees between 4 and 12 inches in diameter, and 3 trees over 12 inches in diameter, the rating score is $(3 \times 1) + (3 \times 2) + (3 \times 4) = 21$ points.

Thus, the 25' x 25' plot contains trees worth 21 points.

Trees totaling 9 points ($21 - 12 = 9$) may be removed from the plot provided that no cleared openings are created. Notwithstanding the above provisions, no more than 40% of the total volume of trees 4" or more in diameter, measured at 4 ½' above ground level may be removed in any 10 year period.

5.4.1.3 - In order to protect water quality and wildlife habitat, adjacent to great ponds, streams and rivers, existing vegetation under 3 feet in height and other ground cover shall not be removed, except to provide for a footpath or other permitted uses as described in 5.4.1.1 and 5.4.1.2.

5.4.1.4 - Pruning of tree branches on the bottom 1/3 of the tree is permitted.

5.4.1.5 - 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.

5.4.1.5.1 - The provisions contained in 5.4.1.1 shall not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas, however, shall be limited to the minimum area necessary.

5.4.2 - At distances greater than 100' horizontal distance from a great pond and 75' horizontal distance from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, except to allow for the development of permitted uses, there shall be permitted on any lot, in any 10 year period, selective cutting of not more than 40% of the volume of trees 4 inches or more in diameter, measured 4½ feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the 40% calculation. For the purposes of these standards volume may be considered to be equivalent to the basal area.

5.4.2.1 - In no event shall cleared openings for development, including but not limited to, principal and accessory structures, driveways and sewage disposal areas, exceeded in the aggregate, 25% of the lot area or 10,000 square feet, whichever is greater, including land previously developed.

5.4.3 - Cleared openings legally in existence on the effective date of this Ordinance may be maintained, but shall not be enlarged, except as permitted by this Ordinance.

5.4.4 - Fields which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this section.

5.5 EROSION AND SEDIMENTATION CONTROL

Any activities that open, move, or fill earth or soil shall prevent erosion and sedimentation. On slopes greater than 20% there shall be no grading or filling within 100' from the shoreline except to prevent erosion.

5.5.1 - 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 avoided wherever possible, and natural contours shall be followed as closely as possible.

5.5.2 - 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.

5.5.3 - 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:

5.5.3.1 - 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.

5.5.3.2 - Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.

5.5.3.3 - 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.

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

5.5.3.5 - All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the local permitting authority for approval and shall include, where applicable, provisions for:

5.5.3.5.1 - Mulching and revegetation of disturbed soil.

5.5.3.5.2 - Temporary runoff control features such as hay bales, silt fencing or diversion ditches.

5.5.3.5.3 - Permanent stabilization structures such as retaining walls or riprap.

5.6 MINERAL EXPLORATION AND EXTRACTION

Creating disturbed areas of less than 100 square feet of ground surface are permissible using minimum disturbance methods such as hand boring and sampling. A Planning Board permit is required for mineral exploration that creates a disturbed area of more than 100 square feet of ground surface. All excavations, including test pits and holes shall be immediately capped, filled or secured by other equally effective measures, so as to restore disturbed areas and to protect the public health and safety.

5.6.1 - MINERAL EXTRACTION - Mineral extraction may be permitted under the following conditions:

5.6.1.1 - 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 fulfil the requirements of 5.6.1.3.

5.6.1.2 - Unless authorized pursuant to the Natural Resources Protection Act, Title 38 M.R.S.A., Section 480-C no part of any extraction operation, including draining and runoff control features shall be permitted within 100 feet of the normal high water line of a great pond or a river flowing to a great pond and within 75 feet of the normal high water line of any other waterbody, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within 75 feet of any property line, without written permission of the owner of such adjacent property.

5.6.1.3 - Within 12 months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than 100 cubic yards of materials are removed in any consecutive 12 month period, ground levels and grades shall be established in accordance with the following:

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

5.6.1.3.2 - The final graded slope shall be two to one (2:1) slope or flatter.

5.6.1.3.3 - Top soil or loam shall be retained to cover all disturbed land areas which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.

5.6.1.4 - In keeping with the purpose 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.

5.7 PIERS, BREAKWATERS, BRIDGES AND DOCKS

5.7.1 - Access from shore shall prevent erosion. The facility shall be located on appropriate underlying soils; shall not interfere with either natural or existing beaches nor fisheries, nor be larger than necessary for the purpose and the character of the area.

5.7.2- No new or existing structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity, nor shall be converted to residential dwelling units in any district.

5.8 LAND USE STANDARDS

5.8.1 - RESIDENTIAL LOTS shall have at least 40,000 square feet for each single family residence with at least 200 feet shore frontage on the water and at least 200 feet straight-line frontage on the rear and between side boundaries. Structures, parking areas, and other non-vegetated surfaces shall not cover more than 20% of any lot.

5.8.2 - COMMERCIAL LOTS shall have at least 75,000 square feet per principal structure with at least 300 feet shore frontage on the water and at least 300 feet straight-line frontage on the rear and between side boundaries.

5.8.2.1 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 chemical, 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

5.8.3 - PUBLIC AND PRIVATE RECREATIONAL FACILITIES shall have at least 75,000 square feet per lot with at least 300 feet shore frontage on the water and at least 300 feet straight-line frontage on the back and between the side boundaries.

5.8.4 Lots within subdivisions shall have at least five (5) acres for development with at least 200 feet straight-line frontage on the road between the side boundaries.

5.8.5 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.

5.8.6 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.

5.8.7 The minimum lot 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 no less than the shore frontage standard. See Section 5.8.1, 5.8.2 and 5.8.3.

5.9 ROAD AND DRIVEWAY(S) CONSTRUCTION

5.9.1 - Roads and driveways shall be set back at least 100' from the normal high-water line of a great pond and 75' from the normal high-water line of other waterbodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the Planning Board may reduce the road and/or driveway setback requirement to no less than 50' upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the waterbody, tributary stream or wetland.

5.9.2 - New roads and driveways are prohibited in a Resource Protection District except to provide access to permitted uses within the district, or as approved by the Planning Board upon a finding that no reasonable alternative route or location is available outside the district, in which case the road and/or driveway shall be set back as far as practicable from the normal high-water line of a waterbody, tributary stream, or upland edge of a wetland.

5.9.3 - In order to prevent road surface drainage from directly entering waterbodies, roads 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 waterbody, tributary stream, or upland edge of a wetland. Road 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.

5.9.4 - Roads shall be located, constructed and maintained to minimize erosion. Roads shall also: Cross watercourses only when essential; have culvert bottoms at streambed levels; have raw banks and other exposed mineral soils replanted or otherwise stabilized; and have adequate culverts/bridges for all water crossings except when given a permit to omit same by the Planning Board.

5.9.5 Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads shall be maintained on a regular basis to assure effective functioning.

5.9.6 Parking Areas

5.9.6.1 Parking areas shall meet the shoreline setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities, in Districts other than the General Development may be reduced to no less than fifty-(50) feet from the normal high-water line or upland edge of a wetland if the Planning board finds that no other reasonable alternative exists.

5.9.6.2 Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, and where feasible, to retain all runoff on-site.

5.9.6.3 In determining the appropriate size of proposed parking facilities, the following shall apply:

1. 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.

2. Internal Travel aisles: Approximately twenty (20) feet wide.

5.10 SEWAGE DISPOSAL SYSTEMS shall conform with the State of Maine Subsurface Wastewater Disposal Rules.

5.10.1.1 - The minimum setback for subsurface sewage disposal systems shall be no less than one hundred (100) horizontal feet from the normal high water line of a waterbody. The minimum set back distances from water bodies for new subsurface sewage disposal systems shall not be reduced by variance.

5.10.1.2 - Replacement systems shall meet the standards for replacement systems as contained in the Subsurface Wastewater Disposal Rules.

5.10.2 - By December 31, 1999, owners of all properties located within the Shoreland Zone (as defined in Article 3) and inhabited more than two (2) months shall:

5.10.2.1 - Provide documentation in the form of a system permit or certificate of approval that the existing system was installed after July 1, 1974 and is in substantial compliance with the current State of Maine Subsurface Wastewater Disposal Rules, or

5.10.2.2 - Install a new subsurface wastewater disposal system in accordance with the current State of Maine Subsurface Wastewater Disposal Rules.

5.10.3 - Failure to comply with this Section by December 31, 1999 shall constitute a violation of the Embden Shoreline Zoning Ordinance and will be subject to enforcement action in accordance with Section 6.6.

5.10.4 - By December 31, 2002 all properties as defined in Article 3 of the shoreline zone and inhabited less than two (2) months shall:

5.10.4.1 - Provide documentation in the form of a system permit or certificate of approval that the system was installed after July 1, 1974 and is in substantial compliance with the current State of Maine Subsurface Wastewater Disposal Rules, or

5.10.4.2 - Install new subsurface wastewater disposal system in accordance with the current State of Maine Subsurface Wastewater Disposal Rules.

5.10.4.3 - Failure to comply with this section by December 31, 2002 shall constitute a violation of the Embden Shoreline Zoning Ordinance and will be subject to enforcement action in accordance with Section 6.6.

5.11 SIGNS

5.11.1 - Signs relating to goods and services are permissible only if the goods and services are rendered on the premises. These signs shall not be over six square feet in size and are limited to two per premises. The same limitations apply to all name signs for businesses or residences.

5.11.2 - Residences may be advertised for sale, rent, or lease by a single on-premises sign not over three square feet in size.

5.11.3 - "No Trespassing" signs and similar are unrestricted except that none shall be larger than two square feet in size.

5.11.4 - No sign shall extend more than 20' above ground, nor be illuminated except by shielded, non-flashing light.

5.12 SOILS

5.12.1 - All uses of land shall be appropriate to the underlying soils so that there shall be no soil erosion, mass movement or water pollution at any time. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of the characteristics of 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.

5.13 STRUCTURES

5.13.1 Structures shall be at least one hundred (100) horizontal feet inland from the normal high water mark of a great pond and 75 feet from other waterbodies, tributary streams, and wetlands. Structures shall be at least 48 horizontal feet inland from the centerline of roadways and 15 horizontal feet inland from property lines. The total area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed 20% of the lot or a portion thereof, located within the shoreland zone, including land area previously developed, except in the General Development District adjacent to rivers where lot coverage shall not exceed seventy (70) percent.

5.13.2 The Ground Floor including basement of, or any openings into structures, shall be at least two feet above the flood of record or the flood plain level as identified by recent flood-plain soils.

5.13.3 Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, Limited Commercial, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.

5.14 TIMBER HARVESTING

5.14.1 - No slash shall be left within 100 horizontal feet of any normal high water mark, a waterbody, and inland from there no slash shall be more than four (4) feet above ground.

5.14.1.1 Timber harvesting equipment shall not use stream channels as travel routes.

5.14.1.2 All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.

5.14.1.3 Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.

5.14.2 - Timber harvesting shall be timed and conducted to minimize erosion.

5.14.3 - Erosion-Prevention Belt: Between the normal high water line of a waterbody or tributary stream; or the upland edge of a wetland and anywhere that skid trails, log yards, etc., expose any substantial amount of mineral soil, there shall be a minimum buffer strip of at least seventy-five (75) feet in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no "portion of such exposed mineral soil on a back face shall be closer than twenty-five (25) feet from the normal high-water line of a water body or upland edge of a wetland.

5.14.4 - Within 100' of a great pond and 75' of other waterbodies and wetlands, the timber cut during any ten year period measuring four (4) inches or more in diameter at 4 ½ feet above ground level shall not exceed forty (40) percent of that available in a uniform stand of trees.

5.14.5 - Where essential for proper timber management, the Planning Board may allow exceptions to Sections 5.14.3-4 above, if the conditions otherwise conform with Section 6.2.3.2.

5.14.5.1 Timber harvesting operations exceeding the 40% limitation in Section 5.14.4 above, may be allowed by the planning board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and

will be carried out in accordance with the purposes of this Ordinance. The planning board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the planning board's decision.

5.14.6 - Within the strip of land extending 75' inland from the normal high-water line in a shoreland area zoned for resource protection abutting a great pond there shall be no timber harvesting, except to remove safety hazards.

5.14.7 - At distances greater than 100' horizontal distance, of a great pond and greater than 75' horizontal distance of the normal high-water line of other waterbodies, or the upland edge of wetland, harvesting operations shall not create single clear-cut openings greater than 10,000 square feet in the forest canopy. Where such openings exceed 5,000 square feet, they shall be at least 100' apart. Such clear-cut openings shall be included in the calculation of total volume removal. For the purposes of these standards volume may be considered to be equivalent to basal area.

5.15 WATER QUALITY PROTECTION

5.15.1 No person or activity shall permit the discharge of anything on the ground or into public waters that adds debris or contaminates such water or renders it irritating or harmful to any life at all.

5.15.2 The deliberate burning of structures or construction debris within 250 feet of great ponds classified GPA, and rivers and streams which flow to great ponds classified GPA is prohibited.

5.16 ARCHAEOLOGICAL SITES

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

ARTICLE 6 - ADMINISTRATION

6.1 ADMINISTERING OFFICERS: As provided herein, this Ordinance shall be administered by a Code Enforcement Officer, a Planning Board and an Appeals Board, all of whom shall be appointed by the selectmen in compliance with law. The Code Enforcement Officer shall not sit on either Board, nor shall any Board member sit on both Boards simultaneously.

6.2 PERMITS

6.2.1 - Requirement for Permits

6.2.1.1 - For the shoreline zones, no activity involving or necessitating any plumbing whatsoever shall be granted a permit until the applicant secures a plumbing permit showing compliance with this Ordinance and State Plumbing Regulations

6.2.1.2 As shown in the following chart, certain uses of land in shoreline zones require permits and certain other uses of land prohibited. In addition to what is shown on the following chart, a permit shall be required from the code Enforcement Officer and Planning Board for any new exterior construction or exterior remodeling of structures within any Shoreline Zone.

6.2.1.3 Expiration of a Permit Following the issuance of a permit, if no substantial start is made in construction or in the use of the property within two (2) years of the date of the permit, the permit shall lapse and become void. Another permit or permits may be issued for work not completed, if that work is listed on the previously issued permit, only after property on-site inspection. These permits will be issued at no additional fee.

6.2.2 Application for Permits: Applications for permits shall be submitted to the Code Enforcement Officer or the Planning Board in writing. The Code Enforcement Officer or Planning Board shall request any additional information he/she/they need to evaluate the application.

(1) Every application shall be a written application, including a scaled site plan, on a form provided by the Town of Embden.

(2) All Applications shall be signed by the owner or owners of the property or other person authorizing the work, certifying that the information in the application is complete and correct. If the person signing the application is not

the owner or lessee of the property then that person shall submit a letter or authorization from the owner or lessee.

(3) All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall not 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 would require the installation of a subsurface sewage disposal system.

6.2.3 - Approval of Permits

6.2.3.1 - Permits shall be granted or denied within 30 days from receipt of a sufficient, completed application. Permits shall be granted in all cases where the proposed construction or land use conforms with this and other ordinances and with State laws and regulations.

6.2.3.2 - The Planning Board and approved by Code Enforcement may grant a permit where he/she finds that, except as specifically exempted in this Ordinance, the proposed use:

6.2.3.2.1 - Will not result in unsafe or unhealthful conditions.

6.2.3.2.2 - Will not result in erosion, sedimentation, water pollution, or damage any form of wildlife or their habitat.

6.2.3.2.3 - Will conserve shoreland vegetation and visual access to the waters, natural beauty and actual points of public access to waters,

6.2.3.2.4 - Will avoid problems of flood plain development and use.

6.2.3.2.5 - Conforms with the standards of ARTICLE 5 herein.

