

2016

# Washington Maine Selected Ordinances

Washington (Me.). Municipal Officials

Follow this and additional works at: <https://digitalcommons.library.umaine.edu/towndocs>



Part of the [Public Affairs, Public Policy and Public Administration Commons](#)

---

## Repository Citation

Washington (Me.). Municipal Officials, "Washington Maine Selected Ordinances" (2016). *Maine Town Documents*. 7045.  
<https://digitalcommons.library.umaine.edu/towndocs/7045>

This Plan is brought to you for free and open access by DigitalCommons@UMaine. It has been accepted for inclusion in Maine Town Documents by an authorized administrator of DigitalCommons@UMaine. For more information, please contact [um.library.technical.services@maine.edu](mailto:um.library.technical.services@maine.edu).

Town of Washington

# **Board of Assessment Review Ordinance**

Enacted 27 March 1987

Amended 31 March 2001

To designate the Board of Appeals as the Board of Assessment Review as provided by 30A MRSA Section 2526, Paragraph 6E.



# **TOWN OF WASHINGTON, MAINE**

## **BOARD OF APPEALS ORDINANCE**

**ADOPTED**

**29 MARCH, 2013**

**This is to certify that this ordinance was adopted by a majority of the secret ballot vote on Article 4 at the Annual Town Meeting held March 29, 2013.**

**True and attested copy:**

# **Town of Washington, Maine - Board Appeals Ordinance**

---

## **Board of Appeals Ordinance**

### **Section 1      Establishment**

There is hereby established a board of appeals pursuant to 30-A M.R.S.A. § § 2691 and 3001.

### **Section 2      Appointment**

- 2.1. Members of the board of appeals shall be appointed by the municipal officers, who shall determine their compensation, and shall be sworn by the municipal clerk or other person authorized to administer oaths.
- 2.2. The board shall consist of five (5) regular members and two (2) alternate members.
- 2.3. Regular members shall serve five (5) year staggered terms. Alternate board members shall be appointed for one year terms.
- 2.4. When there is a permanent vacancy, the municipal officers shall appoint a person to serve for the unexpired term. A vacancy shall occur upon the resignation or death of any member, or when a member fails to attend four (4) consecutive regular meetings without a reasonable excuse, or when a member ceases to be a legal resident of the municipality. The municipal officers may remove members of the board of appeals by majority vote, after providing notice and an opportunity for a hearing.
- 2.5. Neither a municipal officer nor his or her spouse may serve as a member or alternate member of the board of appeals.
- 2.6 The municipal officers may dismiss a member of the board for cause before the member's term expires.

### **Section 3      Organization, Rules, and Procedures**

- 3.1. The board shall elect a chairperson and a secretary from among its full voting members and create and fill such other offices as it may determine. The term of all offices shall be one (1) year with eligibility for reelection. The board shall elect annually a chairperson and a secretary from its membership
- 3.2. When a member is unable to act because of interest, physical incapacity, absence or any other reason satisfactory to the chairperson, the chairperson shall designate an alternate member to sit in his or her place.
- 3.3. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member who is being challenged.
- 3.4. An alternate member may attend all meetings of the board. He/she may ask questions or offer comments and may make and second motions and vote only when he or she has been designated by the chairperson to sit for a member.
- 3.5. The chairman shall call meetings of the board as required. The chairman shall also call meetings of the board when requested to do so by a majority of the members or by the municipal officers. A quorum of the board necessary to conduct an official board meeting must consist of at least a majority of the board's members. The chairman shall preside at all meetings of the board and be the official spokesman of the board. No action shall be taken by the board without at least three (3) concurring votes on the issue before the



## Town of Washington, Maine - Board Appeals Ordinance

---

board. Notice of regular, special and emergency meetings shall be given in accordance with the Maine Freedom of Access Act.

- 3.6. The secretary shall maintain a permanent record of all board meetings and all correspondence of the board. The secretary is responsible for maintaining those records which are required as part of the various proceedings which may be brought before the board. All records to be maintained or prepared by the secretary are public records. They shall be filed in the municipal clerk's office and may be inspected at reasonable times.
- 3.7 The board may receive any oral or documentary evidence but shall provide as a matter of policy for the exclusion of irrelevant, immaterial or unduly repetitious evidence. Every party has the right to present the party's case or defense by oral or documentary evidence, and to submit rebuttal evidence.
- 3.8 The transcript or tape recording of testimony, if such a transcript or tape recording has been prepared by the board, and the exhibits, together with all papers and requests filed in the proceeding, constitute the public record. All decisions become a part of the record and must include a statement of findings and conclusions, as well as the reasons or basis for the findings and conclusions, upon all the material issues of fact, law or discretion presented and the appropriate order, relief or denial of relief. Notice of any decision must be mailed or hand delivered to the petitioner, the petitioner's representative or agent, the planning board, agency or office and the municipal officers within 7 days of the board's decision.
- 3.9 The board may reconsider any decision reached under this section within 45 days of its prior decision. A request to the board to reconsider a decision must be filed within 10 days of the decision that is to be reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within 45 days of the date of the vote on the original decision. The board may conduct additional hearings and receive additional evidence and testimony
- 3.10 Any party may take an appeal, within 45 days of the date of the vote on the original decision, to Superior Court from any order, relief or denial in accordance with the Maine Rules of Civil Procedure, Rule 80B. This time period may be extended by the court upon motion for good cause shown. The hearing before the Superior Court must be without a jury.

### **Section 4 Powers and Duties**

This Ordinance grants the Appeals Board to hear an Appeal of the following:

- 4.1 Administrative Appeal: A decision or violation order of the Code Enforcement Officer and/or a decision of the Planning Board. Power and duties with regard to administrative Appeals: To affirm, modify, remand with instructions, or vacate the action of the Town Planning Board or Code Enforcement Officer in issuing or denying building or other permits, or failure of the Planning Board to render a decision, when it is alleged that there is an error in any order, requirement, decision, or determination in the enforcement of this Ordinance. In modifying or vacating the previous decision, the Appeals Board must decide that the previous decision was contrary to the Ordinance or was not substantiated by evidence in the record.
- 4.2 Variance Appeal: Requests for a Variance. Power and duties with regard to Variance: To approve, approve with conditions, or disapprove appeals for variances from the strict

## Town of Washington, Maine - Board Appeals Ordinance

---

enforcement of the provisions of this Ordinance only as they relate to the space and bulk standards of the district regulations and the performance standards of this Ordinance, according to the terms of Section 5 of this Article. A variance shall not be granted to allow a use or an expansion of a use in a district in which the use is prohibited.

- 4.3 Interpretation Appeal: Request to interpret provisions of any Ordinance adopted by the Town of Washington. Power and duties with regard to Interpretation Appeal: The Appeals Board may also hear appeals or consider applications under this Ordinance, whenever there is uncertainty as to the meaning and/or intent of any part of this Ordinance. The Appeals Board shall have the power to interpret such part.
- 4.4 Abatement Appeal: To hear and decide all appeals properly taken from the refusal of the Municipal Officers or Assessors to make such property tax abatements as are asked for
- 4.5. The board of appeals shall adopt bylaws governing board functions.
- 4.6. The board of appeals may adopt rules and procedures for transaction of business, and the secretary shall keep a record of its resolutions, transactions, correspondence, findings, and determinations.
- 4.7. The board of appeals shall file all bylaws, rules and procedures and subsequent revisions, and decisions with the municipal clerk.
- 4.8. The board of appeals shall perform such duties and exercise such powers as are provided by ordinance and the laws of the State of Maine.
- 4.9. The board of appeals may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose by the legislative body of the municipality.

### **Section 5      Administrative Appeals**

- 5.1 Procedure to be followed for an Administrative Appeal:
  - 5.1.1 Complete the application for an Administrative Appeal (An administrative Appeal must be filed with 30 days of the written decision)
    - 5.1.1.1 Attach a copy of the written action of the planning board and/or the Code Enforcement Officer.
    - 5.1.1.2 Pay required fee (as required by fee structure adopted by the board of selectmen.
    - 5.1.1.3 Submit application and submissions to the Town clerk who shall provide the appellant with a dated receipt.
    - 5.1.1.4 The code enforcement officer shall review the application and forward application to the Appeals Board chair for scheduling
    - 5.1.1.5 The Appeals Board Chair shall schedule a pre hearing conference
    - 5.1.1.6 The Appeals Board shall schedule a public hearing at the pre application meeting
  - 5.1.2 Public Hearing:
    - 5.1.2.1 The Board of Appeals shall conduct a public hearing, which shall be advertised at least ten days in advance in a local newspaper and posted in other places usually used for public notices, at the expense of the applicant. The notice shall contain a clear and concise statement of the appeal to be addressed. The appellant, the selectmen, and the Planning Board shall be notified in writing at least ten days prior to the scheduled hearing. At least ten days before the hearing, the Board, or the Town

## Town of Washington, Maine - Board Appeals Ordinance

---

- Clerk on behalf of the Board, shall notify by mail the owners of properties lying within 1,000 feet of the property for which the appeal or application is being made. The owners of properties shall be considered to be those persons against whom taxes are assessed.
- 5.1.2.2 The Code Enforcement Officer, unless prevented by illness or other good cause, shall attend all hearings of the Board.
  - 5.1.2.3 The Board of Appeals shall reach a decision within 10 working days and shall not continue hearings to a future date except for good cause.
  - 5.1.2.4 Written notice of the decision of the Board shall be sent to the Appellant, the Code Enforcement Officer, the Selectmen, and the Planning Board within seven days of its decision.
- 5.2 Any person aggrieved by an action of the Planning Board or Code Enforcement Officer pursuant to this Ordinance may file a request for appeal in writing within 30 days of the granting or denial of approval from the Planning Board or Code Enforcement Officer, or within 60 days of the date of application, if no action has been taken by the Town Planning Board or Code Enforcement Officer.
- 5.2.1. The request of appeal shall state the exact portions of the decision that are being appealed, and the legal grounds for appeal.
  - 5.2.2. The appellant shall file this request for appeal with the Town Clerk, who shall issue a dated receipt and within 5 business days forward the appeal to the Chairman of the Board of Appeals. After receiving the appeal from the Clerk, the Chairman of the Board of Appeals shall, schedule a pre-hearing conference within 14 days and shall timely notify the applicant in writing of the pre-conference, and shall provide the applicant with a copy of the Board of Appeals bylaws.
  - 5.2.3. If such appeal is not made within 30 days, the decision of the Planning Board or Code Enforcement Officer shall be final.
  - 5.2.4. The fee to accompany a completed request for administrative appeals shall be determined according to the fee schedule set by the Board of Selectmen. The applicant shall be required to cover the costs of advertising, postal notification and dissemination of information for the appeals hearing.
  - 5.2.5. No activity may be started under a permit granted herein that is the subject of an appeal before the Washington Board of Appeals.
- 5.3. The Board of Appeals at the pre-hearing conference shall:
- 5.3.1. Set a hearing date within 35 days or other date certain as mutually agreed by all parties; and
  - 5.3.2. Determine the standing, grounds, and process of the hearing per the Appeals Board bylaws.
- 5.4. The Appeals Board shall schedule the hearing, give notice, and set the agenda.
- 5.4.1. The Appeals Board shall cause notice of the date, time and place of said hearing, the location of the proposed activity and the issues raised in the appeal, to be given in writing to the appellant, permit holder and/or applicant and published in a newspaper of general circulation in the Town at least two times. See Section 5.1.2 for Public Hearing procedures.
  - 5.4.2. The Board of Appeals shall also cause written notice by mail or hand delivery of the hearing be given to the appellant, permit holder and/or applicant, the

## Town of Washington, Maine - Board Appeals Ordinance

---

Selectmen, the Planning Board, the Code Enforcement Officer, and all property owners within 1,000 feet of the boundaries of the proposed activity at least 14 days prior to the date of the hearing at the cost of the appellant.

5.4.3. Notice shall be posted in such public places as a notice of a Town Meeting.

5.4.4. Upon request, the applicant at the applicant's expense must supply a copy of the request for appeal to any of the owners of properties so mentioned.

5.4.5. The applicant shall be required to cover the costs of advertising, postal notification and dissemination of information for the appeals hearing. Payment of these costs payable to the Town of Washington shall be made prior to the start of the hearing.

5.5 Following such hearing, the Board of Appeals shall have the power to interpret this Ordinance and may affirm, modify, remand with instructions, or vacate the decision of the Planning Board or of the Code Enforcement Officer.

5.5.1. The appeal shall not be a de novo hearing, except in the case of an appeal from a Stop Work Order or other action by the Code Enforcement Officer.

5.5.2. The Board of Appeals shall render a finding of facts and conclusions in writing to the appellant and/or applicant, Planning Board Chairman, Code Enforcement Officer, and the Selectmen within 30 days of the decision.

### **Section 6      Variance Appeal**

6.1 Procedure to be followed for a Variance Appeal:

6.1.1 Complete the application for Variance Appeal

6.1.1.1 Attach a written statement outlining the basis for the variance request

6.1.1.2 Pay required fee (as required by fee structure adopted by the board of selectmen.

6.1.1.3 Submit application and written statement to the Town clerk who shall provide the appellant with a dated receipt.

6.1.1.4 The code enforcement officer shall review the application and forward application to the Appeals Board chair for scheduling

6.1.1.5 The Appeals Board Chair shall schedule a pre application meeting

6.1.1.6 The Appeals Board shall schedule a public hearing at the pre hearing conference.

6.1.2 Public Hearing

6.1.2.1 The Board of Appeals shall conduct a public hearing, which shall be advertised at least ten days in advance in a local newspaper and posted in other places usually used for public notices, at the expense of the applicant. The notice shall contain a clear and concise statement of the appeal to be addressed. The appellant, the selectmen, and the Planning Board shall be notified in writing at least ten days prior to the scheduled hearing. At least ten days before the hearing, the Board, or the Town Clerk on behalf of the Board, shall notify by mail the owners of properties lying within 500 feet of the property for which the appeal or application is being made. The owners of properties shall be considered to be those persons against whom taxes are assessed.

## Town of Washington, Maine - Board Appeals Ordinance

---

- 6.1.2.2 The Code Enforcement Officer, unless prevented by illness or other good cause, shall attend all hearings of the Board.
  - 6.1.2.3 The Board of Appeals shall reach a decision within 10 working days and shall not continue hearings to a future date except for good cause.
  - 6.1.2.4 Written notice of the decision of the Board shall be sent to the Appellant, the Code Enforcement Officer, the Selectmen, and the Planning Board within seven days of its decision.
- 6.2.1. Application for a variance shall be made to the Town Clerk on forms provided for that purpose, accompanied by a fee determined according to the fee schedule set by the Board of Selectmen. In addition, the applicant shall be responsible for costs of advertising and mailing associated with the application.
- 6.2.2. The application shall clearly state the location of the property, the relief sought, and the reason(s) for requesting the variance.
- 6.2.3. The application shall include a drawing to approximate scale showing the proposed location of the building or structure and its relationship to the lot's property lines and any adjacent road or right-of-way, including all setbacks and other pertinent dimensions.
- 6.3 Variance from Dimensional Standards

The Washington Board of Appeals may grant a variance from dimensional standards of lot area, lot coverage, frontage and setback requirements, when strict application of the dimensional standards would cause a practical difficulty and when all of the following conditions exist:

  - 6.3.1. The need for a variance is due to unique circumstances of the property and not to the general conditions of the neighborhood; and
  - 6.3.2. The granting of the variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties; and
  - 6.3.3. The practical difficulty is not the result of action taken by the petitioner or a prior owner; and
  - 6.3.4. No other feasible alternative is available to the petitioner; and
  - 6.3.5. The granting of the variance will not unreasonably adversely affect the natural environment; and
  - 6.3.6. The property is not located in whole or in part within the Washington Shoreland Zone.
- “Practical Difficulty” means that the strict application of the Ordinance to the property precludes the ability of the petitioner to pursue a use permitted in the land use district in which the property is located and results in significant economic injury to the petitioner.
- 6.4. Standards in Shoreland Areas

Prior to voting to grant a variance, the Board of Appeals shall review the application and find that the following standards have been met:

  - 6.4.1. That a literal interpretation of the requirements of this Ordinance will impose an undue hardship on the property owner. The term “undue hardship” shall mean specifically that:
    - 6.4.1.1 The land in question cannot yield a reasonable return unless a variance is granted; and

## Town of Washington, Maine - Board Appeals Ordinance

---

6.4.1.2 The need for the variance is due to unique circumstances of the property and not to the general conditions of the neighborhood; and

6.4.1.3. The hardship is not the result of action taken by the applicant or a prior owner.

6.4.2. That the granting of the variance will not alter the essential character of the locality.

6.4.3. Any variance granted by the Board of Appeals shall be the minimum variance from the terms of the Ordinance as will relieve the hardship pleaded.

### 6.5. Additional Criteria in Shoreland Areas

Prior to voting to grant a variance within the mandated shoreland area, the Board of Appeals shall find that the proposed variance meets the following criteria:

6.5.1. Will not result in unsafe or unhealthful conditions;

6.5.2. Will not result in unreasonable erosion or sedimentation;

6.5.3. Will not result in water pollution;

6.5.4. Will not result in unreasonable damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;

6.5.5. Will reasonably conserve shoreland vegetation;

6.5.6. Will reasonably conserve visual points of access to waters as viewed from public facilities;

6.5.7. Will conserve actual points of public access to waters;

6.5.8. Will reasonably conserve natural beauty; and

6.5.9. Will reasonably avoid problems associated with flood plain development and use.

A copy of all variances requests shall be submitted to the Department of Environmental Protection fourteen (14) days prior to the public hearing

### 6.6. Reapplication

If the Board of Appeals shall deny a variance, a second request of a similar nature shall not be brought before the Board within two years from the date of the first request, unless in the opinion of the majority of the Board, substantial new evidence can be brought forward, or unless the Board finds that an error of law or misunderstanding of facts has been made, or unless amendment has been made to this Ordinance which changes the status, circumstances, or conditions of the matter which was appealed.

### 6.7. Duration of Variances

Provided all conditions and standards of approval are met, and provided the applicant records the variance at the Knox County Registry of Deeds within 90 days of written approval, as specified in Title 30-A MRSA §4353 (5), a variance shall be a permanent grant of permission and shall “run with the land.”

### 6.8. Disability Variance

The Board of Appeals may grant a variance to an owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses that dwelling. The Board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The Board may impose conditions on the variance, including but not limiting the variance to the duration



## **Town of Washington, Maine - Board Appeals Ordinance**

---

of the disability or to the time that person with the disability lives in the building. For the purposes of this subsection, a disability has the same meaning as a physical or mental handicap under Title 5 MRSA §4553, and the term “structures necessary for access to or egress from the dwelling” is defined to include the railing, wall, or roof systems necessary for the safety or effectiveness of the structure.

### **Section 7 Interpretation Appeal:**

The Appeals Board may also hear appeals or consider applications under this Ordinance, whenever there is uncertainty as to the meaning and/or intent of any part of this Ordinance. The Appeals Board shall have the power to interpret such part.

#### **7.1 Procedure to be followed for an Interpretation Appeal:**

7.1.1 The appellant requesting an interpretation of a word or phrase contained in any of the Municipal Ordinances adopted by the Town of Washington shall complete the application for such an interpretation to the town clerk and pay the fee required by the fee structure adopted by the board of selectmen

7.1.2 The Appeals Board shall provide the appellant with a written interpretation within 30 days of its decision

### **Section 8 Abatement Appeal:**

#### **8.1 Procedure to be followed for an Abatement Appeal:**

8.1.1 The appellant shall complete an application for an Abatement Appeal and provide information regarding the property for which the abatement is being filed.

8.1.2 The appellant shall pay the fee required by the fee structure adopted by the board of selectmen

8.2 The board may take such evidence and testimony as it deems necessary and may grant such abatements as it thinks is proper. If the board fails to give written notice of its decision within 60 days of the date of the appeal the appeal is filed, unless the appellant agrees in writing to further delay, the appeal shall be deemed denied. The board's decision may be appealed in accordance with 36 M.R.S.A. § 843

### **Section 9 Appeal of Board of Appeals Action**

An appeal may be taken from any decision of the Board of Appeals to the Superior Court, within 30 days of the date of the vote on the original decision, to Superior Court from any order, relief or denial in accordance with the Maine Rules of Civil Procedure, Rule 80B. This time period may be extended by the court upon motion for good cause shown. The hearing before the Superior Court must be without a jury.

### **Section 10 Severability Clause**

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

### **Section 11 Applicability**

This ordinance shall apply to the following Town Ordinances:

11.1 Land Use Ordinance

11.2 Mining Ordinance

11.3 Subdivision Ordinance

## Town of Washington, Maine - Board Appeals Ordinance

---

- 11.4 Holding Tank Ordinance
- 11.5 Mobile Home Park Ordinance
- 11.6 Floodplain Management Ordinance
- 11.7 Wireless Telecommunications Facilities Ordinance



*Town of Washington, Maine*  
**DOG CONTROL ORDINANCE**

**SECTION 1. PURPOSE & ADMINISTRATION.**

- A. This ordinance is adopted in the exercise of municipal home rule powers under the Maine Constitution and 30-A M.R.S.A. Section 3001.
- B. The purpose of this Ordinance is to
  - 1. Provide for the health, safety, and security of the citizens of Washington, Maine;
  - 2. Provide for the humane treatment of dogs; and
  - 3. Hold owners responsible for the conduct of their dogs.
- C. Dangerous dogs, dogs running at large, and habitual barking dogs are hereby declared to be a public nuisance.
- D. The Town of Washington Animal Control Officer shall enforce this Ordinance. Any officer as designated by the Selectmen, Maine Game Wardens, or other State Official charged with animal control duties may enforce this Ordinance in the absence of the ACO.

**SECTION 2. DEFINITIONS.**

In general, all words and terms used in this Ordinance shall have their customary dictionary meanings. More specifically, certain words and terms are described below.

- A. "Town" means the Town of Washington, Maine.
- B. "Animal Control Officer" and "ACO" mean the municipal official appointed by the Selectmen of the Town whose duties are as follows:
  - 1. Enforcing the Maine Animal Welfare Laws, 7 M.R.S.A. §§ 3911, 3912, 3921, 3924, 3943, 3948, 3950, 3950-A, 3966 through 3970, and any other State laws imposing duties upon ACO's;
  - 2. Responding to reports of animals suspected of having rabies in accordance with 22 M.R.S.A. §§ 1313 and 1313-A and performing other duties relating to rabies imposed on ACO's by State law;
  - 3. Performing other duties to control animals as required by the municipal job description or by legislative action.
- C. "Attack," "attacks," and "attacking" mean an unprovoked actual biting or an action of imminent physical harm to a person, a domestic pet, or farm animal.
- D. "Dog" includes both male and female canines.
- E. "Owner" means any person or persons, firm, association, corporation, or other legal entity amenable to civil process, owning, keeping, or harboring, or in possession of, or having control of a dog, and includes the parent or parents, or guardian, of a minor who owns, keeps, harbors, or is in possession of a dog.
- F. "Dangerous dog" means the following, regardless of whether the dog is on or off the premises of its owner at the relevant time:
  - 1. A dog that attacks a person, regardless of whether it causes physical harm to the person, provided at the time of the attack the person is not trespassing with criminal intent on the owner's premises.
  - 2. A dog that attacks a domestic pet or farm animal and causes harm to the domestic pet or farm animal.
- G. "Running at large" means off the premises of and not under the control of the dog's owner.
- H. "Domestic animals" shall include, but not be limited to, dogs, cats, cows, horses, pigs, sheep, goats, and chickens and other fowl being kept for domestic purposes. For the purposes of this Ordinance, this term does not include birds of prey or any animal normally considered as wild, but held in captivity for any purpose.

- I. "Abandoned" means the condition under which an animal is not properly fed, groomed or housed in accordance with the Maine Animal Welfare Laws.
- J. "Public nuisance" means a use of property or course of conduct that interferes with the legal rights of others by causing damage, annoyance, or inconvenience.
- K. "Compliance order" means an enforcement order issued by the Town ACO, or by any officer as designated by the Washington Board of Selectmen which shall demand that the owner or keeper obtain a license from the Washington Town Clerk for such dog within seven (7) days from the day of issuance,
- L. "Under restraint" means physically capable of controlling the dog by a leash, cord, chain, or by voice command control to which the dog is obedient.
- M. "Abused" means to treat an animal in any manner that violates any section or subsection of Title 7, M.R.S.A., Chapter 739, "Cruelty to Animals".

### **SECTION 3. IDENTIFICATION, PROOF OF VACCINATION AND LICENSING.**

- A. All dogs older than six months shall be licensed in accordance with 7 M.S.R.A. Section 3922, et. seq.
- B. It shall be unlawful for any owner, or keeper of any dog or dogs six (6) months or older to keep or maintain a dog unless the owner has a current certificate of rabies vaccination.
- C. Failure to timely exhibit to the Clerk, or produce on demand of the ACO or other officer authorized to enforce the provisions of this Ordinance, proof of vaccination, shall be prima facie evidence that said dog has not been vaccinated.
- D. The owner or keeper of any dogs aged six (6) months or older, except dogs kept under a kennel license together with a Washington Land Use Ordinance Conditional Use Permit, if such permit is applicable, shall, on or before January first annually, or at such other time as such dog or dogs become six (6) months old, or within 10 days after said dog or dogs are brought into the Town, cause such dog or dogs to be licensed in accordance with 7 M.R.S.A. § 3923-A, -B, -C, and -D.
- E. A current tag showing the year such license is issued, and bearing such other data as may be required shall be given with each license issued. The owner or keeper of a dog required to be licensed must ensure this tag is worn at all times by the dog for which the license was issued, when out of doors or off the premises of the owner or keeper, as provided for in 7 M.R.S.A. §3943.
- F. The owner or keeper of any dog not duly licensed may be issued a compliance order paying to the said clerk, in addition to the license fee, a compliance fee of \$4.00 or as provided for in 7 M.R.S.A. § 3943 and, in addition may , be summonsed to court as provided for in 7 M.R.S.A. § 3943, for keeping an unlicensed dog.

### **SECTION 4. SICK OR INJURED DOGS.**

Any person finding a running at large, stray, sick, injured or abused dog within the Town in an emergency situation should first contact the ACO, who shall take responsibility for the dog. If the ACO is unavailable, this person shall contact the Selectmen or other public official or otherwise provide for the dog as specified by Title 7, M.R.S.A., §3913 (1).

### **SECTION 5. RUNNING AT LARGE.**

- A. No owner of a dog shall cause or permit that dog to run at large within the town.
- B. A dog shall be deemed under restraint within the meaning of this Ordinance if it is controlled by a leash, cord, chain, or otherwise under control of a person and obedient to that person's voice command.
- C. An owner accompanying a dog on municipal property shall collect feces or vomitus deposited by the dog and dispose of it in a lawful sanitary manner.

- D. Owners and users of seeing-eye dogs are exempt from this section.
- E. Nothing in this section shall require the leashing or restraint of any dog, other than a dangerous dog, while on the owner's premises.
- F. Any dog found to be running at large, found to be sick or injured, or apparently abandoned may be seized and impounded by the town's ACO or any other public official. That animal's owner or keeper shall be liable for all related costs, in addition to any fees or fines that may be assessed. Costs of impoundment and fees may be recovered by the ACO or the Selectmen in a civil action.

#### **SECTION 6. ATTACKS BY DANGEROUS DOGS.**

- A. An owner who is given written notice by the town's ACO, or any other officer that their dog has bitten or is reasonably believed to have in any way seriously injured any person, domestic pet, or farm animal shall not, without further written authorization by an officer or official, sell, give, or otherwise convey the ownership or possession of that dog, or permit that dog to be moved beyond the boundaries of the town, except to or under the care of a licensed veterinarian, the ACO, or a law enforcement officer.
- B. An owner receiving written notice shall immediately place the dog under confinement for a period of at least 10 days and shall promptly obey all rabies detection and control directions of an ACO, a licensed veterinarian, law enforcement officer, or other state official concerning that dog.
- C. An owner receiving written notice shall comply with all applicable regulations of the Maine Commissioner of Agriculture and the Maine Commissioner of Human Services and their authorized agents in matters of rabies detection and control.
- D. Dangerous dogs shall be handled in accordance with 7 M.R.S.A. §3952 and remain designated as dangerous until the court orders otherwise.

#### **SECTION 7. SPECIAL RESTRAINT OF DANGEROUS DOGS.**

- A. An owner of a dog that has been determined to be a dangerous dog shall ensure that the dog is restricted at all times to the premises of the owner, except when being transported by a secure motor vehicle to a veterinarian or to some other premises of the owner or to take the dog out of Town with the knowledge and written consent of the ACO or other official authorized by the Selectmen, or to the custody of an animal control officer or law enforcement officer.
- B. The owner of a dangerous dog shall ensure that the dog, when out of doors on the owner's premises, is either contained within a secure enclosure or is fastened with a secured latch to a well maintained reinforced restraint.
  - 1. The length of any secure restraint must keep the dog more than three (3) feet away from any mail receptacle, entrance or exit to a house or other building, end or edge of a driveway, walkway, stoop or stairs leading to an entrance, edge of a lawn, property boundary or public sidewalk, or home fill pipe or utility meter.

#### **SECTION 8. BARKING DOGS.**

- A. No owner or keeper of a dog within the legal limits of the Town shall keep or maintain a dog which continuously or repeatedly barks, howls, makes other loud or unusual noises, or in any other manner unreasonably ~~disturbing~~ disturbs the peace of any person.
- B. Any person who keeps or maintains a dog which continuously or repeatedly barks, howls, or makes other loud or unusual noises, that are either
  - a. sustained for one (1) hour or
  - b. intermittently for three (3) continuous hours or morefor four consecutive days ~~or more~~ and which can be heard unreasonably disturbing the peace of any neighbors within 500 feet of the boundary of the property on which the dog is located is in violation of this Ordinance.
- C. Professionally trained, working dogs (including certified guard dogs and sheep dogs) as defined by and performing their assigned duties under Maine Department of Agriculture "Best Management Practices" are exempt from this section.

## **SECTION 9. PROCEDURE ON VIOLATION**

### **A. INVESTIGATION.**

1. The ACO shall quickly and fully investigate all known or suspected violations of this Ordinance received from any citizen and keep a written record.
2. On a first complaint, the ACO, in his or her judgment, may issue a verbal warning. All subsequent warnings must be in writing.
3. The ACO will report complaints and findings to the Board of Selectmen.
4. The ACO is required to maintain a public file, located in the Town Office, of all complaints and findings.
5. Nothing in this Ordinance is intended to bar or limit the right of the individuals to make written complaints concerning dangerous dogs pursuant to State Law, or bar or limit any law enforcement officer from proceeding to act upon such a written complaint in accordance with the State Law.

### **B. PROSECUTION.**

1. The ACO, on complaint of any person or on his or her own initiative, may initiate prosecution for violation of this Ordinance by filing a complaint with the Knox County Division of the Maine District Court and serve a summons and a copy of the complaint to the owner.
2. Alternatively, the municipal officers may engage and appoint counsel to prosecute the alleged violations.

### **C. COMPLAINT FOR DOGS PRESENTING IMMEDIATE THREAT TO PUBLIC.**

1. After filing a complaint in District Court and before hearing, the dog shall be subject to muzzling, restraint, or confinement upon its owner's premises upon order of the law enforcement officer who filed the complaint, if that officer believes that the dog poses a threat to the public.
2. The officer may prescribe the degree of restraint or confinement.
3. Failure to comply shall constitute a distinct violation of this Ordinance.
4. Upon failure to comply, and after notice to the owner, the officer may apply to the District Court for an order of authorization to take possession of a dog that poses an immediate threat to the public and turn it over to the care of a suitable person or organization, at the owner's expense. The Court in its final order shall include an order to the owner to pay this expense in a stated amount.

### **D. ORDER OF THE COURT.**

1. If, upon hearing, the court determines that the ordinance has been violated, the court may impose an appropriate penalty.
2. If the court determines that a dog is a dangerous dog, the court may order the owner to muzzle the dog, and to restrain it, and confine it to the owner's premises.
3. If the court finds that the dog has killed, maimed, or inflicted more than de minimis bodily injury upon a person, or upon a domestic pet or farm animal, or the court determines that the dog has a history of attacks then the court may order the dog to be euthanized. Such euthanasia shall be at the owner's expense.

### **E. FAILURE TO ABIDE BY A COURT ORDER.**

1. An owner's failure to comply with an order issued pursuant to this Section constitutes a violation of this Ordinance. This may be punishable by a new summons or as contempt, following issuance of a show cause order on affidavit of a law enforcement officer.
2. If an order of euthanasia is not complied with by the time set by the court, the court may, upon application by the ACO or other person, and upon notice to the owner, issue a warrant to the ACO to destroy the dog and make return of the warrant to the court within 14 days from the date of the warrant.
3. The owner shall pay all costs of any supplementary proceedings and all reasonable costs for seizure and euthanasia of the dog. A failure to pay such costs by the time stated in the order of the court constitutes a distinct violation of this Ordinance. This may also be punished on proceedings for contempt after issuance of a show cause order.