6.2.3.2.6 - Will adequately provide for the disposal of all wastewater.

6.2.3.2.7 - Will protect archaeological and historic resources as designated in the comprehensive plan.

6.2.3.3 - Any permit granted may be made subject to reasonable conditions to ensure compliance with this Ordinance and its purpose.

6.2.4 - Records

Copies of all permits, warnings, records, correspondence, date and memos issued or received by the Planning Board, Appeals Board or Code Enforcement Officer shall be maintained as permanent records and delivered to the Town Clerk for safekeeping on or before the first day of each calendar quarter.

6.3 APPEALS TO THE EMBDEN BOARD OF APPEALS

Upon written application from an owner or other aggrieved party, the Board of Appeals shall hear appeals from the decisions of the Code Enforcement Officer or the Planning Board. Such appeal shall be taken within thirty (30) days of the date of the decision appealed from. The Board of Appeals may void a decision of the Code Enforcement Officer or the Planning Board only on grounds that the voided decision violated specific sections of this Ordinance. The Board of Appeals may also grant variances as stated in Section 6.4 below.

6.3.1 Power and Duties of the Board of Appeals. The Board of Appeals shall have the following powers;

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

6.4 - VARIANCES - Variances may be permitted only under the following conditions:

6.4.1 Variances may be granted only from dimensional requirements including but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.

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

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

6.4.3.1 The proposed dwelling or use would meet the provisions of Article 5 except for the specific provision which has created the non-conformity and from which relief is sought; and

6.4.3.2 The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:

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

6.4.4 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 dwellings 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. The term "dwellings necessary for access to or egress from the property" shall include railing, wall or roof systems necessary for the safety or effectiveness of the dwelling.

6.4.5 The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

6.4.6 A copy of all variances granted by the Board of Appeals shall be submitted to the Department of Environmental Protection within fourteen (14) days of the decision.

6.4.7 - MAKING AN APPEAL

6.4.7.1 Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes a concise written statement indicating what relief is requested and why it should be granted and a sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.

6.4.7.2 The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.

6.4.8 - DECISION BY BOARD OF APPEALS

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

6.4.8.2 The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter on which it is required to decide under this Ordinance, or to affect any variation in the application of this Ordinance from its stated terms. The board may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance.

6.4.8.3 The person filing the appeal shall have the burden of proof.

6.4.8.4 The Board shall decide all appeals within thirty-five (35) days after the close of the hearing, and shall issue a written decision on all appeals.

6.4.8.5 All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefor, and the appropriate order, relief or denial thereof.

6.5 APPEAL TO THE SUPERIOR COURT

In compliance with State law, any aggrieved party may further appeal a decision of the Board of Appeals to the Superior Court within 45 days.

6.6 ENFORCEMENT

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

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

6.6.2.2 The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Office shall also investigate all complaints of alleged violations of this Ordinance.

6.6.2.3 The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of this record shall be submitted to the Director of the Bureau of Land Quality control within the Department of Environmental Protection.

6.6.3 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 the 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.

6.6.4 Fines. Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30A, Maine Revised Statutes Annotated, Subsection 4452.

6.6.4.1 The minimum penalty for a specific violation shall be \$100 per violation per day and the maximum penalty shall be \$2,500 per violation for each day that the violation continues. However, in resource protection district the maximum penalty shall be increased to \$5,000 per violation per day.

TABLE OF LAND USES REQUIRING PERMITS AND OF LAND USES THAT ARE PROHIBITED

(Check also all requirements of ARTICLE 5)

LAND USE ACTIVITY (Refer also to specific Sections noted beside some titles below.)	RESOURCE PROTECTION DISTRICT	LIMITED RESIDENTIAL-RECREATIONAL DISTRICT	LIMITED COMMERCIAL DISTRICT	STREAM PROTECTION DISTRICT	GENERAL DEVELOPMENT DISTRICT
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Permits are required from:

1. Agriculture (5.1)	PB and CEO	PB and CEO	PB and CEO	PB and CEO	PB and CEO
2. Campgrounds (5.3)	(Prohibited)	PB and CEO	PB and CEO	(Prohibited)	PB and CEO
3. Clearing of Shoreline Area for approved construction	<u>2.</u> PB and CEO			PB and CEO	PB and CEO
4. Excavation, Filling or other Earthmoving: ... 10 cubic yards or less ... More than 10 cubic yards	PB and CEO PB and CEO	PB and CEO	PB and CEO	PB and CEO PB and CEO	PB and CEO PB and CEO
5. Parks and Recreation Areas involving only small structural development	PB and CEO			PB and CEO	PB and CEO
... Piers, docks, land bridges, etc. (5.7) ... Temporary (Used less than 7 mo./yr.) ... Permanent (Used more than 7 mo./yr.)	PB and CEO PB and CEO	PB and CEO PB and CEO	PB and CEO PB and CEO	PB and CEO PB and CEO	PB and CEO PB and CEO
7. Public Utilities	PB and CEO				
8. Road construction (5.9)	(Prohibited)				
9. Sewage Disposal Systems (5.10)	(Prohibited)				
10. Signs					
11. Small non-residential Educational or Scientific Facilities	PB and CEO			<u>1.</u>	
12. Structures (5.13) ... Containing the Principal Activity of a Lot ... Residential ... Commercial ... Industrial ... Accessory to Permitted Uses	(Prohibited) (Prohibited) (Prohibited) PB and CEO	PB and CEO (Prohibited) (Prohibited) PB and CEO	PB and CEO PB and CEO (Prohibited) PB and CEO	PB and CEO (Prohibited) (Prohibited) PB and CEO	PB and CEO PB and CEO PB and CEO PB and CEO

13. Timber Harvesting (5.14)	PB and CEO				
14. Uses similar to Permitted Uses ... Similar to Uses Authorized by PB ... Similar to Uses Authorized by CEO	PB and CEO PB and CEO PB and CEO	PB and CEO PB and CEO PB and CEO	PB and CEO PB and CEO PB and CEO	PB and CEO PB and CEO PB and CEO	PB and CEO PB and CEO PB and CEO
15. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking.					
16. Forest Management Activities except for Timber Harvesting.					
17. Fire Prevention Activities					
18. Wildlife Management Practices					
19. Mineral Exploration (5.6)				(Prohibited)	
20. Mineral Extraction (5.6) ... Including Sand and Gravel Extraction	(Prohibited)	PB and CEO	PB and CEO	(Prohibited)	PB and CEO

NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection pursuant to Title 38 M.R.S.A., Section 480-C if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them: A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials; B. Draining or otherwise dewatering; C. Filling, including adding sand or other material to a sand dune; or D. Any construction or alteration of any permanent structure.

KEY: PB ... Planning Board CEO ... Code Enforcement Officer
Prohibited ... Land use/activity may not be authorized or conducted in the District indicated
Blank Line ... No permit required by the use must comply with all applicable land use standards.

NOTE: A person performing any activity in a flood plain area as designated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps shall require a permit from the CEO.

FOOTNOTES:

1. Small non-residential or Scientific Facilities and Residential structures may only be allowed in a Stream Protection District if a variance is granted by the Board of Appeals.
2. Clearing in a Resource Protection District is limited to safety hazards within 75 feet of a great pond.

ARTICLE 7 - EFFECTIVE DATE

This ordinance shall not be effective unless approved by the DEP Commissioner; once approved, this Ordinance and its Amendments are effective upon adoption by the Town Meeting. A certified copy of the Ordinance, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner of the Department of Environmental Protection for approval. If the Commissioner fails to act on this Ordinance within 45 days of his/her receipt of the Ordinance, it shall be automatically approved. Certified copies shall be filed with the Somerset County Registry of Deeds in compliance with the law. A copy of this Ordinance shall be furnished to any interested person for a nominal fee.

ARTICLE 8 - SEVERABILITY

This section or provision of this Ordinance declared by the courts to be invalid shall not invalidate the remainder of this Ordinance.

ARTICLE 9 - AMENDMENT

This Ordinance may be amended by a majority vote of the Town Meeting. Prior to the effective date of such amendments, a copy of them shall be forwarded to the DEP Commissioner by certified mail. A file of return receipts from such mailing shall be maintained as a permanent record.

ARTICLE 10 - DEFINITIONS

AGGRIEVED PARTY: A person whose land is affected by grant or denial of a permit or variance under this Ordinance. Also a person whose land abuts land for which a permit or variance has been granted; or a group of five or more citizens of the Town who oppose such grant or denial of a 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 vegetable; and ornamental; and green house products. Agriculture does not include forest management and timber harvesting activities.

AQUACULTURE - The growing or propagation or harvestable freshwater, estuarine, or marine plant or animal species.

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

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

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

CAMPGROUND - Any areas 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.

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.

DECK - A flat-floored roofless area.

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 lots or less.

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

ESSENTIAL SERVICES - gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms

and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

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

EXPANSION OF USE - The addition of weeks or months to a use's operating season; additional hours of operation; or the use of more floor area or ground area devoted to a particular use.

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

FLOOR AREA - The sum of the horizontal areas of 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.

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.

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

FORESTED WETLAND - a freshwater wetland dominated by woody vegetation that is six (6) meters or 20 feet or taller.

FOUNDATION - The supporting substructure of a building or other structure including, but not limited to, basements, slabs, sills, posts or frostwalls.

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

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

Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

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

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

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

HEIGHT OF A STRUCTURE - The vertical distance between the mean original grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area. The maximum structure height in all shoreland districts, except the General Development District, shall be 35 feet.

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.

INDIVIDUAL PRIVATE CAMPSITE - An area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include, but not be limited to, gravel pads, parking areas, fire places, or tent platforms.

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

LOT AREA - The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a waterbody 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, boat and tackle shops and marine fuel service facilities.

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

MINIMUM LOT WIDTH - The closest distance between the side lot lines of a lot.

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

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

MULTI-UNIT RESIDENTIAL - a residential structure containing three (3) or more residential dwelling units.

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

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

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

NORMAL HIGH WATER MARK - That line on the shores and banks of rivers, streams and ponds where the character of the soil and/or vegetation differs because of the prolonged action of the water. At that point, vegetation will change from predominantly aquatic to predominantly terrestrial. The soil will have evidence of erosion, siltation or protection from the effects of drying, and such chemical and bacteriological degradation as normally occurs on exposure to air.

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

PIAZZA - A flat-floored roofed area attached to a structure.

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

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

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

PORCH - A flat-floored roofed area attached to a structure.

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.

PRIVY - A pit for collection of human wastes.

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 - Includes these soils listed by the National Cooperative Soil Survey: Alluvial Land, Hadley Silt Loam, Limerick Silt Loam, Ondawa Pine Sandy Loam, Podunk Pine Sandy Loam, Rumney Pine Sandy Loam, Saco Silt Loam, Suncook Loamy Sand, Winooski Silt Loam.

RECREATIONAL FACILITY - A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

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

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

RESIDENCE-RESIDENTIAL DWELLING UNIT - A room or group of rooms for the use of one family as living quarters, whether temporary, seasonal or permanent. Mobile homes are included.

RESIDUAL BASAL AREA - the sum of the basal area of trees remaining on a harvested site.

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

RIVER - A free-flowing body of water including its associated flood plain wetlands from the 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.

SERVICE DROP - any utility line extension which does not cross or run beneath any portion of a water body provided that: a) in the case of electric service 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 the total length of the extension is less than one thousand (1,000) feet; and b) in the case of telephone service the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

SETBACK - The distance of a structure from the normal high water mark.

SHORE FRONTAGE - The length of a lot bordering on a water body measured in a straight line between the intersections of the lot lines with the shoreline at normal high-water elevation.

SHORELAND ZONE - The land areas 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 of the upland edge of a freshwater wetland; or within 75 feet of the normal high-water line of a stream.

SIGNIFICANT RIVER SEGMENTS - See Title 39 M.R.S.A. Sec. 437.

STREAM - A free-flowing body of water from the outlet of a great pond or the confluence of 2 perennial streams as depicted on the most recent edition of the U.S. Geological Survey 7.5 minute series topographic map, or if not available, a 15 minute series topographic map, to the point where the body of water becomes a river.

STRUCTURES - Anything except fences, piers, docks and retaining walls, etc., built for the support, shelter or enclosure of persons, animals, goods or property of any kind. A Principal Structure is that in which the primary use of the lot is conducted. An Accessory Structure is customarily auxiliary, subordinate or incidental to the Principal Structure.

SUBSTANTIAL START - Completion of 30% of a permitted structure or use measured as a percentage of estimated total cost.

SUBSURFACE SEWAGE DISPOSAL SYSTEM - A collection of treatment tank(s), disposal area(s), holding tank(s), and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater disposal system licensed under 38 M.R.S.A. Section 414, any surface wastewater disposal system licensed under 38 M.R.S.A. Section 413 Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 M.R.S.A. Chapter 13, subchapter 1.

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 trees, including the operation of the machinery required therefor. Does not include the making of roads even though made for timber harvesting purposes.

TRIBUTARY STREAM - A channel between defined banks created by the action of surface water intermittent or perennial, and which is characterized by the lack of upland vegetation

or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a waterbody or wetland as defined. This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving waterbody or wetland.

UPLAND EDGE - The boundary between upland and wetland.

VEGETATION - All live trees, shrubs, ground cover, and other plants including, without limitation, trees both over 4 inches in diameter, measured at 4½ above ground level.

VERANDA - A flat-floored roofed area attached to a structure.

VOLUME OF A STRUCTURE - The volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

WATER BODY - any great pond, river, stream or tidal area.

WATER CROSSING - Any project extending from one bank to the opposite bank of a river or stream, whether under, through or over the water course. Such projects include, but may not be limited to, roads, fords, bridges, culverts, water lines, and cables as well as maintenance work on these crossings.

WETLAND - Areas enclosed by the normal high water mark of waterbodies, 10 acre minimum in size, and otherwise identified by distinctive soils and vegetation. Includes swamps, marshes, bogs, etc.

WETLAND ASSOCIATED WITH GREAT PONDS AND RIVERS - Wetlands contiguous with or adjacent to a great pond or river, and which during normal high water, are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.

ACCOMPANYING LIST OF SHORELINE ZONING DISTRICTS

(As indicated on the Official Map of Embden)

DISTRICT LOCATION ON SHORELINE	DISTRICT DESIGNATION	REASON
<u>BLACK HILL POND</u>		
From Black Hill Stream outlet westerly and northwesterly along the southern shoreline for 1200'.	LR-R	**
300' straddling, equally on either side, the ravine and drainageway entering Pond at middle of the northern shore.	LR-R	**
Balance of entire shoreline area.	RP	Slopes over 25%
<u>BOYNTON POND</u>		
Complete Pond in its entirety.	RP	State of Maine Preserve
<u>EMBDEN POND</u>		
Unit #37 of Snowshoe Village Resort subdivision as approved 7 July 1988, consisting of the Country Lodge, its parking area, storage shed and access drive, this parcel having 178' frontage on West Shore Road, 186' depth to the south, 90' easterly frontage facing the Pond and running 250' on its northern boundary.	LC	Established business
Unit #8 of Snowshoe Village Resort subdivision as approved 7 July 1988, 70' x 90' lot plus the parking and picnic areas to the south of Unit #8.	LC	Established business

DISTRICT LOCATION ON
SHORELINE

DISTRICT
DESIGNATION

REASON

EMBDEN POND (CON'T)

Include the property of Dexter Higgins extending approximately 75' north and 75' south of Hancock Steam, fronting westerly on West Shore Road and easterly 50' inland from the shoreline.

LC

Established business

Where the west shore of the Pond turns almost east to form the north shore, there is an inlet of the sometimes called "Beaver Brook." Include from this inlet to 250' east along the northern shoreline.