## **SECTION 10. PENALTIES**

- A. For a first violation of this Ordinance, the owner shall be ordered to pay a penalty of not less than fifty dollars (\$50.00) nor more than two-hundred dollars (\$200.00) plus any associated court ordered fees or costs.
- B. All penalties awarded shall accrue to the Town.

- C. An owner found to have violated this Ordinance shall pay all fees and surcharges assessed or required by a court order and shall pay court costs.
- D. The penalties provided under this Ordinance shall be in addition to any penalties provided by state or federal law.

#### **SECTION 11. LEGAL PROVISIONS**

- A. **Effective Date:** This ordinance shall take effect upon passage at any municipal town meeting.
- B. **Interpretation:** Interpretation of this Ordinance shall be according to the purpose of the Ordinance and the Town Comprehensive Plan.
- C. **Conflict with Other Ordinances:** Whenever the regulations of this Ordinance conflict with those of another Ordinance, the stricter shall apply.
- D. **Severability:** Should any portion of this Ordinance be found invalid for any reason by a court of competent jurisdiction, then all portions not found invalid shall remain unaffected and continue in full force.
- E. **Amendment:**
  - 1. Amendments to this Ordinance shall be considered following citizen petition or motion of the Selectmen.
  - 2. Unless it is presented at an open Town Meeting, no regulation or amendment of this Ordinance shall be adopted until after the Selectmen of the Town have held a public hearing thereon at least ten days before it is submitted to the legislative body for consideration. At least ten days prior to the hearing, the Board of Selectmen shall have notices posted in the places in which Town Meeting Warrants are posted.
- F. **Repeal:** This ordinance shall supersede the *Town of Washington Barking Dog Ordinance*, adopted June 15, 1995, which is hereby repealed from and after the effective date of adoption of this Ordinance.

Town of Washington

**Prohibition of Permitting or  
Allowing Dogs at Nelson-  
Butterfield Park  
Ordinance**

Enacted 25 March 1983

No person except for handicapped may allow or permit any dog, whether or not controlled by leash or tether, to run or be present at Nelson-Butterfield Park, it's beach or immediately adjacent waters.

The penalty for violation of this ordinance shall be a fine not to exceed \$100.00. Any fine paid or collected shall be for the use of the Town.

# **Town of Washington Driveway Entrance Ordinance**

## **SECTION 1. TITLE.**

This ordinance shall be known as the "Town of Washington Driveway Entrance Ordinance."

## **SECTION 2. AUTHORITY AND PURPOSE.**

This ordinance is adopted under the general authority granted pursuant to and consistent with Article VIII-A of the Maine Constitution and Title 30-A Section 3001 (Home Rule) to promote the public health, safety, and general welfare of the community, to further the safe and orderly layout of driveways that enter onto Washington Town roads, by establishing entrance standards for driveways that enter onto Town public ways. This Ordinance is not applicable to field roads or driveways entering onto State numbered highways or onto private ways.

## **SECTION 3. DEFINITIONS.**

In this ordinance, the following words and phrases have the designated meaning unless a different meaning is expressly provided or the context clearly indicates a different meaning:

- a. Driveway Entrance - A private driveway, road, field road, or other avenue of vehicular travel that runs through any part of a private parcel of land and that connects or will connect to a Town way at the property boundary.
- b. Field Road - An avenue of travel used exclusively for agricultural purposes or to access agricultural land.
- c. Residential Driveway - A driveway providing access used for single or multi-family purposes only.
- d. Commercial or Industrial Driveway - A driveway providing access for commercial or industrial use of property.
- e. Joint Drive - Two or more driveways on adjoining properties, which share a single access point onto a town road.
- f. Relocate Driveway Entrance - A request for a change in access point, general design, length or drainage of an existing driveway entrance.
- g. Culvert Replacement – The repair, or removal and replacement of existing culvert by the Town of an existing driveway entrance.
- h. Change of Use - An existing driveway entrance used for purposes different from the proposed use (ex. change from residential to commercial, from field road to residential).
- i. Temporary Driveway Entrance- Access used for a specific purpose and for a limited amount of time.
- j. Modification - A change of location, upgrade or re-construction of a pre-existing driveway entrance, or adding or replacing a permanent surface, i.e. concrete or asphalt. Resurface of an existing driveway entrance with like material is not considered a modification and does not require a permit.
- k. One inch minus gravel - natural or crushed rock or gravel which is a mixture of sizes no larger than 1" in diameter, and containing approximately no less than 40% material of 1" in diameter and free from flat, elongated, soft, or disintegrated pieces, vegetable material, or other deleterious matter

## **SECTION 4. APPLICATION REQUIREMENTS AND PROCEDURES.**

- a. Permit Required. Before any construction, modification, or change of use of a driveway entrance from private property onto a town owned public way, the property owner shall first obtain an E911 address number from the E911 Coordinator, file a driveway entrance application form, and receive a Driveway Entrance Permit from the Road Commissioner.
  - 1.) Applicants for residential use shall submit the application for approval by the Washington Road Commissioner.
  - 2.) Applicants for a non-residential use must submit the application for approval to the Washington Planning Board prior to the issuance of a permit by the Road Commissioner. The Washington Planning Board may ask the Road Commissioner for assistance or recommendations.
- b. Application Form. Applications for driveway entrance permits shall be made on a form approved by the Board of Selectmen and are available at the town office.

- c. Application Fee. The fee for each driveway entrance permit application shall be established and reviewed by the Board of Selectmen from time to time.
- d. Filing of Application (and attachments). The completed "Driveway Entrance Permit Application" form shall be filed with the Town Clerk along with the required application fee, any attachments, a drawing of the property parcel, and a statement of the uses of the driveway. The drawing shall include the proposed or existing driveway entrance location. Distances from the existing property lines to the centerline of the driveway entrance shall be shown to establish the driveway entrance location. The width of the driveway entrance at the edge of roadway shall be shown, and the proposed driveway entrance slope shall be provided.
- e. Application Review
  - 1.) Residential or Temporary Applications. The Town Clerk shall forward the completed application to the Road Commissioner for review. The Road Commissioner shall approve or deny the application within 5 working days, and if denied, state the reasons for denial.
  - 2.) Non-residential Applications. The Town Clerk shall forward the completed application to the Code Enforcement Officer for further processing and review by the Planning Board.
- f. Permit Period. The Driveway Entrance Permit is effective for twelve (12) months from the date of approval. If the driveway entrance had not been completed within that permit period, the permit is deemed expired and a new application must be submitted and approved. A single one year extension may be granted in writing by the Road Commissioner for good cause.
- g. Driveway Entrance Inspection. The applicant shall notify the Road Commissioner within five (5) working days from the completion of construction or improvement of the driveway entrance. The Road Commissioner shall conduct an inspection of the driveway entrance to ensure full compliance with all provisions of this ordinance and terms of the permit.
- h. Building Permits. The Code Enforcement Officer shall not issue building or other development permits until a driveway entrance permit is obtained.
- i. Temporary Driveway Entrances. Applicants for temporary driveway entrances must still file an application as outlined in this Ordinance. Used culverts may be used for temporary driveway entrances. Property owners are responsible to ensure that any dirt, mud or debris tracked onto a Town way from a temporary driveway entrance is cleared immediately. The temporary driveway entrance must be removed within thirty (30) days from the removal date listed on the permit.
- j. Town Authority Preserved. The Town of Washington, notwithstanding the issuance of any permit under this ordinance or construction of any driveway entrance, reserves the right to make any changes, additions, repairs or relocation of any part of a driveway entrance within the dedicated right of way at any time, including but not limited to, in connection with the relocation, reconstruction, widening and maintaining the road or right of way, without compensating the owner of such private driveway entrance for any damages or destruction within the Town's right-of-way.

## **SECTION 5. DRIVEWAY AND CULVERT LOCATION, DESIGN AND CONSTRUCTION REQUIREMENTS.**

### **Construction Activities.**

- a. It is the contractor's responsibility to clean up the tracking of soil, gravel, vegetation or other material onto the public roadway.
- b. Any damage to a Town of Washington roadway, as determined by the Town, caused by the construction will be repaired at the contractor's expense.
- c. Construction of the driveway entrance prior to other development is necessary to allow for the safe and efficient access of construction vehicles entering or leaving the construction site.

**General Requirements.** The location, design and construction of driveway entrances shall be in accordance with the following;

- a. General Design. Driveway entrances shall not provide direct ingress or egress to or from any road intersection, and shall not encroach upon or occupy areas of the street right-of-way required for effective traffic control. A driveway entrance shall be located a minimum of either 150' from the intersecting centerlines of roadways, or a maximum practical distance, but in no case less than 50', from the intersecting centerlines to the driveway entrance that can be achieved to provide access to an existing lot. Driveway entrance approaches shall be at least ten (10) feet apart



except by special permission of the Town Planning Board, and driveway entrances shall in all cases be placed wherever possible so as not to interfere with utilities in place. If possible, driveway entrances should be directly opposite each other.

- b. ~~Sight Distance. A driveway entrance shall be so located and constructed that vehicles approaching or using it shall have adequate sight distance along the road. A minimum sight distance of ten (10) feet in each direction for every mile per hour of the posted or unposted speed limit for that section of road from a height approximating the sitting height in a standard automobile, and ten feet back from the pavement of the Town way.~~

Sight Distance. A driveway entrance shall be so located and constructed that vehicles approaching or using it shall have adequate sight distance along the road. A minimum sight distance of 200 feet in each direction for that section of road from a height approximating the sitting height in a standard automobile, and ten feet back from the pavement of the Town way.

- c. Number of Entrances. Not more than two (2) driveway entrances shall be permitted to serve an individual residential property.
  - 1.) The Board of Appeals may grant a practical difficulty variance for an additional driveway entrance(s) if the owner demonstrates a legitimate need and if the Board determines that the additional driveway entrance will not create any significant impairment of efficient traffic movements or cause any danger to the public.
  - 2.) The Washington Planning Board has jurisdiction over non-residential driveway entrances.
- d. Drainage. The surface of the driveway entrance connecting with the road sections shall be sloped to preclude ordinary surface water drainage from flowing onto the traveled way. No driveway entrance apron shall extend out into the road further than the road edge or face of the curb. All driveway entrances and approaches shall be so constructed that they shall not interfere with the drainage of the road, side ditches and roadside areas or with any existing structure in the right-of-way. All driveway entrances and parking lot areas shall be graded and constructed in such a manner so that no storm water is discharged onto the roadway.
- e. Width of Driveway Entrance. A residential driveway entrance shall be no less than twenty (20) feet and no greater than twenty-six (26) feet wide at the edge of pavement of the roadway or curb line. Driveway entrances less than twenty (20) feet are prohibited.
- f. Angular Placement. The angle between the centerline of the driveway entrance and the edge of the pavement or the curb cut shall not be less than seventy (70) degrees.
- g. Relocation of Utilities. Any costs of relocating utility structure or facilities shall be the responsibility of the property owner. Approval by the utility company and Board of Selectmen shall be obtained before any utility structure or facility is relocated within the right-of-way. Digging across Town paved roads for utility construction is prohibited.
- h. Variances. The Town Board of Appeals may grant practical difficulty variances per Land Use Ordinance Article X, Section 4 (2) for any of the above requirements where the peculiar nature of the property or the design of the road may make the rigid adherence to these requirements impossible or impractical. The costs and fees are the same as per the Land Use Ordinance.
- i. Any special signage and sign post (i.e. "Hidden Drive"), as determined by the road commissioner, shall be paid for by the applicant and erected by the Town.

## **SECTION 6. CULVERT CONSTRUCTION STANDARDS AND MAINTENANCE RESPONSIBILITIES.**

Culverts shall be installed prior to construction work being commenced on the property. All culverts shall be constructed of galvanized steel, concrete or plastic or other material approved by the Town Road Commissioner, and shall be of sufficient gauge to provide adequate bearing capacity for vehicles expected to use the driveway entrance as determined by the Town Road Commissioner. Use of used culverts for other than a temporary driveway entrance is prohibited.

- a. Minimum Size. Culverts shall be a minimum of twenty-six (26) feet in length and of a diameter as determined by the Town Road Commissioner based on anticipated water flowage but shall not be smaller than fifteen (15) inches in diameter.
- b. Placement. Culverts shall be placed in the ditch line at elevations as set by the Road Commissioner so as to adequately convey water and assure proper drainage.
- c. Endwalls. All culverts shall have flared endwall sections so that backfill and cover material will not erode into the bottom of the ditch and reduce the capacity of the ditch and culvert. Flared endwalls also serve a safety function in that vehicles that enter the ditch way inadvertently will not be stopped abruptly.
- d. Backfill and Cover Material. Culverts shall be covered with one-inch minus gravel, compacted in place, or other material approved by the Road Commissioner. The minimum cover, measured from the top of the culvert to the top of the sub grade material shall be the same as the diameter of the culvert.

- e. Construction/Reconstruction of Curbs. When construction of a driveway entrance requires the removal of a curb the same shall be replaced and restored with equivalent acceptable material per the Road Commissioner. Curb returns shall be provided or restored in a neat and acceptable manner.
- f. Maintenance Responsibility. The Town is responsible for maintaining the culvert and ditch in such manner necessary to permit free and unobstructed flow of water. However, should the property owner willfully and/or negligently dump leaves or other debris, or plow snow and ice into the ditch or over the end of the culvert which disrupts the flow of water, the property owner shall be liable for the cost of correction if the Town has to clear the culvert or if a blocked culvert causes damage to the roadway. The removal or clearance of snow and or ice, or the opening of windrows of such material, upon any portion of the driveway entrance within the Town of Washington right-of-way is the responsibility of the property owner.
- g. Existing Driveway Hazards or Problems. When erosion or other conditions created by an existing driveway entrance obstructs or becomes a potential hazard to a public road, the Road Commissioner and Board of Selectmen shall notify the property owner of the conditions. Repair undertaken by the property owner after notice from the Town is not construction or modification pursuant to Section 4 (a) of this ordinance. Any property owner failing to correct such conditions within thirty (30) days after notice shall be subject to the penalties described in the penalty section of this Ordinance.
- h. Culvert Replacement. Replacement due to normal rusting, and wear and tear of existing and future driveway entrance culverts is the responsibility of the Town and will be accomplished, as required, under the standards set by this Ordinance. Culvert replacement due to damage such as crushed end of culverts from driving over them shall be replaced by the Town, but the property owner shall be subject to the cost of the culvert and labor and machinery costs. When a culvert requires replacement, the Town of Washington assumes responsibility for the cost of the culvert and for repair or replacement of gravel, bituminous, or concrete surface as close to the previous condition as possible. Replacement of decorative pavement, decorative endwalls/headwalls, is not the Town's responsibility.

#### **SECTION 7. ENFORCEMENT.**

At the request of the Road Commissioner and the direction of the Board of Selectmen, the CEO shall issue a stop-work order if a driveway entrance, culvert or other permitted construction or any part thereof is being installed contrary to the terms of this ordinance or without a permit.

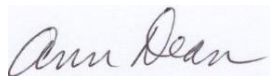
#### **SECTION 8. PENALTIES.**

- a. Any person who constructs or modifies any driveway entrance without a permit as required by this Ordinance or who shall construct or modify a driveway entrance in violation of any provision of this Ordinance, shall unless the violation is corrected within thirty (30) days of date of written notice from the Board of Selectmen, be subject to a civil penalty due and payable to the Town of Washington, Maine of not less than one hundred dollars (\$100.00) for each day said violation exists and not more than twenty-five hundred dollars (\$2,500.00) for each day said violation exists. If the same person has been convicted of a violation of this ordinance within the previous two years, the maximum penalty is five thousand dollars (\$5,000.00) for each day said violation exists.
- b. In setting the penalties, the Court shall consider but is not limited to the following:
  - 1.) Prior violations by the same person;
  - 2.) The degree of environmental damage that cannot be abated or corrected;
  - 3.) The extent to which the violation continued following an order to stop; and
  - 4.) The extent to which the Town of Washington, Maine contributed to the violation by providing incorrect information or failing to take timely action.
- c. Payment of any penalty shall be made within thirty (30) days in cash or by certified check drawn on a recognized financial institution, made payable to the Town of Washington, Maine in an amount equal to the full amount of the penalty.
- d. If the maximum penalty amount of Section 8 (a) of this ordinance is held void or invalid it is the intent of the Town of Washington, Maine that provisions of Title 30-A, M.R.S.A. Section 4452 be given full force and effect and that the maximum penalty amounts authorized by such provision apply to violations of any order, permit, approval or final decision of the Planning Board or the Town Road Commissioner, or any provision of this Ordinance.

#### **SECTION 9. EFFECTIVE DATE**

This ordinance shall take effect immediately upon passage and posting as provided by law. Amendments passed at the Special Town Meeting held 06/26/2013 in the Bryant Room of Gibbs Library.

True and Attested Copy:



Town Clerk

Emergency Management Ordinance  
of the Town of Washington, Maine

Adopted: March 25, 2017

ATTEST:

*Ann Dean*

Ann Dean, Town Clerk



Date: March 25, 2017

**EMERGENCY MANAGEMENT ORDINANCE****Table of Contents**

<b>Emergency Management Ordinance of the Town of Washington</b>	<b>3</b>
<b>Article 1. Authority</b>	<b>3</b>
<b>Article 2. Purpose</b>	<b>3</b>
<b>Article 3. Definitions</b>	<b>3</b>
<b>Article 4. Establishment of the Office of Emergency Management</b>	<b>4</b>
<b>Article 5. Emergency Management Director Position and Office Members</b>	<b>4</b>
Section 5.01 Appointment and Term	4
Section 5.02 Level and Training	4
Section 5.03 General Duties	4
Section 5.04 Powers During a Proclaimed Emergency	5
<b>Article 6. Emergency Proclamation</b>	<b>5</b>
<b>Article 7. Termination of a Proclaimed Emergency</b>	<b>6</b>
<b>Article 8. Board of Selectmen – Powers During a Proclaimed Emergency</b>	<b>6</b>
<b>Article 9. Appropriation of Funds for a Proclaimed Emergency</b>	<b>7</b>
<b>Article 10. Commitment of Town Resources During Proclaimed Emergency</b>	<b>7</b>
<b>Article 11. Acceptance of Emergency Donations</b>	<b>7</b>
<b>Article 12. Adoption of the National Incident Management System</b>	<b>7</b>
<b>Article 13. Severability</b>	<b>8</b>
<b>Article 14. Conflicting Ordinances, Orders, Rules and Regulations Suspended</b>	<b>8</b>

## EMERGENCY MANAGEMENT ORDINANCE

### Emergency Management Ordinance of the Town of Washington

#### Article 1. Authority

This ordinance is authorized under Title 30A, M.R.S.A. § 3001 et seq. and shall be known as the *Emergency Management Ordinance of the Town of Washington*.

#### Article 2. Purpose

- A. To establish the Office of Emergency Management that will ensure the complete and efficient utilization of the town's facilities and resources during any period of proclaimed emergency.
- B. To define the duties and authority of the Washington Office of Emergency Management Director who shall coordinate all activities in connection with Emergency Management.
- C. To define the protocol for issuing a Town Emergency Proclamation.
- D. To define powers and authorities given to the Board of Selectmen, Fire Chief, and Emergency Management Director during a proclaimed emergency.
- E. To establish the National Incident Management System (NIMS) as the municipal standard for all hazards incident management.

#### Article 3. Definitions

The following definitions shall apply in the interpretation of this ordinance:

**Disaster:** The occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause including, but not limited to, fire, ice storm, blizzard, flood, earthquake, windstorm, oil spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, critical material shortage, infestation, explosion, riot, said occurrence being of significant scope as to exceed the normal ability of the Town's resources to mitigate, respond to or recover from.

**Emergency:** An event that threatens the life, safety, and property of the residents or visitors of Washington or destruction of the environment, that requires immediate action to mitigate, contain, or control the situation.

**Emergency Management Forces:** The employees, equipment and facilities of all town departments, boards, institutions, and commissions, as well as all volunteer persons, organizations, equipment and facilities contributed by, or obtained from, volunteer persons or agencies.

**Emergency Proclamation:** A governmental declaration that a disaster or emergency exists or appears imminent. These include a *state of emergency* proclamation at the national, state, county or local level that covers all or a section of the Town of Washington.

**Local:** Within the geographic boundaries of Washington and/or Washington and the municipalities adjacent to it.

## EMERGENCY MANAGEMENT ORDINANCE

### Article 4. Establishment of the Office of Emergency Management

There is hereby established within the Town of Washington, Maine, an emergency management organization to be known as the *Washington Office of Emergency Management* (OEM). In conjunction with the Board of Selectmen and Fire Chief, this office is responsible for the preparation and implementation of emergency management plans to minimize injury and loss due to a serious emergency or disaster.

### Article 5. Emergency Management Director Position and Office Members

The Washington Office of Emergency Management shall consist of a director, and other members that shall be appointed by the Board of Selectmen when deemed necessary. The position of Emergency Management Director (EMD) for the Town of Washington is hereby created.

#### Section 5.01 Appointment and Term

The Board of Selectmen shall appoint the Emergency Management Director. This appointment shall be made within 30 days after the date of the Annual Town Meeting for a term of three years.

#### Section 5.02 Level and Training

The Emergency Management Director is expected to earn the *Maine Basic Emergency Management Director* level of certification. Training is available, but not limited to Knox County Emergency Management Agency (KXEMA), Maine Emergency Management Agency (MEMA) and FEMA.

#### Section 5.03 General Duties

The Emergency Management Director is responsible for performing the five phases of Emergency Management: planning, preparedness, mitigation, response, and recovery.

The Emergency Management Director duties shall include, but not being limited to the following:

- A. Prepare and maintain the Emergency Operations Plan (EOP) for the Town of Washington, which shall be submitted to the Board of Selectmen for approval and reviewed on an annual basis. The plan shall incorporate the principles of the National Incident Management System (NIMS) and the Incident Command System (ICS).
- B. Prepare and update a Hazard Risk and Vulnerability Assessment, annually.
- C. Complete and report Initial Damage Assessments (form 7's) to Knox EMA.
- D. Prepare and maintain a list of locally available disaster resources.
- E. Develop procedures for the organization, staffing, activation and operation of the Washington Emergency Operations Center (EOC).
- F. Coordinate and maintain written emergency and disaster Mutual Aid Agreements with the approval of the Board of Selectmen.

## EMERGENCY MANAGEMENT ORDINANCE

- G. Provide Emergency Management training to town officials, planners, and emergency responders.
- H. Develop and implement a Disaster Exercise program.
- I. Attend County Local Emergency Managers meetings.
- J. Maintain records and submit information as required for compliance with county, state and federal regulations and/or guidelines.
- K. Make Disaster Preparedness information available to town residents.
- L. Establish systems to notify and inform all residents about any emergency situation.
- M. When necessary, serve as liaison between the town and county/state/federal officials during disaster recovery.
- N. Complete and submit applications for grants that may become available and beneficial for improving emergency management and response capability for the Town of Washington.
- O. Serve as NIMS Coordinator for the Town of Washington

### **Section 5.04 Powers During a Proclaimed Emergency**

When an emergency proclamation is in effect, the Emergency Management Director or designee shall have the following responsibilities and authorities:

- A. Responsible for the organization, staffing and activation of the Emergency Operations Center (EOC) as defined in the Town's *Emergency Operations Plan*.
- B. Empowered to make any reasonable request for assistance from adjacent towns pursuant to established Mutual Aid Agreements.
- C. Authorized to request aid or assistance from the state or any political subdivision of the state and may render assistance to other political subdivision under the provisions of state statute.
- D. Coordinate requests for assistance from other regional, county, state or federal agencies through the County EMA Director.

**These provisions will terminate at the end of the proclaimed emergency.**

### **Article 6. Emergency Proclamation**

The Washington Board of Selectmen shall have the power and authority to issue, by written declaration, a proclamation that an emergency exists whenever a disaster or civil emergency exists or appears imminent. The proclamation may declare that an emergency exists in any or all sections of the Town.

- A. Notwithstanding the above, when consultation by a quorum the Board of Selectmen would result in a substantial delay in initiating an effective response to alleviate or prevent an emergency or disaster, then the following persons shall have the power and authority to issue a proclamation that an emergency exists, in the following order of succession: the Chairperson of the Board of

## EMERGENCY MANAGEMENT ORDINANCE

Selectmen, another member of the Board of Selectmen, the Fire Chief, the Emergency Management Director.

- B. A copy of such a proclamation shall be filed with the Town Clerk within twenty-four (24) hours or on the next business day that the Town Clerk's office is open.
- C. The Washington Emergency Operations Plan shall be the Town's governing document for emergency response and recovery by all municipal organizations.

The Emergency Management Director shall be responsible for submitting a full report to the Board of Selectmen of all actions taken as a result of the proclaimed emergency.

### **Article 7. Termination of a Proclaimed Emergency**

- A. When the Fire Chief and/or Emergency Management Director are satisfied that a disaster no longer exists, they shall recommend to the Board of Selectmen to terminate the emergency proclamation, or any part thereof. When consultation by a quorum the Board of Selectmen would result in a substantial delay, then the following persons shall have the power and authority to terminate the emergency proclamation in the following order of succession: in the following order of succession: the Chairperson of the Board of Selectmen, another member of the Board of Selectmen, the Fire Chief, the Emergency Management Director.
- B. Terminations of emergency proclamation shall be filed in the Office of the Town Clerk within 24 hours or on the next business day that the Town Clerks office is open.
- C. No local emergency proclamation may stay in effect for longer than five days unless renewed by the Board of Selectmen.

### **Article 8. Board of Selectmen – Powers During a Proclaimed Emergency**

- A. When an emergency proclamation is in effect, the Board of Selectmen or designee may declare such regulations or orders, as he or she deems necessary to protect life and property and to preserve critical resources within the purposes of this article. Such regulations may include, but are not limited to, the following:
  - 1. Regulations or orders prohibiting or restricting the movement of vehicles in areas within the Town;
  - 2. Regulations or orders facilitating or restricting the movement of persons within the Town;
  - 3. Regulations or orders pertaining to the movement of persons from hazardous areas within the Town;
  - 4. Such other regulations or orders necessary to preserve public peace, health, and safety.
- B. The Board of Selectmen or designee may order the evacuation of persons from hazardous areas within the Town.

**The provisions of this section will terminate at the end of the proclaimed emergency.**



**Article 9. Appropriation of Funds for a Proclaimed Emergency**

The Town shall make an appropriation at the Annual Town Meeting to spend funds up to a percentage of the then current available General Fund Balance to cover the cost of vital supplies, equipment and other items found lacking and needed for the protection of health, life and property during a proclaimed emergency.

**Article 10. Commitment of Town Resources During Proclaimed Emergency**

- A. The Board of Selectmen has authority to use Town resources to obtain vital supplies, equipment and other items found lacking and needed for the protection of health, life and property during a proclaimed emergency without following normal purchasing or disbursement procedures. In the absence of the Board of Selectmen, the Fire Chief and/or the Emergency Management Director are given this authority. Whenever possible, these actions will be taken at the direction of the Board of Selectmen or Board of Selectmen Chair unless obtaining that authority would unnecessarily delay emergency actions.
- B. Notwithstanding the above, the expenditure of funds shall not exceed the dollar amount voted on at the Annual Town Meeting for the then current fiscal year. The Board of Selectmen will be provided with a Treasurer's Warrant showing expenditures during the proclaimed emergency as soon as a majority of them are able to convene a Board of Selectmen meeting.
- C. During any emergency or disaster, formally declared or not, the Fire Chief shall have the authority to utilize Town personnel and equipment to protect citizen's, life, health, and property.

**The provisions of this section will terminate at the end of the proclaimed emergency.**

**Article 11. Acceptance of Emergency Donations**

- A. Cash donations help to avoid the labor and expense of sorting, packing, transporting and distributing donated goods. The Town Treasurer will receive and record any, financial donations and establish an accounting system to track the contributions.
- B. To oversee any material donations, the Emergency Management Director will appoint a Donations Manager.

**Article 12. Adoption of the National Incident Management System**

The Town of Washington hereby establishes the National Incident Management System (NIMS) as the municipal standard for all hazards incident management.

This system provides a consistent approach for Federal, State, and municipal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity. NIMS will utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform

## EMERGENCY MANAGEMENT ORDINANCE

standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters.

All Washington emergency and disaster responders for all hazards incident management will utilize the NIMS Incident Command System (ICS).

### **Article 13. Severability**

Should any provisions of this ordinance be declared invalid for any reason, such declaration shall not affect the validity of other provisions or of this ordinance as a whole, it being the legislative intent that the provisions of this ordinance shall be severable and remain valid notwithstanding such declaration.

### **Article 14. Conflicting Ordinances, Orders, Rules and Regulations Suspended**

At all times when an emergency proclamation is in effect and any inconsistencies exists, the orders, rules and regulations made and promulgated pursuant to this ordinance shall supersede all existing ordinances, orders, rules and regulations.

**FLOODPLAIN MANAGEMENT ORDINANCE**

**FOR THE**

**TOWN OF WASHINGTON, MAINE**

---

ENACTED: \_\_\_\_\_  
Date

EFFECTIVE: \_\_\_\_\_  
Date

CERTIFIED BY: \_\_\_\_\_  
Signature

CERTIFIED BY: \_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

Affix Seal

# FLOODPLAIN MANAGEMENT ORDINANCE

## CONTENTS

ARTICLE	PAGE
I. PURPOSE AND ESTABLISHMENT .....	2
II. PERMIT REQUIRED .....	2
III. APPLICATION FOR PERMIT.....	2
IV. APPLICATION FEE AND EXPERT'S FEE .....	4
V. REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS.....	4
VI. DEVELOPMENT STANDARDS .....	6
VII. CERTIFICATE OF COMPLIANCE.....	10
VIII. REVIEW OF SUBDIVISIONS AND DEVELOPMENT PROPOSALS .....	11
IX. APPEALS AND VARIANCES .....	11
X. ENFORCEMENT AND PENALTIES.....	13
XI. VALIDITY AND SEVERABILITY .....	14
XII. CONFLICT WITH OTHER ORDINANCES .....	14
XIII. DEFINITIONS .....	14
XIV. ABROGATION.....	19

## **ARTICLE I - PURPOSE AND ESTABLISHMENT**

Certain areas of the Town of Washington, Maine are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968.

Therefore, the Town of Washington, Maine has chosen to become a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as delineated in this Floodplain Management Ordinance.

It is the intent of the Town of Washington, Maine to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards.

The Town of Washington has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A MRSA, Sections 3001-3007, 4352, 4401-4407, and Title 38 MRSA, Section 440.

The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the Town of Washington having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. This Ordinance establishes a Flood Hazard Development Permit system and review procedure for development activities in the designated flood hazard areas of the Town of Washington, Maine.

The areas of special flood hazard, Zones A, and AE, for the Town of Washington, Knox County, Maine, identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study – Knox County, Maine," dated July 6, 2016 with accompanying "Flood Insurance Rate Map" dated July 6, 2016 with panels: 25D, 40D, 50D, 125D, and 130D, derived from the county wide digital Flood Insurance Rate Map entitled "Digital Flood Insurance Rate Map, Knox County, Maine," are hereby adopted by reference and declared to be a part of this Ordinance.

## **ARTICLE II - PERMIT REQUIRED**

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

## **ARTICLE III - APPLICATION FOR PERMIT**

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

- A. The name, address and phone number of the applicant, owner, and contractor;
- B. An address and a map indicating the location of the construction site;
- C. A site plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;

- D. A statement of the intended use of the structure and/or development;
- E. A statement of the cost of the development including all materials and labor;
- F. A statement as to the type of sewage system proposed;
- G. Specification of dimensions of the proposed structure and/or development;

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

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

1. a Floodproofing Certificate (FEMA Form 81-65, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article III.H.4.; Article VI.G.; and other applicable standards in Article VI;
  2. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.L.2.a.;
  3. a certified statement that bridges will meet the standards of Article VI.M.;
  4. a certified statement that containment walls will meet the standards of Article VI.N.;
- L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
- M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

#### **ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE**

A non-refundable application fee of \$100.00 shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

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

#### **ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS**

The Code Enforcement Officer shall:

- A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have been, or will be met;
- B. Utilize, in the review of all Flood Hazard Development Permit applications:
  1. the base flood and floodway data contained in the "Flood Insurance Study - Knox County, Maine," as described in Article I;
  2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.b.; Article VI.K.; and Article VIII.D., in order to administer Article VI of this Ordinance; and,

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



## ARTICLE VI - DEVELOPMENT STANDARDS

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

**A. All Development** - All development shall:

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

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

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

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

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

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

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

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

1. Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
  - a. be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;

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

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

1. Zone AE shall:

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

2. Zone A shall:

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

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

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

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

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

**K. Floodways** -

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

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

- b. the foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

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

1. Zones A and AE shall:

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

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

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

## **ARTICLE VII - CERTIFICATE OF COMPLIANCE**

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

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

## **ARTICLE VIII - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS**

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

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

## **ARTICLE IX - APPEALS AND VARIANCES**

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

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

- A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances shall be granted only upon:
  - 1. a showing of good and sufficient cause; and,
  - 2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,
  - 3. a showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and,

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

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

#### **ARTICLE X - ENFORCEMENT AND PENALTIES**

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



## **ARTICLE XI - VALIDITY AND SEVERABILITY**

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

## **ARTICLE XII - CONFLICT WITH OTHER ORDINANCES**

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

## **ARTICLE XIII - DEFINITIONS**

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

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

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

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

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

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

**Building** - see **Structure**.

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

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

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

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

**Elevated Building** - means a non-basement building

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

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

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

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

**Flood or Flooding** - means:

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

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

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

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

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

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

**Floodplain Management Regulations** - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance,

and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

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

**Floodway** - see **Regulatory Floodway**.

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

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

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

**Historic Structure** - means any structure that is:

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

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

**Lowest Floor** - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area

other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in Article VI.L. of this ordinance.