RP

Wetland Bog

On the northern, shore from 300' west of the Witham/Hunnewell Brook inlet to the centerline of the inlet itself.

RP

Wetland Bog

East shore, beginning 100' north of land now or formerly of Allen Walker, then running northwesterly for 600'.

RP

Wetland Bog

Balance of entire shoreline area.

LR-R

**

FAHI POND

From the northern boundary of land of J & J Creamer on the west shore, northerly along shoreline to include entire northern sector of pond, stopping on eastern shore at northern boundary of property of F.A. Brunelle.

RP

State of Maine Preserve

Balance of entire shoreline area.

LR-R

**

DISTRICT LOCATION ON
SHORELINE

DISTRICT
DESIGNATION

REASON

HANCOCK POND

From the eastern intersection of the Lexington town line with the shoreline, proceed in a generally southeasterly direction along the northern shore to include the property of R. St. Germain.

LR-R

Density of existing construction

From the western intersection of the Lexington town line with the shoreline, proceed in a generally southeasterly direction along the southwest shore to include the property of B. Burke, R. Schnair and D. Smith.

LR-R

To allow residential building throughout by permit.

Balance of all shoreline properties, or portions thereof, not included within the Districts described above.

RP

Source of public water.

MUD POND

Complete pond in its entirety.

RP

State of Maine Preserve

SANDY POND

800' centered on the extreme northern shore.

RP

Wetland Bog

2,000' centered equally on either side of the outlet running into Fahi Pond.

RP

Wetland Bog

Balance of entire shoreline.

LR-R

**

DISTRICT LOCATION ON
SHORELINE

DISTRICT
DESIGNATION

REASON

CARRABASSETT RIVER

From New Portland boundary southeasterly along Cadie Crotch Road to the southerly boundary of Kate Blodgett (Tax Map 4, Lot 1-1).

75' LSD

Road is adjacent to river. NE side of road is already sold in house lots and portion does not meet criteria for resource protection

Balance of entire shoreline in Embden.

RP

Flood plains extend 250' inland.

KENNEBEC RIVER

From Concord boundary southerly to 800' north of Caratunk Falls Dam.

100' LSD

Steep riverbanks extend 100' inland.

From 800' north of Caratunk Falls Dam southerly to 800' south of said dam.

GD

Existing CENTRAL MAINE POWER COMPANY hydroelectric station.

From the entrance of a bay pointing westerly from the main river channel and forming then northern boundary of the Atwood lot at a point about 4/5ths of a mile below the Caratunk Falls Dam, southerly to a line within the Philpot lot that runs due east from the northernmost edge of the junction of Martin Stream and Concord Road (Rt. 16) to the main river channel.

100' LSD

Steep riverbanks and/or flood plains extend 100'.

From the Solon Bridge southerly to the southern boundary of the Gerhke lot.

LR-R

Existing houses within 250' zone.

From the southern boundary of the Hodgdon lot to a line 200' south of the northern boundary of the Piper lot.

75' LSD

Steep riverbanks extend 75' inland.

DISTRICT LOCATION ON
SHORELINE

DISTRICT
DESIGNATION

REASON

KENNEBEC RIVER (CON'T)

From the southern boundary of the Steven Fenlason lot to the northern boundary of the G. and P. Mullin lot.

100' LSD

Steep riverbanks and/or flood plains extend 100' inland.

From the northern boundary of the G & P Mullin lot to a line 200' north of the southern boundary of the G & P Mullin lot.

75' LSD

Steep riverbanks and/or flood plains extend 75' inland.

Balance of the entire shoreline in Embden.

RP

Steep riverbanks and/or flood plains extend 250' inland.

MILL STREAM

From 250' south of the outlet of Embden Pond the entire shoreline within Embden.

SP

Outlet Great Pond.

MEADOW BROOK

From the land of Lewis F. Morton where two perennial streams junction flowing northwesterly approximately 2,500' to the New Portland town line.

SP

Confluence of two perennial streams.

BLACK HILL STREAM

From 250' south of the outlet of Black Hill Pond to the junction of the Mill Stream.

SP

Outlet Great Pond

DISTRICT LOCATION ON
SHORELINE

DISTRICT
DESIGNATION

REASON

HANCOCK STREAM

From 250' south of the outlet of
Hancock Pond to within 250' on
the inlet of Embden Pond.

SP

Outlet Great Pond

WITHAM BROOK

From the Concord town line to
within 250' of the inlet of Embden
Pond the entire shoreline within Embden.

SP

Outlet Great Pond &
confluence of 2
perennial streams.

MARTIN STREAM

From the Concord town line on
land of Lovell M. Berry to the
Kennebec River the entire shoreline
in Embden.

SP

Confluence of two
perennial streams.

MILL STREAM

From the Concord town line where
the Mill Stream is a division
between land of Lisa Saylor and
land of George M. Kiger, Jr. to the
junction of Martin Stream the entire
shoreline in Embden.

SP

Confluence of two
perennial streams.

FAHI BROOK

From 250' south of the outlet of
Fahi Pond to the No. Anson town
line the entire shoreline in Embden.

SP

Outlet Great Pond.

FRESHWATER WETLAND (#45)

From the upland edge of the complete
property of the State of Maine which
abuts Fahi Pond and which encompasses
both Mud Pond and Boynton Pond.

RP

State of Maine Preserve

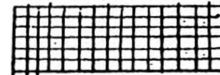
DISTRICT LOCATION ON SHORELINE	DISTRICT DESIGNATION	REASON
<u>HANCOCK STREAM</u>		
From 250' south of the outlet of Hancock Pond to within 250' on the inlet of Embden Pond.	SP	Outlet Great Pond
<u>WITHAM BROOK</u>		
From the Concord town line to within 250' of the inlet of Embden Pond the entire shoreline within Embden.	SP	Outlet Great Pond & confluence of 2 perennial streams.
<u>MARTIN STREAM</u>		
From the Concord town line on land of Lovell M. Berry to the Kennebec River the entire shoreline in Embden.	SP	Confluence of two perennial streams.
<u>MILL STREAM</u>		
From the Concord town line where the Mill Stream is a division between land of Lisa Saylor and land of George M. Kiger, Jr. to the junction of Martin Stream the entire shoreline in Embden.	SP	Confluence of two perennial streams.
<u>FAHI BROOK</u>		
From 250' south of the outlet of Fahí Pond to the No. Anson town line the entire shoreline in Embden.	SP	Outlet Great Pond.
<u>FRESHWATER WETLAND (#45)</u>		
From the upland edge of the complete property of the State of Maine which abuts Fahí Pond and which encompasses both Mud Pond and Boynton Pond.	RP	State of Maine Preserve

KEY TO THE OFFICIAL MAP
OF THE SHORELAND ZONING ORDINANCE AND ITS
ACCOMPANING LIST

GENERAL DEVELOPMENT (GD)
DISTRICT



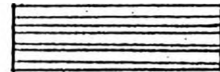
LIMITED COMMERCIAL (LCD)
DISTRICT



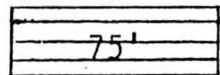
LIMITED RECREATIONAL-RESIDENTIAL (LR-R)
DISTRICT



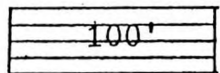
RESOURCE PROTECTION (RP)
DISTRICT



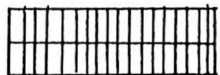
SEVENTY-FIVE FOOT LATERALLY SPLIT (75' LSD)
DISTRICT



ONE HUNDRED FOOT LATERALLY-SPLIT (100' LSD)
DISTRICT



STREAM PROTECTION (SP)
DISTRICT

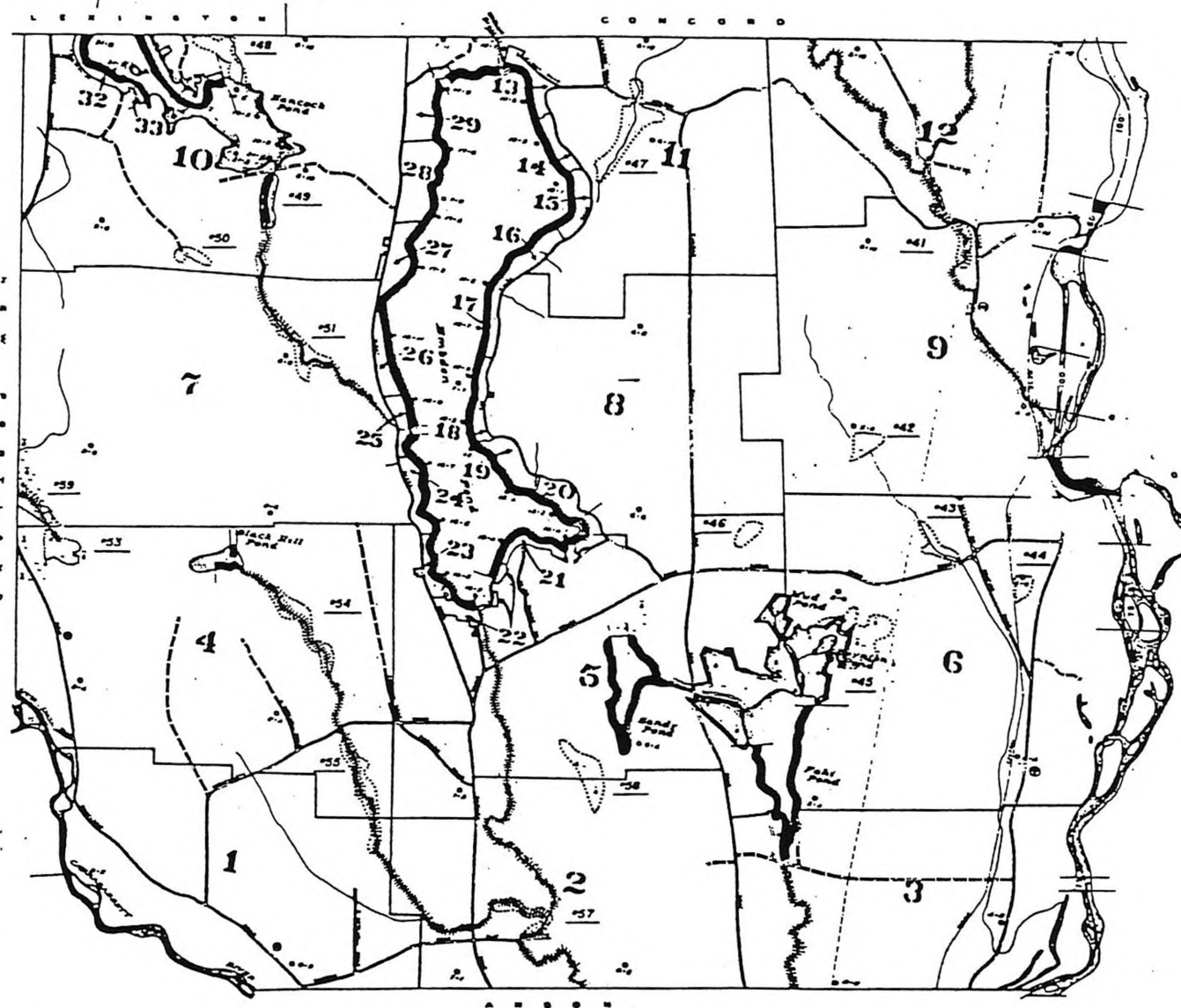


WETLANDS OF 10 ACRES OR MORE
DISTRICT



Zoning district map markings are too large for locating exact boundaries. For precise locations, refer to Accompanying List. In most cases, markings lie in water areas.

** Housing density areas and shoreland areas that do not meet the definition of any other district are classified as being Limited Recreational-Residential District (LR-R)



NOTES:
 1. Existing shoreland zone boundaries are not larger than
 2. existing shoreland boundaries. For precise boundaries,
 refer to accompanying list, in which corresponding
 to a land parcel.
 3. The map is not a legal document and should not be
 used as evidence in any court of law. It is intended
 for informational purposes only. (United States
 National Map, U.S.G.S.)

DISTRICTS

General Development (GD) Limited Residential-Residential S.R. 25 Limited Commercial S.R. 25 Water



—OFFICIAL SHORELAND ZONING MAP—

Map Date: January 1992
 Revised: March 2002

Adopted:

Certified: (Shoreland Clerk)

TOWN OF
EMBDEN
 SOMERSET COUNTY, MAINE
 1000
 1000

AMENDMENTS
TO EMBDEN SHORELAND ZONING ORDINANCE

DATE	SECTION	EFFECT OF AMENDMENT
2 March 1974	5.11	Standards for signs effective in all SZ districts
2 March 1974	5.13.1	Primary structures have 75' setback in all districts
2 March 1974	5.14.1	No timber slash may be left within 50' of HWM
2 March 1974	5.14.3	No mineral soil shall be bared on SZ on slopes over 70%
1 March 1975	6.4	Clarification what variances are permissible.
1 March 1975	Article 10	"Definitions" added.
6 March 1976	6.2.1.2	Exterior construction requires PB permit.
6 March 1976	6.2.1.2	Commercial or industrial activities requires PB permit.
6 March 1976	6.2.1.2 (Table)	PB grants all permits CEO grants none.
20 June 1979	3.3, 3.4 (Official Map & accomp. list)	Established 75' LSD and 100' LSD along specified sectors of the Carrabassett and Kennebec Rivers.
14 Dec. 1979	Map & accomp. list - Hancock Pond	All northern and northwestern GD & RP sectors of Hancock Pond redistricted to LR-R. Southern sector of pond remains in RP District.
19 Nov. 1988	Article 4	Non-conforming uses: inc. 4.1 - definition 4.2 - permitted practices 4.3; 4.3.1; 4.3.2; 4.3.3; 4.3.4 - exceptions
19 Nov. 1988	5.2	Beach construction requires DEP permit.
19 Nov. 1988	5.4	Clearing of the Shoreland Area.
19 Nov. 1988	5.5	Erosion & Sedimentation Control grading of slopes greater 25%
19 Nov. 1988	5.10	Sewage disposal systems to comply with State of Maine rule.
19 Nov. 1988	6.4	Clarification of variances.
19 Nov. 1988	6.4.2	Hardship clarification.
19 Nov. 1988	Article 10	Definitions added.
19 Nov. 1988	SZD	600' on East Shore; change from LR-R to RP. 2 lots on East Shore from LR-R to GD.
11 Apr. 1992	4.4.2	Clarification of non-conforming contiguous built lots.
11 Apr. 1992	4.4.3	Clarification of conveying non-conforming contiguous lots - vacant

		or partially built.
19 May 1993	4.3.5	Clarification of 30% addition allowance at 50' set back on non-conforming structures.
19 May 1993	4.3.7	Replaced word "should" with "shall".
19 May 1993	5.8.4	Added sub-article for essential services - Land Use Standards.
19 May 1993	6.5	Changed 30 days to 45 days.
19 May 1993	Land Use Chart	Changed Mineral Extraction from PB to Prohibited in Resource Protection District.
19 May 1993	Land Use Chart	Changed Industrial from PB to Prohibited in Limited Commercial District.
19 May 1993	Land Use Chart	Added General Development.
19 May 1993	Definitions	Included structure height.
4 March 1994	6.2	Code Enforcement Officer issues Shoreline Zoning Permits.
3 March 1995	Shoreline Zoning District List	Change lot on Embden Pond from RP to LR-R; Change lot on Kennebec River from RP to 100' LSD.
March 1998	Shoreline Zoning District List	Change a portion of the Carrabassett River from the New Portland boundary to the southerly boundary of land of Kate Blodgett from PR to 75 LSD
6 Mar 1999	6.2.1.2	Replace words code enforcement officer in line 6 and line 11 with words planning board and approved by code enforcement officer
6 Mar 1999	6.2.2	Replace words code enforcement in line 2 and replace words board in line 3 with words planning board and code enforcement
6 Mar 1999	Land Use Table	Replacing letter CEO with the letters PB and CEO in table of land use
6 Mar 1999	6.2.3.2	Replacing the words Code Enforcement with words Planning Board and approved by Code Enforcement
4 Mar 2000	5.10.4 & 5.10.4.1	Addition to sewage disposal system ordinance 12/01/02 deadline to provide documents that system was installed after 7/1/74
4 Mar 2000	5.10.4.2	To install new subsurface waste water disposal system to comply with State Rules
4 Mar 2000	5.10.4.3	Failure to comply by 12/31/02 shall constitute violation and subject to enforcement action
4 Mar 2000	Definitions	Add definitions for Deck, Piazza, Porch and Veranda
3 Mar 2001	Shoreline Zoning District List	To remove from LC (limited commercial) District; Unit #37 and #8 of Snowshoe Village Resorts subdivision and the property of Dexter Higgins
17 June 2002	Shoreline Zoning District List	To extend 75' LSD along the side of the Carrabassett River from SE line of Brent and Katherine Smith (Map 4, Lot 1-1) to SE corner of Winston and Linda Ford lot (Map 4, Lot)

ANNEX A.