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

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

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

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

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

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

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

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

**Recreational Vehicle** - means a vehicle which is:

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

**Regulatory Floodway -**

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

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

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

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

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

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

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

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

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

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

#### **ARTICLE XIV - ABROGATION**

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

60.3 (c) Rev. 01/16  
Prepared by DACF/JP

# 2015 & 2016 Updates to the State Model Floodplain Management Ordinance

Department of Agriculture, Conservation & Forestry/Floodplain Management Program

January 6, 2016

This document outlines the changes to the state model ordinance for communities that will be adopting Digital Flood Insurance Rate Maps. The cleanest way for communities to adopt is usually to repeal and replace your current ordinance. If your community chooses to make amendments only, you will need to review the model ordinance language section by section against your current ordinance to make sure that small wording changes, punctuation, and minor errors will be corrected.

The 2015 updates to the state model ordinance are as follows:

- All references to the State Planning Office have been deleted.
- All dates for FEMA forms and publications (for example, the Elevation Certificate, Floodproofing Certificate, Coastal Construction Manual) have been removed as the forms always have an expiration date and publications are updated occasionally.
- A definition for North American Vertical Datum (NAVD) has been added as the elevations on all DFIRMS are now shown in this datum. They were previously shown in National Geodetic Vertical Datum (NGVD).

## Article I: Purpose and Establishment

The last paragraph of Article I has been changed to reflect adoption of the countywide Flood Insurance Study and the Digital Flood Insurance Rate Map panels for your community only.

## Article VI.K.: Floodways

Under Article VI.K.2.b.

The FEMA publication *Guidelines and Specifications for Study Contractors* is outdated. FEMA now has a web address with guidance documents, so instead of referencing a particular publication, it now says:

- b. is consistent with the technical criteria contained in FEMA's guidelines and standards for flood risk analysis and mapping.

**Please note for future reference:** The FEMA web address for the guidelines is at

[www.fema.gov/guidelines-and-standards-flood-risk-analysis-and-mapping](http://www.fema.gov/guidelines-and-standards-flood-risk-analysis-and-mapping)

## Article VI.P. Coastal Floodplains

Under Article VI.P.2.b.(3) the following underlined language was added:

- (3) constructed to enclose less than 300 square feet of area with non-supporting breakaway walls that have a design safe loading resistance of not less than 10 or more than 20 pounds per square foot.

The regulatory side of the NFIP does not have a size limit, however, the flood insurance side of the Program assesses a higher premium for breakaway walls that enclose 300 square feet or greater. The larger the square footage of the enclosure, the higher the cost of insurance. For this reason, we thought it prudent to put this language in the local ordinance. This will prevent your community from

unintentionally allowing enclosures that can cause a major increase in flood insurance for the building's owner. It is not regulatory and can be deleted if a community chooses to do so.

The 2016 update to the state model ordinance is as follows:

Article VI.J.: Accessory Structures

After discussing this with FEMA, we have removed VI.J.1. which specified a 500 square foot limit and a \$3,000 value limitation for accessory structures.

*FEMA Technical Bulletin TB-1 Openings in Foundation Walls and Walls of Enclosures* states that detached garages and detached storage buildings may be permitted without requiring them to be elevated if they comply with all of the requirements for enclosures (found under Article VI.L.) Garages and other accessory buildings must be used only for parking of vehicles and storage, utilities must be elevated, flood damage resistant materials must be used below the BFE, the requirements for flood openings must be satisfied, and they must be anchored to resist flotation, collapse, or lateral movement under flood conditions.

- J. **Accessory Structures** - Accessory Structures, as defined in Article XIV, located within Zones AE, AO, AH, and A, shall be exempt from the elevation criteria required in Article VI.F. & G., if all other requirements of Article VI and all the following requirements are met. Accessory Structures shall:
1. have unfinished interiors and not be used for human habitation;
  2. have hydraulic openings, as specified in Article VI.L.2., in at least two different walls of the accessory structure;
  3. be located outside the floodway;
  4. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,
  5. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.



# *Town of Washington*

*County of Knox, State of Maine*

## **Hazardous and Radioactive Waste Disposal Ordinance**

*Enacted 28 March 1981*

*Ref.: Town Meeting Records, 1972-1984, pgs. 181-182 & 184*

The disposal, storage and or treatment of Hazardous Waste as defined by Ch. 850 of Department of Environmental Protection Rules (authorized by 38 M.R.S.A. Section 1303-A (1), and Radioactive substances or waste materials as defined by "38 M.R.S.A. § 361-D.1.B." within the boundaries of the Town of Washington is Prohibited.

Any request for an exemption to this Prohibition shall be submitted in writing to the Selectmen and brought to the whole Town of Washington acting as the body politic, to be Voted on by all bona fide Voters present in a town meeting.

# Town of Washington Holding Tank Ordinance

BE IT ENACTED AND ORDAINED by the Inhabitants of the Town of Washington of Knox County, and it is hereby enacted and ordained as follows:

SECTION I. PURPOSE. The purpose of this ordinance is to establish procedures for the use and maintenance of holding tanks designed to receive and retain wastewater from residential uses. It is hereby declared that the enactment of this Ordinance is necessary for the protection, benefit, and preservation of the health, safety, and welfare of the inhabitants of this municipality.

SECTION II. AUTHORITY. This Holding Tank Ordinance is enacted pursuant to Article VIII, Part 2, Section 1 of the Constitution of the State of Maine, Title 30-A, Section 3001 of the M.R.S.A.

SECTION III. REPEAL. All ordinances or resolutions, or parts of ordinances or resolutions, insofar as they are inconsistent herewith, are hereby repealed.

SECTION IV. SEVERABILITY. If any sentence, clause, Section, or part of this ordinance is for any reason be declared by the courts to be unconstitutional, illegal, or invalid the decision shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this ordinance.

SECTION V. CONFLICT WITH OTHER ORDINANCES. If this ordinance is found to be in conflict with any other ordinance, then the more restrictive ordinance shall apply.

SECTION VI. WASHINGTON PLANNING BOARD MAY ADOPT RULES. The Planning Board is hereby authorized and empowered to prepare written guidelines on how to comply with this ordinance. In doing so, applicable federal, state, and local standards regarding fire prevention, pollution control, public safety, nuisance, and health shall be given due consideration.

SECTION VII. PERFORMANCE STANDARDS. The following standards shall be utilized by the Planning Board in reviewing applications for a holding tank for first time disposal systems. The Board shall approve the application unless the Board finds that the applicant has not satisfied one or more of the following standards.

A. A holding tank for a first time disposal system shall be permitted in any area regulated under the Town of Washington Land Use Ordinance.

B. A holding tank for a first time disposal system shall not be permitted to satisfy the requirements for Seasonal conversion Permit under Title 30-A M.R.S.A. Section 4215 Subsection 2.

C. The installation of a disposal field in conformance with the State Plumbing Code is not feasible due to site conditions, lot configuration or other constraints.

D. The plumbing in the structure shall be modified for maximum water conservation and all water closets shall meet or exceed the State Plumbing Code as defined by Title 30-A M.R.S.A., Section 3003 and Subsurface

Wastewater Disposal Rules, Chapter 22, Section 2202.1.3; for 1.6 gallons per flush.

E. A deed covenant shall be required for structures served by a holding tank. As a minimum, the covenant shall include a statement that a holding tank is serving the structure for the disposal of human sewage and wastewater.

F. An agreement between the property owner and a tank pumper shall be filed in the town office and indicate the location of the site or sites that the septage will be disposed of. Only those sites approved by the Maine Department of Environmental Protection shall be utilized.

G. The owner shall file with the town office a notarized statement agreeing to provide the Plumbing Inspector with copies of all plumbing records.

H. The holding tank shall be equipped with a visual and audible alarm device. The alarm shall be located and adjusted in a manner that assures the tank is pumped before it is full as stated in the Subsurface Wastewater Rules, Chapter 10, Section 1013.4.

#### SECTION VIII. APPLICATION PROCEDURE & CONTENT

##### A. Application Procedure.

1. All applications for a Holding Tank Permit shall be in writing on forms provided for that purpose. Applications shall be received by the Code Enforcement Officer. The CEO shall review the application, and if complete, forward to the Washington Planning Board for review.

2. The applicant, or his duly authorized agent, shall attend the Planning Board meeting to discuss the application. The Planning Board shall provide the applicant with a dated receipt at the meeting where the application is first presented.

3. Within 15 days of the date of receiving a written application, the Code Enforcement Officer, as indicated in Article IV, Section 4A of the Town of Washington Land Use Ordinance, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete. The Planning Board shall approve, approve with conditions, or deny all permit applications in writing within 45 days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 45 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 45 days of the public hearing, if one is held.

4. All applications for a permit for a holding tank for first time disposal shall be made in writing on forms provided for that purpose. The submission shall contain the following information and exhibits:

- a. Name of the owner(s) of record and applicant's name and address, if different;
- b. Sketch map showing the general location of the property;
- c. The tax map and lot number of the parcel;

d. A copy of the deed to the property, option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant;

5. A holding tank application approved by the Local Plumbing Inspector as stated in, Subsurface Wastewater Disposal Rules, Chapter 22, Section 2201.1 - 2202.1.4;

6. A signed agreement between the property owner and a tank pumper to pump and maintain the tank as stated in the subsurface Wastewater Rules, Chapter 22, Section 2200.5, and;

7. A report or other documentation from a licensed Site Evaluator that indicates that due to site condition, lot configuration, or other constraints, the installation of a system with a disposal field is not feasible.

8. A notarized statement agreeing to a deed covenant which shall include a statement that a holding tank is serving the structure for the disposal of human sewage and wastewater.

9. The owner shall file with the Town Office the notarized statement agreeing to provide the Plumbing Inspector with copies of all plumbing records.

B. Fees. All applications for a First Time Holding Tank Permit shall be accompanied by an application fee. The Planning Board shall have the authority to set and revise the fee schedule after holding a public hearing. Fee shall be based on the town's estimated costs of administering this ordinance.

C. Expiration of Approvals. Following the issuance of a permit, if no substantial start is made in construction within one year of the date of the permit, the permit shall lapse and become void.

SECTION IX. RESPONSIBILITIES OF OWNER OF IMPROVED PROPERTY. The owner of an improved property that utilizes a holding tank shall:

A. Maintain the holding tank in conformance with this or any other Ordinance of The Town of Washington, the provisions of any applicable law, the rules and regulations of the Selectmen, and any administrative agency of the State of Maine; and Subsurface Wastewater Rules, Chapter 22.

B. Permit the Selectmen, or its agent, to collect, transport, and dispose of the contents therein if owner of property has not fulfilled above stated responsibility.

C. Provide pumping records to the Plumbing Inspector on demand.

D. To prevent possible freezing of the holding tank contents which may cause cracking of the holding tank, the owner shall have the tank pumped not later than November 15<sup>th</sup> annually.

SECTION X. ENFORCEMENT.

A. Rights and Privileges Granted. The Selectmen are hereby authorized and empowered to undertake, within the municipality, the control of and methods of disposal of holding tank wastewater and the collection and transportation

thereof provided the owner has not fulfilled its responsibilities as defined in Section VIII of this ordinance.

B. Rates and Charges. The Selectmen shall have the right and power to pump, fix, alter, charge, and collect rates, assessments, and other charges in the area served by its facilities at reasonable and uniform rates authorized by applicable law.

C. Abatement of Nuisances. In addition to any other remedies provided in this ordinance, any violation of Section VII above shall constitute a nuisance and shall be abated by the municipality or Selectmen by seeking appropriate equitable or legal relief from a court of competent jurisdiction.

D. Local Plumbing Inspector. It shall be the duty of the Local Plumbing Inspector, to be referred to from herein as the "LPI" to enforce the provisions of this Ordinance. If the LPI shall find that any provision of this Ordinance is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and the action necessary to correct it. A copy of such notices shall be maintained as permanent record.

E. Legal Action. When the above action does not result in the correction or abatement of the violation or nuisance condition, the Selectmen, upon notification from the LPI, are hereby authorized and 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.

F. Fines. Any person, including but not limited to the property owner, a property owner's agent or a contractor who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A M.R.S.A., Section 4452. Each day the violation exists shall be considered a separate violation. Fines shall not be less than one hundred dollars (\$100.00) nor more than two thousand, five hundred (\$2,500.00) per event. Any fines shall accrue to the municipality. Any costs incurred by the municipality to enforce this ordinance including court costs and attorney fees shall be the responsibility of the violator(s).

SECTION XI. APPEALS. An appeal may be taken by an aggrieved party to Washington Board of Appeals in accordance with State laws within 30 days from the date any decision of the Planning Board.

SECTION XII. EFFECTIVE DATE. The effective date of this Ordinance or any amendments thereto shall be the day immediately following its adoption at a regular or special town meeting. The adoption of this Ordinance hereby repeals and supersedes all conflicting administrative provisions of all Ordinances adopted prior to the effective date of this Ordinance.

SECTION XIII. DEFINITIONS. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

"Aggrieved Party" shall mean an owner of land whose property is directly affected by the granting or denial of a permit; or a person whose land abuts or is across a road, street, or body of water for which a permit is granted; or any other person

or group of persons who have suffered particularized injury as a result of the granting or denial of a permit.

"Commercial" means provisions for services on the premises, or the sale of goods to the general public on a regular basis for a charge or fee and rooms to let.

"Domestic Waste Water" means any waste water produced by ordinary living uses. Including liquid waste containing animal or vegetable matter in suspension or solution, or the water carried waste from the discharge fro water closets, laundry tubs, washing machine, sinks, dishwashers, or other sources of water carried wastes of human origin.

"Holding Tank" A closed, water-tight structure designed and used to receive and store waste water or septic tank effluent. A holding tank does not discharge waste water or septic tank effluent to surface or ground water or onto the surface of the ground. Holding tanks are designed and constructed to facilitate ultimate disposal of waste water at another site.

"Improved Property" shall mean any property within the municipality upon which there is a structure intended for continuous or periodic habitation, occupancy, or use by humans or animals and from which structure wastewater shall or may be discharged.

"Local Plumbing Inspector" means am inspector appointed by the municipality and certified by the State of Maine with the responsibilities delineated in Title 30-A M.R.S.A. section 4221 and Title 30-A M.R.S.A. Section 4451.

"Municipality" shall mean The Town of Washington, of Knox County, Maine.

"Owner" shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the municipality.

"Person" shall mean any individual, partnership, company, association, corporation, or other group or entity.

"Seasonal Conversion Permit" shall mean written authorization issued by the Local Plumbing Inspector to allow the conversion of a seasonal dwelling unit located in a shoreland zone to a year-round use as defined in Subsurface Waste Water Rules. Chapter 3.

"Wastewater" shall mean any domestic waste water, or other waste water from commercial, industrial, or residential sources, which has constituents similar to domestic waste water.

ENACTED AND ORDAINED into an Ordinance this 23<sup>rd</sup> day of March, A.D., 2002 of the Inhabitants of the Town of Washington of Knox County in lawful session duly assembled.





# Washington Districts



## Districts

- Resource Protection
- Shoreland Limited Residential
- Farm & Forest
- Village
- Rural
- Rural-Commercial
- Planned Development
- Watershed Overlay
- Historic Overlay

## Roads

- Town
- Private
- Discontinued
- Mining Site

Note: Due to scale of map, some small parcels are not shown.

0 0.25 0.5 1 1.5 2 Miles

## OFFICIAL LAND USE MAP TOWN of WASHINGTON, MAINE

### ADOPTED MARCH 26, 2010

Signed on the \_\_\_\_ day of April, 2010 by  
the Washington Board of Selectmen:

Wesley F. Daniel

Donald L. Grinnell

Kathleen Ocean

Attest:  
Ann Dean, Town Clerk



# Town of Washington Land Use Permit 2013

Permit # \_\_\_\_\_ to be  
determined

Book \_\_\_\_\_ Map \_\_\_\_\_ 911 Address \_\_\_\_\_ Fee \_\_\_\_\_  
Page \_\_\_\_\_ Lot \_\_\_\_\_ Lot size \_\_\_\_\_

## Owner Information

Company \_\_\_\_\_  
Name \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
Phone \_\_\_\_\_

## Applicant Information

Company \_\_\_\_\_  
Name \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
Phone \_\_\_\_\_

## Land Use District: Check all that apply

- ☐ Resource Protection
- ☐ Limited Residential
- ☐ Farm & Forest
- ☐ Village
- ☐ Rural
- ☐ Rural Commercial
- ☐ Planned Unit Development
- ☐ Historical; Preservation
- ☐ Watershed

## Existing Use(s): Check all that apply

- ☐ Forested
- ☐ Farmland
- ☐ Year Round Residential
- ☐ Home Occupation
- ☐ Seasonal
- ☐ Commercial
- ☐ Industrial
- ☐ Mineral Extraction
- ☐ Other Not listed

- ☐ Building Permit
- Type of Building Permit
- ☐ Residential New Building
- ☐ Residential Addition
- ☐ Residential Garage / Accessory
- ☐ Commercial Structure New
- ☐ Commercial Structure Addition

Number of stories \_\_\_\_\_

Height \_\_\_\_\_

Exterior Dimension \_\_\_\_\_

Area \_\_\_\_\_

Setback front yard \_\_\_\_\_

Setback Lot line 1 \_\_\_\_\_

Setback Lot line 2 \_\_\_\_\_

Setback Rear lot line \_\_\_\_\_

- ☐ Plumbing Permit
- ☐ Subsurface Wastewater Disposal  
Permit # \_\_\_\_\_
- ☐ Internal Plumbing Permit  
Permit # \_\_\_\_\_

- ☐ Shoreland Zoning Supplemental Application
- ☐ Supplemental Application attached

- ☐ CEO Permit/ use  
Proposed Use \_\_\_\_\_

Planning Board Permit/Use  
Proposed Use \_\_\_\_\_



**Driveway Entrance/911 Address**

- ☐ Driveway Entrance Proposed  
☐ Permit Attached  
☐ 911 Address Needed  
☐ State Road Entrance Required  
☐ State Road Change Use Required  
☐ State Permit Attached

**Mobil Home Manufactured Home**

Unit Year \_\_\_\_\_

Unit Model \_\_\_\_\_

Unit Size (l x w) \_\_\_\_\_

Unit Serial # \_\_\_\_\_

☐ Provision of Article IX of The  
Land Use Ordinance met

**Applicant's Certification****I hereby certify that the information contained herein is true and accurate**

Applicants Signatue \_\_\_\_\_

Date \_\_\_\_\_

**Official Use Only**

CEO Action \_\_\_\_\_

CEO Action Date \_\_\_\_\_

Planning Board Action \_\_\_\_\_

Planning Board Action date \_\_\_\_\_

**Project Description****Conditions****Additional Conditions**

Permit Expiration \_\_\_\_\_

CEO Signature \_\_\_\_\_



# **TOWN OF WASHINGTON, MAINE LAND USE ORDINANCE (REVISED)**

## **ADOPTED**

**22 DECEMBER 1988**

## **AMENDED**

**1 APRIL 1989**

**29 DECEMBER 1989**

**28 DECEMBER 1990**

**23 MARCH 1991**

**27 MARCH 1993**

**26 MARCH 1994**

**27 MARCH 1999**

**24 MARCH 2000**

**23 MARCH 2002**

**27 MARCH 2004**

**25 MARCH 2005**

**24 MARCH 2006**

**27 MARCH 2009**

**26 MARCH 2010**

**14 APRIL 2016**



TABLE OF CONTENTS

ARTICLE I - TITLE .....	1
ARTICLE II - PURPOSE .....	2
ARTICLE III - ESTABLISHMENT OF DISTRICTS .....	3
Section 1. Applicability .....	3
Section 2. Districting Map .....	3
Section 3. Land Use Districts .....	3
Section 4. District Boundaries .....	3
Section 5. Establishment of Districts .....	4
ARTICLE IV - ADMINISTRATION AND ENFORCEMENT .....	8
Section 1. Administrative Officials .....	8
Section 2. Permits Required .....	8
Section 3. Work For Which a Permit is Not Required .....	8
Section 4. Permit Applications .....	9
Section 5. Permit Fees and Administrative Costs .....	9
Section 6. Action on Permit Applications .....	9
Section 7. Time Limit .....	10
Section 8. Violations .....	10
ARTICLE V - NONCONFORMANCE .....	12
Section 1. Purpose .....	12
Section 2. Continued Nonconformance .....	12
Section 3. Nonconforming Lots .....	12
Section 4. Nonconforming Uses .....	13
Section 5. Nonconforming Structure .....	14
Section 6. Transfer of Ownership .....	16
Section 7. Changes in Nonconforming Lots, Structures, and Uses .....	16
Section 8. Creating a Nonconforming House Lot for Family Members .....	16
ARTICLE VI - DISTRICT REGULATIONS .....	19

**Town of Washington Land Use Ordinance • 12/22/1988 • Amended 4/14/2016**

Section 1. Resource Protection District (RP) .....	19
Section 2. Farm and Forest District (FF) .....	24
Section 3. Rural District (RU) .....	30
Section 4. Rural/Commercial District (RC) .....	36
Section 5. Planned Development District (PD) .....	42
Section 6. Village District (VI) .....	48
Section 7. Shoreland Limited Residential District (LR) ...	54
Section 8. Watershed District (WS) .....	60
Section 9. Historic Preservation District (HP) .....	62
Section 10. Table of Land Uses .....	66
Section 11. Table of Dimensional Standards .....	69
ARTICLE VII – GENERAL STANDARDS .....	70
Section 1. Environmental .....	70
Section 2. Abutter Protection .....	75
Section 3. Lot Access .....	80
Section 4. Historic and Archeological Sites .....	80
ARTICLE VIII – SHORELAND ZONING STANDARDS .....	81
Section 1. Structures .....	81
Section 2. Campgrounds and Campsites .....	82
Section 3. Parking Areas .....	84
Section 4. Roads and Driveways .....	84
Section 5. Signs .....	87
Section 6. Storm Water Runoff .....	88
Section 7. Septic Waste Disposal .....	89
Section 8. Essential Services .....	89
Section 9. Agriculture .....	89
Section 10. Timber Harvesting .....	90
Section 11. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting .....	93
Section 12. Erosion and Sedimentation Control .....	96
Section 13. Soils .....	97
Section 14. Water Quality .....	88

Section 15. Archaeological Sites .....	98
ARTICLE IX – MANUFACTURED HOUSING .....	99
Section 1. Purpose .....	99
Section 2. Definition of Manufactured Housing .....	99
Section 3. Performance Standards .....	99
Section 4. Temporary Housing Units .....	100
Section 5. Removal of Manufactured Housing Units (New or Existing) .....	101
ARTICLE X – MISCELLANEOUS STANDARDS .....	102
Section 1. Purpose .....	102
Section 2. Abandoned Vehicles .....	102
Section 3. Automobile Graveyard, Automobile Recycling, and Junkyard Operations .....	102
Section 4. Accumulation of Debris and Junk .....	102
Section 5. Uninhabitable Structures .....	103
Section 6. Yard Sales, Garage Sales, and Flea Markets ...	103
Section 7. Adult Business Establishments/Adult Entertainment .....	103
ARTICLE XI – SITE PLAN REVIEW .....	105
Section 1. Purpose .....	105
Section 2. Applicability of Site Plan Review .....	106
Section 3. Review and Approval Authority .....	108
Section 4. Review Procedures .....	108
Section 5. Submission Requirements .....	112
Section 6. Approval Standards and Criteria .....	116
Section 7. Post Approval Activities .....	125
ARTICLE XII – LAND USE BOARD OF APPEALS .....	129
Section 1. Appointment and Composition .....	129
Section 2. Procedure .....	129
Section 3. Powers and Duties .....	130
Section 4. Administrative Appeals .....	131

**Town of Washington Land Use Ordinance • 12/22/1988 • Amended 4/14/2016**

Section 5. Variances .....	133
Section 6. Appeal of Board of Appeals Action .....	136
ARTICLE XIII – AMENDMENT AND OTHER LEGAL PROVISIONS .....	137
Section 1. Interpretation .....	137
Section 2. Conflict with Other Ordinances .....	137
Section 3. Severability .....	137
Section 4. Amendment .....	137
Section 5. Effective Date and Repeal .....	138
ARTICLE XIV – ARRAYS .....	139
Section 1. Purpose .....	139
Section 2. Authority .....	139
Section 3. Exempt Arrays .....	140
Section 4. Location and Size .....	141
Section 5. Site Plan review .....	141
Section 6. Guarantee for Removal .....	142
Section 7. Decommissioning and Abandonment .....	143
Section 8. General Standards for All Arrays .....	145
Section 9. Solar Energy Conversion Arrays (SECA) .....	147
Section 10. Wind Energy Conversion Arrays (WECA) .....	148
Section 11. Antenna Arrays (AA) .....	149
ARTICLE XV – DEFINITIONS .....	151
Section 1. Meaning of Words .....	151
Section 2. Definitions .....	151
APPENDIX I – NAICS (Condensed)	
APPENDIX II – NAICS (Full)	

**ARTICLE I - TITLE**

This Ordinance shall be known and may be cited as the "Land Use Ordinance of the Town of Washington, Maine," and will be referred to herein as "the Ordinance" or "this Ordinance".



**ARTICLE II - PURPOSE**

This Ordinance, adopted in accordance with Maine Revised Statutes Annotated, Title 30-A, Sections 3301-3302, and Title 38, Sections 435-449, is designed

- A. to encourage the most appropriate use of the land throughout the Town;
- B. to ensure consistency with the Town's Comprehensive Plan;
- C. to preserve the town character and assure that it remains a thriving place which will attract compatible residential and commercial development;
- D. to protect the town's rural character, maintain its visual quality, and to acknowledge the value of its watersheds, lakes, forest, and farmland;
- E. to encourage commercial and industrial development that would provide employment opportunities and strengthen the tax base for the town; and
- F. to provide for adequate public services and safety.
- G. to ensure continuity with the Land Use Ordinance originally adopted in 1988 and still in force as amended subsequently and as amended herein. Permits issued previous to the adoption of the amendments herein are still valid and in force.

## **ARTICLE III – ESTABLISHMENT OF DISTRICTS**

### **Section 1. Applicability**

This Ordinance applies to all land within the boundaries of the Town of Washington.

### **Section 2. Districting Map**

A map entitled “Town of Washington Land Use Map” and the “Town of Washington Tax Map” overprinted with the district boundaries are hereby adopted as part of this Ordinance and shall be referred to as the Official Land Use Map. The Official Land Use Map shall be identified by the signatures and date signed by the Board of Selectmen and attested to by the signature and date signed by the Town Clerk. The Official Land Use Map shall be located in the Town office, and it shall be utilized in the application of this Ordinance. The map shall be prepared and signed by the Selectmen within 90 days of the adoption of this Ordinance.

### **Section 3. Land Use Districts**

The Town is divided into the following nine districts, as shown by the district boundary lines on the official Land Use Map:

- Resource Protection (RP) District
- Farm and Forest (FF) District
- Rural (RU) District
- Rural/Commercial (RC) District
- Village (VI) District
- Planned Development (PD) District
- Shoreland Limited Residential (LR) District
- Watershed (WS) District
- Historic Preservation (HP) District

### **Section 4. District Boundaries**

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Official Land Use Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of State or Town maintained roads, highways, or rights-of-way shall be construed to follow such center lines;
- B. Boundaries indicated as approximately following well established lot lines shall be construed as following such lot lines;
- C. Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits;
- D. Boundaries indicated as following shorelines shall be construed to follow the normal high water line, and in the event of natural change in the shoreline shall be construed as moving with the actual shoreline;
- E. Boundaries indicated as approximately following the center line of streams or other water bodies shall be construed to follow such center lines;
- F. Boundaries indicated as following contour lines and ridge lines shall be construed to follow such lines as indicated by U.S.G.S. topographic maps, which may, however, be superseded by field surveys sealed by registered land surveyors.
- G. Boundaries indicated as being parallel to or extensions of features indicated in paragraphs (a) through (f) above shall be so construed. Distances not specifically indicated on the Official Land Use Map shall be determined by the scale of the map. Any conflict between the Official Land Use Map and a description by metes and bounds in a deed shall be resolved in favor of the description by metes and bounds;
- H. Where physical or cultural features existing on the ground are at variance with those shown on the Official Land Use Map, or in circumstances where the items covered by paragraphs A through G above are not clear, the Board of Appeals shall interpret the district boundaries. See Article XII, Section 3.

## **Section 5. Establishment of Districts**

- A. The **Resource Protection District** is established to protect all fragile environmental systems, including steep slopes, freshwater wetlands, floodplains, and shoreland areas on which development would degrade water quality or disrupt productive habitat and biotic systems.
  - 1. It shall include all State numbered wetlands as identified on the "Town of Washington Tax Map" as

defined by Section 2 of this Article as shaded areas, as well as any additional wetlands which the Town accepts as such in the future.

2. It may include all slopes in excess of 25% grade within the Shoreland area which the Town specifically chooses to designate for protection.
  3. Any additional areas to be designated as a part of the Resource Protection District per subsections (1) or (2) above shall be made by amendment of this Article.
  4. It shall include wildlife habitats and deer wintering yards specifically designated for protection by the Maine Department of Inland Fisheries and Wildlife.
  5. All areas depicted on the overprinted tax map as swamps, marshes, wetlands, etc., (shaded areas) shall be construed to be located in the Resource Protection District.
- B. The **Farm and Forest District** is established to protect the open space and forestland which have historically provided the residents of the Town with income.
1. Any area not included in the Resource Protection, Rural, Rural/Commercial, Planned Development, Village, or Shoreland Limited Residential Districts shall be determined to be in the Farm and Forest District.
- C. The **Rural District** is established to provide for flexibility and innovation in the use of the rural lands according to sound standards of development, while at the same time protecting this natural, rural quality from developmental sprawl.
1. Where established, as determined by the "Town of Washington Land Use Map" as defined by Section 2 of this Article, the Rural District shall extend 500 feet from either side of the centerline of roads or as otherwise determined by the "Town of Washington Land Use Map".
- D. The **Rural/Commercial District** is established to provide for continued business and residential growth while maintaining an aesthetic balance between the two.
1. Where established, as determined by the "Town of Washington Land Use Map" as defined by Section 2 of this Article, the Rural/Commercial District shall extend 500 feet from either side of the centerline of the road.

- E. The **Village District** is established to preserve the physical, historic, aesthetic and social quality of Washington Village.
1. The Village District boundaries shall be determined by the "Town of Washington Land Use Map" as indicated by Section 2 of this Article.
- F. The **Planned Development District** is established for industrial activity that provides needed jobs and a stable tax base that conforms with the overall rural character of the Town.
1. The Planned Development District boundaries shall be determined by the "Town of Washington Land Use Map" as indicated by Section 2 of this article.
- G. The **Shoreland Limited Residential District** is established to protect the water quality of Washington Pond, Crystal Pond, Iron Pond, Spring Pond, Muddy Pond, Lily Pond, Medomak River, Little Medomak River, Davis Stream, Jackson Stream, the stream between Crystal and Washington Ponds, Burns Brook, Calderwood Brook, Jones Brook, Washington Brook, Hope Brook, Vanner Brook, and Pitcher Brook.
1. The Shoreland Limited Residential District applies to all land areas within 250 feet, horizontal distance, of the normal high water mark of all water bodies listed in this subsection
- H. The **Watershed District** is established to protect the unique Washington Pond/Crystal Pond watershed into which only water from this town flows.
1. The Watershed District shall be considered an "overlay district" in that it shall place restrictions on otherwise allowable activities in any district.
- I. The **Historic Preservation District** is established to preserve unique historic areas and locations in Washington.
1. The Historic Preservation District shall be considered an "overlay district" in that it shall place restrictions on otherwise allowable activities in any district.
- J. This Ordinance recognizes that new development or change of use proposals may not necessarily extend over the full area of any lot.