REAL ESTATE SUBDIVISION STANDARDS

for the

Town of EMBDEN, MAINE

13 December 1973

REAL ESTATE SUBDIVISION STANDARDS

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FOREWORD

The State statute authorizing these Subdivision Standards was written to permit communities such as Embden to protect themselves from the effects of blighting 'development'.

Responsible development can proceed under these rules for all to see, and to change, if that seems desirable for any reason.

These rules do NOT affect the sales of single homesteads, but only sales from a "subdivision", which means a tract of land divided into three or more lots for sale and development. Subdivisions must be approved as described herein before the lots are sold.

In general, subdividers must show that their project will not be a net financial drain upon the Town and that the prospective residents of Embden who will live there will find themselves with such necessities of modern life as adequate roads, supply of water, means to dispose of sewage and the like.

Growth in Embden is certain. These Standards can ensure that the spurts of growth generated by 'developments' cause a minimum of growing pains.

REAL ESTATE SUBDIVISION STANDARDS

for the

Town of EMBDEN, MAINE

ARTICLE 1 - REAL ESTATE SUBDIVISION REVIEW

1.1 - AUTHORITY - These Standards provide for the Town of Embden the provisions of Title 30, Section 4956, M.R.S.A.

1.2 - PURPOSE - To protect the community interests and environment of Embden, Maine, the Embden Planning Board shall review all proposed real estate subdivisions within the Town against the provisions of these Standards and shall approve only those that:

1.2.1 - Conform with all Embden ordinances and plans.

1.2.2 - Will not overburden any Town services.

1.2.3 - Will not cause unreasonable highway congestion or unsafe conditions for either existing or proposed roads.

1.2.4 - Will provide for adequate sewage waste disposal.

1.2.5 - Will not unduly harm historic or rare sites or natural beauty.

1.2.6 - Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

1.2.7 - Will not result in undue water or air pollution considering:
The elevation of the land and its relation to flood plains, the nature of soils and their ability to absorb wastes, the slope of land and its effect on effluents, and the applicable State and local health and water resources regulations.

1.2.8 - Have adequate water available for the reasonably foreseeable needs of the subdivision.

1.2 - PURPOSE (con't.)

1.2.9 - Will not cause unreasonable burden on existing water supply, if one is to be used.

1.2.10 - Whose subdivider has adequate financial and technical capacity to meet these Standards.

1.2.11 - Are located within 250' of any pond, stream or drainageway if the quality of water in these bodies will not be adversely affected and if the subdivisions conform with the Shoreline Zoning Ordinance.

1.3 - THE PLANNING BOARD shall administer and be subject to these Standards. All its completed actions upon subdivisions shall state in writing whether or not the criteria listed in Section 1.2 above were met. The burden of proof to show conformance in this regard shall rest with the applicant, not the Board.

1.4 - RECORDS

1.4.1 - Minutes of relevant Board meetings, correspondence, actions and the reasons thereof, and approved subdivision Final Plans shall be maintained in the records of the Town. The approved Final Plans shall also be recorded with the Somerset county Registry of Deeds.

1.4.2 - Copy of these Embden Subdivision Standards shall be furnished any interested person for a nominal fee.

ARTICLE 2 - DEFINITIONS - The following apply throughout these Standards:

Board

The Embden Planning Board

Comprehensive Plan

The Embden Development Plan described in Title 30, Section 4961, M.R.S.A.

Construction Drawings

Drawings showing locations, profiles, grades, sizes and types of drains, sewers, mains, underground ducts, pavements, cross-sections of streets, structures, etc.

Development (Includes 'developing' & 'develop')

Real estate improvements and alterations or acts thereof.

MAR 3, 190

Art. 49. To see if the inhabitants will vote to amend the Embden Real Estate subdivision standards as follows:

Under ARTICLE 2 - DEFINITIONS delete the definition for "Subdivision" in its entirety and substitute the following therefor:

Subdivision:

1. A subdivision is a tract or parcel of land divided into three or more pieces or lots.
 - a. The division may be by sale, lease, development, building, gift or otherwise.
 - b. A parcel of land includes all adjoining land of the same ownership.
 - c. The "three or more" pieces or lots can include lots divided by a former owner.
 - d. A lot created before subdivision status existed for that location is exempt from subdivision regulation. However, that lot shall be counted within a subsequent subdivision which contains that lot.
 - e. Shopping centers, condominiums, apartment houses, mobile home parks, camping areas and the like shall be considered subdivisions if three or more of their proposed units or segments possess interest in the underlying ground.
2. Exceptions to the subdivision "three or more" count include:
 - a. Lots duly made and recorded in the Somerset County Registry of Deeds more than five years previously.
 - b. Lots created by inheritance, governmental seizure or order of a court.
 - c. Lots given to relatives by blood, marriage or adoption and lots conveyed to an abutting landowner, unless the intent of such transfers is to avoid the provisions of this ordinance. Lots separated by a road, unless the road was made by the owner of the land on both sides of it.
 - d. Lots conveyed to the Town of Embden or to the School District #74.

ARTICLE 2 - DEFINITIONS (con't.)

Easement

Property owner's authorization for another to use any designated part of owner's property as specified.

Engineer

Civil engineer licensed by the State.

Official (Town) Map

The map adopted by the Town showing salient features, public property, ways used by two or more owners, approved subdivisions and Town facilities and projects, existing and proposed.

Person

A firm, association, organization, trust, partnership, corporation or company as well as an individual.

Resubdivision

Division of an existing subdivision.

Street

Includes highways, avenues, boulevards, alleys and other rights-of-way.

Subdivision

A tract or parcel of land divided into three or more lots within any five year period, whether accomplished by sale, lease, development, building or otherwise, except when the division is accomplished by inheritance, order of a court or gift to a relative, unless the intent of such gift is to avoid the intent of State subdivision statutes.

In determining whether a parcel of land is divided into three or more lots, land retained by the subdivider for his own use as a single family residence for a period of at least five years shall not be included.

Sale or lease of a lot or parcel shall not be part of a subdivision if such lot or parcel is 40 acres or more in size, except where the intent of such sale or lease is to avoid the intent of the State subdivision statutes.

Land devoted to multiple users as in the cases of shopping centers, condominiums, apartment houses, mobile home parks, camping areas and the like shall be considered subdivisions.

Certain larger subdivisions, including those over 20 acres having at least one lot less than ten acres, or those that exceed 60,000 sq.ft. of ground area in structures, or discharge wastes into water bodies, or extract natural resources, may require DEP approval as well as from the Board. Developers should check.

ARTICLE 2 - DEFINITIONS (con't.)

Subdivisions, Major & Minor

A Major Subdivision is one having five or more lots OR is likely to require at any time any extension of public ways, facilities or services. A Minor Subdivision is less than a Major Subdivision.

ARTICLE 3 - INITIAL SUBDIVISION APPLICATION

3.1 - PRELIMINARY INSPECTION - To inform the Board about the subdivision site before written application is submitted, a prospective subdivider shall arrange an initial joint inspection of his site with the Board or a representative appointed by the Chairman.

3.2 - SUBMISSION OF SKETCH PLAN WITH PRELIMINARY INFORMATION - After the preapplication inspection, the subdivider shall submit for informal discussion a Sketch Plan showing sufficient existing conditions and planned changes with other relevant information to permit the Board to make its tentative determinations. (See Appendix 4 for Sketch Plan sample.)

3.3 - CLASSIFICATION NOTICE TO SUBDIVIDER - After such preliminary inspection, the Board shall within 30 days inform the subdivider in writing of the scale and contour interval required on his subsequent plans and of the classification of the proposed subdivision and of other requirements, including if necessary, the resubmission of an improved Sketch Plan.

ARTICLE 4 - REVIEW AND APPROVAL OF A MINOR SUBDIVISION

4.1 - CLASSIFICATION UPWARDS - Where the Board feels that the public interest requires it, the Board may require that a Minor Subdivision comply with any or all the requirements specified for a Major Subdivision.

4.2 - PROCESSING APPLICATIONS - MINOR SUBDIVISION

4.2.1 - Submission of Minor Subdivision Final Plan - Within six months after the Board classifies a proposed subdivision as "Minor", the subdivider shall submit a Final Plan (See App. 7 for sample Final Plan map.) for approval. Failure to do so shall require resubmission of the Sketch Plan for reclassification. The Final Plan shall conform to the Sketch Plan and all prior preliminary information submitted as well as to any additional requirements of the Board.

4.2 – PROCESSING APPLICATIONS – MINOR SUBDIVISIONS (con't.)

4.2.2 – Fees - All Submissions of final plans for minor subdivision shall be accompanied by a fee of \$250.00 plus \$100.00 per subdivided lot, payable by check to the Town of Embden, stating on the check its purpose. (Amended 5/05/05)

4.2.3 – Public Hearing – Within 30 days from receipt of the Final Plan, the board shall hold a public hearing advertised twice in a newspaper of general circulation at least a week in advance. The Subdivider shall be notified of the time and place of this hearing.

4.2.4 – Approval/Disapproval – Within 30 days after the hearing or 45 days after receipt of the Plan, the Board shall approve, modify or disapprove the Final Plan. Reasons for any action taken shall be stated in writing.

4.3 – FORM OF APPLICATIONS – MINOR SUBDIVISIONS – The Final Plan shall include the following:

4.3.1 – Four copies of all documents, including maps and drawings.

Maps and drawings shall be drawn to a scale of not over 100' to the inch and shall be clearly reproduced on suitable material at least 8 ½" x 11", but not larger than 34" x 44". Sheet shall have 2" left-hand margins for binding and 1" margins on the other edges.

4.3.2 – Names and addresses of the owner of record, the subdivider, the subdivision itself, names of adjoining owners, and for maps, the north point, map scale and contour interval.

4.3.3 – Copy of any deed restrictions, easements and liens covering any part of the subdivision tract.

4.3.4 – A survey map of all subdivision boundaries, interior as well exterior, to the scale specified by the Board and certified by a licensed surveyor. Corners of the tract (located on the ground by permanent monuments) shall be referenced on the map. Contour lines specified by the Board shall be shown and also soil-type boundaries by USDA Soil Conservation Service classification. Soil conditions will be identified down to one eighth acre to determine suitability for septic or public sewage disposal according to the USDA Soil Conservation Service publication, "Soil Suitability Guide for Land Use Planning in Maine".

4.3.5 – Sewage and water supply facilities shall be designed to meet these Standards and relevant State laws and regulations.

4.3.6 – Description of available utilities and of purposed facilities, including streets and their construction and joint – use areas for Town acceptance.

Article 5 – PRELIMINARY PLAN – MAJOR SUBDIVISION

5.1 – PROCESSING PRELIMINARY PLANS – MAJOR SUBDIVISIONS

5.1.1 – Within six months after the Board has classified a proposed subdivision as “Major”, the subdivider shall submit a Preliminary Plan for a Major Subdivision. (See App. 6 for sample.) Failure to do so shall require resubmission of a Sketch Plan for classification. The Preliminary Plan shall conform to the Sketch Plan and all prior preliminary information as well as to additional items requested by the Board.

5.1.2 Fee – Submission of the Preliminary Plan shall be accompanied by a fee of \$500.00 plus \$100.00 per subdivided lot, payable by check to the Town of Embden, stating on the check its purpose. (Amended 5/05/05)

5.1.3 – Public Hearing – Within 30 days after receipt of the Preliminary Plan, the board shall hold a public hearing advertised twice in a newspaper of general circulation at least a week in advance. The Subdivider shall be notice of the time and place of this hearing.

5.1.4 – Approval/Disapproval – Within 30 days after the hearing or 45 days after the Plan’s receipt, the Board shall approve, modify, or disapprove the Preliminary Plan. This action, with reasons, shall be in writing.

5.1.4 (1) – The Board shall state its reasons for modifications or disapproval in writing. The Board shall similarly give written notice of conditions for approval or of performance bond requirements in specific detail.

5.1.4 (2) – The Board shall affix its above actions to all copies of the Preliminary Plan, one of which shall be returned to the subdivider, one forwarded to the Selectmen and two retained.

5.2 FORM OF THE PRELIMINARY PLAN SUBMISSIONS – MAJOR SUBDIVISIONS

5.2.1 – Location Map – The Preliminary Plan shall include a location map (See App. 5 for sample.) drawn to a scale of not over 400 ft./inch showing the proposed subdivision and all surrounding area within a half mile AND:

5.2.1 (1) – Drawing all abutting land parcels or those across any street from the subdivision, with names of record owners.

5.2.1 (2) – Locations, widths and names of existing or proposed streets, easements, building lines and other major features of the properties in paragraph 5.2.1 (1) above.

- 5.2.1 (3) - Boundaries of public areas and zoning districts with their identification.
- 5.2.1 (4) - Outline of the subdivision streets and their probable future extensions.
- 3 5.2.2 - The Preliminary Plan shall be submitted in four copies of all its documents (including Location Map). The maps and drawings (except the Location Map) shall be drawn to scale of one inch equals not over 100 ft. The maps and drawings shall show or be separately accompanied by the following information:
 - 5.2.2 (1) - Names and addresses of: The subdivision itself, the record owner, the subdivider and the designer of the Plan.
 - 5.2.2 (2) - Sizes of lots within the subdivision, location of lot, lines, existing easements, buildings, watercourses and other major physical features currently existing.
 - 5.2.2 (3) - Provisions of any applicable zoning ordinance.
 - w 5.2.2 (4) - Location and size of any existing sewers, water mains, culverts and drains or watercourses.
 - w 5.2.2 (5) - Location, names and dimensions of existing and proposed streets, highways, easements, building lines, alleys, parks, screening strips and other public spaces.
 - w 5.2.2 (6) - Topographic contour lines at not more than five foot intervals and the grade and profile of all streets or other proposed common use areas.
 - 7 w 5.2.2 (7) - A soils report superimposed upon the plot plan showing USDA Soil Conservation Service classifications down to one eighth acre to determine suitability for individual septic or public sewage disposal. Relevant recommendations taken from the USDA Soil Cons. Serv. 'Soil Suitability Guide for Land Use Planning in Maine' will accompany the annotated plot plan.
 - 3 5.2.2 (8) - Survey map of tract boundaries with date, north point, graphic scale, bearings and distances all tied into established ground monuments and all certified by a licensed surveyor.
 - 3/ 5.2.2 (9) - Connections with existing water and sewer systems or adequate description of alternative means of providing both.
 - 2r 5.2.2 (10) - For a private sewage disposal system, there must be dates, location and results of percolation tests of subsurface soil and water conditions and depth to maximum ground water level.
 f each lot?