1. The Planning Board shall determine the extent of the portion of the lot to be used in the development or change of use proposal and shall document that portion at the applicant's expense.
2. In all cases where any lot or portion of a lot to be used in a development or change of use proposal is in two or more districts, provisions of the more restrictive of the districts shall apply, however if the development or change of use is to be confined to an area of the lot that is entirely within one district then the provisions of that district shall apply. The applicant may apply to the Board of Appeals for a Practical Difficulty Variance from dimensional standards per Article XII, Section 5(B).
3. Lots to be subdivided will be divided in accordance with the standards of the district in which each new lot is located; any lot or lots that remain in two or more districts shall each conform with the minimum requirements of the more restrictive of the districts.
4. The districts defined herein shall be considered to be from more restrictive to less restrictive in this order: Resource Protection, Shoreland Limited Residential, Watershed, Historic Preservation, Farm & Forest, Rural, Village, Rural-Commercial, and Planned Development.

**ARTICLE IV – ADMINISTRATION AND ENFORCEMENT**

**Section 1. Administrative Officials**

Unless otherwise specifically stated, the Town Planning Board shall administer and the Code Enforcement Officer shall enforce this Ordinance.

**Section 2. Permits Required**

- A. After adoption of this Ordinance, a permit issued by the Code Enforcement Officer shall be required for all buildings or other structures to be erected, moved, altered, retrofitted, or added to except as stated in Section 3, Work For Which a Permit is Not Required, below.
- B. A change of use may not occur without the appropriate permit.
- C. Other activity which may be referenced elsewhere in this Ordinance as requiring a permit shall not commence without a permit issued by the Code Enforcement Officer.
- D. Permits shall be issued in conformity with the provisions of this Ordinance and the provisions of other applicable State statutes, codes, rules, and regulations and local ordinances or codes, and after the necessary approvals have been secured from local officials.

**Section 3. Work For Which a Permit is Not Required.**

*[NOTE: There may be State or ADA Standards that apply.]*

Provided all required performance standards and State standards for the applicable district are met, a building permit shall not be required for:

- A. Replacement of exterior steps and walkways which do not increase the existing footprint by more than 240 square feet, or as required by ADA or NFPA standards.
- B. Fences or stone walls that are out of the public right of way.
- C. The construction of a single story free-standing accessory structure or an attached deck or open porch of 240 square feet or less, subject to the Shoreland standards, Article VIII, Section 1, if applicable.
- D. Re-siding, re-roofing, changing windows or changing doors.
- E. Alterations or repairs of structures which do not change the building footprint or volume.

F. Baby Sitting Services.

#### **Section 4. Permit Applications**

Applications for permits shall be made on forms available at the Town Office. Each application for a building permit shall be accompanied by the following:

- A. A subsurface wastewater disposal permit is required, if the proposed structure will have pressurized water, in compliance with the Maine State Plumbing Code.
- B. A site plan drawn to approximate scale, showing the measurements of the lot and of all buildings, setbacks, disposal fields, the location of abutting streets or ways, existing and proposed parking spaces.
- C. A clear statement as to the intended use of the property.
- D. An assigned 911 Address.
- E. An MDOT or town access, driveway or entrance permit, if required.
- F. Any State or Federal permits that may be required.

#### **Section 5. Permit Fees and Administrative Costs**

- A. Permit applications shall be accompanied by a fee or fees in accordance with a fee schedule determined by the Board of Selectmen.
- B. The completed application, all other required permits, and required fee(s) shall be filed at the Town Office. The fee(s) shall be given to the Town Treasurer for use in administering and enforcing this Ordinance
- C. In addition to the fee(s), the Planning Board shall require the applicant to pay all administrative, legal, and consulting costs in connection with the application process. All costs shall be paid within 30 days of billing notice from the Planning Board.
- D. No permit shall be issued until all costs are paid.

#### **Section 6. Action on Permit Applications**

- A. For applications for CEO Permitted Uses as defined in Article VII, District Regulations, the Code Enforcement Officer shall review the application for completeness and, when the activity is found to be in conformance with this Ordinance and other applicable codes and regulations, the Code Enforcement Officer shall issue a written permit within 15



days. The Code Enforcement Officer may refer any application to the Planning Board for approval as per Section 6 B, below. The Code Enforcement Officer shall notify the applicant in writing if the application is approved, approved with conditions, referred to the Planning Board, or denied.

- B. For all other applications, the Code Enforcement Officer shall review the application for completeness and advise the Planning Board (PB) as to the effect of this Ordinance on the application. The PB may request further explanation of the application; after it is determined by the PB that the application is complete, the PB shall schedule the applicable Public Hearing within 45 days. When the activity is found to be in conformance with this Ordinance and other applicable codes and regulations, the PB shall issue a written decision within 45 days, notifying the applicant in writing if the application is approved, approved with conditions, or denied. The Code Enforcement Officer shall issue applicable permits based on the Planning Board approval or approval with conditions.

#### **Section 7. Time Limit**

The work authorized by a building permit and/or the uses authorized under a use permit must be started within 24 months. Permits may be renewed without cost for additional 24 month periods by the permit approving authority if reasonable cause can be shown as to why the activity permitted was not completed within the timeframe allowed in the previously approved permit.

#### **Section 8. Violations**

If the Code Enforcement Officer finds that any provision of this Ordinance is being violated, he shall notify by certified mail, return receipt requested, the property owner and such other person as may be responsible for the violations, indicating the nature of the violations, ordering the action necessary to correct it, including, but not limited to, the issuance of a Stop Work Order, and the date by which it must be corrected. The Board of Selectmen, shall institute, in the name of the Town, any and all actions, legal and equitable, that may be appropriate or necessary for the enforcement of the provisions of this Ordinance. Any person, firm or corporation owning or having control of any building or premises or part thereof violating any provision of this Ordinance, or failing to take the required corrective measures, after receiving written notice of violation, shall be guilty of a civil violation and, upon conviction thereof, shall be subject to a fine in accordance

with 30-A M.R.S.A. §4452. Each day such violation exists shall constitute a separate offense.

## **ARTICLE V - NONCONFORMANCE**

### **Section 1. Purpose**

The purpose of this Article is to regulate nonconforming lots, structures, and uses, as defined in this Ordinance, such that they can be reasonably developed, maintained, or repaired, or changed to other less nonconforming or to conforming uses.

### **Section 2. Continued Nonconformance**

- A. Any nonconforming lot which, at the effective date of this Ordinance, does not meet the minimum lot area, minimum lot area per dwelling unit, or minimum frontage requirements of the district in which it is located is allowed to continue if it was in lawful existence at the time this Ordinance or subsequent amendment took effect.
- B. Any Nonconforming structure that does not meet the minimum setback, maximum lot coverage, or maximum height standards of the district in which it is located is allowed to continue if it was in lawful existence at the time this Ordinance or subsequent amendment took effect.
- C. Any Nonconforming use that is not permitted in the district in which it is located is allowed to remain if it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

### **Section 3. Nonconforming Lots**

#### **A. Vacant Lots**

A nonconforming lot may be built upon provided that such lot is not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot size and road or shore frontage can be met. If two or more vacant, contiguous lots or parcels are in the same ownership of record at the time of adoption or amendment of this Ordinance, and if these lots do not individually meet the minimum lot size, minimum lot area per dwelling unit, or minimum road frontage standards, the lots shall be combined to the extent necessary to meet these standards, except:

- 1. where the contiguous lots front onto different roads; or

2. where the lots each have at least 20,000 square feet of lot area, and have soils suitable for on-site sewage disposal. Waterfront lots shall have at least 100 feet of shoreline frontage.

**B. Lots with Structures**

1. A structure built on a lot prior to enactment of this Ordinance, which lot does not conform to lot size, lot area per dwelling unit, or frontage requirements, may be repaired, maintained, or improved, and may be enlarged in conformity with the applicable space, bulk, and performance standards other than minimum lot size or minimum frontage. Structures shall not be enlarged in a manner that violates or worsens the standard relative to minimum lot area per dwelling unit.
2. If two or more contiguous lots or parcels are in the same ownership of record at the time of adoption or amendment of this Ordinance, if all or part of the lots do not meet the minimum lot or minimum frontage requirements, and if a principal use exists on each lot, or if the lots were legally created as part of a recorded subdivision after the effective date of the Maine Subdivision Act (September 22, 1971), the nonconforming lots may be conveyed separately or together, providing all other State law and local ordinance requirements are met.
3. On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

**Section 4. Nonconforming Uses**

**A. Continuance**

Except as provided in paragraph D(3) "Expansion of Use" below, the use of land, building, or structure, lawful at the time of adoption or subsequent amendment of this Ordinance, may continue, although such use does not conform to the provisions of this Ordinance.

**B. Resumption**

Whenever a nonconforming use of land and/or a structure is superseded by a permitted use, such structure and/or land shall thereafter conform to the provisions of this Ordinance and the nonconforming use may not be resumed.

**C. Discontinuance**

A nonconforming use which is discontinued for a period of two years or that has been discontinued for two years prior to the enactment of this ordinance may not be resumed. The uses of the land, building, or structure shall thereafter conform to the provisions of this Ordinance.

**D. Expansion of Use**

A nonconforming use in lawful existence as of the effective date of this Ordinance, including a non-conforming outdoor use of land, may not be expanded except upon the following conditions:

1. the expansion shall occur only on the lot of record on which the non-conforming use existed as of the effective date of this Ordinance.
2. the person proposing such expansion shall document his/her right, title, or interest in the land.
3. the expansion shall meet all space and bulk requirements set forth in this Ordinance, or if the use includes a non-conforming lot or structure, the nonconforming aspect may not be worsened.
4. expansion of a non-conforming use may be granted by the Planning Board only in the event that the applicant has established to the satisfaction of the Planning Board that all applicable standards required by this Ordinance have been met.

**Section 5. Nonconforming Structure**

**A. Maintenance and Enlargement**

A structure in existence as of the effective date of this Ordinance that does not meet the minimum setback, maximum lot coverage, or maximum height requirements of the district in which it is located, including shoreland area standards, may be repaired, maintained, and improved. It may be enlarged and/or accessory structures may be added to the site without a variance, provided that:

1. the enlargement or accessory structure does not itself exceed the prescribed height standard; and
2. the enlargement in combination with the existing structure does not exceed, or worsen the existing violation of, the prescribed maximum lot coverage; and
3. if any portion of a structure is less than the prescribed minimum setback requirements from lot lines or the normal high-water line, the structure shall not be expanded in floor area or volume, by 30 percent or more, during the lifetime of the structure.
4. no structure which is less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland shall be expanded toward the water body, tributary stream, or wetland.
5. the enlargement or accessory structure itself meets the prescribed setback requirements; or, if the enlargement of an existing structure is no closer to the front, side, or rear lot line than the nonconforming structure, except that unenclosed stairs or wheelchair ramp that serve specifically as an entrance to the structure may be placed closer to the lot lines than the prescribed setback.

**B. Reconstruction**

Any nonconforming building or structure which is hereafter damaged or destroyed by fire or any cause may be restored or reconstructed and used as before within 24 months of the date of said damage or destruction; provided, however, that such reconstruction and use shall not be more nonconforming than the prior nonconforming building, structure, or use. Expansion of prior structure during reconstruction shall be governed by Sections 5A and 7.

## **Section 6. Transfer of Ownership**

Ownership of nonconforming lots, structures, or uses as defined in this Ordinance may be transferred without loss of their lawful use but will still retain their nonconforming status.

## **Section 7. Changes in Nonconforming Lots, Structures, and Uses**

Upon approval of the Planning Board, a nonconforming aspect of a lot, structure, or use may be changed upon a finding by the Board that such a change will bring the lot, structure, or use into closer conformance with the provisions of this Ordinance, or will make the nonconforming aspect no worse. A lot or structure will be deemed to have been brought into closer conformance with the provisions of this Ordinance, or have been made no worse, if its dimensions are unchanged or more nearly meet the prescribed standards. A use will be deemed to have been brought into closer conformance with the provisions of this Ordinance, or have been made no worse, if it is less or no more intense than the previous nonconforming use, as measured by volume and type of traffic expected to be generated, size of building or structure housing the use, number of potential customers, number of bedrooms, or similar measures of intensity of the use. The Planning Board may approve, approve with condition, or disapprove requests under this section.

## **Section 8. Creating a Nonconforming House Lot for Family Members**

A. Notwithstanding other provisions of this Ordinance and pursuant to the Certificate of Exemption to the Maximum Lot Size Requirement policy adopted by the Planning Board on May 5, 2003, the Washington Planning Board may allow an exemption to the minimum lot size, minimum lot area per dwelling unit, and minimum frontage, provided that the following conditions and standards are met.

1. Property owners (grantor) may give land only to their immediate family members (grantee), specifically, spouses or domestic partners, parents, grandparents, children, step children (including children of a domestic partner), siblings, or grandchildren under provisions of this section with reductions in minimum lot size, minimum lot area per dwelling unit, and minimum frontage.
2. The grantee does not already own a buildable lot in the Town of Washington.

3. This exemption cannot be used to add property to a grantee who is an abutting property owner whose lot already meets the appropriate conforming requirements for that district. In other words, a grantor cannot create a nonconforming lot from a parcel and give the remainder of the parcel to an otherwise qualifying abutting property owner whose lot already conforms to the requirements for that district.
  4. The land shall be conveyed as a gift.
  5. The property owner shall have owned the primary parcel for at least the immediate previous five years.
  6. No previous transfer of property under this provision shall have been approved for the grantee in the Town of Washington.
  7. Grantees described above shall not transfer the land to any non-family member for at least 5 years. This restriction shall be noted in the deed.
  8. The grantee is at least 18 years of age and able to hold real estate under the laws of the State of Maine.
  9. The transfer is not for the purpose of circumvention of the Town Subdivision Ordinance or other applicable Town Ordinances.
  10. The land, or any part of it, is not in the Resource Protection or Shoreland Limited Residential Districts.
  11. The lot created meets the minimum lot size, minimum lot area per dwelling unit, and minimum frontage in a district as closely as possible, but in any case the newly created lot shall not be less than 50% of the minimum lot size, minimum lot area per dwelling unit, or minimum frontage, for a particular district.
  12. The lot(s) created may not be less than one half (1/2) acre in size.
  13. If lot(s) can be created that meet minimum lot size, minimum lot area per dwelling unit, and minimum frontage, no exemption shall be granted.
  14. The use of the lot(s) is for a residential dwelling.
- B. New lot(s) created shall be considered nonconforming lot(s) of record, which are buildable lot(s), provided the setback



requirements of the district and sewage disposal regulations can be met.

- C. Persons wishing to take this exemption shall make application to the Washington Planning Board on forms prepared by the Board. After notice and hearing as stated in Article IV Administration & Enforcement, Section 6B, the Board shall issue written Findings of Fact and Decision that the above conditions and standards above have been met. The exception shall become valid upon return to the Town, by the applicant, within 90 days of the approval, a certified copy of the deed(s) registered in the Knox County Registry of Deeds. The CEO may issue applicable building permits after receipt of the copy of the registered deed.
- D. The information required by the Planning Board in making its decision shall include the following:
  - 1. The grantor and grantees name, mailing address and phone number.
  - 2. The Parcel Tax map and lot number, and District.
  - 3. The size of the parcel and lot(s) to be created.
  - 4. The length of time the property has been held.
  - 5. The relationship of all parties involved.
  - 6. A site plan showing the proposed lot(s), with any existing or proposed structures, roads or other improvements.
  - 7. Evidence that a dwelling can be constructed meeting the setbacks and sewage disposal requirements.
  - 8. A copy of the proposed deed.
  - 9. Other information the Planning Board deems necessary to make its decision.

## ARTICLE VI – DISTRICT REGULATIONS

### Section 1. Resource Protection District (RP)

#### A. Purpose

The purpose of the Resource Protection District is to protect fragile ecological systems, which if intensively developed or substantially altered, would damage water quality, wildlife and aquatic habitat and biotic systems, and ecological relationships; to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; and to protect freshwater wetlands. To accomplish this purpose, uses are allowed which avoid disruption of the natural environment while allowing productive use to be made of the land.

#### B. Uses By Right

The following uses in the Resource Protection District do not need a permit:

1. Primitive recreation.
2. Forest management.
3. Wildlife management.
4. Emergency and fire protection activities as determined by the Washington Fire Department.
5. Harvesting of wild crops.
6. Traditional hunting, fishing, and trapping.
7. Replacement of exterior steps and walkways which do not increase the existing footprint by more than 240 square feet, or as required by ADA or NFPA standards.
8. Fences or stone walls that are out of the public right of way.
9. Re-siding, re-roofing, changing windows or changing doors.

10. Alterations or repairs of structures which do not change the building footprint or volume.
11. Soil and Water conservation practices.
12. Satellite dishes.

**C. Uses Requiring a CEO Permit**

The following uses in the Resource Protection District require a permit issued by the Code Enforcement officer:

1. Timber harvesting up to 40% of the total volume of trees four (4) inches or more in diameter measured at 4-1/2 feet above ground level on any lot in any ten year period, except that all cutting is prohibited within 75 feet of the high-water line in any Resource Protection District adjacent to any Great Pond except as provided for in Article XIII "Amendment & Other Legal Provisions" Section 5C.
2. Farm ponds and fire protection ponds less than 5,000 square feet in size.
3. Residential utility poles and services.

**D. Uses Requiring Planning Board Review**

The following uses in the Resource Protection District may be undertaken only upon approval of the Washington Planning Board in accordance with the appropriate provisions of this Ordinance and a permit issued by the Code Enforcement Officer:

1. Timber harvesting in excess of 40% of the total volume of trees four (4) inches or more in diameter measured at 4-1/2 feet above ground level on any lot in any ten year period except as provided for in Article XIII "Amendment & Other Legal Provisions" Section 5C.
2. Rice and Cranberry culture.
3. Small non-residential facilities for educational, scientific, or nature interpretation purposes.
4. Structures accessory to, or essential for permitted uses.
5. Utility structures and services and essential services.

6. Seasonal to Year-round Residential Conversions where occupants will reside more than 180 days per year.

7. Laundromats connected to a sanitary sewer.

**E. Prohibited Uses**

The following uses in the Resource Protection District are specifically prohibited:

1. Uses not otherwise permitted
2. Mobile home parks.
3. Aquaculture.
4. Agriculture except for Cranberries and Rice.
5. Storage of more than twelve used tires.
6. Shooting ranges.
7. Automobile washing facilities.
8. Automobile or other vehicle service and/or repair operations, including body shops.
9. Chemical and bacteriological laboratories.
10. Commercial painting, wood preserving, and furniture stripping.
11. Dry cleaning establishments.
12. Electronic circuit assembly.
13. Laundromats, unless connected to a sanitary sewer.
14. Metal plating, finishing, or polishing.
15. Commercial Photographic processing.
16. ATV Trails.
17. Junkyards or storage of junk.
18. Application of fertilizers in commercial operations.
19. Agribusiness.
20. Commercial agriculture including piggeries.

21. Automobile Graveyards and Automobile Recycling Operations.
22. Adult Business Establishments or Entertainment.
23. Commercial Printing.
24. Storage, Treatment, or Disposal Facilities for Hazardous Wastes.
25. All Industrial and Light Industrial Uses.
26. Mineral Extraction and Processing.
27. Above-ground or in-basement storage of petroleum or liquid fuel products in quantities greater than 350 gallons.
28. Storage of more than one liquid gallon or more than five pounds dry pesticide or herbicide; or of building debris; of lead-acid batteries.
29. Single-, or double-, or triple-wide mobile homes.
30. Communications towers except as required for Municipal Emergency Services.
31. Waste oil burners.
32. Septage Waste, Sewerage, or Sludge disposal.

F. Performance, Review, Space and Bulk Standards

1. The general standards of performance of Article VII shall be observed.
2. All uses shall meet the appropriate requirements of Article IV "Administration and Enforcement".
3. Structures in this district shall be set back:
  - a. 75 feet from the upland edge of wetlands.
  - b. 100' from the Normal High Water Mark.
  - c. 75' from Tributary Streams.
  - d. 25' from the lot line(s) opposite the shore.
  - e. 25' from private road centerlines.
  - f. 50' from public road rights-of-way.
  - g. 10' from all other lot lines.

4. The maximum footprint of structures and non-vegetated surfaces shall be 20% of lot area.

## **Section 2. Farm and Forest District (FF)**

### **A. Purpose**

With the waning of agriculture and forestry as predominant means of livelihood in the community, the preservation of undeveloped land, so important to the rural character of the community, is a concern to all. The purpose of the Farm and Forest District is to maintain the fields and forest lands which traditionally have been accepted as part of the landscape. This district also serves to protect those areas of town characterized by steep slopes and soils not suitable for intensive development.

### **B. Uses by right**

The following uses in the Forest and Farm District do not need a permit:

1. Primitive recreation.
2. Forest management.
3. Wildlife management.
4. Emergency and fire protection activities as determined by the Washington Fire Department.
5. Harvesting of wild crops.
6. Traditional hunting, fishing, and trapping.
7. Farm ponds and fire protection ponds less than 5,000 square feet in size.
8. Home Farming
9. Commercial or Non-commercial Agriculture (except piggeries), including the storage and application of fertilizers, pesticides, herbicides, or manure.
10. Timber harvesting and approved construction clearing in compliance with this ordinance.
11. Home occupations.
12. Replacement of exterior steps and walkways which do not increase the existing footprint by more than 240 square feet, or as required by ADA or NFPA standards.

13. Fences or stone walls that are out of the public right of way.
14. The construction of a free-standing single story accessory structure or an attached open porch or deck of 240 square feet or less.
15. Re-siding, re-roofing, changing windows or changing doors.
16. Alterations or repairs of structures which do not change the building footprint or volume.
17. Municipal structures and uses.
18. Aquaculture.
19. Soil and Water Conservation Practices.
20. Individual Private Campsites.
21. Satellite Dishes.
22. Baby Sitting Services.

**C. Uses Requiring a CEO Permit**

The following uses in the Farm & Forest District require a permit issued by the Code Enforcement officer:

1. Non-residential structures up to 1,200 square feet in size.
2. Commercial storage or warehousing in existing buildings.
3. Single-, or Two-family dwellings.
4. Mobile or Modular Homes.
5. Seasonal to year-round residential conversions where the occupants will reside for more than 180 days per year.
6. Structures accessory to or essential for permitted uses.
7. Uses accessory to CEO reviewed permits.
8. Commercial wood processing and sales.
9. Tradesman shops.
10. Licensed baby sitting services.



11. Residential utility poles and services.
12. Small non-residential facilities for educational, scientific, or nature interpretation purposes.
13. Public or private Recreation Facilities involving minimal structural development.
14. Business, Financial, or Personal Services.
15. Signs.

D. Uses Requiring Planning Board Review

The following uses in the Farm & Forest District may be undertaken only upon approval of the Washington Planning Board in accordance with the appropriate provisions of this Ordinance and a permit issued by the Code Enforcement Officer:

1. Mineral extraction.
2. Commercial outdoor recreation.
3. Campgrounds.
4. Utility structures and services.
5. Essential Services.
6. Bed and breakfast establishments.
7. Licensed Day care centers and nursery schools.
8. Cluster development as defined in this Ordinance.
9. Mobile Home Parks.
10. Farm ponds and fire protection ponds 5,000 square feet or greater in size.
11. Piggeries
12. Uses accessory to projects requiring Planning Board review.
13. Agribusiness.
14. Structures greater than 1,200 square feet in size and their uses except single family or two family dwellings.

15. Fraternal, religious, philanthropic, social, or educational institutions.
16. Multi family dwellings.
17. Wineries, breweries, and distilleries.
18. Commercial water extraction, bottling, and distribution facilities.
19. Automobile or other vehicle service and/or repair operations, including body shops and automobile washing facilities.
20. Dry cleaning establishments.
21. Laundromats.
22. Neighborhood Stores.
23. Medical or Professional Offices.
24. Septage waste, Sewerage, or Sludge Disposal.
25. Solid Waste Facilities.
26. Stump Dumps.
27. Nursing Homes, Assisted Living, Congregate Care, Elderly Housing Facilities.
28. Light Industrial Uses employing three or fewer people.
29. Shooting Ranges.
30. Exterior storage of Salt or Similar Products greater than one hundred pounds.
31. Above ground or in-basement storage of petroleum or liquid fuel products in approved containers exceeding 350 gallons with approved containment area for the total volume being stored.
32. Underground storage of Petroleum or Liquid Fuel Products.
33. Communications Towers except as required for Municipal Emergency Services.
34. Road and/or Parking Facilities Construction.

35. Similar uses included in North American Industry Classification System-United States (NAICS, 2002 or subsequent) category 11 (see appendix) as determined by the Planning Board.

#### E. Prohibited Uses

The following uses in the Farm & Forest District are specifically prohibited:

1. Uses not otherwise permitted.
2. Outside storage of more than fifty used tires.
3. Adult Business Establishments or Entertainment.
4. Storage, Treatment, or Disposal Facilities for Hazardous Waste.
5. Junkyards or storage of Junk.
6. Mineral Processing except that the CEO may grant a temporary permit for crushing operations for up to 15 working days per year per site not including set up and dismantle time.
7. Above ground or in-basement storage of Petroleum or Liquid Fuel Products in non-approved containers greater than 350 gallons.
8. Exterior storage of Building Debris or Lead-acid Batteries.

#### F. Performance, Review, Space and Bulk Standards

1. The general standards of performance of Article VII shall be observed.
2. All uses shall meet the appropriate requirements of Article IV "Administration and Enforcement".
3. The following space and bulk standards shall apply:
  - a. Minimum lot area within 500' measured from the property line nearest a public road ..... 3 acres
  - b. Minimum lot area outside 500' measured from the property line nearest a public road ..... 5 acres

- c. Minimum lot area per dwelling structure  
within 500' measured from the  
property line nearest a public road ..... 3 acres
- d. Minimum lot area per dwelling structure  
outside 500' measured from the  
property line nearest a public road ..... 5 acres
- e. Minimum road frontage ..... 300 feet
- f. Minimum setbacks from:  
Public or private road right-of-way ..... 50 feet  
All other lot lines ..... 25 feet
- g. Minimum setback from normal high water mark as defined  
in the Shoreland Zoning provisions of this Ordinance.

### **Section 3. Rural District (RU)**

#### **A. Purpose**

This district is generally composed of those areas of the town which are settled, but sparsely, are open or wooded and rural in nature and generally beyond areas that will likely be served by public water and sewer. Thus it is intended that open space, agricultural and low density residential uses be encouraged, since such uses tend to enhance, reinforce and protect the rural, open space atmosphere now characterizing much of the town. At the same time it is intended to discourage the higher density development in those sections of the town that are not best suited for such development, and to which it would be more difficult and expensive to provide essential services and utilities.

#### **B. Uses by right**

The following uses in the Rural District do not need a permit:

1. Primitive recreation.
2. Forest management.
3. Wildlife management.
4. Emergency and fire protection activities as determined by the Washington Fire Department.
5. Harvesting of wild crops.
6. Traditional hunting, fishing, and trapping.
7. Farm ponds and fire protection ponds less than 5,000 square feet in size.
8. Home farming.
9. Commercial or Non-commercial Agriculture (except piggeries), including the storage and application of fertilizers, pesticides, herbicides, or manure.
10. Timber harvesting and approved construction clearing in compliance with this ordinance.
11. Home occupations.

12. Replacement of exterior steps and walkways which do not increase the existing footprint by more than 240 square feet, or as required by ADA or NFPA standards.
13. Fences or stone walls that are out of the public right of way.
14. The construction of a free-standing single story accessory structure or an attached open porch or deck of 240 square feet or less.
15. Re-siding, re-roofing, changing windows or changing doors.
16. Alterations or repairs of structures which do not change the building footprint or volume.
17. Municipal structures and uses.
18. Aquaculture.
19. Soil and Water Conservation Practices
20. Individual Private Campsites.
21. Satellite Dishes.
22. Baby Sitting Services.

**C. Uses Requiring a CEO Permit**

The following uses in the Rural District require a permit issued by the Code Enforcement officer:

1. Commercial storage or warehousing in existing buildings.
2. One or two-family dwellings of any size.
3. Structures accessory to, or essential for, permitted uses.
4. Mobile or Modular Homes.
5. Uses accessory to CEO reviewed permits.
6. Commercial wood processing and/or sales.
7. Tradesman shops.
8. Structures up to 1,200 square feet in size for non-residential uses.

9. Licensed baby sitting services.
10. Seasonal to year-round residential conversions where the occupants will reside for more than 180 days per year.
11. Small non-residential facilities for educational, scientific, or nature interpretation purposes.
12. Public or Private Recreation Facilities involving minimal structural development.
13. Business, Financial, or Personal Services.
14. Residential Utility Poles and Services.
15. Signs.

D. Uses Requiring Planning Board Review

The following uses in the Rural District may be undertaken only upon approval of the Washington Planning Board in accordance with the appropriate provisions of this Ordinance and a permit issued by the Code Enforcement Officer:

1. Mineral extraction.
2. Commercial outdoor recreation.
3. Fraternal, religious, philanthropic, social, or educational institutions.
4. Licensed Day care facilities and nursery schools.
5. Campgrounds.
6. Neighborhood stores.
7. Veterinary clinics and kennels.
8. Cluster development as defined in this Ordinance.
9. Utility structures and services.
10. Bed and breakfast establishments.
11. Restaurants.
12. Automobile or other Vehicle Service and/or Repair Operations, including Body Shops, and Automobile Washing Facilities.

13. Multi-family dwellings.
14. Light Industrial Uses employing three or fewer people.
15. Mobile Home Parks (see Mobile Home Park Ordinance).
16. Farm ponds and fire protection ponds 5,000 square feet or greater in size.
17. Uses accessory to projects requiring Planning Board review.
18. Structures greater than 1,200 square feet in size and their uses, except single family or two family dwellings.
19. Piggeries.
20. Wineries, breweries, and distilleries.
21. Commercial water extraction, bottling, and distribution facilities.
22. Agribusiness.
23. Dry cleaning Establishments or Laundromats.
24. Medical or Professional Offices.
25. Septage Waste, Sewerage, or Sludge Disposal.
26. Solid Waste Facilities.
27. Stump Dumps.
28. Nursing Homes, Assisted Living, Congregate Care, or Elderly Housing Facilities.
29. Shooting Ranges.
30. Essential Services.
31. Above ground or in-basement storage of petroleum or liquid fuel products in approved containers exceeding 350 gallons with approved containment area for the total volume being stored.
32. Exterior Storage of Salt or similar products greater than one hundred pounds.



33. Underground storage of Petroleum or Liquid Fuel Products.
34. Communications Towers except as required for Municipal Emergency Services.
35. Road and/or Parking Facilities Construction.
36. Similar uses included in North American Industry Classification System-United States (NAICS, 2002 or subsequent) categories 51 through 92 inclusive (see appendix) as determined by the Planning Board.

#### E. Prohibited Uses

The following uses in the Rural District are specifically prohibited:

1. Uses not otherwise permitted.
2. Outside storage of more than fifty used tires.
3. Adult Business Establishments or Entertainment.
4. Storage, Treatment, or Disposal Facilities for Hazardous Wastes.
5. Junkyards or Storage of Junk.
6. Mineral Processing except that the CEO may grant a temporary permit for crushing operations for up to 15 working days per year per site not including set up and dismantle time.
7. Above ground or in-basement storage of Petroleum or Liquid Fuel products in non-approved containers greater than 350 gallons.
8. Exterior storage of Building Debris or Lead-Acid Batteries.

#### F. Performance, Review, Space and Bulk Standards

1. The general standards of performance of Article VII shall be observed.
2. All uses shall meet the appropriate requirements of Article IV "Administration and Enforcement".
3. The following space and bulk standards shall apply:
  - a. Minimum lot area ..... 2 acres

- b. Minimum lot area per dwelling structure ..... 2 acres
- c. Minimum road frontage ..... 200 feet
- d. Minimum setbacks from:
  - Public or private road right-of-way ..... 50 feet
  - All other lot lines ..... 10 feet
- e. Minimum setback from normal high water mark as defined in the Shoreland Zoning provisions of this Ordinance.

## **Section 4. Rural/Commercial District (RC)**

### **A. Purpose**

The purpose of the Rural/Commercial District is to allow the continued growth and development along the major highway.

### **B. Uses by right**

The following uses in the Rural/Commercial District do not need a permit:

1. Primitive recreation.
2. Forest management.
3. Wildlife management.
4. Emergency and fire protection activities as determined by the Washington Fire Department.
5. Harvesting of wild crops.
6. Traditional hunting, fishing, and trapping.
7. Farm ponds and fire protection ponds less than 5,000 square feet in size.
8. Home farming.
9. Commercial or Non-commercial Agriculture (except piggeries), including the storage and application of fertilizers, pesticides, herbicides, or manure.
10. Timber harvesting and approved construction clearing in compliance with this ordinance.
11. Home occupations.
12. Replacement of exterior steps and walkways which do not increase the existing footprint by more than 240 square feet, or as required by ADA or NFPA standards.
13. Fences or stone walls that are out of the public right of way.
14. The construction of a free-standing single story accessory structure or an attached open porch or deck of 240 square feet or less.

15. Re-siding, re-roofing, changing windows or changing doors.
16. Alterations or repairs of structures which do not change the building footprint or volume.
17. Municipal structures and uses.
18. Soil and Water Conservation Practices.
19. Aquaculture.
20. Individual Private Campsites.
21. Structures accessory to, or essential for permitted uses.
22. Satellite Dishes.
23. Baby Sitting Services.

C. Uses Requiring a CEO Permit

The following uses in the Rural-Commercial District require a permit issued by the Code Enforcement Officer:

1. Commercial storage or warehousing in existing buildings.
2. Structures up to 1,200 square feet in size for non-residential uses.
3. Retail Businesses.
4. Tradesman shops.
5. Personal services.
6. Business services.
7. Financial services.
8. Medical or Professional Offices.
9. Neighborhood stores.
10. Commercial wood processing and/or sales. See definition.
11. Seasonal to year-round residential conversions where the occupants will reside for more than 180 days per year.
12. Uses accessory to CEO reviewed projects.

13. One or two-family dwellings of any size.
14. Mobile or Modular Homes.
15. Licensed Day care centers and nursery schools.
16. Utility structures and services.
17. Licensed Baby Sitting Services.
18. Small non-residential Facilities for Educational, Scientific, or Nature Interpretation Purposes.
19. Public or Private Recreation Facilities involving minimal structural development.
20. Residential Utility Poles and Services.

D. Uses Requiring Planning Board Review

The following uses in the Rural-Commercial District may be undertaken only upon approval of the Washington Planning board in accordance with the appropriate provisions of this Ordinance and a permit issued by the Code Enforcement Officer.

1. Automobile or other Vehicle Service and/or Repair Operations, including Body Shops, or Automobile Washing Facilities.
2. Retail vehicle and farm machinery sales.
3. Warehousing or storage.
4. Commercial enterprises and sales.
5. Light industrial uses.
6. Nursing Homes, Assisted Living, Congregate Care, or Elderly Housing Facilities.
7. Multi-family dwellings.
8. All structures greater than 1,200 square feet in size and their uses, except single family or two family dwellings.
9. Bed and Breakfasts, motels and inns.
10. Automobile graveyards and automobile recycling operations.

11. Junkyards or Storage of Junk.
12. Mineral Extraction or Processing.
13. Commercial Outdoor Recreation.
14. Campgrounds.
15. Veterinary clinics and kennels.
16. Cluster development as defined in this Ordinance.
17. Mobile Home Parks (see Mobile Home Park Ordinance).
18. Farm ponds and fire protection ponds 5,000 square feet or greater in size.
19. Agribusiness.
20. Uses accessory to projects requiring Planning Board review.
21. Fraternal, religious, philanthropic, social, or educational institutions.
22. Wineries, breweries, and distilleries.
23. Commercial water extraction, bottling, and distribution facilities.
24. Restaurants.
25. Dry Cleaning Establishments or Laundromats.
26. Fuel Distribution Operations.
27. Commercial Photographic Processing.
28. Commercial Printing.
29. Septage Waste, Sewerage, or Sludge Disposal.
30. Solid Waste Facilities.
31. Stump Dumps.
32. Commercial Electronic Circuit Assembly.
33. Commercial Metal Plating, Finishing, or Polishing.

34. Commercial Painting, Wood Preserving, or Furniture Stripping.
35. Shooting Ranges.
36. Essential Services.
37. Above ground or in-basement storage of petroleum or liquid fuel products in approved containers exceeding 350 gallons with approved containment area for the total volume being stored.
38. Exterior Storage of Salt or similar products greater than one hundred pounds.
39. Exterior storage of Building Debris or Lead Acid Batteries.
40. Underground Storage of Petroleum or Liquid Fuel Products.
41. Communications Towers except as required for Municipal Emergency Services.
42. Road and/or Parking Facilities Construction.
43. Signs.
44. Similar uses included in North American Industry Classification System-United States (NAICS, 2002 or subsequent) categories 42 through 92 inclusive (see appendix) as determined by the Planning Board.

#### E. Prohibited Uses

The following uses in the Rural-Commercial District are specifically prohibited:

1. Uses not otherwise permitted.
2. Outside storage of more than fifty used tires.
3. Piggeries.
4. Adult Business Establishments or Entertainment.
5. Storage, Treatment, or Disposal Facilities for Hazardous Wastes.

6. Above ground or in-basement storage of Petroleum or Liquid Fuel Products in non-approved containers greater than three hundred and fifty gallons.

F. Performance, Review, Space and Bulk Standards

1. The general standards of performance of Article VII shall be observed.
2. All uses shall meet the appropriate requirements of Article IV "Administration and Enforcement".
3. The following space and bulk standards shall apply:
  - a. Minimum lot area ..... 1 acre
  - b. Minimum lot per dwelling structure .. 1 acre
  - c. Minimum Road Frontage ..... 100 feet
  - d. Minimum set backs from:  
Public or private road right-of-way 50 feet  
All other lot lines ..... 10 feet
  - e. Minimum setback from normal high water mark  
as defined in the Shoreland Zoning provisions  
of this Ordinance.



## **Section 5. Planned Development District (PD)**

### **A. Purpose**

The purpose of the Planned Development District is to allow for regulated industrial activity that provides needed jobs and a stable tax base that conforms with the overall rural character of the Town

### **B. Uses by right**

The following uses in the Planned Development District do not need a permit:

1. Primitive recreation.
2. Forest management.
3. Wildlife management.
4. Emergency and fire protection activities as determined by the Washington Fire Department.
5. Harvesting of wild crops.
6. Traditional hunting, fishing, and trapping.
7. Farm ponds and fire protection ponds less than 5,000 square feet in size.
8. Home farming.
9. Commercial or Non-commercial Agriculture (except piggeries), including the storage and application of fertilizers, pesticides, herbicides, or manure.
10. Timber harvesting and approved Construction Clearing in compliance with this Ordinance.
11. Home occupations.
12. Replacement of exterior steps and walkways which do not increase the existing footprint by more than 240 square feet, or as required by ADA or NFPA standards.
13. Fences or stone walls that are out of the public right of way.

14. The construction of a free-standing single story accessory structure or an attached open porch or deck of 240 square feet or less.
15. Re-siding, re-roofing, changing windows or changing doors.
16. Alterations or repairs of structures which do not change the building footprint or volume.
17. Municipal structures and uses.
18. Aquaculture.
19. Soil and Water Conservation Practices.
20. Structures accessory to, or essential for permitted uses.
21. Satellite Dishes.
22. Baby Sitting Services.

**C. Uses Requiring a CEO Permit**

The following uses in the Planned Development District require a permit issued by the Code Enforcement Officer:

1. Commercial storage or warehousing in existing buildings.
2. Structures up to 1,200 square feet in size for non-residential uses.
3. Retail Businesses.
4. Personal services.
5. Business services.
6. Financial services.
7. Medical or Professional Offices.
8. Neighborhood stores.
9. Commercial wood processing and/or sales.
10. Uses accessory to CEO reviewed projects.
11. Licensed Day care centers and nursery schools as part of a commercial development.

12. Utility structures and services.
13. Tradesman shops.
14. Seasonal to year-round residential conversions where the occupants will reside more than 180 days per year.
15. Automobile Washing Facilities.
16. Small non-residential Facilities for Educational, Scientific, or Nature Interpretation Purposes.
17. Fraternal, Religious, Philanthropic, Social, or Educational Institutions.
18. Public or Private Recreation Facilities involving minimal structural development.
19. Residential Utility Poles or Services.

D. Uses Requiring Planning Board Review

The following uses in the Planned Development District may be undertaken only upon approval of the Washington Planning board in accordance with the appropriate provisions of this Ordinance and a permit issued by the Code Enforcement Officer.

1. Automobile or other vehicle service and/or repair operations, including body shops.
2. Retail vehicle and farm machinery sales.
3. Storage or Warehousing.
4. Commercial enterprises and sales.
5. Light industrial uses.
6. All structures greater than 1,200 square feet in size and their uses.
7. Automobile graveyard and automobile recycling operations.
8. Junkyards or the Storage of Junk.
9. Mineral Extraction or Processing.
10. Commercial Outdoor Recreation.

11. Stump dumps.
12. Transfer Station.
13. Farm ponds and fire protection ponds 5,000 square feet or greater in size.
14. Uses accessory to projects requiring Planning Board review.
15. Wineries, breweries, and distilleries.
16. Commercial water extraction, bottling, and distribution facilities.
17. Biodiesel processing facilities.
18. Restaurants.
19. Adult business establishments or entertainment.
20. Agribusiness.
21. Dry Cleaning Establishments or Laundromats.
22. Fuel Distribution Operations.
23. Commercial Photographic Processing.
24. Commercial Printing.
25. Veterinary Clinics and Kennels.
26. Septage Waste, Sewerage, or Sludge Disposal.
27. Chemical or Biological Laboratories.
28. Solid Waste Facilities.
29. Nursing Homes, Assisted Living, Congregate Care, or Elderly Housing Facilities.
30. Electronic Circuit Assembly.
31. Metal plating, Finishing, or Polishing.
32. Commercial Painting, Wood Preserving, or Furniture Stripping.
33. Motels and Inns.

34. Shooting Ranges.
35. Essential Services.
36. Above ground or in-basement storage of petroleum or liquid fuel products in approved containers exceeding 350 gallons with approved containment area for the total volume being stored.
37. Exterior storage of Salt or similar products greater than one hundred pounds.
38. Storage of Building Debris or Lead-acid Batteries.
39. Underground storage of Petroleum or Liquid Fuel Products.
40. Communication Towers except as required for Municipal Emergency Services.
41. Road and/or Parking facilities Construction.
42. Signs.
43. One or two family dwellings of any size.
44. Mobile or modular homes.
45. Similar uses included in North American Industry Classification System-United States (NAICS, 2002 or subsequent) categories 11 through 92 inclusive, except 21 (2123 and 213 are included), 324, 325 (32519, 3254, and 3256 are included), and 331 (see appendix) as determined by the Planning Board.

#### E. Prohibited Uses

The following uses in the Planned Development District are specifically prohibited:

1. Uses not otherwise permitted.
2. Outside storage of more than fifty used tires.
3. Piggeries.
4. Storage, Treatment, or Disposal Facilities for Hazardous Wastes.

5. Above ground or in-basement storage of Petroleum or Liquid Fuel Products in non-approved containers greater than 350 gallons.

F. Performance, Review, Space and Bulk Standards

1. The general standards of performance of Article VII shall be observed.
2. All uses shall meet the appropriate requirements of Article IV "Administration and Enforcement".
3. The following space and bulk standards shall apply:
  - a. Minimum lot area ..... 2 acres
  - b. Maximum impervious area of lot ..... 40%
  - c. Maximum building height ..... 65 feet
  - d. Minimum Road Frontage ..... 100 feet
  - e. Minimum setbacks from:  
Public or private road right-of-way 60 feet  
All other lot lines ..... 20 feet
  - f. Minimum setback from normal high water mark as defined in the Shoreland Zoning provisions of this Ordinance.

## Section 6. Village District (VI)

### A. Purpose

The purpose of the Village District is to preserve and promote the historic concept of the Village as the center of the Town's commercial and residential activity.

### B. Uses by right

The following uses in the Village District do not need a permit:

1. Primitive recreation.
2. Forest management.
3. Wildlife management.
4. Emergency and fire protection activities as determined by the Washington Fire Department.
5. Harvesting of wild crops.
6. Traditional hunting, fishing, and trapping.
7. Farm ponds or fire protection ponds less than 5,000 square feet in size.
8. Municipal structures and uses.
9. Timber harvesting and approved construction clearing in compliance with this ordinance.
10. Home farming or commercial agriculture except for piggeries, limited to the keeping of less than 50 fowl or 5 large animals.
11. Alterations or repairs of structures which do not change the building footprint or volume.
12. Replacement of exterior steps and walkways which do not increase the existing footprint by more than 240 square feet, or as required by ADA or NFPA standards.
13. Fences or stone walls that are out of the public right of way.

14. The construction of a free-standing single story accessory structure or an attached open porch or deck of 240 square feet or less.
15. Re-siding, re-roofing, changing windows or changing doors.
16. Soil and Water Conservation Practices.
17. Individual Private Campsites.
18. Satellite Dishes.
19. Baby Sitting Services.

**C. Uses Requiring a CEO Permit**

The following uses in the Village District require a permit issued by the Code Enforcement Officer:

1. Commercial storage or warehousing in existing buildings.
2. Structures up to 1,200 square feet in size for non-residential uses.
3. Commercial Outdoor recreation excluding all terrain vehicles (ATV) and motorcycles.
4. Home occupations.
5. Uses accessory to CEO reviewed projects.
6. One or two-family dwellings of any size except mobile homes.
7. Modular homes.
8. Utility structures and services.
9. Tradesman shops.
10. Seasonal to year-round residential conversions where the occupants will reside for more than 180 days per year.
11. Licensed Baby Sitting Services.
12. Public or Private Recreation Facilities involving minimal structural development.
13. Storage of more than one liquid gallon or five pounds dry pesticides or herbicides.



14. Residential utility poles and services.
15. Structures accessory to, or essential for permitted uses.

D. Uses Requiring Planning Board Review

The following uses in the Village District may be undertaken only upon approval of the Washington Planning board in accordance with the appropriate provisions of this Ordinance and a permit issued by the Code Enforcement Officer.

1. Automobile or other vehicle service and/or repair operations, including body shops.
2. Retail vehicle and farm machinery sales.
3. Storage or Warehousing.
4. Commercial enterprises and sales.
5. Nursing homes, assisted living, congregate care, or elderly housing facilities.
6. Multi-family dwellings.
7. All structures greater than 1,200 square feet in size and their uses, except single family or two family dwellings.
8. Bed and Breakfasts, motels and inns.
9. Cluster development as defined in this Ordinance.
10. Farm ponds and fire protection ponds 5,000 square feet or greater in size.
11. Uses accessory to projects requiring Planning Board review.
12. Fraternal, religious, philanthropic, social, or educational institutions.
13. Wineries, breweries, and distilleries.
14. Retail Businesses.
15. Restaurants.
16. Personal services.

17. Business services.
18. Financial services.
19. Medical or Professional Offices.
20. Neighborhood stores.
21. Commercial wood processing and/or sales.
22. Licensed Day care centers and nursery schools.
23. Above ground or in-basement storage of petroleum or liquid fuel products in approved containers exceeding 350 gallons with approved containment area for the total volume being stored.
24. Underground storage of Petroleum or Liquid Fuel Products.
25. Road and/or Parking Facilities Construction.
26. Signs.
27. Home farming of 51 or more fowl or 6 or more large animals.
28. Laundromats.
29. Light Industrial Uses employing three or fewer people.
30. Essential Services.
31. Similar uses included in North American Industry Classification System-United States (NAICS, 2002 or subsequent) categories 42 through 92 inclusive (see appendix) as determined by the Planning Board.

#### E. Prohibited Uses

The following uses in the Village District are specifically prohibited:

1. Uses not otherwise permitted.
2. Mobile home parks.
3. Outside storage of more than fifty used tires.
4. Automobile graveyards and automobile recycling operations.

5. Veterinary clinics and kennels.
6. Shooting ranges.
7. Single- or double- or triple-wide mobile homes.
8. Communications Towers except as required for Municipal Emergency Services.
9. Commercial agriculture and agribusinesses including the commercial application of fertilizers and the storage of more than 10 cubic yards of manure.
10. Piggeries.
11. Exterior storage of Salt or similar products greater than one hundred pounds.
12. Exterior storage of Building Debris or Lead-acid Batteries.
13. Storage, Treatment, or Disposal Facilities for Hazardous Wastes.
14. Above ground or in-basement storage of Petroleum or Liquid Fuel Products in non-approved containers greater than 350 gallons.
15. Aquaculture.
16. Adult Business Establishment or Entertainment.
17. Junkyards or the Storage of Junk.
18. Mineral Extraction or Processing.
19. Septage Waste, Sewerage, or Sludge disposal.

F. Performance, Review, Space and Bulk Standards

1. The general standards of performance of Article VII shall be observed.
2. All uses shall meet the appropriate requirements of Article IV "Administration and Enforcement".
3. The following space and bulk standards shall apply:
  - a. Minimum lot area ..... 30,000 s.f.
  - b. Minimum lot area  
per dwelling structure ..... 30,000 s.f.

- c. Minimum road frontage .....100 feet
- d. Minimum setbacks
  - Public or private road right-of-way .....25 feet
  - \* Rear lot line .....25 feet
  - All other lot lines .....10 feet
  - \* The Rear Lot Line is defined as the most parallel side to, or opposite side from, the road that defines the street address of the building(s) or proposed building(s) as determined by the Planning Board.
- e. Minimum setback from normal high water mark as defined in the Shoreland Zoning provisions of this Ordinance.

## **Section 7. Shoreland Limited Residential District (LR)**

### **A. Purpose**

The purpose of the Shoreland Limited Residential District is to protect and maintain the high water quality of the Town's surface waters; to protect the scenic qualities of the shorelands which are important to the character of the Town; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas. This district shall pertain to all shoreland areas listed in Article III, Section 5(G) of this Ordinance.

### **B. Uses by right**

The following uses in the Shoreland Limited Residential District do not need a permit:

1. Primitive recreation.
2. Forest management.
3. Wildlife management.
4. Emergency and fire protection activities as determined by the Washington Fire Department.
5. Harvesting of wild crops.
6. Traditional hunting, fishing, and trapping.
7. Replacement of exterior steps and walkways which do not increase the existing footprint by more than 240 square feet, or as required by ADA or NFPA standards.
8. Fences or stone walls that are out of the public right of way.
9. The construction of a free-standing single story accessory structure or an attached open porch or deck of 240 square feet or less in compliance with Article VIII, Section 1 of this ordinance.
10. Re-siding, re-roofing, changing windows or changing doors.

11. Alterations or repairs of structures which do not change the building footprint or volume.
12. Satellite Dishes.
13. Soil and Water conservation practices.
14. Timber harvesting, and approved construction clearing in compliance with this ordinance.
15. Home farming and Non-commercial Agriculture except Piggeries.
16. Filling or earth moving of 10 cubic yards or less.
17. Municipal structures and uses.
18. Baby Sitting Services.

**C. Uses Requiring a CEO Permit**

The following uses in the Shoreland Limited Residential District require a permit issued by the Code Enforcement Officer:

1. Individual private campsites.
2. Single family dwellings and single family seasonal cottages and conversions.
3. Structures accessory to, or essential for, permitted uses.
4. Home occupations and tradesman shops.
5. Modular homes.
6. Small non-residential facilities for educational, scientific, or nature interpretation purposes.
7. Filling and earth moving of more than 10 cubic yards.
8. Signs.
9. ATV trails for public use.
10. Farm ponds and fire protection ponds less than 5,000 square feet in size.
11. Residential Utility Poles and Services.

D. Uses Requiring Planning Board Review

The following uses in the Shoreland Limited Residential District may be undertaken only upon approval of the Washington Planning board in accordance with the appropriate provisions of this Ordinance and a permit issued by the Code Enforcement Officer.

1. Commercial outdoor recreation.
2. Utility structures and services.
3. Campgrounds.
4. Uses accessory to projects requiring Planning Board review.
5. Fraternal, Religious, Philanthropic, Social, or Educational Institutions.
6. Licensed Day Care Centers and nursery schools.
7. Licensed baby sitting services.
8. Neighborhood stores.
9. Bed and breakfast establishments.
10. Seasonal to year-round residential conversions whereby the occupants will reside more than 180 days per year.
11. Essential services.
12. Business, Financial, or Personal Services.
13. Public or private recreational areas involving minimal structural development.
14. Road and/or Parking Facilities construction.
15. Aquaculture.
16. Laundromats connected to a sanitary sewer.

E. Prohibited Uses

The following uses in the Shoreland Limited Residential District are specifically prohibited:

1. Uses not otherwise permitted.

2. Mobile home parks.
3. Outside storage of more than twelve used tires.
4. Automobile graveyards and automobile recycling operations.
5. Veterinary clinics and kennels.
6. Shooting ranges.
7. Automobile washing facilities.
8. Automobile or other vehicle service and/or repair operations, including body shops.
9. Chemical or bacteriological laboratories.
10. Commercial painting, wood preserving, and furniture stripping.
11. Dry cleaning establishments.
12. Electronic circuit assembly.
13. Laundromats not connected to a sanitary sewer.
14. Metal plating, finishing, or polishing.
15. Commercial Photographic processing.
16. Commercial Printing.
17. Single- or double- or triple-wide mobile homes.
18. Commercial agriculture and agribusiness.
19. Piggeries
20. Commercial water extraction, bottling, and distribution facilities.
21. Storage of more than one liquid gallon or five pounds dry pesticide or herbicide.
22. Junkyards or Storage of Junk.
23. Application of fertilizer in commercial operations.
24. Adult Business Establishments or Entertainment.



25. Storage, Treatment, or Disposal Facilities for Hazardous Waste.
26. All Industrial and Light Industrial Uses.
27. Above ground or in-basement storage of Petroleum or Liquid Fuel Products greater than 350 gallons.
28. Storage of Building Debris or Lead-acid batteries.
29. Communications Towers except as required for Municipal Emergency Services.
30. Waste Oil Burners.
31. Septage Waste, Sewerage, or Sludge disposal.
32. Mineral Extraction and Processing.

F. Performance, Review, Space and Bulk Standards

1. The general standards of performance of Article VII shall be observed.
2. All standards in the Shoreland Limited Residential District set forth in Article VIII "Shoreland Zoning" of this Ordinance shall be met.
3. The following space and bulk standards shall apply:

	<b>Lakes &amp; Ponds</b>	<b>Rivers &amp; Streams</b>
a. Minimum lot area .....	1 acre	.. 3 acres
b. Minimum lot per dwelling structure	.1 acre	.. 3 acres
c. Minimum shore frontage .....	200 feet	.. 300 feet
d. Minimum setback from		
High water mark .....	100 feet	.. 100 feet
Tributary streams .....	75 feet	.. 75 feet
Upland Edge of Wetlands .....	75 feet	.. 75 feet
e. Minimum setbacks from:		
side(s) opposite shore frontage ...	25 feet	.. 25 feet
private road centerline .....	25 feet	.. 25 feet
All other lot lines .....	10 feet	.. 25 feet
Public road right-of-way .....	50 feet	.. 50 feet

4. 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. The maximum footprint of structures and non-vegetated surfaces shall be 20% of lot area.
6. The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
7. Any repair, replacement, or reconstruction of 50% or more of a non-conforming structure within one year, shall require the approval of the Planning Board, notwithstanding repair or reconstruction described in Article V "Nonconformance". When 50% or more of a structure is repaired or replaced within one year, alternatives for eliminating or reducing the nonconforming features shall be considered, as set forth in Article V "Nonconformance".

*Explanation Note: In the Shoreland Limited Residential District, if a person is doing major reconstruction of a nonconforming structure, it may be an opportunity to bring the structure into conformance. For example, an old camp falling down may be rebuilt; but instead of being rebuilt on the current site which is 25 or 30 feet from the water, it could be rebuilt further back. This will eliminate a loophole that allows essentially new construction to occur without following current building standards in the Shoreland Limited Residential District.*

## **Section 8. Watershed District (WS)**

### **A. Purpose**

The purpose of the Watershed District is to maintain the current high water quality in the Crystal Pond/Washington Pond watershed. Washington is unique and fortunate in that the two major bodies of water are not influenced by surface waters originating from outside the town. Every effort must be made to keep and protect this valuable resource.

### **B. Permitted Uses**

The Watershed District shall be considered an "overlay district" in that all permitted uses in the underlying district shall be allowed in the Watershed District except as listed below.

### **C. Uses Requiring Planning Board Review**

The following uses in the Watershed District may be undertaken only upon approval of the Washington Planning Board in accordance with the appropriate provisions of this Ordinance and a permit issued by the Code Enforcement Officer:

1. Above ground or in-basement storage of petroleum or liquid fuel products in approved containers in excess of 350 gallons provided the installation includes an approved containment area for the total volume being stored.
2. Manure storage in excess of 10 cubic yards.
3. Application of fertilizers in commercial agriculture operations.

### **D. Prohibited Uses**

The following uses in the Watershed District are prohibited :

1. Underground storage of petroleum or liquid fuel products.
2. Above ground or in-basement storage of petroleum or liquid fuel products in non-approved containers in excess of 350 gallons.

3. Junkyards, the storage of Junk, automobile graveyards, and automobile recycling operations.
4. Mineral extraction and processing.
5. Automobile or other vehicle service and/or repair operations, including body shops.
6. Septage waste disposal.
7. Sewerage and sludge disposal.
8. Solid waste facilities.
9. Storage, treatment, or disposal facilities for hazardous wastes.
10. Storage of more than one liquid gallon or five pounds dry pesticide or herbicide material.
11. Mobile Home Parks.
12. Commercial fuel distribution operations.
13. Storage of lead-acid batteries.
14. Storage of building debris.
15. Stump dumps.
16. Exterior storage of more than 100 pounds of salt or other similar products.
17. Waste oil burners.
18. Outside storage of more than twelve used tires.
19. All industrial or light industrial uses.
20. Communications Towers except as required for Municipal Emergency Services.

## **Section 9. Historic Preservation District (HP)**

### **A. Purpose**

The purpose of the Historic Preservation District is:

1. To preserve the town character and assure that it remains a thriving place which will attract compatible residential and commercial development.
2. To protect the town's rural character, and to maintain its visual quality.
3. To protect historic sites and buildings.

### **B. Permitted and Prohibited Uses**

The Historic Preservation District shall be considered an "overlay district" in that all permitted uses in the underlying district shall be allowed in the Historic Preservation District except as detailed in this section.

1. Nothing in this Section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in a historic district or of any historic landmark which does not involve a change in the design, material, or outward appearance thereof.
2. The construction of legally required ramps for access by the handicapped, shall be specifically excluded from the scope of this Section.
3. Nothing in the Section shall prevent the construction, reconstruction, restoration, or demolition of any feature which the Code Enforcement Officer shall determine is a required condition because of concerns about the safety of the building and its occupants.
4. Nothing in this Section shall regulate the construction, reconstruction, restoration, elimination or demolition of any interior feature, or of any exterior feature that cannot be seen from a public way or space.
5. The following uses are prohibited:
  - a. All Industrial Uses.
  - b. Light Industrial Uses.
  - c. Communication Towers except as required for Municipal Emergency Services.

d. Mobile Homes.

C. Standards

1. The standards and requirements in the U.S. Secretary of the Interior's "Standards for Rehabilitation", as revised in 1990 (36 CFR Part 67, Historic Preservation Certifications), as well as the standards of this section, shall be used in review of construction and demolition projects in this district.
2. Design consideration and structural factors related to maintaining historic structures in good condition shall be the primary area of focus.
3. Every reasonable effort shall be made to provide a compatible appearance for new or renovated buildings, structures, and yards in the historic preservation district, or to maintain the integrity of existing buildings, structures or grounds, giving due consideration to the economic feasibility of maintaining such buildings, structures or grounds.
4. The following standards apply:
  - a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
  - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
  - c. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
  - d. The façade of the building as seen from any public way or space shall match neighboring structures in design, color, texture, and other visual qualities to the greatest extent possible.
  - e. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
  - f. New additions, exterior alterations, or related new construction shall not destroy any existing historic features that characterize the property. The new work shall be differentiated from the old and shall be

compatible with the massing, size, scale, and architectural features to protect the historic integrity of the neighborhood and its environment.

- g. The following shall be compatible with those buildings to which the building is visually related, particularly to adjacent historic buildings of the same period, when viewed from a public way or space.
  - i. The height and width of a proposed building or addition.
  - ii. The relationship of windows and doors in a building.
  - iii. The relationship of the building to the open space between it and adjoining buildings.
  - iv. The relationship of entrance and porch projections to sidewalks.
  - v. The relationship of materials and texture.
  - vi. The roof shape of a building.
  - vii. The size of a building and its mass.
  - viii. The windows, door openings, porches and balconies.

#### D. Construction of New Buildings and Structures

In addition to the standards above, the construction of a new building or structure or an addition to an existing building or structure within a historic district or on a historic site shall be generally of such design, form, proportion, mass, configuration, building material, texture, and location on a lot as will be compatible with other buildings in the historic district and with streets and open spaces to which it is visually related and in keeping with the area.

#### E. Demolition or Removal

- 1. When the demolition or removal of an existing structure or structures in the Historic Preservation District is proposed, before permitting the project to advance the Planning Board shall find that no prudent and feasible alternative to demolition or removal exists and that the structure or structures or predominant portions thereof proposed for demolition or removal:
  - a. Are not a contributing structure in the historic

- district nor an historic landmark or site; or
  - b. Are not of historical significance; or
  - c. Have been determined by the Code Enforcement Officer to represent an immediate hazard to the public health or safety because of severe structural deficiencies, which hazard can not be abated by reasonable measures; or
  - d. Are deteriorated beyond repair.
2. No provision in this section shall be construed to prevent the alteration, demolition, or relocation of a building, when the Code Enforcement Officer certifies that such action is required for the public safety.

F. Signs

1. Contemporary signage needs shall be met with signs designed to be consistent with the architectural style of a building, respectful of neighboring buildings, and carefully designed to fit the facade in the case of attached signs. Materials and workmanship shall convey a sense of permanence and durability.
2. The design shall take into account:
  - a. The scale, character and design of the building,
  - b. The traditional location of signage on area buildings,
  - c. The location of existing sign boards, lower cornices, lintels, and other architectural elements, and
  - d. The opportunity to use signage as an element to enhance the appearance of building entrances.



**Section 10. Table of Land Uses**

SEE ARTICLE III, SECTION 3 for DISTRICT ABBREVIATIONS: District Page Number:	RP 17	LR 47	FF 21	RU 26	RC 31	PD 36	VI 42	WS† 53	HP† 55
<b>AGRICULTURE</b>									
Agribusiness	XX	XX	PB	PB	PB	PB	XX		
Agriculture except for Cranberries and Rice	XX	BR	BR	BR	BR	BR	BR		
Application of fertilizers in commercial operations	XX	XX	BR	BR	BR	BR	XX	PB	
Aquaculture	XX	PB	BR	BR	BR	BR	XX		
Commercial Agriculture except piggeries (In VI <=50 fowl and/or 5 large animals)	XX	XX	BR	BR	BR	BR	BR		
Harvesting of wild crops	BR	BR	BR	BR	BR	BR	BR		
Home Farming (In VI >50 fowl and/or 5 large animals)			BR	BR	BR	BR	PB		
Home farming <=50 fowl and/or 5 large animals		BR					BR		
Manure storage >10 cubic yards			BR	BR	BR	BR	XX	PB	
Piggeries	XX	XX	PB	PB	XX	XX	XX		
Rice and Cranberry culture	PB	BR	BR	BR	BR	BR	BR		
Soil and Water conservation practices	BR	BR	BR	BR	BR	BR	BR		
<b>ALTERATIONS, CONVERSIONS, RENOVATIONS, REPAIRS, REPLACEMENTS</b>									
Alterations or repairs of structures which do not change the building footprint or volume	BR	BR	BR	BR	BR	BR	BR		
Conversions, Seasonal to year-round residential where occupants will reside >180 days/year	PB	PB	CO	CO	CO	CO	CO		
Replacement of exterior steps and walkways for structures that do not increase the footprint by more than 240 square feet, or as required by ADA or NFPA Standards	BR	BR	BR	BR	BR	BR	BR		
Re-siding, re-roofing, changing windows or changing doors	BR	BR	BR	BR	BR	BR	BR		
<b>AUTOMOBILES</b>									
Automobile graveyards and automobile recycling operations	XX	XX			PB	PB	XX	XX	
Automobile or other vehicle service and/or repair operations, including body shops	XX	XX	PB	PB	PB	PB	PB	XX	
Automobile washing facilities	XX	XX	PB	PB	PB	CO			
<b>CHILD CARE</b>									
Baby Sitting services		BR	BR	BR	BR	BR	BR		
Licensed Baby Sitting services		PB	CO	CO	CO		CO		
Licensed Day care centers and nursery schools		PB	PB	PB	CO		PB		
Licensed Day care centers & nursery schools in a commercial development						CO			
<b>CLUSTER DEVELOPMENT</b>									
As defined in this Ordinance			PB	PB	PB		PB		
<b>COMMERCIAL &amp; RETAIL BUSINESSES</b>									
Adult Business Establishments or Entertainment	XX	XX	XX	XX	XX	PB	XX		
Commercial Enterprises and Sales					PB	PB	PB		
Dry cleaning establishments	XX	XX	PB	PB	PB	PB			
Fuel Distribution Operations					PB	PB		XX	
Home occupations		CO	BR	BR	BR	BR	CO		
Laundromats	PB	PB	PB	PB	PB	PB	PB		
Laundromats , not connected to a sanitary sewer	XX	XX							
Neighborhood stores		PB	PB	PB	CO	CO	PB		
Photographic Processing	XX	XX			PB	PB			
Printing	XX	XX			PB	PB			
Restaurants				PB	PB	PB	PB		
Retail Businesses					CO	CO	PB		
Retail vehicle and farm machinery sales					PB	PB	PB		
Storage or Warehousing					PB	PB	PB		
Storage or Warehousing in existing buildings			CO	CO	CO	CO	CO		
Tradesman shops		CO	CO	CO	CO	CO	CO		
Water Extraction, Bottling, and Distribution Facilities		XX	PB	PB	PB	PB			
Wineries, breweries, and distilleries			PB	PB	PB	PB	PB		
<b>DISOSAL</b>									
Septage Waste, Sewerage, or Sludge disposal	XX	XX	PB	PB	PB	PB	XX	XX	

† All underlying uses are applicable in overlay districts except as specifically listed.