5.2.2 (11) – A drainage plan for storm drainage, including design and capacity of any bridges or culverts required.

5.2.2 (12) – Specific public-use areas, stating their uses.

5.2.2 (13) – Location of all natural features or site elements to be preserved.

5.2.2 (14) - An erosion control plan.

ARTICLE 6 – FINAL PLAN FOR MAJOR SUBDIVISION

6.1 – PROCESSING THE FINAL PLAN – MAJOR SUBDIVISION

6.1.1 – Within six months after approval of his Preliminary Plan, the subdivider shall submit a Final Plan. (See app. 7 for sample map.) Failure to meet this schedule may require re-submission of the Preliminary Plan.

6.1.2 – Fee – All Final Plans for Major Subdivision submitted to the Board shall be accompanied by a fee of \$500.00, payable by check to the Town of Embden, stating on the check its purpose. (Amended 5/05/05)

6.1.3 – Required Subordinate Approvals – Before the Final Plan is submitted to the Board for approval, separate written approvals must be secured from the agencies listed below, if appropriate:

6.1.3 (1) – State of Maine Department of Environmental Protection if the subdivision is larger than 20 acres, or has more than 60,000 sq. ft. of ground area in structures, or will discharge waste into any body of water, or will take natural resources from the area, or is subject to such review for any other reason.

6.1.3 (2) - Water supply systems shall be approved by:

6.1.3 (2)(a) – The servicing Water Department/District if existing public water service is to be used, or

6.1.3 (2)(b) – The Maine Department of Health and Welfare if a new central water supply system is to be provided, or

6.1.3 (2)(c) – A licensed engineer if individual wells are to be used. In this event, results of water quality tests will also be required from the Maine Department of Health and Welfare

6.1.3 (3) - Sewage disposal systems shall be approved by:

6.1.3 (3) (a) - The servicing Sanitary Sewer District if existing public disposal systems are to be used, or

6.1.3 (3) (b) - The Maine Department of Health and Welfare if either a new central sewage system or individual septic tanks are to be installed by the subdivider, or

6.1.3 (3) (c) - The Maine Department of Environmental Protection if the municipal sewage system to be used is deemed inadequate for the purpose by DEP standards, or if the discharge will be of "significant nature", or if the discharge will empty, treated or not, into any body of water.

6.1.4 - Public Hearing - Within 30 days after submission of the Final Plan, the Board shall hold a public hearing. At least ten days beforehand, the Board shall advertise this hearing: Twice in a newspaper of local circulation; by posting in at least three prominent places; and by notice to the North Kennebec Regional Planning Commission and to the Clerk of any town within a quarter mile of the subdivision.

6.1.5 - Guarantee of Performance - Before the Board approves the Final Plan, the subdivider shall, in an amount set by the Board, file with the Town Treasurer a certified check or performance bond to cover the full cost of all subdivision improvements required by the Board and these Standards. The form of any such bond or deposit shall be satisfactory to the Selectmen as to sufficiency, surety and manner of execution. For either check or bond, the Board shall inform the subdivider in writing of the specific improvements and completion dates required to avoid partial or full forfeiture of the check or bond.

6.1.6 - Approval/Disapproval of the Final Plan - Following the public hearing, and within 60 days of submission of the Final Plan, the Board shall approve it, with or without modification or conditions, or shall disapprove the Final Plan. In writing, the Board shall give reasons for modification or disapproval and/or similarly list specific conditions for conditional approval, if any.

6.2 - ELEMENTS OF THE FINAL PLAN - MAJOR SUBDIVISIONS - The Final Plan shall consist of four complete copies of all maps and documents reproduced in the same manner as was the Preliminary Plan. Space shall be reserved on the Final Plan for endorsement by all appropriate agencies. The Final Plan shall show:

6.2.1 - All the information of the Preliminary Plan with its Location Map and any amendments that were required by the Board.

6.2.2 - Name, registration number and seal of the surveyor, architect, engineer or consultant who prepared the plan.

6.2.3 - Street names and lines, pedestrian ways, lots, easements and areas to be reserved for, or dedicated to, public use.

6.2.4 - Sufficient data to locate ground reference points - The location, bearing and length of every street line, lot line and boundary and their reference points on the ground.

6.2.5 - Street Data: The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each street.

6.2.6 - Location and designation of all public open spaces for which offers of cession are made by the subdivider and those spaces to which title is reserved by the subdivider.

6.3 - THE FOLLOWING SHALL ACCOMPANY THE FINAL PLAN SUBMITTED TO THE BOARD.

6.3.1 - A written offer to deed to the Town the proposed public spaces shown on the Final Plan AND legally binding agreements specifying how spaces to be reserved by the subdivider are to be maintained.

6.3.2 - Written evidence that the Selectmen are satisfied that the documents referred to in para. 6.3.1 above are legally adequate for their purpose. Such evidence shall not constitute an acceptance by the Town of any area or facility.

6.3.3 - Itemized lists showing:

6.3.3 (1) - Construction items that will be completed by the subdivider prior to the sale of any lots.

6.3.3 (2) - Whatever construction and maintenance will be borne by the Town (assuming acceptance of the proposed items).

6.3.3 (3) - Detailed estimates of how much the projected annual costs of approving the subdivision will add to the tax burden of the Town in such categories as: Schools, school busing, road maintenance, snow removal, provision of water or disposal of sewage or storm drainage, recreation facilities, welfare, police and fire protection.

6.3.4. - A performance bond or certified check payable to the Treasurer of Embden to secure completion of the improvements required by the Board AND written evidence that the Selectmen feel that the bond/check is adequate for its purpose.

ARTICLE 7 - GENERAL REQUIREMENTS FOR SUBDIVISIONS - In reviewing any subdivision application, the Board shall consider the items listed below. In all instances the burden of proof that essential requirements are met shall be upon the subdivider.

7.1 - CONFORMITY TO LAW - Subdivisions shall conform with the Embden Comprehensive Plan and all pertinent Town and State laws, regulations and ordinances.

7.2 - ADDITIONAL NEED FOR TOWN FUNDS AND SERVICES - Approval of subdivisions may often soon require substantially expanded Town services and funding. Subdividers shall present accurate projected annual costs that the Town will incur as a consequence of approving the subdivision.

7.3 - RESERVATION OF PUBLIC USE AREAS - Recreation areas, especially athletic fields, are highly desirable. They must be suitable for the stated intended purpose. For a subdivision abutting water, adequate water frontage should be reserved for public use. Land reservations for other appropriate municipal purposes should also be weighed. In cases where the subdivision will occupy land that is needed for a municipal purpose, the Board should consider either disapproval of the application or requesting the subdivider to create a trust fund to enable the Town to purchase compensatory land in another location.

7.4 - PRESERVATION OF NATURAL AND HISTORIC FEATURES - Subdivision design should preserve existing trees, replace stripped vegetation, grade contours and streams and preserve scenic, historic or environmentally desirable areas. The street and lot layout should be adapted to the topography. Extensive grading and filling should be avoided except as necessary.

7.5 - LAND NOT SUITABLE FOR DEVELOPMENT - The Board shall not approve those portions of a subdivision that:

7.5.1 - Is located on flood plain soils, or on land which must be filled or drained, or on land created by diverting a stream.

7.5.2 - Will use septic sewage disposal on soils rated 'poor' or equivalent, or worse, by the 'Soil Suitability Guide for Land Use Planning in Maine'. (US Soil Conserv. Serv. publ.) Where soils are rated 'fair' or equivalent for septic sewage disposal, the minimum lot size shall be 40,000 sq.ft.

7.5.3 - Have structures, septic sewage disposal systems or roads (except crossings and access roads) within 250 feet of the high water mark of any pond, lake, river or large stream.

7.6 - STREET BLOCKS WITHIN SUBDIVISIONS - The length, width and shape of subdivision blocks shall be determined with due regard to zoning requirements, need for convenient access and safety of street traffic and the limitations of topography. Extra long blocks should include a crossing easement for underground utilities and pedestrians.

7.7 - LOTS WITHIN SUBDIVISIONS - Size, shape and building setback lines of lots shall be appropriate for the type of development and to ensure off-street vehicle parking. Minimum lot frontage on public streets shall be 150'. Except to provide separation from traffic arteries or overcome specific disadvantages, there shall be no double or reverse frontage lots. A planting screen easement of at least 20', across which there shall be no right of access, shall be provided along the line of lots abutting such traffic artery or disadvantageous use. In so far as practicable, side-lot boundaries shall be perpendicular or radial to street lines.

7.8 - DRAINAGE EASEMENTS - Where a stream or water drainageway crosses or adjoins a subdivision, a drainage right-of-way shall be provided of not less than 30' (15' for boundaries) along the line of drainage. To avoid flooding within lots, this easement should be as wide as required.

7.9 - UTILITY INSTALLATIONS - The size, type, location and installation of utilities such as street lights, electricity, telephone and fire alarm lines, gas, water and sewage mains and piping, fire hydrants, power transformers, etc. shall be in accord with sound practices, safety and appearance. Except where the Board authorizes otherwise, utility lines shall be underground.

7.10 - TREES AND SCREENING GROWTH TO BE PROVIDED BY SUBDIVIDER - Street trees, open green spaces and esplanades should be considered. To protect against highway and/or industrial noise, there should be a green buffer strip of at least 25' wide abutting the adjacent lots. Where any of these are required, they should be completed as the subdivision progresses.

7.11 - MANDATORY SUBDIVISION IMPROVEMENTS - Unless specifically exempted by the Board, subdivision improvements shall always include: Streets, permanent boundary monuments, water supply, sewage disposal, storm drainage, electric installation to lots, street signs, and usually, sidewalks.

ARTICLE 8 - DESIGN STANDARDS FOR SUBDIVISIONS

8.1 - BOUNDARY MONUMENTS - Permanent boundary monuments shall be set at all corners, angle points of subdivision boundaries and its lots, and at all street intersections and points of curvature. Monuments shall be stone, showing in the ground at final grade level and extending at least one and a half feet below ground. They shall be shown on the Final Plan. Holes at least one half inch deep on top of these stone shall show the boundary points.

8.2 - STREET NAMES AND SIGNS - Streets shall have the same name if they join end to end, or if in the near future they are likely to so join nearby streets. Names of new streets shall neither duplicate nor sound similar to names of existing town streets. The subdivider shall furnish and install street-name signs as directed by the Board.

8.3 - SUBDIVISION STREETS

8.3.1 - Street Classification - For purposes of these Standards, streets are classified by function as follows: Major Streets are primarily major traffic connections between and through towns; Collector Streets gather traffic from Minor Streets to feed Major Streets; Minor Streets are local streets used primarily for access to abutting properties.

8.3.2 - Street Layout

8.3.2 (1) - Where applicable, subdivision streets shall conform to the Embden Comprehensive Plan.

8.3.2 (2) - Subdivision streets shall provide safe vehicular travel while discouraging through traffic (on minor streets).

8.3.2 (3) - Street design shall consider existing streets, safety, convenience and proposed use. Grades shall ordinarily conform to original topography.

8.3.2 (4) - Where needed for dead-end streets, the Board may require a 20' wide easement to an adjacent street for pedestrians and utility lines. An enlarged vehicular turn-around area is also required at ends of dead-end streets.

8.3.2 (5) - No reserve strips shall give access to streets except as the Board may specify under Town control.

8.3.2 (6) - Streets designed for commercial use shall have at least two eight foot parking lanes and two twelve foot travel lanes.

8.3.2 (7) - Lots for commercial use shall have adequate off-street parking space, suitably surfaced.

8.3.2 - Subdivision Street Layout (con't.)

8.3.2 (8) For a subdivision bordering a railroad, the Board may require parallel street(s) suitably removed from the railroad so as to use the intervening land and also provide for future grade crossings.

8.3.2 (9) - Where a subdivision borders an existing substandard road, or when the Comprehensive Plan indicates plans for road realignment requiring some of the subdivision land, the subdivider shall identify areas for such road realignment on his Plan.

8.3.2 (10) - Where a subdivision abuts or contains an existing or proposed major street, the Board may require marginal access streets (street parallel to the major street and providing access to adjacent lots), reverse frontage (frontage on a street other than the existing or proposed major street) with screen planting contained on a non-access reservation along the rear property line, or such other treatments as may be necessary for adequate protection of residential properties and to separate through and local traffic.

8.3.2 (11) - Subdivisions having over 15 lots shall have at least two street connections with existing public streets or with streets shown on the Official Town Map, or with streets on an approved subdivision plan for which a bond has been filed.

8.3.2 (12) - Street entrances into existing or proposed collector streets shall not exceed one every 400 feet, or into existing or proposed major streets, shall not exceed one every 1000 feet.

8.3.3 - Street Design and Construction Standards

8.3.3 (1) - All subdivision streets shall be designed and constructed to the standards shown in Appendixes 9 & 10 according to how the respective streets are classified by the Board.

8.3.3 (2) - Street-edge green strips shall be banked and graded appropriately for road shoulders and as inner edges of sidewalks where required.

8.3.3 (3) - Streets shall intersect at angles greater than 60°, and at 90° where practicable.

8.3.3 (4) - Cross (four-cornered) street intersections shall be used only if essential. The distance between center lines of offset intersecting streets shall be at least 200 feet.

8.3.3 (5) - Street intersections and curves shall be designed to permit adequate visibility for both pedestrian and vehicular traffic. Corner lots will be cleared or graded to allow 25' sight lines between intersecting streets.

8.3.3 - Subdivision Street Design and Construction Standards (con't.)

8.3.3 (6) - Streets shall have adequate drainage to remove storm water without flooding or erosion of adjacent surfaces.

8.3.3 (7) - Curbs and gutters shall be installed at the discretion of the Board. These are required in 'urban areas' as defined by State Highway Commission.

8.3.3 (8) - Side slopes shall be graded less than 33 1/3% with at least six inches of compacted loam and covered with durable vegetation sufficient for both appearance and preventing erosion.

8.3.3 (9) - Streets shall be rough-graded to the full width of the right-of-way.

8.4 - SUBDIVISION PLANTING AND VEGETATION STANDARDS

8.4.1 - All esplanade and roadside planting strins shall receive at least six inches of compacted loam free of sods, clay and stones larger than one inch. Base material shall be revoved prior to placement of topsoil. These areas shall be spread with ten lbs. of lime and two lbs. of 10-10-10 fertilizer per 100 sq.ft. and seeded with durable permanent lawn grasses.

8.4.2 - Suitable shade trees shall be planted along roadways and other areas as required by the Board.

8.4.3 - Trees originally growing within the subdivision shall be left undisturbed where feasible in order to screen, control erosion and for appearance.

8.5 - SUBDIVISION SIDEWALKS shall be installed by the subdivider where the subdivision abuts a major street and elsewhere as required by the Board for safety, convenience and appearance.

8.6 - SUBDIVISION WATER SUPPLY

8.6.1 - Every subdivision shall have a public water supply system with adequate fire hydrants unless specifically exempted by the Board.

8.6.1 (1) - The appointed Engineer, the Water Company or other valid authority shall certify that the public water supply: Meets PHS 'Drinking Water Standards, 1962'; will have at least 350 gallons per day for all planned residences; and will have adequate storage to meet peak demands and adequate pressure for fire protection AND will not unduly burden the supply source, treatment facilities or distribution system.