Use Codes: BR=By Right CO=CEO Permit PB=PB Approval XX=Specifically Prohibited

Blank spaces indicate if a use is not specifically prohibited (XX) and NAICS uses are specified for the district, then the Planning Board may make findings to allow a similar use. < means less than; > greater than; = equal to.

**Town of Washington Land Use Ordinance • 12/22/1988 • Amended 4/14/2016**

SEE ARTICLE III, SECTION 3 for DISTRICT ABBREVIATIONS: District Page Number:	RP 17	LR 47	FF 21	RU 26	RC 31	PD 36	VI 42	WS† 53	HP† 55
<b>EMERGENCY SERVICES</b>									
Emergency and fire protection activities as determined by the Washington Fire Department	BR	BR	BR	BR	BR	BR	BR		
<b>FACILITIES &amp; INSTITUTIONS</b>									
Biodiesel Processing Facilities						PB			
Chemical or bacteriological laboratories	XX	XX				PB			
Fraternal, religious, philanthropic, social, or educational Institutions		PB	PB	PB	PB	CO	PB		
Small non-residential Facilities for educational, scientific, or nature interpretation purposes	PB	CO	CO	CO	CO	CO			
Solid waste Facilities			PB	PB	PB	PB		XX	
Storage, treatment, or disposal Facilities for hazardous wastes	XX	XX	XX	XX	XX	XX	XX	XX	
Stump dumps			PB	PB	PB	PB		XX	
Transfer Station						PB			
<b>HEALTH CARE</b>									
Nursing homes, assisted living, congregate care, elderly housing facilities			PB	PB	PB	PB	PB		
Medical or Professional Offices			PB	PB	CO	CO	PB		
Veterinary clinics and kennels		XX		PB	PB	PB	XX		
<b>INDUSTRIAL</b>									
All Industrial Uses	XX	XX						XX	XX
Commercial Painting, Wood Preserving, and Furniture Stripping	XX	XX			PB	PB		XX	XX
Electronic circuit assembly	XX	XX			PB	PB		XX	XX
Light industrial uses	XX	XX			PB	PB		XX	XX
Light Industrial uses employing <=3 people	XX	XX	PB	PB			PB	XX	XX
Metal plating, finishing, or polishing	XX	XX			PB	PB		XX	XX
<b>JUNK</b>									
Junkyards or Storage of Junk	XX	XX	XX	XX	PB	PB	XX	XX	
<b>LODGING</b>									
Bed and Breakfasts		PB	PB	PB	PB		PB		
Motels and Inns					PB	PB	PB		
Mobile Home Parks (see Mobile Home Park Ordinance)	XX	XX	PB	PB	PB		XX	XX	
<b>MINING &amp; EXCAVATING</b>									
Filling and earth moving <=10 cubic yards		BR							
Filling and earth moving >10 cubic yards		CO							
Mineral Extraction	XX	XX	PB	PB	PB	PB	XX	XX	
Mineral Processing as defined in each district	XX	XX	XX	XX	PB	PB	XX	XX	
<b>PONDS</b>									
Farm & Fire Protection Ponds <5,000 sf	CO	CO	BR	BR	BR	BR	BR		
Farm & Fire Protection Ponds >=5,000 sf			PB	PB	PB	PB	PB		
<b>RECREATION</b>									
ATV Trails for public use	XX	CO							
Campgrounds		PB	PB	PB	PB				
Campsites, Individual private		CO	BR	BR	BR		BR		
Commercial Outdoor Recreation		PB	PB	PB	PB	PB			
Commercial Outdoor Recreation excluding ATVs and motorcycles							CO		
Primitive	BR	BR	BR	BR	BR	BR	BR		
Public or private Recreation areas involving minimal structural development		PB	CO	CO	CO	CO	CO		
Shooting ranges	XX	XX	PB	PB	PB	PB	XX		
Traditional hunting, fishing, and trapping	BR	BR	BR	BR	BR	BR	BR		
<b>SERVICES</b>									
Business Services		PB	CO	CO	CO	CO	PB		
Essential Services	PB	PB	PB	PB	PB	PB	PB		
Financial Services		PB	CO	CO	CO	CO	PB		
Personal Services		PB	CO	CO	CO	CO	PB		

† All underlying uses are applicable in overlay districts except as specifically listed.

Use Codes: BR=By Right CO=CEO Permit PB=PB Approval XX=Specifically Prohibited

Blank spaces indicate if a use is not specifically prohibited (XX) and NAICS uses are specified for the district, then the Planning Board may make findings to allow a similar use. < means less than; > greater than; = equal to.

**Town of Washington Land Use Ordinance • 12/22/1988 • Amended 4/14/2016**

SEE ARTICLE III, SECTION 3 for DISTRICT ABBREVIATIONS: District Page Number:	RP 17	LR 47	FF 21	RU 26	RC 31	PD 36	VI 42	WS† 53	HP† 55
<b>STORAGE OF ITEMS</b>									
Above ground or in-basement storage of petroleum or liquid fuel products in approved containers >350 gallons with approved containment area for the total volume being stored	XX	XX	PB	PB	PB	PB	PB	PB	
Above ground or in-basement storage of petroleum or liquid fuel products in non-approved containers >350 gallons	XX	XX	XX	XX	XX	XX	XX	XX	
Exterior storage of Salt or Similar Products >100 #			PB	PB	PB	PB	XX	XX	
Storage >1 liquid gallon or >5 pounds dry pesticide or herbicide	XX	XX	BR	BR	BR	BR	CO	XX	
Storage of building debris or lead-acid batteries	XX	XX	XX	XX	PB	PB	XX	XX	
Outside storage of more than 12 used tires	XX	XX						XX	
Outside storage of more than 50 used tires			XX	XX	XX	XX	XX		
Underground storage of petroleum or liquid fuel products			PB	PB	PB	PB	PB	XX	
<b>STRUCTURES</b>									
Free-standing, Single story accessory structures, or open porches or decks <=240 sf		BR	BR	BR	BR	BR	BR		
Modular homes		CO	CO	CO	CO	PB	CO		
Multi family dwellings			PB	PB	PB		PB		
Municipal Structures and uses		BR	BR	BR	BR	BR	BR		
One- or Two-family dwellings of any size			CO	CO	CO	PB			
One- or Two-family dwellings of any size except mobile homes							CO		
One-family dwellings and One-family seasonal cottages and conversions		CO							
Mobile Homes, Single- or double- or triple-wide	XX	XX	CO	CO	CO	PB	XX		XX
Structures <=1,200 square feet in size for non-residential uses			CO	CO	CO	CO	CO		
Structures >1,200 sf and their uses						PB			
Structures >1,200 sf and their uses, except 1- or 2-family dwellings			PB	PB	PB		PB		
Structures accessory to, or essential for permitted uses	PB	CO	CO	CO	BR	BR	CO		
<b>TIMBER, FORESTRY &amp; WILDLIFE</b>									
Commercial Wood processing and/or sales			CO	CO	CO	CO	PB		
Forest management	BR	BR	BR	BR	BR	BR	BR		
Timber harvesting <=40%	CO								
Timber harvesting >40%	PB								
Timber harvesting & approved construction clearing in compliance with ordinance		BR	BR	BR	BR	BR	BR		
Wildlife management	BR	BR	BR	BR	BR	BR	BR		
<b>USES</b>									
NAICS or similar per Planning Board (see Appendix I & II)			11	51-92	42-92	1-92	42-92		
Uses accessory to CEO reviewed permits			CO	CO	CO	CO	CO		
Uses accessory to projects requiring Planning Board review		PB	PB	PB	PB	PB	PB		
Uses not otherwise permitted	XX	XX	XX	XX	XX	XX	XX		
<b>UTILITIES, INFRASTRUCTURE</b>									
Communications Towers except as required for Municipal Emergency Services	XX	XX	PB	PB	PB	PB	XX	XX	XX
Fences or stone walls out of the public ROW	BR	BR	BR	BR	BR	BR	BR		
Residential utility poles and services	CO	CO	CO	CO	CO	CO	CO		
Road and/or Parking Facilities construction		PB	PB	PB	PB	PB	PB		
Satellite dishes	BR	BR	BR	BR	BR	BR	BR		
Signs		CO	CO	CO	PB	PB	PB		
Utility structures and services	PB	PB	PB	PB	CO	CO	CO		
Waste oil burners	XX	XX						XX	

\* NAICS Uses in PD (pg 40): 11-92 except 21 (2123 & 213 are included), 324, 325 (32519, 3254, & 3256 are included), and  
† All underlying uses are applicable in overlay districts except as specifically listed.

Use Codes: BR=By Right CO=CEO Permit PB=PB Approval XX=Specifically Prohibited

Blank spaces indicate if a use is not specifically prohibited (XX) and NAICS uses are specified for the district, then the Planning Board may make findings to allow a similar use. < means less than; > greater than; = equal to.

**Section 11. Table of Dimensional Standards**

<b>DIMENSIONAL STANDARDS</b>		<b>Resource Protection</b>	<b>Shoreland Limited Residential Lakes &amp; Rivers &amp; Streams Ponds</b>	<b>Farm &amp; Forest &lt;500' from CL of Road &gt;=500' from CL of Road</b>	<b>Rural</b>	<b>Rural/ Commercial</b>	<b>Planned Development</b>	<b>Village</b>
<b>Minimum Setback of Structures From</b>								
Upland Edge of Wetlands		75'	75'					
Normal High Water Mark		100'	100'	SZ Regs	SZ Regs	SZ Regs	SZ Regs	SZ Regs
Tributary Streams		75'	75'	SZ Regs	SZ Regs	SZ Regs	SZ Regs	SZ Regs
Side opposite shore frontage		25'	25'					
Rear Lot Line								25'
Private Road Centerline		25'	25'					
Public Road Right-of-Way		50'	50'					
Public or Private Road Right-Of-Way				50'	50'	50'	60'	25'
All other lot lines		10'	10' 25'	25'	10'	10'	20'	10'
<b>Minimum Dimensions</b>								
Lot Area			1 ac 3 ac	3 ac 5 ac	2 ac	1 ac	2 ac	30,000 sf
Lot Area per Dwelling Structure			1 ac 3 ac	3 ac 5 ac	2 ac	1 ac		30,000 sf
Road Frontage				300'	200'	100'	100'	100'
Shore Frontage			200' 300'					
<b>Maximum Dimensions</b>								
Footprint of structures & non-vegetated surface		20%	20%					
Impervious Lot Area							40%	
Building Height							65'	

## **ARTICLE VII - GENERAL STANDARDS**

### **Section 1. Environmental**

#### **A. General Requirements**

1. In all districts, if the building will have a septic tank and disposal field, the applicant shall provide evidence of adequate soil conditions for subsurface wastewater disposal by presentation of a completed Maine Department of Human Services Bureau of Health Engineering Site Evaluation Form, commonly referred to as a "plumbing permit."
2. The Maine State Plumbing Code requirements shall be met.
3. The applicable requirements and standards of the Maine Department of Environmental Protection (MDEP) shall be met and required permits acquired prior to construction.

#### **B. Water Quality**

No activity shall deposit on or into the ground or discharge to the waters of the state any pollutant that, by itself or in combination with other activities or substances, will impair designated uses such as neighboring wells or the water classification of a water body in accordance with State and Federal regulations or violates State Drinking Water Standards.

#### **C. Aquifer Protection**

1. To provide an adequate buffer for ground water and allow for filtration of impurities from surface water, except for temporary digging for foundation work, development excavation shall not be any closer than five (5) feet above the maximum seasonal high water level. The applicant shall provide documentation of the groundwater table. Monitoring of groundwater levels and quality to ensure there are no adverse impacts to any water supplies or wells within 500 feet of the site may be required.
2. Any new or expansion of non-residential land use activity situated over any part of any sand and gravel aquifer identified in the most recent Town of Washington Comprehensive Plan or by MDEP or Maine Geologic Survey

(MGS), hereinafter referred to as "the aquifer", shall develop and follow a written management plan for any contaminants that might pollute the groundwater.

3. No potential pollutant shall be stored above the aquifer unless placed in an approved retention system.

#### **D. Storm Water Control**

1. All new construction and development shall be designed to reflect or resemble, as nearly as possible, natural runoff conditions in terms of volume, velocity and location of runoff. All storm water control (SWC) systems shall be designed so as to have no significant adverse effect on neighboring properties, downstream water quality, soil stability, or public drainage systems. Where possible, existing natural features such as berms, swales, terraces, and wooded areas shall be retained in order to control runoff and encourage infiltration of storm water.
2. The following stormwater standards shall apply to development that exceeds 3,000 square feet of building footprint or has more than 20,000 square feet of impervious area. Agricultural activities and single family dwellings are exempt from these standards.
  - a. Storm water drainage systems shall be designed to limit peak discharge from the site to predevelopment levels. The storm water system shall be designed to accommodate peak discharge of the 2, 10, and 25 year frequency, 24 hour duration storms
  - b. Stormwater measures shall be selected from best practices as described in the "Stormwater Management for Maine, Best Management Practices, MDEP, 1995" or latest revised version thereof.
  - c. A stormwater control plan prepared by a professional engineer registered in the State of Maine, or a certified erosion and sedimentation control professional, according to the requirements of DEP Regulations Chapter 500, "Stormwater Management" and Chapter 502 "Direct Watersheds of Water bodies most at risk from new development" shall be deemed suitable to meet these standards.
  - d. Storm Water Control systems shall be maintained by the property owner in accordance with this ordinance.

#### **E. Phosphorus Control**

The following standard shall apply to all development that exceeds 3,000 square feet of building footprint or has more than 20,000 square feet of impervious area and is within the Watershed Overlay District.

A phosphorus control plan shall be developed in accordance with the design criteria contained in the current edition of "Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development" published by the Maine Department of Environmental Protection, revised September 1992 or latest revision thereof.

#### **F. Floodplain**

All development shall comply with the Town of Washington Floodplain Ordinance.

#### **G. Natural Resource Protection**

Any proposed development shall identify areas as referenced below which shall be examined and the results certified in writing as a part of the application.

1. If any portion of the parcel to be developed has been identified as a Critical Natural Area by the Maine Natural Areas Program or as containing threatened or endangered species of plants or animals by the Maine Department of Inland Fisheries and Wildlife, these areas should not be developed. If development of these areas is proposed because no other reasonable alternative exists, the applicant shall develop a mitigation plan in cooperation with the Maine Department of Conservation (MDOC) and/or the Maine Department of Inland Fisheries and Wildlife (MDIFW) and/or the Maine Department of Environmental Protection (MDEP) and/or the Army Corps of Engineers (ACOE) as appropriate. The Code Enforcement Officer or the Planning Board shall incorporate the provisions of the mitigation plan as conditions of the permit.
2. If any portion of the parcel to be developed includes areas mapped or identified by the MDIFW as Deer Wintering Areas, the applicant shall consult with the Department or a qualified wildlife biologist on means to limit the impact of the development on the habitat and incorporate those recommendations into the plan.

3. If any portion of the development contains a wetland as identified by the Town of Washington, the MDEP or listed on the most recent map edition of the National Wetland Inventory Maps, the applicant shall avoid, minimize, or mitigate impacts on the wetland both during and after construction. The applicant shall comply with all applicable state and federal regulations per the Natural Resources Protection Act (NRPA).

No person shall perform any act or use of the land in a manner which would cause erosion that results in soil or other material reaching a water body or which would have a significant adverse affect on the property of another land owner.

#### **H. Erosion Control**

1. All soil disturbance must be conducted in a manner which avoids sediment leaving the property. Development must employ erosion control best management practices. Temporary and permanent erosion control measures shall be selected for the development according to "Maine Erosion and Sediment Control BMPs" (Bureau of Land and Water Quality, MDEP, March 2003, DEPLW0588) or latest revised version thereof, and the provisions of this section.
2. All proposals for development shall submit and follow a written erosion control plan unless the Code Enforcement Officer certifies in writing that the nature of the site and the proposed development poses minimal risk of erosion.
3. The Code Enforcement Officer may establish additional erosion control requirements based upon site conditions and the nature and extent of the construction. These requirements shall be listed on the permit.
4. All temporary erosion control measures shall be installed prior to any digging, soil removal, stripping of vegetation, or soil disturbance. The measures may be installed in phases to match the construction schedule.
5. Additional measures must be installed by the owner in order to address the failure or limited effectiveness of any measure previously installed. These additional measures shall be made a part of the permit.



## **I. Sanitary and Liquid Waste**

1. All land use activities shall provide for the disposal of all solid waste on a timely basis as not to create a health hazard and in an environmentally safe manner.
2. All necessary Subsurface Wastewater Disposal permits required by State law and regulation shall be obtained by the applicant and filed with the application.
3. Internal plumbing permits must be obtained prior to installation of any internal plumbing fixture as required by State law and regulations.
4. The specific amount and nature of all industrial or chemical waste to be generated by the proposed operation or development shall be listed in the permit application. Industrial or commercial waste may be discharged only in such quantities and/or quality as to be able to be accepted into the applicable disposal system. Wash water or other process water carrying stone dust, stone particles, silt or other mineral matter shall be treated by an acceptable system. The handling, use and disposal of all industrial and chemical waste shall conform to all applicable state and federal regulations.

## **J. Material Storage**

1. All outdoor storage areas including areas used for the storage or collection of solid waste, junk automobiles, auto parts, tires, building materials, machinery, sand and gravel, or other such items, shall have screening sufficient so that it cannot be seen from a public way, any residence except the owner's, or any regulated body of water. Walls, fencing, dense plant material, or a combination of material can be used to achieve this intent.
2. Areas designed for the outdoor display of items sold on the premises including but not limited to, vehicle sale lots, greenhouse items, and similar activities shall provide for a buffer from the public road right-of-way. The buffer width in the Village District shall be five (5) feet; the buffer width elsewhere shall be a minimum of ten (10) feet.
3. No material, merchandise, or vehicles may be stored or displayed in the buffer area.

**K. Air Pollution**

1. All air pollution control shall comply with minimum Federal, State and local requirements.
2. Emission of dust, dirt, fly ash, fumes, vapors, or gases which could damage human health, animals, vegetation, or property, or which could soil or stain persons or property, at any point beyond the lot line of the commercial or industrial establishment creating that emission shall be prohibited.
3. No land use or development shall be permitted to produce offensive or harmful odors perceptible beyond their lot lines either at ground or habitable elevation. Agricultural uses are exempt from this provision.

**L. Timber Harvesting**

1. There shall be no clearcutting of trees within 50 feet of any public right-of-way, except that it may be cleared;
  - a. For an approved development; or
  - b. For development of agricultural land or
  - c. For approved timber management purposes as indicated by a licensed forester.
2. Any trees so marked as to determine a property boundary between two abutting land owners shall not be cut, unless mutually agreed to by the abutting land owners.
3. Timber harvesting within shoreland areas shall be governed by Article VIII "Shoreland Zoning Standards", Section 10.

**Section 2. Abutter Protection**

The disposal of industrial waste waters shall comply with laws of the State of Maine and the Town of Washington concerning water pollution.

1. All air pollution control shall comply with minimum Federal, State and local requirements.
2. Emission of dust, dirt, fly ash, fumes, vapors, or gases which could damage human health, animals, vegetation, or property, or which could soil or stain persons or

property, at any point beyond the lot line of the commercial or industrial establishment creating that emission shall be prohibited.

3. No land use or establishment shall be permitted to produce offensive or harmful odors perceptible beyond their lot lines either at ground or habitable elevation.

#### **A. Glare**

1. All exterior lighting and all reflective properties of the proposed development will be designed to minimize adverse impact on neighboring properties.
2. No land use or development shall be permitted to produce a strong dazzling light or reflection of that light beyond its lot lines onto neighboring properties, or onto any Public Way so as to impair the vision of the driver of any vehicle upon that Public Way or create a nuisance disturbance for neighboring property owners.
3. All such arrangements shall also comply with applicable federal and State regulations.

#### **B. Outdoor Lighting**

These outdoor lighting standards shall apply to all land use activities except for residential dwellings, and agricultural activities.

1. Lighting fixtures shall be shielded or hooded so that lighting elements are not exposed to normal view by motorist, pedestrians, structures located on adjacent properties. Light shall be directed downward so it does not light up the night sky.
2. No lighting fixture, except for street lights, shall extend beyond a height of 25 feet, as measured from ground level.
3. All exterior lighting and all reflective properties of the proposed development will be designed to minimize adverse impact on neighboring properties.

#### **C. Buffers**

1. Any non-residential, non-agricultural space abutting a residential area shall maintain a buffer strip to prevent adverse effects on environmental or aesthetic

qualities of abutting properties. Natural features such as topography, stands of trees, shrubbery, and rock outcroppings shall be maintained to provide a break between the proposed development and abutting properties. When natural features do not exist or are insufficient buffers, the yard shall be landscaped with vegetation, fenced, or screened so the space cannot be seen from the abutting properties.

2. All buffers shall be properly maintained to meet the preceeding standard and the conditions of the permit.

#### **D. Noise**

The following standards shall apply to all commercial uses over 3,000 square feet, industrial uses, mineral extraction operations junkyards, and commercial outdoor Recreation Facilities.

1. Noise shall be required to be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness, or volume outside of the boundaries of the project.
2. The maximum permissible sound pressure level of any continuous regular, or frequent source of sound produced by any activities shall be limited by the time period and receiving district listed below:

	6 am to 8 pm	
	dB(A)	dB(C)
Rural-Commercial or Planned Development Districts	60	72
All Other Districts	55	67
	8 pm to 6 am	
	50	62

3. Sound pressures shall be measured per Subsection 4, below, at any lot line of the project site, at a height of at least four feet above the ground surface. Both dB(A) and dB(C) scales shall be used, and a violation of either standard shall be deemed to constitute a violation of this Ordinance.
4. Noise shall be measured with a sound level meter meeting the standards of the American National Standards Institute (ANSI S1.4-1961) "American Standard Specification for General Purpose Sound Level Meters."

The instrument shall be set to the appropriate weight response scales and the meter to the slow response. Measurements shall be conducted in accordance with ANSI S1.2-1962 "American Standard Method for the Physical Measurement of Sound."

5. The following activities shall be exempt from these standards:
  - a. Agricultural, home occupations, and cottage industry uses.
  - b. Noises emanating from site construction and occasional site maintenance activities between 6:00 a.m. and 8:00 p.m. This shall be waived in emergency situations by a special permit from the Code Enforcement Officer.
  - c. The noises of safety signals, warning devices, and emergency pressure relief valves and other emergency activity.
  - d. Traffic noise on public ways.

#### **E. Signs**

The following standards shall regulate sign display:

1. All signs shall comply with State Law and Regulations.
2. No sign shall be located in or extend over, the road right-of-way, nor shall any sign reduce or obstruct traffic visibility or present a safety hazard.
3. Signs and billboards relating to goods and services sold on the premises shall be permitted, provided that such signs shall not exceed thirty-two (32) square feet in size in the Rural, Rural/Commercial or Planned Development Districts and shall not exceed six (6) square feet in size in all other districts, except as provided below, and shall not exceed two (2) double-sided signs per premises. Billboards and signs relating to goods or services not sold or rendered on the premises shall be prohibited.
4. All exterior signs attached to a building or a structure shall not exceed ten percent (10%) of the total building face area it is attached to.

5. Residential name signs shall be permitted, provided such signs shall not exceed two (2) signs per premises.
6. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.
7. Nonresidential uses in the Rural/Commercial or Planned Development Districts may display attached, detached, or projecting signs, single or double-faced, identifying uses or goods sold or services rendered on the premises aggregating four square feet of sign area for every foot of street frontage to a maximum of two hundred square feet for each premises. Projecting signs shall be set back at least 15 feet from the front yard line. No attached sign or supporting structure shall extend above the highest point of a roof.
8. Signs relating to trespassing and hunting shall be permitted without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
9. Signs relating to public safety or MDOT signs shall be permitted without restriction.
10. No sign shall extend higher than twenty (20) feet above the ground.
11. Signs may be illuminated only by shielded, non-flashing lights. All illumination shall be designed so as to prevent direct or obtrusive lighting of the public way(s) or nearby residential areas. This may be accomplished by shielding directional lights or by colored and/or interior illumination techniques.
12. The use of any sign lawfully in existence at the time of the adoption of this Ordinance may continue although the sign does not conform to the provisions of this Ordinance. Normal maintenance and repairs are permitted. The sign shall not be enlarged or expanded in size except in conformance with this Ordinance.
13. Only two freestanding signs shall be allowed per development. Locations which have multiple occupancies shall be limited to share the freestanding signs.
14. Flags and flag poles are exempt from these regulations.
15. No sign, except traditional barber poles for licensed barber shops, shall have visible moving parts, blinking,

moving or glaring illumination. This regulation does not prohibit a wall name sign consisting solely of a rectangular banner made of a flexible cloth-type material, attached at all corners either perpendicular or flat, and conforming to all provisions of this section. This provision does not prohibit a sign which is in the form of a flag or banner provided said banner or flag is attached to a flag pole.

### **Section 3. Lot Access**

#### **A. Access to Lots**

All new developed lots shall be provided with an access to the development by means of a driveway, common driveway, lane or road. The specific requirements for each of these access ways are contained in the Town of Washington Highway Entrance Ordinance.

#### **B. Rear Lot Access and Frontage**

New lots proposed to be created behind a legal lot that has existing town road frontage shall be deemed to comply with the minimum road frontage requirements if it meets the following:

1. The lot conforms to all the bulk and space requirements of this Ordinance except for road frontage.
2. The lot has access that complies with the requirements for a driveway or common driveway as appropriate.

### **Section 4. Historic and Archeological Sites**

- A. If any portion of a development has been identified as a site of historic, prehistoric or archeological importance by the Town of Washington Comprehensive Plan, this Ordinance, Maine Historic Preservation Commission or the National Register of Historic Places, appropriate measures for the protection of those resources shall be included in any development design.
- B. Any proposed development of sites listed by one of the above listed sources shall require review and comment by the Maine Historic Preservation Commission prior to the issuance of a permit. The Code Enforcement Officer or the Planning Board shall consider any comments and recommendations received from the commission prior to rendering a decision on the permit application.

**ARTICLE VIII — SHORELAND ZONING STANDARDS**

**Section 1. Structures**

- A. The lowest floor elevation or openings of all buildings and structures, including basements, shall be placed in accordance with the standards of the Washington Flood Plain Ordinance.
- B. The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed.
- C. Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:
  - 1. The site has been previously altered and an effective vegetated buffer does not exist;
  - 2. The wall(s) is (are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;
  - 3. The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
  - 4. The total height of the wall(s), in the aggregate, are no more than 24 inches;
  - 5. Retaining walls are located outside of the 100-year floodplain on rivers, streams, wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.
  - 6. The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and



7. A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:
  - a. The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;
  - b. Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
  - c. Only native species may be used to establish the buffer area;
  - d. A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;
  - e. A footpath not to exceed the standards in Section 15(P)(2)(a), may traverse the buffer;

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

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

## **Section 2. Campgrounds and Campsites**

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

1. Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.
  2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
- B. Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:
1. One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.
  2. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
  3. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.
  4. The clearing of vegetation for the siting of a recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.
  5. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written

authorization from the receiving facility or land owner is required.

6. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

### **Section 3. Parking Areas**

- A. Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.
- B. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.
- C. 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-five (25) feet wide.

### **Section 4. Roads and Driveways**

- A. The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.
- B. Roads and driveways shall be set back at least one-hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river that flows to a great pond classified GPA, and seventy-five (75) feet, horizontal distance from the normal high-water line of other

water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board.

1. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.
  2. On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.
  3. This section does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of this section except for that portion of the road or driveway necessary for direct access to the structure.
- C. Existing public roads may be expanded within the legal road right of way regardless of their setback from a water body, tributary stream or wetland.
- D. New permanent roads are not allowed within the shoreland zone along Significant River Segments except:
1. To provide access to structures or facilities within the zone; or
  2. When the applicant demonstrates that no reasonable alternative route exists outside the shoreland zone. When roads must be located within the shoreland zone they shall be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.

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

Grade (Percent)	Spacing (Feet)
0-2	250

3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21+	40

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

## **Section 5. Signs**

- A. The following provisions shall govern the use of signs in the Resource Protection, and Shoreland Limited Residential Districts:
1. Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.
  2. Name signs are allowed, provided such signs shall not exceed two (2) signs per premises, and shall not exceed twelve (12) square feet in the aggregate.
  3. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.

4. Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
5. Signs relating to public safety shall be allowed without restriction.
6. No sign shall extend higher than twenty (20) feet above the ground.
7. Signs may be illuminated only by shielded, non-flashing lights.
8. Existing signs as of the adoption of this Ordinance may be retained and maintained and replaced but not altered except in accordance with the provisions of this section.

#### **Section 6. Storm Water Runoff**

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

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

## **Section 7. Septic Waste Disposal**

A. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following:

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

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

## **Section 8. Essential Services**

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

## **Section 9. Agriculture**

- A. All spreading of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).



- B. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.
- C. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

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

- D. There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams and wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.
- E. Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, of other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams and wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan.

#### **Section 10. Timber Harvesting**

*NOTE: This section is subject to the repeal provisions of Article XIII "Amendment and Other Legal Provisions", Section 5C.*

- A. In a Resource Protection District abutting a great pond, timber harvesting shall be limited to the following:

1. Within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, timber harvesting may be conducted when the following conditions are met:
    - a. The ground is frozen;
    - b. There is no resultant soil disturbance;
    - c. The removal of trees is accomplished using a cable or boom and there is no entry of tracked or wheeled vehicles into the 75-foot strip of land;
    - d. There is no cutting of trees less than 6 inches in diameter; no more than 30% of the trees 6 inches or more in diameter, measured at 4-1/2 feet above ground level, are cut in any 10-year period; and a well-distributed stand of trees and other natural vegetation remains; and
    - e. A licensed professional forester has marked the trees to be harvested prior to a permit being issued by the municipality.
  2. Beyond the 75 foot strip referred to in this section above, timber harvesting is permitted in accordance with the following paragraph except that in no case shall the average residual basal area of trees over 4-1/2 inches in diameter at 4-1/2 feet above ground level be reduced to less than 30 square feet per acre.
- B. Except in areas as described in the this Section above, timber harvesting shall conform with the following provisions:
1. Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4-1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:
    - a. Within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clearcut openings and a well-distributed stand of trees and

other vegetation, including existing ground cover, shall be maintained.

- b. At distances greater than one-hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5,000) square feet they shall be at least one hundred (100) feet, horizontal distance, apart. Such clearcut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.
2. No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.
3. Timber harvesting equipment shall not use stream channels as travel routes except when:
  - a. Surface waters are frozen; and
  - b. The activity will not result in any ground disturbance.
4. 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. 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.
6. Except for water crossings, skid trails and other sites where the operation of machinery used in timber

harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet, horizontal distance, in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty five (25) feet, horizontal distance, from the normal high-water line of a water body or upland edge of a wetland.

## **Section 11. Clearing or Removal of Vegetation for Activities**

### **Other Than Timber Harvesting**

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

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

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

1. There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created.
2. Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees

and other natural vegetation is maintained. For the purposes of this subsection a "well-distributed stand of trees" adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

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

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

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

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

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

The following shall govern in applying this point system:

- a. The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
- b. Each successive plot must be adjacent to, but not overlap a previous plot;

- c. Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
- d. Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by is Ordinance;
- e. Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of this subsection "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4-1/2) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

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

- 3. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described above.
- 4. Pruning of tree branches, on the bottom 1/3 of the tree is allowed.
- 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 sufficient existing new tree growth is present.
  - a. In determining the number of trees to be replanted, the point system described in this Section 11, subsection B2, above, shall be used to first determine the points of the tree or trees to be removed and replacement trees shall meet or exceed those same points to the greatest extent possible as determined by the Code Enforcement Officer.

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

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared.
- D. Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.
- E. Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 15(P).