8.6.1 (2) - The public water supply system shall have mains at least six inches in diameter and shall comply with the requirements of the State Department of Health and Welfare and 'Manual for Evaluating Public Drinking Water Supplies' (PHS #1180, 1969).

8.6.2 - Individual wells may be used only with specific authority of the Board when a public water system is not feasible and private wells would have adequate supply and not risk contamination. In such cases, the subdivider shall install wells on all lots. Dug wells may be used only when no other type is practicable.

8.7 - SEWAGE DISPOSAL SYSTEM(S) SHALL BE INSTALLED FOR ALL LOTS

8.7.1 - Individual septic sewage for each lot may be approved when a central system is not feasible. However, no septic sewage disposal system shall be allowed in soils rated 'poor' or equivalent or worse by the 'Soil Suitability Guide for Land Use Planning in Maine' (US Soil Conserv. Serv. publ.)

8.7.2 - All sewage disposal plans shall be designed by an engineer in compliance with the requirements of the State Plumbing Code and the Department of Environmental Protection.

8.7.3 - Where a public sanitary sewer line is nearby, if the appropriate sewer authorities permit, the subdivider shall connect the subdivision to the existing sewer with mains at least eight inches in diameter.

8.8 - SUBDIVISION SURFACE DRAINAGE

8.8.1 - The surface drainage plan shall show ditching, culverts, drainage easements and other proposed improvements accompanied by an engineer's certificate that the proposed subdivision will not create erosion or drainage problems either within the subdivision or out.

8.8.2 - Drainage easements (See paragraph 7.8)

8.8.3 - Soil erosion shall be prevented by maintaining existing vegetation and reseeding scarred areas.

8.8.4 - To prevent shoreline erosion, tree cutting from the shore to 50' inland from the normal high water mark shall be limited by no more than 30% clear-cutting along the shoreline itself or in the 50' - deep strip behind the shore. In the remaining 70% percent of the shoreline strip, cutting shall leave sufficient cover to preserve natural beauty and control erosion.

8.9 - SUBDIVISION TOPSOIL is part of the subdivision and except for surplus from roads, parking areas and building excavations, it shall be left on-site.

ARTICLE 9 - APPROVAL AND FILING OF FINAL SUBDIVISION PLANS - Upon satisfactory completion of the requirements of Article 6 of these Standards and appropriate notation of that on the Final Plan, it shall be signed by a majority of the Board members. The subdivider shall record the approved Final Plan with the Somerset County Registry of Deeds. Any such Plan not recorded within 90 days from its date of approval shall be null and void. The Board shall file an additional copy of the Final Plan with the Selectmen and shall retain a copy for the Board's files.

ARTICLE 10 - REVISION OF FINAL PLANS - Once approved by the Board, a Final Plan cannot be changed unless the Board so votes. A Plan changed without authorization shall be null and void, and if already recorded, the Board shall take immediate action to have that Plan stricken from the County Registry of Deeds and Town files. Authorized amendments to an approved Plan must be signed by a majority of the Board and then filed and recorded as in Article 9 above.

ARTICLE 11 - INSPECTION AND COMPLETION OF REQUIRED SUBDIVISION IMPROVEMENTS

11.1 - INSPECTION OF IMPROVEMENTS

11.1.1 - To ensure compliance with the Final Plan, the Board shall appoint an engineer as its Inspector over subdivision improvements.

11.1.2 - Work on improvements shall not begin without the Inspector in attendance except as exempted by the Board or the Inspector.

11.1.3 - When necessary to ensure compliance with the Final Plan, inspection of improvements shall be continuous. (As when laying road base, for example.) Some other improvements may be reasonably inspected upon completion of each item.

11.1.4 - The Inspector shall keep the Board regularly informed of the progress of subdivision improvements. Of items not being constructed according to the Plan and not immediately corrected by the subdivider, the Inspector will report to the Board without delay.

11.1.5 - If the Inspector finds that minor modifications are desirable, he may, after receiving oral approval from the Board, authorize such modifications. All these must be within the intent of the Board's approval of record. Any such modifications the Inspector authorizes under this section shall be given in writing, a copy of which shall be given to the Board at its next regular meeting, or by certified mail, whichever is quicker.

11.1 - INSPECTION OF IMPROVEMENTS (con't.)

11.1.6 - When the Inspector is satisfied that the improvements required by the Final Plan have been satisfactorily completed in compliance with these Standards and all applicable State and Town laws, regulations and ordinances, he shall so certify this to the Board in writing.

11.2 - INSPECTION DEPOSIT

11.2.1 - The subdivider shall pay a separate inspection deposit ten days before beginning work on subdivision improvements. This deposit shall equal twice the estimated cost of subdivision inspection by the Board's appointed engineer. The deposit shall be paid by check to the Town of Embden, stating thereon its purpose.

11.2.2 - Compensation for the Inspector at normal rates shall be paid to him from this deposit monthly.

11.2.3 - Whenever the inspection deposit is reduced to 15% of the original amount, the subdivider shall file another such check for the same purpose, equal to 50% of the original amount.

11.2.4 - The balance left in the deposit account after all proper payments to the inspector shall be returned to the subdivider after all subdivision improvements have been satisfactorily completed as determined by the Board.

11.3 - WHEN AFTER DUE WARNING, THE SUBDIVIDER FAILS TO COMPLY with the requirements of the Final Plan and these Standards, the Board shall notify the Selectmen so as to protect the Town's rights under the performance bond/certified check.

11.4 - COMPLETION OF REQUIRED IMPROVEMENTS - When the subdivider satisfactorily completes all improvements required by the Final Plan and these Standards, and the Board holds the Inspector's certification mentioned in paragraph 11.1.6 above, the Board will ask the Selectmen to release the subdivider from liability under his performance bond or deposit, providing that such completion occurred within the appropriate deadline date(s).

ARTICLE 12 - ENFORCEMENT

12.1 - NO RECORDING SUBDIVISION DEEDS BEFORE APPROVAL - No subdivision of Embden land as defined herein shall be filed with the Somerset County Registry of Deeds until a Final Subdivision Plan thereof has been approved by the Embden Planning Board.

12.2 - NO DEVELOPMENT WORK BEFORE APPROVAL - No subdivision development work of any nature shall begin until approved by the Embden Planning Board.

12.3 - NO UTILITY CONNECTIONS WITHOUT APPROVAL - Unless a Final Plan has been approved for a subdivision by the Embden Planning Board, no part of the subdivision shall be connected or serviced by any public utility. (See App. 8 for sample Utility Service Form.)

12.4 - NO OFFERING TO SELL WITHOUT APPROVAL - No person may sell, lease or convey for consideration, or offer or agree to sell, lease or convey for consideration, any land in a subdivision in Embden until the Final Plan for that subdivision shall have been approved by the Embden Planning Board.

12.5 - PENALTIES - Any person who sells, leases or conveys for consideration, or offers or agrees to sell, lease or convey for consideration, any land in a subdivision in Embden for which the Final Plan has not been approved by the Embden Planning Board and properly recorded in the Somerset County Registry of Deeds shall be punished by a fine of up to \$10,000.00 for each such sale, lease, conveyance for consideration or offering or agreement for same. The Selectmen shall take action to enjoin violation of this Article and initiate complaints of criminal action.

(Amended November 19, 1988)

ARTICLE 13 - PUBLIC ACCEPTANCE OF SUBDIVISION STREETS AND PUBLIC AREAS

13.1 - SUBDIVISION APPROVAL DOES NOT NECESSITATE PUBLIC ACCEPTANCE - The Board's approval of a subdivision shall in no way obligate the Town to accept any street, easement, area or facility shown on a subdivision plan.

13.2 - AGREEMENT TO DEED AREAS TO THE TOWN - The Board may require a subdivider to submit a written agreement to deed to the Town those areas he proposes that the Town accept.

13.3 - ONLY TOWN MEETING CAN ACCEPT PROPERTY - The Town can accept areas or facilities offered by subdividers only by vote of the Embden Town Meeting. The Board cannot bind the Town otherwise.

ARTICLE 14 - ACTION WHEN ANOTHER PLAN IS IN DEFAULT - The Board shall neither consider nor receive any additional plan(s) from a subdivider who is in default on a Final Plan already approved by the Board.

ARTICLE 15 - WAIVERS - Where these Standards work undue hardship, or where there are special compensating circumstances of a particular Plan, the Board may waive compliance with specific sections of Articles 3-8 herein, provided that such waiving does not prejudice the public interest, nullify the intent of the Town Map, Comprehensive Plan or Zoning Ordinance, or applicable State laws and regulations. In granting such waivers, the Board shall require any conditions necessary to satisfy the intent of the waived sections of these Standards.

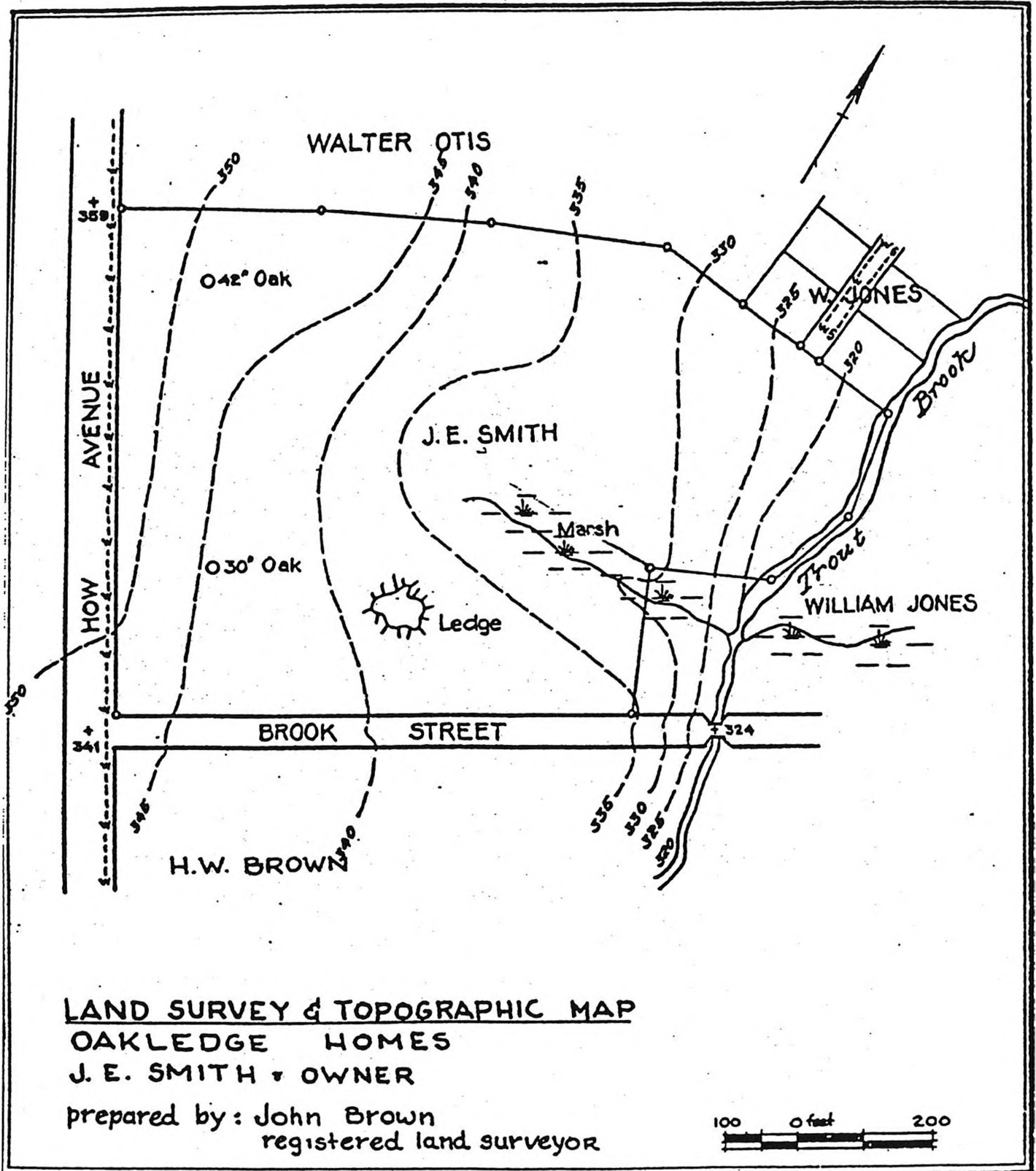
ARTICLE 16 - MODIFICATION OF THESE STANDARDS - After an appropriate public hearing given proper public notice of at least one week, reasonable additions may be made to these Standards. Such additions shall govern subdivision control until approved, amended, replaced or disapproved by the Town Meeting.

ARTICLE 17 - APPEALS - Except for Shoreline Zoning matters, subsidiary subdivision decisions of the Planning Board may be appealed to the Embden Board of Appeals as provided in Title 30, Section 2411 M.R.S.A. Subdivision decisions affecting jurisdiction of the Shoreline Zoning Ordinance shall be separately appealed as provided therein.

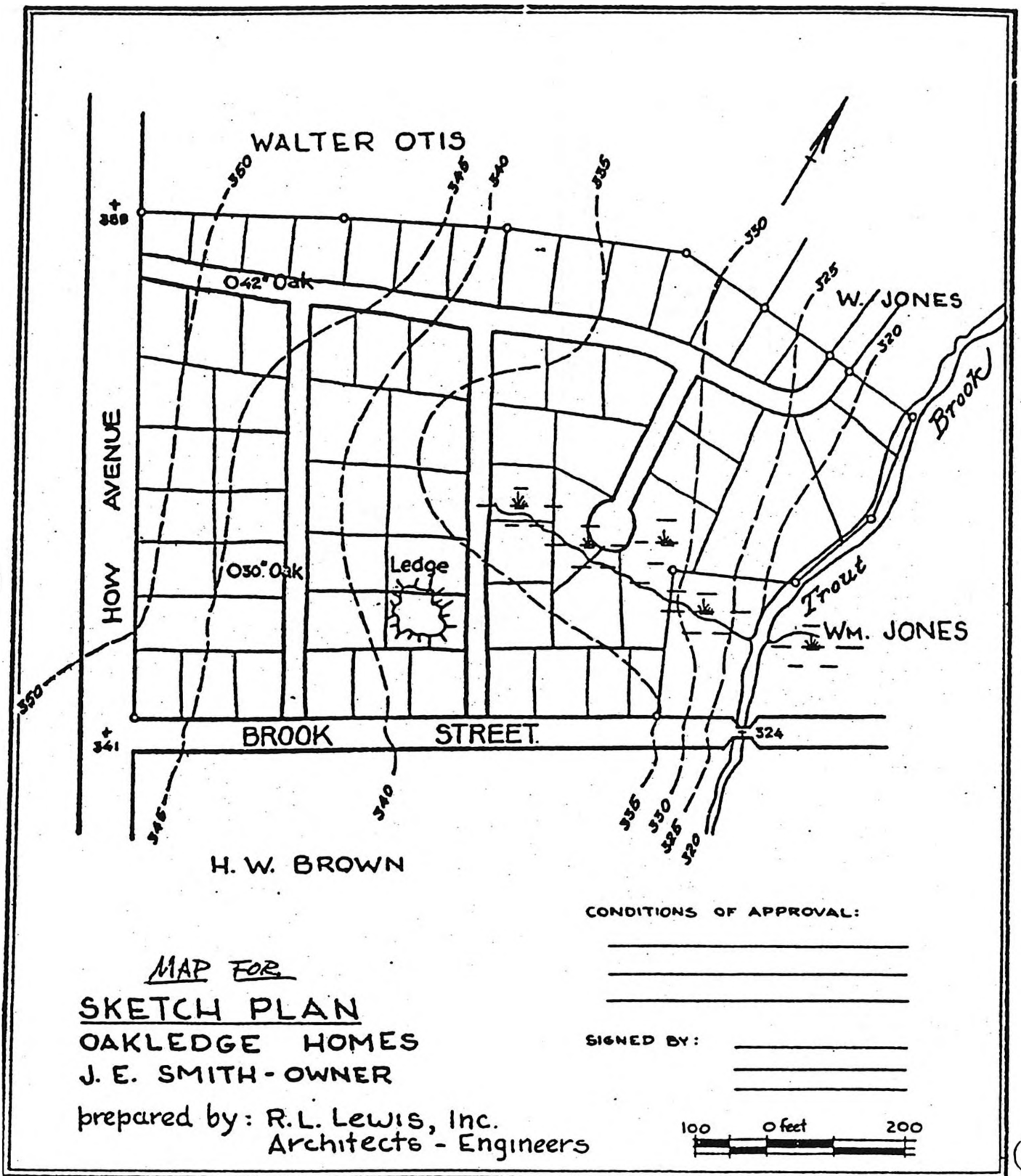
ARTICLE 18 - SEPARABILITY - The rendering of any particular provision of these Standards invalid shall not, of itself, invalidate any other provision of these Subdivision Standards.