## **Section 12. Erosion and Sedimentation Control**

- A. All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
  - 1. Mulching and revegetation of disturbed soil.
  - 2. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
  - 3. Permanent stabilization structures such as retaining walls or rip-rap.

- B. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
- C. 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.
- D. 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:
  - 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.
  - 2. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
  - 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.
- E. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.

### **Section 13. Soils**

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified



persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

#### **Section 14. Water Quality**

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

#### **Section 15. 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 twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

## **ARTICLE IX – MANUFACTURED HOUSING**

### **Section 1. Purpose**

Manufactured housing provides an alternative to more expensive traditional residential housing. This article allows for the use of manufactured housing within the Town while insuring for the safety of occupants and the environmental and aesthetic values of a given district.

### **Section 2. Definition of Manufactured Housing**

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

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

**Modular Homes:** Units which the manufacturer certifies are constructed in compliance with Title 10, chapter 957, section 9001 et seq., and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on permanent foundations when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained in the unit.

### **Section 3. Performance Standards**

All manufactured housing moved into or relocated within the Town after adoption of this Ordinance shall meet

industry standards and the following standards shall be met:

1. Manufactured housing units shall conform to the residential space and bulk standards of the district in which they are located.
2. Mobile homes shall be prohibited in the Resource Protection, Shoreland Limited Residential, Historic and Village Districts.
3. The minimum width of the structure when installed on site shall be 12 feet.
4. The roof shall have a minimum pitch of 3 inches vertical rise for each 12 inches of horizontal run.
5. The exterior wall surfaces shall be covered with materials similar to conventional construction, such as cedar shakes; wood, vinyl, or metal clapboards; board and batten, etc. The exterior walls shall not be covered with flat, rigid, or corrugated metal or plastic panels.
6. The unit shall be properly grounded and placed on a permanent foundation, which is a concrete pad over a gravel base with skirting around the bottom of the structure, or a concrete frost wall, or a full basement or a gravel or other material pad installed according to Maine State Manufactured Housing Board Standards
7. Each manufactured dwelling unit shall be connected to its own approved septic system.
8. Relocation of mobile homes constructed prior to June 15, 1976 is prohibited everywhere in town.

#### **Section 4. Temporary Housing Units.**

In any district where Mobile Homes are allowed the Code Enforcement Officer may approve Mobile Homes as temporary residential units, to be used until a permanent structure is built or located on a lot. Temporary housing units shall conform to the Performance Standards in Section 3 above. Permits for temporary housing shall not be issued for longer than 2 years, with a one time renewal for an additional 2 years. Temporary housing units shall be removed from the lot (see Section 5 below) when the permanent unit is ready for occupancy, or the temporary unit shall be upgraded to meet all the Performance Standards of Section 3 above, without exceptions, when the permit expires.

**Section 5. Removal of Manufactured Housing Units (New or Existing)**

When a manufactured housing unit is removed from a lot or replaced, the Code Enforcement Officer may approve the temporary storage of the unit on the lot, unoccupied, for not more than 6 months. Temporary storage permits may be renewed or extended up to 3 times for good cause, but may not be extended for more than 18 months. The Code Enforcement Officer may require a bond or refundable fee to be charged to ensure compliance.

## **ARTICLE X — MISCELLANEOUS STANDARDS**

### **Section 1. Purpose**

The purpose of this article is to insure certain activities are conducted in a safe manner, do not cause undue harm to the environment, do not cause a nuisance, and insure surrounding property values are protected.

### **Section 2. Abandoned Vehicles**

No person shall allow more than two unregistered vehicles, except for tractors and farm implements, to remain on any property more than ninety days, where such vehicle may be seen from a residence, public way, or body of water, unless the owner of the vehicle is a licensed to sell new or used automobiles on the premises. Trailers, truck bodies, railroad cars, school busses, or other items originally constructed for the transportation of goods may only be used as storage buildings if they may not be seen from any residence (except the owner's), public way, or body of water.

### **Section 3. Automobile Graveyard, Automobile Recycling, and Junkyard Operations**

No person shall operate any junkyard or automobile salvage operation unless such operation meets State guidelines and is licensed by the Town. All junkyards and automobile salvage operations shall be buffered from abutting properties and public ways by natural vegetation or a fence which hides the operation from outside view. No vehicles or junk shall be stored within 300 feet of any waterbody or wetland or within 500 feet of any residence (other than the owner's), private well, or school. All vehicles and junk shall be located no closer than 100 feet from all lot lines. All Federal and State solid, special, and hazardous waste laws shall be complied with.

### **Section 4. Accumulation of Debris and Junk**

No person shall allow the exterior accumulation of debris, including but not limited to trash, garbage, demolition material, appliances, automobile parts, barrels, drums, tires, or other items, to be stored on any property where such items would cause a fire danger, health risk, impact on surrounding scenic views, or environmental damage.

## **Section 5. Uninhabitable Structures**

Any structure or manufactured housing unit deemed uninhabitable by the code enforcement officer by reason of fire, wind, abandonment, or other cause, or any structure in such a state of disrepair as to cause a safety, health, or fire danger shall be repaired or removed within sixty days of notification by the code enforcement officer.

## **Section 6. Yard Sales, Garage Sales, and Flea Markets**

- A. Yard (or garage) sale is a sale, conducted indoors or out-of-doors, of used household goods, curios, and the like. Yard (or garage) sales shall be considered an accessory use under this Ordinance and shall not be conducted more frequently than four days in any six month period.
- B. A flea market is an outdoor market selling antiques, used household goods, curios, and the like, at a frequency of more than four times in any six month period. Flea markets, as distinguished from yard (or garage) sales, shall be permitted as an accessory use under this ordinance provided a permit is obtained from the Code Enforcement Officer. Flea markets shall not become a nuisance. Applications for permits will be reviewed under the provisions of Article IV "Administration and Enforcement".
- C. Violation of a permit or standards, or any complaint, nuisance, or health and safety hazard created by a flea market or yard (or garage) sale shall be cause for immediate suspension of the flea market or yard (or garage) sale by the Code Enforcement Officer or the Selectmen. Upon suspension, a flea market or yard (or garage) sale shall be immediately closed and removed within 24 hours. Suspension of flea markets or yard (or garage) sales may be appealed to the Board of Appeals. Flea markets operating without a permit or under suspension shall be prohibited.

## **Section 7. Adult Business Establishments/Adult Entertainment**

### **A. Findings and Purpose.**

The Town of Washington hereby finds that because of their unique and potentially offensive nature, adult business establishments can have a blighting influence on the surrounding neighborhood if permitted in certain districts

or if allowed to concentrate in certain other districts within the Town. Moreover, such establishments are incompatible with uses characterized as family and youth activities. The purpose of this Section is, therefore, to prevent such deleterious effects and thus protect public health, safety, and general welfare by regulating the location and certain other aspects of adult business establishment as defined.

B. Requirements.

1. Location. Adult business establishments must be at least 500 feet from any other business establishment and at least 500 feet as measured along the ordinary course of travel from the main entrance of each premise of a public, private or parochial school, school dormitory, church, synagogue or similar place of worship or legally established residential structure in existence prior to the establishment of the business. Adult business establishments may be located only in the Planned Development District
2. Visibility of materials. No sexually explicit materials, entertainment or activity shall be visible from the exterior of the premises.
3. Compliance. Adult business establishments shall comply with all other codes of the Town of Washington.

## ARTICLE XI — SITE PLAN REVIEW

### Section 1. Purpose

- A. The purpose of this section is to accomplish the following objectives with the least possible regulation:
1. To establish a Site Review procedure whereby town officials may review new proposals to use land and buildings for commercial, industrial, office, multiple dwelling residential developments, community or service organizations, municipal, institutional, utility, or recreational purposes, or commercial activities occurring at residential sites involving greater impact than home occupations, as defined;
  2. To establish a fair and reasonable set of standards for evaluating each development proposal impartially on its own merits;
  3. To provide local protection from those particular nuisances which may not be governed by State law or regulations;
  4. To suggest ways to an applicant in which development proposals may be modified so that potential problems and nuisances could be minimized or eliminated.
  5. To balance the right of land owners to use their land with the corresponding right of abutting and neighboring land owners to live without undue disturbance from noise, smoke, fumes, dust, odor, glare, traffic, storm water run-off, or the pollution of ground water and surface water resources.
  6. To provide a public hearing process through which Town residents may raise questions and receive answers about how new development proposals would affect them;
  7. To provide for a system whereby aggrieved parties may appeal decisions of the Planning Board under this section to the Appeals Board;
  8. To protect property values;
  9. To reduce the off-site problems created by development, thereby decreasing the cost of maintaining or improving municipal facilities;



10. To prevent impacts caused by development which would negatively affect the Town's natural resources, aesthetic and visual characteristics, and/or ground water and surface water quality;
11. To protect the water quality of lakes and ponds in or adjacent to Washington from degradation caused by increased levels of phosphorus entering lake water systems from such sources as disturbed soils, large and/or unbuffered impervious surfaces, uncontrolled storm water runoff, inadequate drainage facilities, etc.; and
12. To establish a minimally restrictive regulatory and review procedure in conformance with the Town's Comprehensive Plan.

## **Section 2. Applicability of Site Plan Review**

### **A. Site Plan Review Not required**

The following activities shall not require site plan approval. Certain of these activities will, however, require the owner to obtain a building permit, plumbing permit or other state or local approvals:

1. The construction, alteration, or enlargement of a single family or two-family dwelling, including accessory buildings and structures.
2. The placement, alternation, or enlargement of a single manufactured housing or mobile home dwelling, including accessory buildings and structures on individually owned lots.
3. Agricultural activities, except for agri-business, including agricultural buildings and structures.
4. Timber harvesting and forest management activities.
5. The establishment and modification of home occupations that do not result in changes to the site or exterior of the building.
6. Activities involving nonresidential buildings or activities that are specifically excluded from review by the provisions of this section.
7. Expansion of less than 240 square feet.

8. Any activity that can be approved by the Code Enforcement Officer.

B. Site Plan Permit Required

A person who has right, title, or interest in a parcel of land must obtain site plan approval from the Code Enforcement Officer or Planning Board, as applicable, prior to commencing any of the following activities on the parcel, obtaining a building or plumbing permit for the activities, or undertaking any alteration or improvement of the site including grubbing or grading:

1. The construction or placement of any new building or structure for a nonresidential use, including accessory buildings and structures, greater than one thousand two hundred (1,200) base square feet within any five (5) year period.
2. The expansion of an existing nonresidential building or structure including accessory buildings that increases the total floor area by more than 240 square feet.
3. The conversion of an existing building, in whole or in part, from a residential use to a nonresidential use.
4. The establishment of a new nonresidential use even if no buildings or structures are proposed, including uses such as agri-business, mineral extraction, mineral processing, cemeteries, golf courses, and other nonstructural nonresidential uses.
5. The conversion of an existing nonresidential use, in whole or in part, to another nonresidential use if the new use changes the basic nature of the existing use such that it increases the intensity of on- or off-site impacts of the use subject to the standards and criteria of site plan review described in Section 9 of this article.
6. The construction of a residential building containing three (3) or more dwelling units.
7. The modification or expansion of an existing residential structure that increases the number of dwelling units in the structure by three (3) or more in any five (5) year period.
8. The conversion of an existing nonresidential building or structure, in whole or in part, into three (3) or more dwelling units within a five (5) year period.

9. The nonresidential construction or expansion of paved areas or other impervious surfaces, including walkways, access drives, and parking lots involving an area of more than two thousand five hundred (2,500) square feet within any three (3) year period.

### **Section 3. Review and Approval Authority**

The Planning Board is authorized to review and act on all site plans for development requiring site plan review as defined above.

In considering site plans under this provision, the Planning Board shall act to approve, disapprove, or approve the project with conditions as are authorized by these provisions.

### **Section 4. Review Procedures**

The Planning Board shall use the following procedures in reviewing applications for site plan review.

#### **A. Preapplication**

Prior to submitting a formal application, the applicant or his/her representative shall request a preapplication conference with the Planning Board. The preapplication conference shall be informal and informational in nature. There shall be no fee for a preapplication review, and such review shall not cause the plan to be a pending application or proceeding under Title 1 M.R.S.A. §302. No decision on the substance of the plan shall be made at the preapplication conference.

##### **1. Purpose**

The purposes of the preapplication conference are to:

- a. Allow the Planning Board to understand the nature of the proposed use and the issues involved in the proposal,
- b. Allow the applicant to understand the development review process and required submissions,
- c. Identify issues that need to be addressed in future submissions, and
- d. Make the applicant aware of any opportunities for coordinating the development with community policies, programs, or facilities.

In addition, the Board may schedule a site inspection in accordance with subsection B(5) if

deemed necessary and resolve any requests for waivers and variations from the submission requirements.

2. Information Required

There are no formal submission requirements for a preapplication conference. However, the applicant should be prepared to discuss the following with the Board:

- a. The proposed site, including its location, size, and general characteristics,
- b. The nature of the proposed use and potential development,
- c. Any issues or questions about existing municipal regulations and their applicability to the project, and
- d. Any requests for waivers from the submission requirements.

B. Application Submission and Review Procedures

The applicant must prepare and submit a site plan review application, including the development plan and supporting documentation, that meets the submission requirements set forth below. This material must be submitted to the Code Enforcement Officer for initial review.

1. At the first meeting at which the application is considered, the Planning Board shall give a dated receipt to the applicant. The Planning Board shall then notify by first-class mail at the applicant's expense all property owners within five hundred (500) feet of the parcel on which the proposed development is located of any subsequent meetings. Written notice of the pending application shall be given or mailed to the Selectmen, Fire Chief, Road Commissioner, and other parties as designated by the Planning Board.
2. Within forty-five (45) days of the receipt of a formal site plan review application, the Planning Board shall review the material and determine whether or not the submission is complete. If the application is determined to be incomplete, the Board shall notify the applicant in writing of this finding, shall specify the additional materials required to make the application complete and shall advise the applicant that the application will not be considered by the Board until the additional information is submitted to the Board. These steps, except the notification requirements, shall be repeated until the application is found to be complete.

3. As soon as the Board determines that the application is complete, the Board shall: notify the applicant in writing of this finding, meet the notification requirements of subsection (4) below, and place the item on the agenda for substantive review within forty-five (45) days of this finding.
4. The Planning Board shall give written notice of the date, time, and place of the meeting at which the application will be considered to the applicant and all persons who received the notice in (1) at least ten (10) days before the meeting.
5. The Planning Board may hold an on-site inspection of the site to review the existing conditions, field verify the information submitted and investigate the development proposal. The Board may schedule this visit either before or after the first meeting at which the application is considered. The Board may decide not to hold an on-site inspection when the site is snow covered. If an application is pending during a period when there is snow cover, the deadline by which the Planning Board shall take final action on the application as specified in (6) may be extended, which extension shall not exceed forty-five (45) days after the Board is able to conduct an on-site inspection. Written notice of the on-site inspection shall be provided to all parties entitled to notice under subsection (4).
6. The Planning Board shall take action on said application within forty-five (45) days of determining that the application is complete. The Board shall act to deny, to approve, or to approve the application with conditions. The Board may impose such conditions as are deemed advisable to assure compliance with the standards of approval.

In issuing its decision, the Planning Board shall make written findings of fact establishing that the proposed development does or does not meet the standards of approval and other requirements of the Town. The Board shall notify the applicant, all officials who received notice under (4), and all parties who requested to be notified of the action of the Board.

All time limits provided for in this section may be extended by mutual agreement of the applicant and Planning Board.

C. Final Approval and Filing

1. Upon completion of the requirements of this article and an approval vote by the majority of the Planning Board, the application shall be deemed to have final approval and the site plan shall be signed by a majority of the members of the Board and must be filed with the Code Enforcement Officer. Any plan not so filed within forty-five (45) days of the date upon which such plan is approved and signed by the Board shall become null and void.
2. In addition, the Planning Board may require a signed plan to be recorded in the Knox County Registry of Deeds within ninety (90) days of the vote to approve the plan. The Planning Board, by vote, may extend the filing period for good cause.
3. When all applicable conditions and requirements of this article have been met, the Code Enforcement Officer shall issue the appropriate permit or permits.

D. Independent Review and Advice

1. Professional Services. The Planning Board may require that an attorney and/or consultant review one or more aspects of an application for compliance or noncompliance with this Ordinance and to advise the Board. The costs of such reviews shall be borne by the applicant.
2. Additional Studies. The Planning Board may require the applicant to undertake any study which it deems reasonable and necessary to demonstrate and ensure that the requirements of the Ordinance are met. The costs of such studies shall be borne by the applicant.
3. Payment.
  - a. The attorney and/or consultant shall first estimate the cost of such review and/or study and the applicant shall deposit with the Town the full estimated cost, which the Town shall place in an escrow account.
  - b. The Town shall pay the attorney and/or consultant from the escrow account and reimburse the applicant if funds remain after final payment.
  - c. If said funds are not paid to the Town the permit process will be suspended until such time as they are paid.

- d. Should the escrow account be drawn down to 20% of its original amount the applicant shall be required to deposit additional funds

E. Establishment of Fees

The Municipal Officers may, from time to time and after consultation with the Board, establish the appropriate application fees and technical review fees following posting of the proposed schedule of fees and public hearing.

**Section 5. Submission Requirements**

- A. Applications for site plan review must be submitted on application forms provided by the municipality. The complete application form, evidence of payment of the required fees, and the required plans and related information must be submitted to the Code Enforcement Officer. The submission must contain at least the following exhibits and information unless specifically waived in writing. The Planning Board may waive any of the submission requirements based upon a written request of the applicant. Such request must be made at the time of the preapplication conference or at the initial review of the application if no preapplication conference is held. A waiver of any submission requirement may be granted only if the Board makes a written finding that the information is not required to determine compliance with the standards.
- B. All applications for site plan review must contain the following information:
  - 1. A fully executed and signed copy of the application for site plan review.
  - 2. Evidence of payment of the application fee and technical review fee, if required.
  - 3. Ten (10) copies of written materials plus ten (10) sets of maps or drawings containing the information listed below. The written materials must be bound or contained in a binder with an index of materials. The maps or drawings must be at a scale sufficient to allow review of the items listed under the approval standards and criteria, but in no case shall be more than one hundred (100) feet to the inch for that portion of the tract of land being proposed for development.

C. General Information

1. Record owner's name, address, and phone number and applicant's name, address and phone number if different.
2. The location of all required building setbacks, yards, and buffers.
3. Names and addresses and map and lot numbers of all property owners within five hundred (500) feet of any and all property boundaries.
4. Sketch map showing general location of the site within the municipality based upon a reduction of the tax maps.
5. Boundaries of all contiguous property under the total or partial control of the owner or applicant regardless of whether all or part is being developed at this time.
6. The tax map and lot number of the parcel or parcels on which the project is located.
7. A copy of the current, registered deed to the property, or an option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant.
8. The name, registration number, and seal of the person who prepared the plan, if applicable.
9. Evidence of the applicant's technical and financial capability to carry out the project as proposed.

**D. Existing Conditions**

1. Land Use District classification(s), including overlay district if any, of the property and the location of district boundaries if the property is located in two (2) or more districts or abuts a different district.
2. The bearings and length of all property lines of the property to be developed and the source of this information. The planning board may waive this requirement of a boundary survey when sufficient information is available to establish, on the ground, all property boundaries.
3. Location and size of any existing sewer and water mains, culverts and drains, on-site sewage disposal systems, wells, underground tanks or installations, and power and telephone lines and poles on the property to be developed, on abutting streets, or land that may serve



the development, and an assessment of their adequacy and condition to meet the needs of the proposed use.

Appropriate elevations must be provided as necessary to determine the direction of flow.

4. Location, names, and present widths of existing public and/or private roads and rights-of-way within or adjacent to the proposed development.
5. The location, dimensions and ground floor elevation of all existing buildings on the site.
6. The location and dimensions of existing driveways, parking and loading areas, walkways, and sidewalks on or immediately adjacent to the site.
7. Location of intersecting roads or driveways within two hundred (200) feet of the site.
8. The location of open drainage courses, wetlands, stonewalls, graveyards, fences, stands of trees, and other important or unique natural areas and site features, including but not limited to, floodplains, deer wintering areas, significant wildlife habitats, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, sand and gravel aquifers, and historic and/or archaeological resources, together with a description of such features.
9. The direction of existing surface water drainage across the site.
10. The location, front view, dimensions, and lighting of existing signs.
11. Location and dimensions of any existing easements and copies of existing covenants or deed restrictions.
12. The location of the nearest fire hydrant, dry hydrant or other water supply for fire protection.
13. The E-911 Addressing Permit.
14. The driveway entrance permit, if applicable.

#### E. Proposed Development Activity

1. Estimated demand for water supply and sewage disposal together with the location and dimensions of all provisions for water supply and wastewater disposal, and

evidence of their adequacy for the proposed use, including soils test pit data if on-site sewage disposal is proposed.

2. The direction of proposed surface water drainage across the site and from the site, with an assessment of impacts on downstream properties.
3. Provisions for handling storage or disposal of all solid wastes, including hazardous and special wastes and the location and proposed screening of any on-site collection or storage facilities.
4. The location, dimensions, and materials to be used in the construction of proposed driveways, parking and loading areas, and walkways and any changes in traffic flow onto or off-site.
5. Proposed landscaping and buffering.
6. The location, dimensions, and ground floor elevation of all proposed buildings or building expansion proposed on the site.
7. Location, front view, materials, and dimensions of proposed signs together with the method for securing the sign.
8. Location and type of exterior lighting.
9. The location of all utilities, including fire protection systems.
10. A general description of the proposed use or activity.
11. An estimate of the peak hour and daily traffic to be generated by the project.
12. If the project requires a stormwater permit from the Maine Department of Environmental Protection or if the planning board determines that such information is necessary based upon the scale of the project or the existing conditions in the vicinity of the project, stormwater calculations, erosion and sedimentation control measures, and water quality and/or phosphorous export management provisions.

#### **F. Approval Block**

Space must be provided on the plan drawing for the signatures of the Planning Board and date together with the following words, "Approved: Town of Washington Planning Board".

## **Section 6. Approval Standards and Criteria**

The following criteria shall be used by the Planning Board in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Planning Board determines that the applicant has failed to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable criteria have been met.

### **A. Utilization of the Site**

The plan for the development must reflect the natural capabilities of the site to support development. Buildings, lots, and support facilities must be clustered in those portions of the site that have the most suitable conditions for development. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers must be maintained and preserved to the maximum extent. Natural drainage areas must also be preserved to the maximum extent. The development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

### **B. Adequacy of Road System**

1. Vehicular access to the site must be on roads which have adequate capacity to accommodate the additional traffic generated by the development.
  - a. For developments which generate one hundred (100) or more peak hour trips based on the latest edition of the Trip Generation Manual of the Institute of Traffic Engineers, intersections on major access routes to the site within one (1) mile of any entrance road which are functioning at a Level of Service of D or better prior to the development must function at a minimum at Level of Service D after development.
  - b. If any such intersection is functioning at a

Level of Service E or lower prior to the development, the project must not reduce the current level of service. This requirement may be waived by the Planning Board if the project is located within a growth area designated in the Town's adopted Comprehensive Plan and the Board determines that the project will not have an unnecessary adverse impact on traffic flow or safety.

- c. A development not meeting this requirement may be approved if the applicant demonstrates that:
  - i. A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard, or
  - ii. The applicant will assume financial responsibility for the improvements necessary to bring the level of service to this standard and will assure the completion of the improvements with a financial guarantee acceptable to the municipality.

#### C. Access into the Site

Vehicular access to and from the development must be safe and convenient.

1. Any driveway or proposed street must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation standards, to the maximum extent possible.
2. Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.
3. The grade of any proposed drive or street must be not more than  $\pm 3\%$  for a minimum of two (2) car lengths, or forty (40) feet, from the intersection.
4. The intersection of any access/egress drive or proposed street must function:
  - a. At a Level of Service of D following development if the project will generate one thousand (1,000) or more vehicle trips per twenty-four (24) hour period; or
  - b. At a level which will allow safe access into and out of the project if less than one thousand

(1,000) trips are generated.

5. Where a lot has frontage on two (2) or more streets, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and pedestrians hazards. Access from other streets may be allowed if it is safe and does not promote shortcutting through the site.
6. Where it is necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets.
7. Accessways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.
8. The following criteria must be used to limit the number of driveways serving a proposed project:
  - a. No use which generates less than one hundred (100) vehicle trips per day shall have more than one (1) two-way driveway onto a single roadway. Such driveway must be no greater than thirty (30) feet wide.
  - b. No use which generates one hundred (100) or more vehicle trips per day shall have more than two (2) points of entry from and two (2) points of egress to a single roadway. The combined width of all accessways must not exceed sixty (60) feet.

#### D. Accessway Location and Spacing

Accessways must meet the standards of the Washington Driveway Ordinance.

#### E. Internal Vehicular Circulation

The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.

1. Nonresidential projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing for at least one tractor with a forty-foot (40') trailer.

2. Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane - no parking).
3. The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.
4. All roadways must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction. The road network must provide for vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.

F. Parking Layout and Design

Off-street parking must conform to the following standards:

1. Parking areas must be arranged so that it is not necessary for vehicles to back into the street.
2. All parking spaces, access drives, and impervious surfaces must be located at least five (5) feet from any side or rear lot line, except where standards for buffer yards require a greater distance or where multiple lots share a common driveway. No parking spaces or asphalt type surface shall be located within five (5) feet of the front property line. Parking lots on adjoining lots may be connected by accessways not exceeding twenty-four (24) feet in width.
3. All parking areas shall meet requirements for handicap parking spaces, one (1) space per twenty-five (25) spaces or fraction thereof.
4. All parking lots greater than fifty (50) spaces shall be properly delineated.

5. Parking stalls and aisle layout must conform to the following standards.

Parking Angle	Stall Width	Skew Width	Stall Depth	Aisle Width	
90°	9'-0"	18'-0"	24'-0"		two way
60°	8'-6"	10'-6"	18'-0"	16'-0"	one way only
45°	8'-6"	12'-9"	17'-6"	12'-0"	one way only
30°	8'-6"	17'-0"	17'-0"	12'-0"	one way only

6. In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings or other permanent indications and maintained as necessary.
7. Parking areas for nonresidential uses must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles. Double stack parking may be permitted for resident parking in conjunction with residential uses if both spaces in the stack are assigned to the occupants of the same dwelling unit.
8. Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.

#### G. Pedestrian Circulation

The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major building entrances/exits with parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project. The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system must be designed to link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect with amenities such as parks or open space on or adjacent to the site.

#### H. Stormwater Management

Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.

1. To the extent possible, the plan must retain stormwater on the site using the natural features of the site.
2. Unless the discharge is directly to the ocean or major river segment, stormwater runoff systems must detain or retain water such that the rate of flow from the site after development does not exceed the predevelopment rate.
3. The applicant must demonstrate that on- and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to flooding and erosion of shoreland areas, or that he/she will be responsible for whatever improvements are needed to provide the required increase in capacity and/or mitigation.
4. All natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the site plan review.
5. Culverts in the Town's right-of-way must be placed in accordance with the standards of the Washington Driveway Ordinance.
6. The design of the stormwater drainage system must provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.
7. The design of the storm drainage systems must be fully cognizant of upstream runoff which must pass over or through the site to be developed and provide for this movement.
8. The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required, especially where



the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond.

I. Erosion Control

1. All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible such that filling, excavation and earth moving activity must be kept to a minimum. Parking lots on sloped sites must be terraced to avoid undue cut and fill, and/or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible.
2. Soil erosion and sedimentation of watercourses and water bodies will be minimized by an active program meeting the requirements of the *Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices*, dated March 1991 or subsequent revision.

J. Water Supply

1. The development must be provided with a system of water supply that provides each use with an adequate supply of water.
2. If the project is to be served by a public water supply, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source or distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.

K. Sewage Disposal

The development must be provided with a method of disposing of sewage which is in compliance with the Maine Subsurface Wastewater Disposal Rules.

1. When two (2) or more lots or buildings in different ownership share the use of a common subsurface disposal system, the system must be owned and maintained in common by an owners' association. Covenants in the deeds for each lot must require mandatory membership in the association and provide for adequate funding of the association to assure proper maintenance of the system.

2. Industrial or commercial wastewater may require pretreatment at the industrial or commercial site in order to render them amenable to public treatment processes. Pretreatment includes, but is not limited to, screening, grinding, sedimentation, pH adjustment, surface skimming, chemical oxidation and reduction and dilution.

#### L. Utilities

The development must be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility lines and facilities must be screened from view to the extent feasible. If the service in the street or on adjoining lots is underground, the new service must be placed underground.

#### M. Natural Features

The landscape must be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as practical during construction. Extensive grading and filling must be avoided as far as possible.

#### N. Groundwater Protection

The proposed site development and use must not adversely impact either the quality or quantity of groundwater available to abutting properties or to public water supply systems. Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

#### O. Water Quality Protection

All aspects of the project must be designed so that:

1. No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwaters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or

unsightliness or be harmful to human, animal, plant, or aquatic life.

2. All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshall's Office.
3. If the project is located within the watershed of a 'body of water most at risk from development' as identified by the Maine Department of Environmental Protection (DEP), the project must comply with the standards of the DEP with respect to the export of total suspended solids and/or phosphorous.

P. Hazardous, Special and Radioactive Materials

1. The handling, storage, and use of all materials identified by the standards of a federal or state agency as hazardous, special or radioactive must be done in accordance with the standards of these agencies.
2. All materials must be stored in a manner and location which is in compliance with appropriate rules, regulations, and codes of the Maine Department of Public Safety and other appropriate federal, state, and local regulations.

Q. Shoreland Relationship

The development must not adversely affect the water quality or shoreline of any adjacent water body. The development plan must provide for access to abutting navigable water bodies for the use of the occupants of the development as appropriate.

R. Technical and Financial Capacity

The applicant must demonstrate that he/she has the financial and technical capacity to carry out the project in accordance with this ordinance and the approved plan.

S. Solid Waste Disposal

The proposed development must provide for adequate disposal of solid wastes. All solid waste must be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.

**T. Historic and Archaeological Resources**

If any portion of the site has been identified as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

**U. Floodplain Management**

If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use and development of that portion of the site must be consistent with the Town of Washington, Maine, Floodplain Ordinance.

**Section 7. Post Approval Activities**

**A. Limitation of Approval**

1. Substantial construction of the improvements covered by any site plan approval must be commenced within twenty-four (24) months of the date upon which the approval was granted. If construction has not been substantially commenced within the specified period, the approval shall be null and void.
2. The applicant may request an extension of the approval deadline prior to the expiration of the period. Such request must be in writing and must be made to the Planning Board. The Planning Board may grant up to two (2), twelve (12) month extensions to the periods if the approved plan conforms to the ordinances in effect at the time the extension is granted and any and all federal and state approvals and permits are current.
3. The Planning Board may establish a phased completion schedule.

**B. Incorporation of Approved Plan**

One copy of the approved site plan must be included with the application for the building permit for the project and all construction activities must conform to the approved plan, including any conditions of approval and minor changes approved by the Code Enforcement Officer to address field conditions.

C. Recording of the Approved Plan

1. One copy of the approved site plan may be recorded in the Knox County Registry of Deeds within ninety (90) days of final approval per Section 7.C.
2. If recorded, the book and page number shall be provided to the Code Enforcement Officer.
3. Failure to record the plan, if required by the Planning Board, within ninety (90) days shall void the approval. The Planning Board may extend this period for cause.

D. Improvement Guarantees

1. Application

- a. Improvement Guarantee - The Planning Board may require the posting of an improvement guarantee in such amount and form as specified in subsection 10.D.2. below as is reasonably necessary to ensure the proper installation of all off-site improvements required as conditions of approval. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the applicant.
- b. Upon substantial completion of all required improvements, the developer must notify the Planning Board of the completion or substantial completion of improvements, and must send a copy of such notice to the appropriate Municipal Officials. The respective Municipal Officials shall inspect all improvements and must file a report indicating either approval, partial approval, or rejection of such improvements with a statement of reasons for any rejection.
- c. The Planning Board shall either approve, partially approve, or reject the improvements on the basis of the report of the Municipal Officials.
- d. If the improvements are approved, the guarantee shall be released. Where partial approval is granted, the developer shall be released from liability only for that portion of the improvements approved.

2. Form of Guarantee

Performance guarantees may be provided by a variety of means including, but not limited to, any of the following which must be approved as to form and enforceability by the Board of Selectmen.

- a. Security Bond - The applicant may obtain a security bond from a surety bonding company authorized to do business in the state.
- b. Letter of Credit - The applicant may provide an irrevocable letter of credit from a bank or other reputable lending institution.
- c. Escrow Account - The applicant may deposit cash, or other instruments readily convertible into cash at face value, either with the municipality, or in escrow with a bank. Any such account must require Town approval for withdrawal and must stipulate that the Town can withdraw the money upon forty-eight (48) hour advance notice to the applicant to complete the guaranteed improvements.