ARTICLE 19 - EFFECTIVE DATE - These Standards are effective upon adoption by the Planning Board. The next following Town Meeting shall approve, modify or disapprove these Standards.

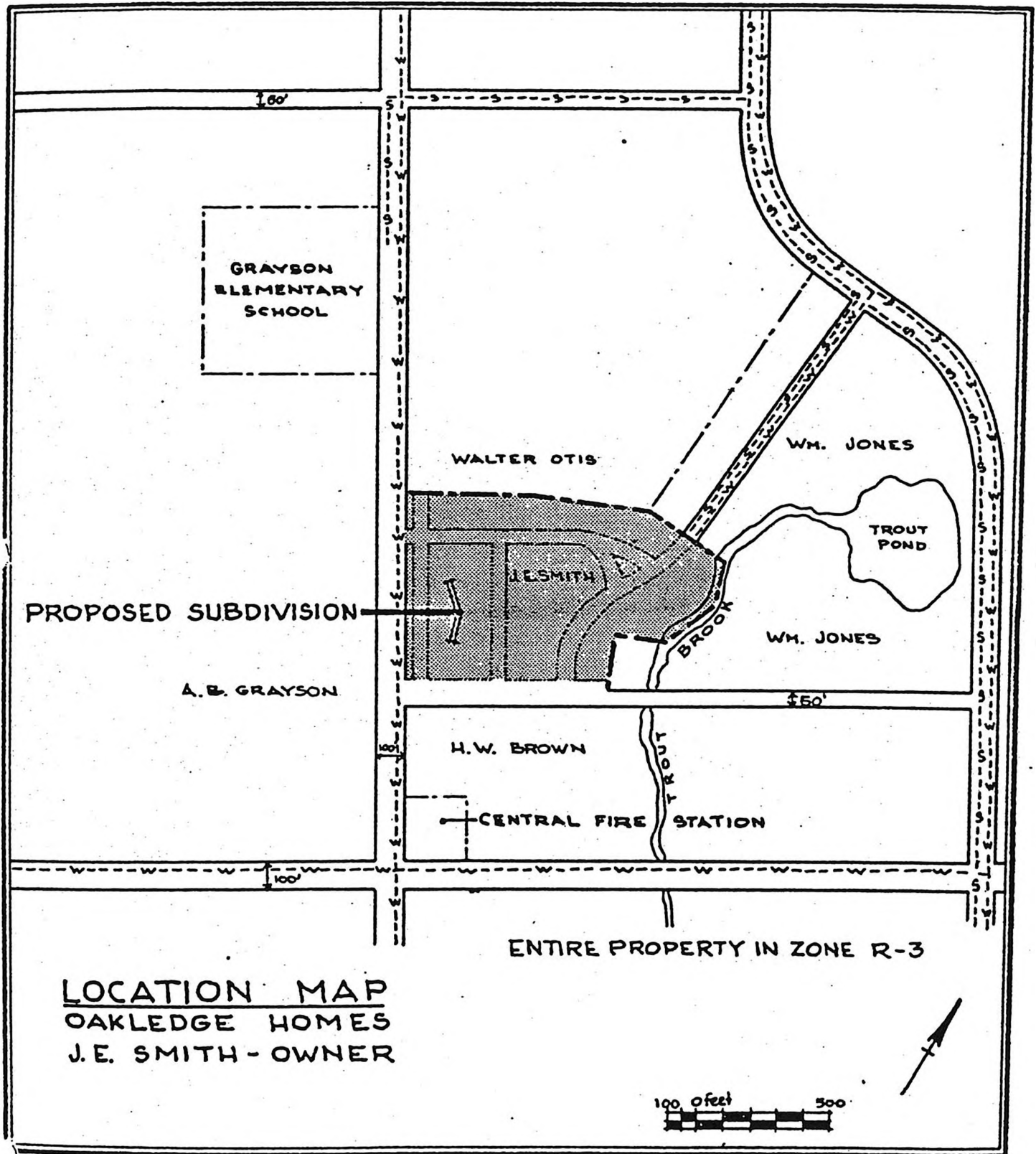
(Sample)
LAND SURVEY AND TOPOGRAPHIC MAP*



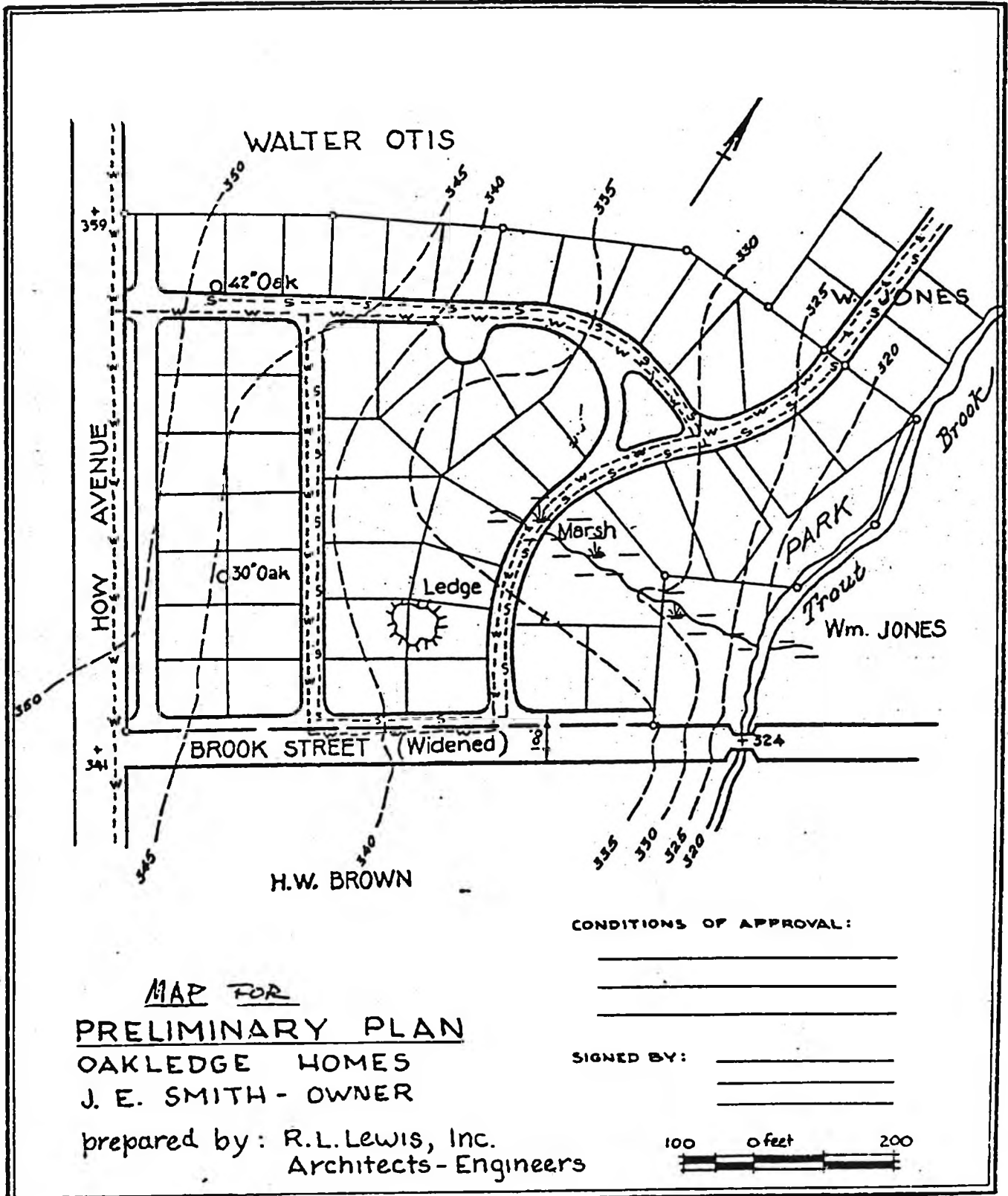
(Sample)
SKETCH PLAN*

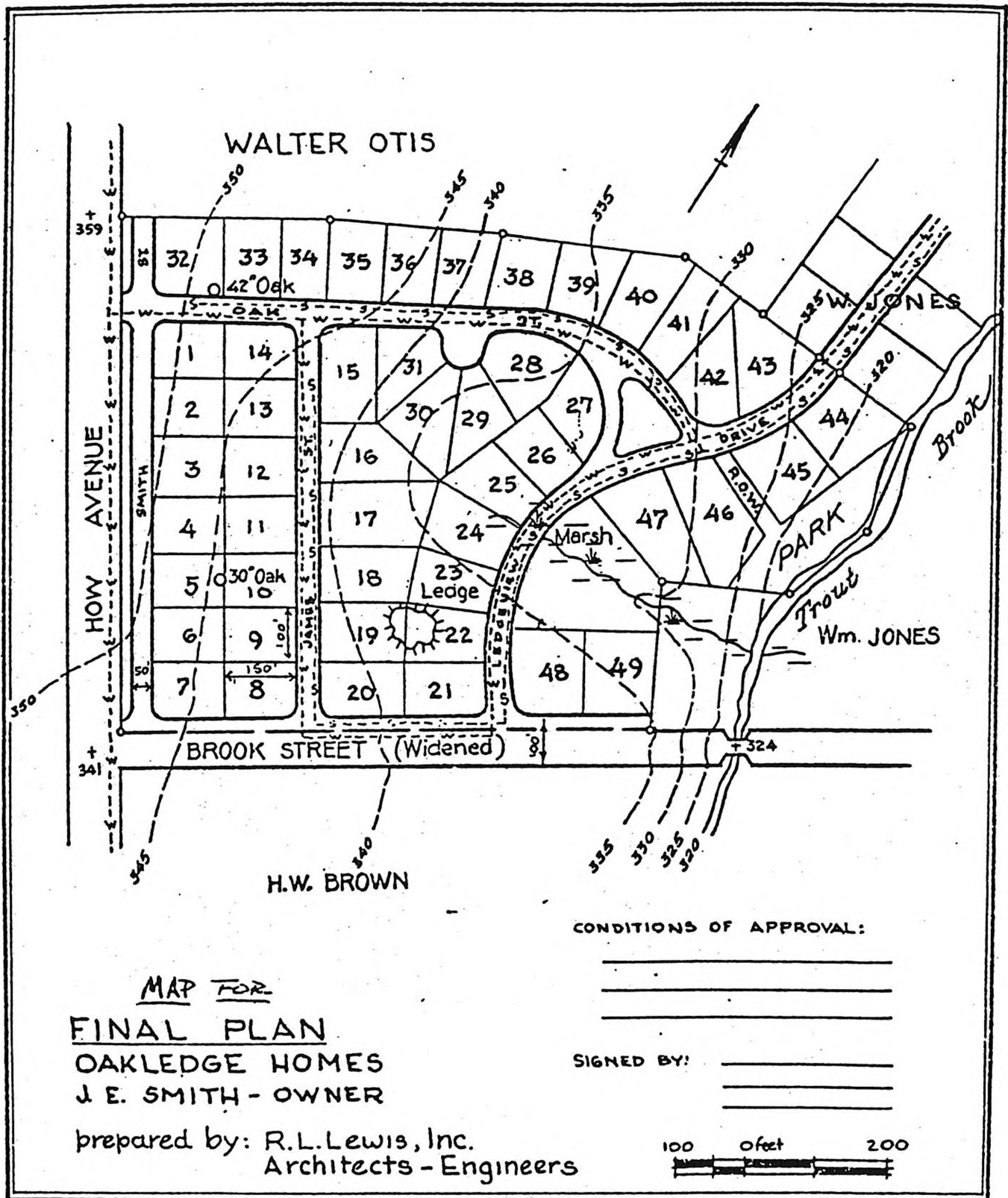


(Sample)
LOCATION MAP*



(Sample)
 PRELIMINARY PLAN
 After Review of Sketch Plan*



(Sample)
FINAL PLAN*

(Sample)
UTILITY SERVICE FORM*

TO: Applicants for Electric Service (or Developers of a Subdivision)

FROM: Central Maine Power Company

Chapter 454 of the Public Laws of Maine of 1971, effective September 23, 1971, amended 30 M.R.S.A., Section 4956 to provide that "No public utility . . . or any utility company of any kind shall serve any lot in a subdivision for which a plan has not been approved." A "subdivision" is defined by law as the division of a parcel of land into three or more lots for the purpose of sale, development, or building. The required approval must come from the Planning Board in your municipality, or if there is no Planning Board, from the municipal officers.

In order to assure both yourself and Central Maine Power Company that the provisions of this new law have been complied with so that the Company may be able to render you adequate service, you should have the form below filled out by the Planning Board (or the municipal officers if there is no Planning Board) in your municipality and return it to the Company's local office as soon as possible.

We sincerely appreciate your cooperation in helping us to provide you with electric service.

_____, 197 _____

This is to certify that _____ has presented to us information concerning the parcel of land at _____

_____ to which an electric service extension by _____
(City or Town) (Street or Road)

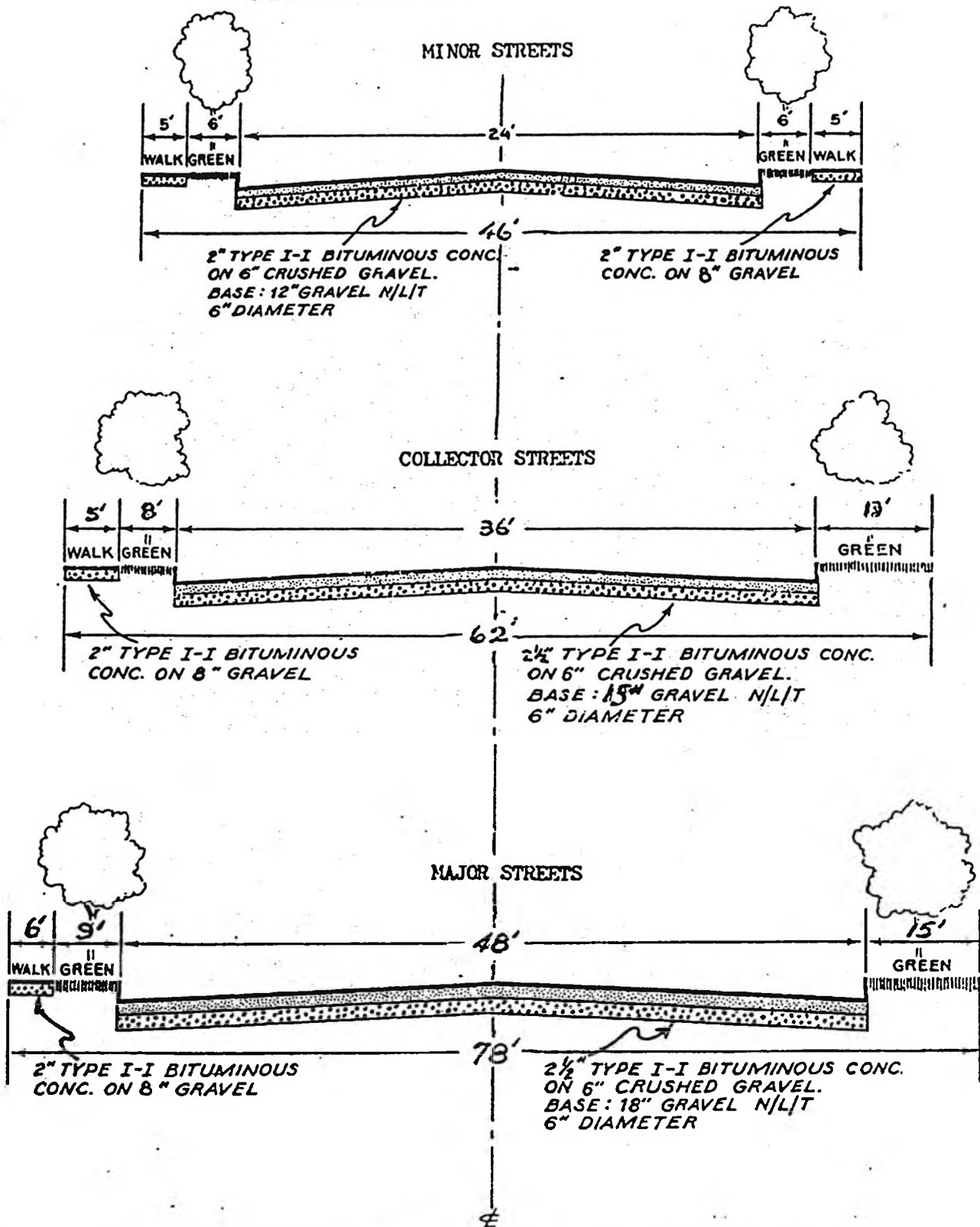
Central Maine Power Company is requested. We further certify that said premises to be served are (check one):

1. Not part of a subdivision as defined in Title 30 M.R.S.A., Section 4956; or
2. Are part of a subdivision as defined in Title 30 M.R.S.A., Section 4956 for which approval has been obtained from the Municipal Planning Board, or in the absence thereof, the Municipal Officers. A copy of the order approving the subdivision is attached. An approved plan has been filed in the _____ County Registry of Deeds, Plan Book _____, Page _____.

TOWN (CITY) OF _____

By Its Authorized Officials

MINIMUM STREET REQUIREMENTS - SECTION VIEWS



Sidewalk and "green strip" minimums as shown when sidewalks are required.

Sidewalks may be required on only one side of the street, or both sides, or none.

DESIGN AND CONSTRUCTION STANDARDS FOR STREETS

<u>ITEM</u>	<u>Major Streets</u>	<u>Collector Streets</u>	<u>Minor Streets</u>
1. Minimum Width - Total	78'	62'	46'
2. Minimum Width of Pavement	48'	36'	24'
3. Minimum Grade5%	.5%	.5%
4. Maximum Grade	5%	7%	10%
5. Maximum Grade at Intersections	3% w/in 200'	3% w/in 125'	3% w/in 50'
6. Grade Changes Permit Unobstructed View for at Least	400'	300'	200'
7. Minimum Angle at Intersections	60%	60%	60%
8. Width of Shoulders (Minimum)	9'	8'	7'
9. Minimum Center-line Radius on Curves	800'	400'	200'
10. Minimum Tangent Length between Reverse Curves	300'	200'	100'
11. Minimum Depth of Road Base	24"	21"	18"
12. Road Sub-Base, Bank Gravel, Minimum Depth	18"	15"	12"
13. Road Upper-Base, Crushed Gravel Minimum Depth	6"	6"	6"
14. Road Surface - Depth of Bituminous Paving	2½"	2½"	2"
15. Road Crown, Minimum	¼"/ft.	¼"/ft.	¼"/ft.
16. Sidewalks, Minimum Width (Where required)	6'	5'	5'
17. Sidewalks, Depth of Gravel Base	8"	8"	8"
18. Sidewalks, Depth of Bituminous Paving	2"	2"	2"
19. Dead-End Streets, Minimum Width - Total			46'
20. Dead-End Streets, Maximum Length			600'
21. Dead-End Streets, Radius of Turn-Around at End Property Line Minimum			65'
Pavement Minimum			50'
22. Curb Radius at Intersections 90° Intersections	25'	25'	25'
Intersections Less Than 90°	30'	30'	30'

* In addition to minimum pavement width, all streets in a mobile home park shall have a cleared area (no obstructions over two feet high) totalling 40' wide within the right-of-way to provide for maneuvering of mobile homes.

Art. 49. To see if the inhabitants will vote to amend the Embden Real Estate subdivision standards as follows:

Under ARTICLE 2 - DEFINITIONS delete the definition for "Subdivision" in its entirety and substitute the following therefor:

Subdivision:

1. A subdivision is a tract or parcel of land divided into three or more pieces or lots.
 - a. The division may be by sale, lease, development, building, gift or otherwise.
 - b. A parcel of land includes all adjoining land of the same ownership.
 - c. The "three or more" pieces or lots can include lots divided by a former owner.
 - d. A lot created before subdivision status existed for that location is exempt from subdivision regulation. However, that lot shall be counted within a subsequent subdivision which contains that lot.
~~contains that lot.~~
Contains that lot.
 - e. Shopping centers, condominiums, apartment houses, mobile home parks, camping areas and the like shall be considered subdivisions if three or more of their proposed units or segments possess interest in the underlying ground.
2. Exceptions to the subdivision "three or more" count include:
 - a. Lots duly made and recorded in the Somerset County Registry of Deeds more than five years previously.
 - b. Lots created by inheritance, governmental seizure or order of a court.
 - c. Lots given to relatives by blood, marriage or adoption and lots conveyed to an abutting landowner, unless the intent of such transfers is to avoid the provisions of this ordinance. Lots separated by a road, unless the road was made by the owner of the land on both sides of it.
 - d. Lots conveyed to the Town of Embden or to the School District #74.

4.2 – PROCESSING APPLICATIONS – MINOR SUBDIVISIONS (con't.)

4.2.2 – Fees - All Submissions of final plans for minor subdivision shall be accompanied by a fee of \$250.00 plus \$100.00 per subdivided lot, payable by check to the Town of Embden, stating on the check its purpose. (Amended 5/05/05)

4.2.3 – Public Hearing – Within 30 days from receipt of the Final Plan, the board shall hold a public hearing advertised twice in a newspaper of general circulation at least a week in advance. The Subdivider shall be notified of the time and place of this hearing.

4.2.4 – Approval/Disapproval – Within 30 days after the hearing or 45 days after receipt of the Plan, the Board shall approve, modify or disapprove the Final Plan. Reasons for any action taken shall be stated in writing.

4.3 – FORM OF APPLICATIONS – MINOR SUBDIVISIONS – The Final Plan shall include the following:

4.3.1 – Four copies of all documents, including maps and drawings.

Maps and drawings shall be drawn to a scale of not over 100' to the inch and shall be clearly reproduced on suitable material at least 8 ½" x 11", but not larger than 34" x 44". Sheet shall have 2" left-hand margins for binding and 1" margins on the other edges.

4.3.2 – Names and addresses of the owner of record, the subdivider, the subdivision itself, names of adjoining owners, and for maps, the north point, map scale and contour interval.

4.3.3 – Copy of any deed restrictions, easements and liens covering any part of the subdivision tract.

4.3.4 – A survey map of all subdivision boundaries, interior as well exterior, to the scale specified by the Board and certified by a licensed surveyor. Corners of the tract (located on the ground by permanent monuments) shall be referenced on the map. Contour lines specified by the Board shall be shown and also soil-type boundaries by USDA Soil Conservation Service classification. Soil conditions will be identified down to one eighth acre to determine suitability for septic or public sewage disposal according to the USDA Soil Conservation Service publication, "Soil Suitability Guide for Land Use Planning in Maine".

4.3.5 – Sewage and water supply facilities shall be designed to meet these Standards and relevant State laws and regulations.

4.3.6 – Description of available utilities and of proposed facilities, including streets and their construction and joint – use areas for Town acceptance.

Article 5 – PRELIMINARY PLAN – MAJOR SUBDIVISION

5.1 – PROCESSING PRELIMINARY PLANS – MAJOR SUBDIVISIONS

5.1.1 – Within six months after the Board has classified a proposed subdivision as “Major”, the subdivider shall submit a Preliminary Plan for a Major Subdivision. (See App. 6 for sample.) Failure to do so shall require resubmission of a Sketch Plan for classification. The Preliminary Plan shall conform to the Sketch Plan and all prior preliminary information as well as to additional items requested by the Board.

5.1.2 Fee – Submission of the Preliminary Plan shall be accompanied by a fee of \$500.00 plus \$100.00 per subdivided lot, payable by check to the Town to Embden, stating on the check its purpose. (Amended 5/05/05)

5.1.3 – Public Hearing – Within 30 days after receipt of the Preliminary Plan, the board shall hold a public hearing advertised twice in a newspaper of general circulation at least a week in advance. The Subdivider shall be notice of the time and place of this hearing.

5.1.4 – Approval/Disapproval – Within 30 days after the hearing or 45 days after the Plan’s receipt, the Board shall approve, modify, or disapprove the Preliminary Plan. This action, with reasons, shall be in writing.

5.1.4 (1) – The Board shall state its reasons for modifications or disapproval in writing. The Board shall similarly give written notice of conditions for approval or of performance bond requirements in specific detail.

5.1.4 (2) – The Board shall affix its above actions to all copies of the Preliminary Plan, one of which shall be returned to the subdivider, one forwarded to the Selectmen and two retained.

5.2 FORM OF THE PRELIMINARY PLAN SUBMISSIONS – MAJOR SUBDIVISIONS

5.2.1 – Location Map – The Preliminary Plan shall include a location map (See App. 5 for sample.) drawn to a scale of not over 400 ft./inch showing the proposed subdivision and all surrounding area within a half mile AND:

5.2.1 (1) – Drawing all abutting land parcels or those across any street from the subdivision, with names of record owners.

5.2.1 (2) – Locations, widths and names of existing or proposed streets, easements, building lines and other major features of the properties in paragraph 5.2.1 (1) above.

5.2.2 (11) – A drainage plan for storm drainage, including design and capacity of any bridges or culverts required.

5.2.2 (12) – Specific public-use areas, stating their uses.

5.2.2 (13) – Location of all natural features or site elements to be preserved.

5.2.2 (14) - An erosion control plan.

ARTICLE 6 – FINAL PLAN FOR MAJOR SUBDIVISION

6.1 – PROCESSING THE FINAL PLAN – MAJOR SUBDIVISION

6.1.1 – Within six months after approval of his Preliminary Plan, the subdivider shall submit a Final Plan. (See app. 7 for sample map.) Failure to meet this schedule may require re-submission of the Preliminary Plan.

6.1.2 – Fee – All Final Plans for Major Subdivision submitted to the Board shall be accompanied by a fee of \$500.00, payable by check to the Town of Embden, stating on the check its purpose. (Amended 5/05/05)

6.1.3 – Required Subordinate Approvals – Before the Final Plan is submitted to the Board for approval, separate written approvals must be secured from the agencies listed below, if appropriate:

6.1.3 (1) – State of Maine Department of Environmental Protection if the subdivision is larger than 20 acres, or has more than 60,000 sq. ft. of ground area in structures, or will discharge waste into any body of water, or will take natural resources from the area, or is subject to such review for any other reason.

6.1.3 (2) - Water supply systems shall be approved by:

6.1.3 (2)(a) – The servicing Water Department/District if existing public water service is to be used, or

6.1.3 (2)(b) – The Maine Department of Health and Welfare if a new central water supply system is to be provided, or

6.1.3 (2)(c) – A licensed engineer if individual wells are to be used. In this event, results of water quality tests will also be required from the Maine Department of Health and Welfare

TOWN OF EMBDEN, MAINE

ENACTMENTS OF SPECIAL TOWN MEETING OF 9 DECEMBER 1972 WHICH
AUTHORIZED THE ESTABLISHMENT OF THE EMBDEN PLANNING BOARD

AMENDED 6 MARCH 1976

ARTICLE 2: Establishment of the Embden Planning Board

1. Establishment pursuant to M.R.S.A. VIIIa & XXX, Paragraph 1917: The Town of Embden hereby establishes the Embden Planning Board.
2. Appointments
 - a. Appointments to the Board shall be made by the Municipal Officers.
 - b. The Board shall consist of five members and two associate members.
 - c. The term of each member shall be five years, except for the initial appointments, which shall be for one, two, three, four and five years respectively. The term of office of an associate member shall be one year.
 - d. When there is a permanent vacancy, the municipal officers shall within 60 days of its occurrence appoint a person to serve for the unexpired term.
 - e. Not more than one municipal officer may serve as a member or associate member.
 - f. No non-residents of the Town of Embden may serve as a member or associate member.
 - g. (1) A Planning Board member may be removed by the municipal officers at any time for cause.
(2) Causes for removal shall be continued failure to attend meetings, refusal to not vote on matters wherein the member has a clear conflict of interest, sickness-both physical and mental, and conduct unsuited to a Town official.
(3) The municipal officers shall act on such removal only after cause for removal has been filed with them by one or more of the Planning Board or by public petition.
(4) The municipal officers shall not act to remove a member of the Planning Board for cause without first giving such member an opportunity to be heard, and further, until a public hearing shall have been held on the matter.
3. Organization and rules
 - a. The Board shall elect a chairman and secretary from among its members and create and fill such other offices as it may determine. The term of all offices shall be one year with eligibility for reelection.
 - b. When a member is unable to act because of interest, physical incapacity, absence, or any other reason satisfactory to the chairman, the chairman shall delegate an associate member to sit in his stead.
 - c. An associate member may attend all meetings of the Board and participate in its proceedings, but may vote only when he has been designated by the chairman to sit for a member.
 - d. Any question of whether a member shall be disqualified on voting on a particular matter shall be decided by majority vote of the members except the member who is being challenged.
 - e. The chairman shall call at least one regular meeting of the Board each three months.
 - f. No meeting of the Board shall be held without a quorum consisting of three members or associate members.
 - g. The Board shall adopt policies for transaction of business and the secretary shall keep a record of its resolutions, transactions, correspondence, findings and determinations. All records shall be deemed public and may be inspected at reasonable times.
4. Duties, Powers.
 - a. The Board shall prepare a Comprehensive Plan as defined by XXX M.R.S.A., paragraph 4961. A Comprehensive Plan that is adopted by the Board shall control until superseded by provisions adopted by the Town legislative body.
 - b. The Board shall perform such duties and exercise such powers as are provided by Town ordinances and the laws of the State of Maine.
 - c. The Board may obtain goods and services necessary to its proper function within the limits of the appropriations made for the purpose.
 - d. The Board may, either alone or altogether with the municipal officers, be authorized to enter into contracts with Federal, State or private agencies for the purpose of making studies concerning municipal affairs.
 - e. The Board shall have no legislative authority except that conferred upon it by the Town from time to time through specific acts and ordinances.