E. Submission of As-Built Plans

Any project involving construction must provide the Code Enforcement Officer with a set of construction plans showing the building(s) and site improvements as actually constructed on the site within thirty (30) days of completion.

F. Minor Changes to Approved Plans

Minor changes in approved plans necessary to address field conditions may be approved by the Code Enforcement Officer provided that any such change does not affect compliance with the standards or alter the essential nature of the proposal. Any such change must be endorsed in writing on the approved plan by the Code Enforcement Officer.

G. Amendments to Approved Plans

1. Approvals of site plans are dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant.
2. Any variation from the plans, proposals, and supporting documents, except minor changes that do not affect approval standards, is subject to review and approval by the Planning Board.

3. Planning Board approval of amendments to approved plans shall follow the same procedures of the original approval.

## **ARTICLE XII — LAND USE BOARD OF APPEALS**

### **Section 1. Appointment and Composition**

- A. There shall be a Board of Appeals in accordance with the provisions of 30A M.R.S.A., Section 4353, as the same may be amended from time to time.
- B. The Board shall consist of five members serving staggered terms of five years, appointed by the Board of Selectmen. The Board of Selectmen may appoint two associate members to serve in the absence of regular members. The Chairman of the Board of Appeals shall designate which associate member shall serve in the stead of the absent member.
- C. The Board of Appeals shall elect annually a chairman and secretary from its membership.

### **Section 2. Procedure**

- A. The Board of Appeals shall conduct its meetings in accordance with the provisions of 30A M.R.S.A., Section 2691, as the same may be amended from time to time.
- B. The presence of three members of the Board of Appeals shall constitute a quorum. An appeal may be granted or a decision of the Code Enforcement Officer, Planning Board, or variance, may be overruled only upon an affirmative vote of at least three members of the Board of Appeals.
- C. No member of the Board of Appeals shall vote on a matter in which he or she has a financial interest. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting shall be decided by a majority vote of the members present, excluding the member about whom the possibility of a conflict of interest is being decided.
- D. Before rendering a decision on any appeal, the Board of Appeals shall conduct a public hearing, which shall be advertised at least ten days in advance in a local newspaper and posted in other places usually used for public notices, at the expense of the applicant. The notice shall contain a clear and concise statement of the appeal to be addressed. The appellant, the selectmen, and the Planning Board shall be notified in writing at least ten days prior to the scheduled hearing. At least ten days before the hearing, the Board, or the Town Clerk on behalf of the Board, shall notify by mail



the owners of properties lying within 500 feet of the property for which the appeal or application is being made. The owners of properties shall be considered to be those persons against whom taxes are assessed.

- E. The Code Enforcement Officer, unless prevented by illness or other good cause, shall attend all hearings of the Board.
- F. The Board of Appeals shall reach a decision within 10 working days and shall not continue hearings to a future date except for good cause.
- G. Written notice of the decision of the Board shall be sent to the appellant, the Code Enforcement Officer, the selectmen, and the Planning Board within seven days of its decision.
- H. An appeal may be taken from any decision of the Board of Appeals to the Superior Court within thirty days after the decision, as provided by 30A M.R.S.A., Section 2691(G)(3), as the same may be amended from time to time.
- I. The Board of Appeals shall keep records of its proceedings, and such records shall be kept public.

### **Section 3. Powers and Duties**

The Board of Appeals shall have the following powers and duties:

#### **A. Administrative Appeals**

- 1. To affirm, modify, remand with instructions, or vacate the action of the Town Planning Board or Code Enforcement Officer in issuing or denying building or other permits, or failure of the Planning Board to render a decision, when it is alleged that there is an error in any order, requirement, decision, or determination in the enforcement of this Ordinance. In modifying or vacating the previous decision, the Appeals Board must decide that the previous decision was contrary to the Ordinance or was not substantiated by evidence in the record.
- 2. The Appeals Board may also hear appeals or consider applications under this Ordinance, whenever there is uncertainty as to the meaning and/or intent of any part of this Ordinance. The Appeals Board shall have the power to interpret such part.

B. Variances

To approve, approve with conditions, or disapprove appeals for variances from the strict enforcement of the provisions of this Ordinance only as they relate to the space and bulk standards of the district regulations and the performance standards of this Ordinance, according to the terms of Section 5 of this Article. A variance shall not be granted to allow a use or an expansion of a use in a district in which the use is prohibited.

**Section 4. Administrative Appeals**

- A. Any person aggrieved by an action of the Planning Board or Code Enforcement Officer pursuant to this Ordinance may file a request for appeal in writing within 30 days of the granting or denial of approval from the Planning Board or Code Enforcement Officer, or within 60 days of the date of application, if no action has been taken by the Town Planning Board or Code Enforcement Officer.
1. The request of appeal shall state the exact portions of the decision that are being appealed, and the legal grounds for appeal.
  2. The appellant shall file this request for appeal with the Town Clerk, who shall issue a dated receipt and within 5 business days forward the appeal to the Chairman of the Board of Appeals. After receiving the appeal from the Clerk, the Chairman of the Board of Appeals shall, schedule a pre-hearing conference within 14 days and shall timely notify the applicant in writing of the pre-conference, and shall provide the applicant with a copy of the Board of Appeals bylaws.
  3. If such appeal is not made within the stated time, the decision of the Planning Board or Code Enforcement Officer shall be final.
  4. The fee to accompany a completed request for administrative appeals shall be determined according to the fee schedule set by the Board of Selectmen. The applicant shall be required to cover the costs of advertising, postal notification and dissemination of information for the appeals hearing.
  5. No activity may be started under a permit granted herein that is the subject of an appeal before the Washington Board of Appeals.

- B. The Board of Appeals at the pre-hearing conference shall:
  - 1. Set a hearing date within 35 days or other date certain as mutually agreed by all parties; and
  - 2. Determine the standing, grounds, and process of the hearing per the Appeals Board bylaws.
- C. The Appeals Board shall schedule the hearing, give notice, and set the agenda.
  - 1. The Appeals Board shall cause notice of the date, time and place of said hearing, the location of the proposed activity and the issues raised in the appeal, to be given in writing to the appellant, permit holder and/or applicant and published in a newspaper of general circulation in the Town at least two times. The date of the first such publication shall be at least 10 days prior to the hearing.
  - 2. The Board of Appeals shall also cause written notice by mail or hand delivery of the hearing be given to the appellant, permit holder and/or applicant, the Selectmen, the Planning Board, the Code Enforcement Officer, and all property owners within 1,000 feet of the boundaries of the proposed activity at least 14 days prior to the date of the hearing at the cost of the appellant.
  - 3. Notice shall be posted in such public places as a notice of a Town Meeting.
  - 4. Upon request, the applicant at the applicant's expense must supply a copy of the request for appeal to any of the owners of properties so mentioned.
  - 5. The applicant shall be required to cover the costs of advertising, postal notification and dissemination of information for the appeals hearing. Payment of these costs payable to the Town of Washington shall be made prior to the start of the hearing.
- D. Following such hearing, the Board of Appeals shall have the power to interpret this Ordinance and may affirm, modify, remand with instructions, or vacate the decision of the Planning Board or of the Code Enforcement Officer.
  - 1. The appeal shall not be a de novo hearing, except in the case of an appeal from a *Stop Work Order* or other action by the Code Enforcement Officer.

2. The Board of Appeals shall render a finding of facts and conclusions in writing to the appellant and/or applicant, Planning Board Chairman, Code Enforcement Officer, and the Selectmen within 30 days of the decision.

## **Section 5. Variances**

### **A. Application for Variance**

1. Application for a variance shall be made to the Town Clerk on forms provided for that purpose, accompanied by a fee determined according to the fee schedule set by the Board of Selectmen. In addition, the applicant shall be responsible for costs of advertising and mailing associated with the application.
2. The application shall clearly state the location of the property, the relief sought, and the reason(s) for requesting the variance.
3. The application shall include a drawing to approximate scale showing the proposed location of the building or structure and its relationship to the lot's property lines and any adjacent road or right-of-way, including all setbacks and other pertinent dimensions.

### **B. Variance From Dimensional Standards**

The Washington Board of Appeals may grant a variance from dimensional standards of lot area, lot coverage, frontage and setback requirements, when strict application of the dimensional standards would cause a practical difficulty and when all of the following conditions exist:

1. The need for a variance is due to unique circumstances of the property and not to the general conditions of the neighborhood; and
2. The granting of the variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties; and
3. The practical difficulty is not the result of action taken by the petitioner or a prior owner; and
4. No other feasible alternative is available to the petitioner; and

5. The granting of the variance will not unreasonably adversely affect the natural environment; and
6. The property is not located in whole or in part within the Washington Shoreland Limited Residential District.

"Practical Difficulty" means that the strict application of the Ordinance to the property precludes the ability of the petitioner to pursue a use permitted in the land use district in which the property is located and results in significant economic injury to the petitioner.

#### C. Standards in Shoreland Areas

Prior to voting to grant a variance, the Board of Appeals shall review the application and find that the following standards have been met:

1. That a literal interpretation of the requirements of this Ordinance will impose an undue hardship on the property owner. The term "undue hardship" shall mean specifically that:
  - a. the land in question cannot yield a reasonable return unless a variance is granted; and
  - b. the need for the variance is due to unique circumstances of the property and not to the general conditions of the neighborhood; and
  - c. the hardship is not the result of action taken by the applicant or a prior owner.
2. That the granting of the variance will not alter the essential character of the locality.
3. Any variance granted by the Board of Appeals shall be the minimum variance from the terms of the Ordinance as will relieve the hardship pleaded.

#### D. Additional Criteria in Shoreland Areas

Prior to voting to grant a variance within the mandated shoreland area, the Board of Appeals shall find that the proposed variance meets the following criteria:

1. Will not result in unsafe or unhealthful conditions;
2. Will not result in unreasonable erosion or sedimentation;
3. Will not result in water pollution;

4. Will not result in unreasonable damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;
5. Will reasonably conserve shoreland vegetation;
6. Will reasonably conserve visual points of access to waters as viewed from public facilities;
7. Will conserve actual points of public access to waters;
8. Will reasonably conserve natural beauty; and
9. Will reasonably avoid problems associated with flood plain development and use.

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.

E. Reapplication

If the Board of Appeals shall deny a variance, a second request of a similar nature shall not be brought before the Board within two years from the date of the first request, unless in the opinion of the majority of the Board, substantial new evidence can be brought forward, or unless the Board finds that an error of law or misunderstanding of facts has been made, or unless amendment has been made to this Ordinance which changes the status, circumstances, or conditions of the matter which was appealed.

F. Duration of Variances

Provided all conditions and standards of approval are met, and provided the applicant records the variance at the Knox County Registry of Deeds within 90 days of written approval, as specified in Title 30-A MRSA §4353 (5), a variance shall be a permanent grant of permission and shall "run with the land."

G. Disability Variance

The Board of Appeals may grant a variance to an owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses that dwelling. The Board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The Board may impose conditions on the variance, including but not limiting the variance to the duration of

the disability or to the time that person with the disability lives in the building. For the purposes of this subsection, a disability has the same meaning as a physical or mental handicap under Title 5 MRSA §4553, and the term "structures necessary for access to or egress from the dwelling" is defined to include the railing, wall, or roof systems necessary for the safety or effectiveness of the structure.

**Section 6. Appeal of Board of Appeals Action**

Any appeal from an action of the Planning Board in administering the provisions of this Ordinance shall be made to the Board of Appeals in accordance with the provisions of this Ordinance; and any subsequent appeal of its decision shall be made to Superior Court in accordance with the procedures of Rule 80B.

## **ARTICLE XIII — AMENDMENT AND OTHER LEGAL PROVISIONS**

### **Section 1. Interpretation**

Interpretation of what may not be clear in this Ordinance shall be according to the intent of the Ordinance and the Comprehensive Plan.

### **Section 2. Conflict with Other Ordinances**

Whenever the regulations of this Ordinance conflict with those of another Ordinance, the stricter shall apply except that notwithstanding any provision of any other ordinance (by way of example, the Town of Washington Mining Ordinance) review and approval of a Conditional Use Permit and approvals may be processed concurrently with other permits and approvals.

### **Section 3. Severability**

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

### **Section 4. Amendment**

- A. No land use regulation or amendment thereof or change in the Official Land Use Map shall be adopted until after the Selectmen of the Town have held a public hearing thereon at least ten days before it is submitted to the legislative body for consideration. Public notice of the hearing shall be made at least ten days prior to the hearing. Amendments to this Ordinance shall be considered following petition, recommendation of the Planning Board, or motion of the Selectmen. For petitions, signatures numbering not less than 10% of the number of votes cast in the town in the last election for governor shall be required before the proposed amendment will be brought for a vote. The petitioner shall bear the cost of advertising and of any postage for notification of neighboring property owners.
- B. Copies of amendments, attested and signed by the Municipal Clerk, shall be retained by the Municipal Officers and submitted to the Board of Environmental



Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Board of Environmental Protection. If the Board of Environmental Protection fails to act on any amendment within forty-five (45) days of the Board's receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Board.

## **Section 5. Effective Date and Repeal**

A. The Land Use Ordinance was originally in full force as of 22 December 1988 and was amended on 1 April 1989, 29 December 1989, 28 December 1990, 23 March 1991, 27 March 1993, 26 March 1994, 27 March 1999, 24 March 2000, 23 March 2002, 27 March 2004, 25 March 2005, 24 March 2006, and 27 March 2009. The Ordinance Amendments herein shall be enacted and be of full force and effect on the day of approval of this Ordinance by the voters of the Town of Washington, at a Town meeting, and

B. Any land use ordinance of the Town of Washington in effect prior to 22 December 1988 was repealed as of that date.

### **C. Repeal of Municipal Timber Harvesting Regulation.**

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

- a. Article VI "District Regulations", Section 1 "Resource Protection District", Subsections C(1) and D(1); and
- b. Article VIII "Shoreland Zoning Standards", Section 10.

## **ARTICLE XIV – ARRAYS**

### **Section 1. Purpose**

The purpose of this section is to accomplish the following objectives with the least possible regulation:

1. To encourage the development of on-site energy production and consumption;
2. To protect the public health and safety;
3. To promote the general welfare of the community;
4. To meet the goals of the Comprehensive Plan;
5. To conserve the environment, wildlife habitat, fisheries and unique natural areas; and
6. To fit these systems harmoniously into the fabric of the community by providing standards for alternative energy systems and other types of arrays.

### **Section 2. Authority**

The Washington Planning Board is vested with the authority to review and approve, approve with conditions or reject any application for arrays as defined in this Ordinance.

1. The Washington Planning Board reserves the right to hire independent third party consultants to review array proposals in order to determine the impact to surrounding properties or public safety implications or resolve any other issues regarding the proposal.
2. In the event that the Planning Board requires expert opinions, advice or testimony during the course of reviewing the application, it will use due diligence to obtain and utilize free services from governmental or non-profit sources.
3. Should the Planning Board be unable to obtain and utilize free services, it shall require the applicant to pay for such services, after giving notice to the applicant of the name of the expert, the area of qualification of the expert, and the purpose for which the expert is required, and the approximate cost of the expert.

4. The applicant shall be provided with an opportunity to meet with the Planning Board to arrange a schedule for payment of the costs.
5. The applicant shall have the right to request a public hearing before the Appeals Board to determine if the experts, as noticed by the Planning Board, are necessary to a determination of any issue properly before the Planning Board, and if the approximate costs of the expert are reasonable.
6. The applicant shall request the hearing within 10 days of receipt of the notice establishing the necessity and costs of any independent third party consultant, or such time as is agreed to by the Planning Board and the applicant.
7. It will be the applicant's burden to prove that the requested expert is unnecessary, or that the cost is not reasonable.

In addition to any other applicable provisions of this Ordinance, before granting Site Plan Approval for any land-use activity described in this section, the Planning Board must find that the proposed plan will comply with such of the following standards as are applicable.

### **Section 3. Exempt Arrays**

The following arrays are exempt from this Article provided they meet all other requirements of this Ordinance:

1. Roof-mounted on any legally-permitted residential or residential accessory structure.
2. Ground- or pole-mounted for private use with a panel area less than 5,000 square feet.
3. Building integrated solar (i.e., shingle, hanging solar, canopy, etc.).
4. Repair or replacement of array components that do not enlarge the area of the existing array.
5. Arrays regulated by the Washington Wireless Telecommunication Facility (WTF) Ordinance.
6. Single wind energy conversion units for private use no more than 80 feet high.

#### **Section 4. Location and Size**

Arrays may be permitted in all districts subject to all requirements of securing site plan approval and a building permit and the following size restrictions:

1. Resource Protection (RP) District: less than or equal to one-half ( $\frac{1}{2}$ ) acre.
2. Farm and Forest (FF) District: less than or equal to ten (10) acres.
3. Rural (RU) District: less than or equal to five (5) acres.
4. Rural/Commercial (RC) District: any size.
5. Village (VI) District: less than or equal to one-half ( $\frac{1}{2}$ ) acre.
6. Planned Development (PD) District: any size.
7. Shoreland Limited Residential (LR) District: less than or equal to one-half ( $\frac{1}{2}$ ) acre.
8. Watershed (WS) District: less than or equal to the underlying district limit.
9. Historic Preservation (HP) District: less than or equal to one-half ( $\frac{1}{2}$ ) acre.

#### **Section 5. Site Plan Review**

All non-exempt arrays must be approved by the Washington Planning Board through the Town of Washington Site Plan Review process which is a part of this Ordinance.

The following requirements are additional to all other requirements of this Ordinance to be included in the Site Plan.

1. A Site Plan stamped and certified by a Maine registered engineer.
2. A revegetation plan for any cleared areas with appropriate plantings that are native to the region when the facility is decommissioned.
3. A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) whose minimum requirements meet the standards in Section

6, below. Such plan must be filed in the Knox County Registry of Deeds prior to the first operation of the array.

4. A Waste Stream Management Plan (WSMP) for the construction waste and debris at the site of the said Array, including but not limited to cardboard, wood, scrap metal, scrap wire, and clearing and grading wastes, from the construction site and the disposal site(s) of such waste. Information on the amount of material that is being recycled shall be included in the WSMP.

#### **Section 6. Guarantee For Removal**

At the time of approval of a proposed array, and prior to initiating construction of any array within the Town of Washington, the applicant must guarantee the costs for the removal of the facility.

1. The amount of the guarantee shall be equal to the estimated removal cost, provided by the applicant and certified by a professional civil engineer licensed in Maine or a professional array construction company.
2. The owner of the facility shall provide the Planning Board with a revised removal cost estimate and structural evaluation prepared by a professional civil engineer licensed in Maine or a professional array construction company every five (5) years from the date of the Planning Board's approval of the site plan.
3. If the cost has increased more than fifteen (15) percent, then the owner of the facility shall provide additional security in the amount of the increase. The applicant may also request adjustments in the guarantee.

#### **4. Types and Contents Of Guarantee**

One of the following performance guarantees chosen by the applicant shall be provided on approval of the application.

##### **a. Interest-Bearing Escrow Account**

A cash contribution equal to the estimated removal cost for the establishment of an escrow account shall be made by either a certified check made out to the Town, direct deposit into a savings account, or purchase of a certificate of deposit.

- i. For any account opened by the applicant, the Town shall be named as owner or co-owner, and consent of the Town shall be required for a withdrawal.
- ii. Any interest earned on the escrow account shall be returned to the applicant unless the Town has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required work.

**b. Performance Bond**

A performance bond shall detail the conditions of the bond, the method for release of the entire bond or portions of the bond to the Town, and the procedures for collection by the municipality. The bond documents shall specifically reference the array facility for which approval is sought.

**c. Irrevocable Letter of Credit**

An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the removal of the array facility and may not be used for any other project or loan.

The conditions and amount of the performance guarantee shall be determined by the Planning Board with the advice of the Town Selectmen, and/or Town Attorney, expenses paid for by the applicant.

**Section 7. Decommissioning and Abandonment**

1. The lessee of the Facility, or the owner of the parcel if there is no lessee, will do the following as a minimum to decommission the project.
  - a. Remove all non-utility owned equipment, conduits, structures, fencing, and foundations to a depth of at least four feet below grade.
  - b. Remove all graveled areas and access roads unless the owner of the leased real estate requests in writing for it to stay in place.
  - c. Restore the land to a condition reasonably similar to its condition before development, including replacement of top soil removed or eroded.

- d. Revegetate any cleared areas with appropriate plantings that are native to the region according to the approved Site Plan unless requested in writing by the owner of the real estate to not revegetate due to plans for agricultural planting or other development subject to site plan review.
2. All said removal and decommissioning shall occur within 12 months of the facility ceasing to operate.
3. Abandonment will occur as a result of any of the following conditions unless the lessee or owner of the facility or of the parcel notifies the Code Enforcement Officer of the intent to maintain and reinstate the operation of the facility within 30 days of the following events:
  - a. The land lease ends; or
  - b. The system does not function for 12 months; or
  - c. The system is damaged and will not be repaired or replaced.

A notice of the intent to maintain and reinstate the operation of the facility shall be updated every six months with a statement of the progress made towards that goal.

If the facility has not returned to operational condition within two years from the date of the first notice of the intent to maintain and reinstate the operation of the facility the Code Enforcement Officer shall find the facility has been abandoned unless there is documentable evidence that the process has had significant progress and in the Code Enforcement Officer's opinion is likely to be completed in a timely manner.

4. Upon determination of abandonment based on the foregoing, the Code Enforcement Officer shall notify the party (or parties) responsible by certified mail or by hand delivery with signed receipt that they must remove the facility and restore the site to its condition prior to development within three hundred and sixty (360) days of notice by the Code Enforcement Officer. A copy of the notice shall be forwarded by the Code Enforcement Officer to the Board of Selectmen.
  - a. In the event the lessee of the facility fails to remove the array and its components as outlined above,

the landowner shall remove the facility within 90 days of notice by the Code Enforcement Officer.

- b. In the event the landowner fails to remove the facility as stated above, the Town of Washington shall have the facility removed at the expense of the landowner.
- c. Any unpaid costs associated with the removal after one year of removal shall be enforced as a tax lien placed on the real estate of the array site.

#### **Section 8. General Standards for All Arrays**

- 1. Arrays legally constructed prior to the effective date of this Article shall not be required to meet the requirements of this Article, unless they are expanded.
- 2. Unless otherwise specified through a written contract or agreement, a copy of which is on file with the Washington Code Enforcement Officer, the property owner of record will be presumed to be the responsible party for owning and maintaining the array.
- 3. Approval under this Article is conditional upon compliance with all other provisions of the Land Use Ordinance, the Maine Plumbing and Electrical Codes, Natural Resources Protection Act, Site Law, Stormwater Management Law or other applicable regulations and any requirements of the local utility if any array is to be connected to any existing electric grid.
- 4. An array shall not be constructed until the Site Plan has been approved by the Planning Board and a Building Permit has been issued by the Code Enforcement Officer and all time for appeal by others has expired during which no appeal has been filed.
- 5. All arrays shall be operated and located such that no disruptive electromagnetic interference with signal transmission or reception is caused beyond the site. If it has been demonstrated that the system is causing disruptive interference beyond the site, the system operator shall promptly eliminate the disruptive interference or cease operation of the system.
- 6. All on-site electrical wires or piping associated with the system shall be installed underground except for "tie-ins" from above-ground mounted installations and to public-utility company transmission poles, towers and/or



lines. This standard may be waived by the Planning Board if the project terrain is determined to be unsuitable for underground installation.

7. The array site shall not display any permanent or temporary signs, writing, symbols, logos or any graphic representation of any kind except appropriate manufacturer's or installer's identification and warning signs.
8. Array placement must be designed to minimize or negate any solar glare onto nearby properties, airports or roadways.
9. If lighting is provided at site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel or the night sky. Motion sensor control is preferred.
10. Any point of potential contact of people or animals with generated electric current must be secured.
11. The boundaries of any array that border any road or any abutting residential dwelling lot shall consist of a vegetated buffer the width of the required setback along that border additionally to any fence that may be erected and existing vegetation should be used to satisfy these planting requirements where possible. No vegetation or fence shall interfere with a required clear sight triangle at a driveway or intersection.  
  
Berms with vegetation are encouraged as a component of any buffer and the Planning Board may allow up to 25% reduction in the required buffer width with a berm.
12. Arrays covering permanent parking lots and other hardscape areas approved by the Planning Board are encouraged in order to limit the amount of stormwater flowage. Such installations may have the vegetated buffer requirements substituted by the buffer requirements of the overall project at the discretion of the Planning Board.
13. If electric storage batteries are included as part of any array system, they must be installed according to all requirements set forth in the National Electric Code and State Fire Code when in operation. When no longer in operation, the batteries shall be disposed of in accordance with the laws and regulations of the Town of

Washington and any other applicable laws and regulations relating to solid, special, or hazardous waste disposal.

14. Financial gain from "Net metering" for electric power is not considered a commercial activity if the benefits of it are for private use.
15. Collective or cooperative arrays are not considered commercial if they benefit only the collective or cooperative owners.

## **Section 9. Solar Energy Conversion Arrays (SECA)**

### **1. Setbacks:**

All parts of the SECA shall be setback from all property lines a distance equal to the required minimum setback of the district in which it is located plus ten (10) feet for each 100,000 square feet or fraction thereof of array collector surface area.

### **2. Height:**

A ground- or pole-mounted SECA shall have a maximum height of 20 feet in all districts as measured from the ground level to the system's highest point at full tilt except for the Rural/Commercial, Farm and Forest, and Planned Development districts where the maximum height shall be 40 feet as measured from the ground level to the system's highest point at full tilt.

### **3. Roof Load:**

The weight of any SECA proposed to be roof mounted on any non-exempt structure must be calculated and a determination must be made in writing by a registered engineer stamped certification or finding that the load rating of the underlying structure can accommodate the additional weight.

### **4. Lot Coverage:**

The maximum surface area of a ground- or pole-mounted panel system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.

### **5. Design Standards:**

- a. Any height limitations of this Ordinance shall not be applicable to roof-mounted solar collectors provided

that such structures are erected only to such height as is reasonably necessary to accomplish the purpose for which they are intended to serve.

- b. SECA installations shall not obstruct solar access to neighboring properties.
- d. The SECA structure shall be a non-reflective color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporates non-reflective surfaces to minimize any visual disruptions.

## **Section 10. Wind Energy Conversion Arrays (WECA)**

### **1. Setbacks:**

All parts of the WECA shall be setback from all property lines a distance equal to the height of the wind-system structure measured from the ground to the system's highest point plus the required minimum setback of the district in which it is located.

### **2. Height:**

Each WECA unit shall have a maximum height of 80 feet in all districts as measured from the ground level to the system's highest point except for the Rural/Commercial, Farm and Forest, and Planned Development districts where the maximum height shall be 140 feet as measured from the ground level to the system's highest point.

### **3. Noise:**

The WECA shall not exceed 45 dBA as measured at the property line in all districts except for the Rural/Commercial, Farm and Forest, and Planned Development districts, where the WECS shall not exceed 55 dBA as measured at the property line.

A WECA may exceed 65 dBA in the Rural/Commercial, Farm and Forest, and Planned Development districts and 55 dBA in all other districts during short-term events such as severe wind storms.

### **4. Shadow Flicker and Blade Reflection**

The WECA shall be designed and sited so that alternating changes in light intensity caused by the movement of wind turbine blades casting shadows on the ground or a

stationary object (shadow flicker), and/or blade reflection will not fall on any occupied building on a non-participating landowner's property plus an additional 100 foot boundary surrounding the exterior of the occupied building, the entire outdoor public area surrounding schools, churches and public buildings, and public roads with a posted speed limit greater than 25 mph (shadow flicker receptor).

The shadow flicker or reflection shall not exceed 10 hours per year for any given shadow flicker receptor.

#### **5. Avian and Bat Protection**

All WECA site plan applications shall include an Avian and Bat Protection Plan to be approved by the Planning Board.

#### **6. Design Standards:**

- a. The minimum distance between the ground and any wind-turbine blades of a WECA unit shall be 25 feet as measured at the lowest arc of the blades.
- b. All units in a WECA shall be equipped with both manual and automatic over-speed controls.
- c. The WECA shall be designed and installed such that public access via step bolts or a ladder is prevented on each unit for a minimum of 12 feet above the ground.
- d. The WECA units shall be a non-reflective color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporates non-reflective surfaces to minimize any visual disruptions.
- e. No WECA unit shall be lighted unless required by the FAA.
- f. No WECA unit shall be roof-mounted.

### **Section 11. Antenna Arrays (AA)**

#### **1. Setbacks:**

All parts of the AA shall be setback from all property lines a distance equal to the required minimum setback of the district in which it is located plus ten (10) feet

for each 100,000 square feet or fraction thereof of array surface area.

**2. Height:**

A ground- or pole-mounted AA shall have a maximum height of 20 feet in all districts as measured from the ground level to the system's highest point at full tilt except for the Rural/Commercial, Farm and Forest, and Planned Development districts where the maximum height shall be 40 feet as measured from the ground level to the system's highest point at full tilt.

**3. Roof Load:**

The weight of any AA proposed to be roof mounted on any structure must be calculated and a determination must be made by a registered engineer that the load rating of the underlying structure can accommodate the additional weight.

**4. Lot Coverage:**

The surface area of a ground- or pole-mounted system, regardless of the mounted angle or the parabolic antenna shape, shall be calculated as part of the overall lot coverage.

**5. Design Standards:**

- a. AA installations shall not obstruct solar access to neighboring properties.
- b. Placement of AAs on roofs shall not extend horizontally past the roofline.
- c. The AA structure shall be a non-reflective color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporates non-reflective surfaces to minimize any visual disruptions.

## ARTICLE XV - DEFINITIONS

### Section 1. Meaning of Words

All words not defined herein shall carry their customary and usual meanings. Words used in the present tense shall include the future. Words used in the singular shall include the plural. The word "lot" shall include "parcel" and "plot." The word "shall" is used to indicate the mandatory and the word "may" is used to indicate the permissive. The words "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied."

### Section 2. Definitions

**ABUTTING PROPERTY:** any lot which is physically contiguous with the lot in question even if only at a point and any lot which is located directly across a public or private road or way from the lot in question.

**ACCESSORY USES:** uses clearly incidental and subordinate to a principal building or use allowed in the district in which it is located, and located on the same lot with such principal building or use.

**ACCESSORY STRUCTURE:** a building or structure detached from the principal building and having a use incidental and subordinate to the principal use. Accessory buildings include but are not limited to woodsheds, toolsheds, garages, dog houses, etc. Accessory buildings less than 240 square feet in area shall not require a permit providing all performance standards are met.

**ADULT BUSINESS ESTABLISHMENT/ADULT ENTERTAINMENT:** Any retail business whether conducted from a fixed or mobile location or vehicle, including, but not limited to, any bookstore, newsstand, novelty store, nightclub, bar, cabaret, amusement arcade or theater, which:

- A. Keeps for public patronage or permits or allows the operation or use of any adult amusement device containing sexually explicit material; or
- B. Permits any person on the premises, including an employee, entertainer or patron, to expose that person's genitals, pubic hair, buttocks or perineum, or the areola of a female breast, to a patron or member of the general public; or

- C. Exhibits or displays motion pictures or other visual representation described or advertised as being "X-rated" or "for adults only", or which customarily excludes persons from any portion of the premises by reason of immaturity of age by the use of such or similar phrases; or
- D. Offers as a substantial portion of its stock-in-trade books, magazines, or other periodicals, video recordings, or "marital aids" and devices characterized by emphasis on sexual activities.

ADULT FOSTER HOME: a licensed boarding care facility having less than 5 residents.

AGRIBUSINESS: Farming engaged in as a large-scale business operation embracing horizontally and vertically integrated production, processing, and distribution of agricultural products and the manufacture of farm machinery, equipment, and supplies, and as a system where the farm owner, the farm manager and the farm worker are different people.

AGRICULTURAL BUILDINGS: A non-residential building used for an agricultural use or in conjunction with an agricultural activity including but not limited to barns, sheds, farm animal shelters, coops for domestic birds, silos, and equipments storage buildings.

AGRICULTURE: the cultivation of the soil, production of crops, or the raising of livestock, including animal husbandry, in number exceeding five of any one species or fifteen in the aggregate.

ALL TERRAIN VEHICLE (ATV): A motor-driven, off-road, recreational vehicle capable of cross-country travel on land, snow, ice, marsh, swampland or other natural terrain. "All-terrain vehicle" or "ATV" includes, but is not limited to, a multi-track, multi-wheel or low-pressure tire vehicle; a motorcycle or related 2-wheel, 3-wheel or belt-driven vehicle; an amphibious machine; or other means of transportation deriving motive power from a source other than muscle or wind.

ANTENNA ARRAY (AA): a set of 2 or more antennas whose signals are combined or processed in order to achieve improved performance over that of a single antenna. An antenna array is often called a 'phased array'. This definition does not include arrays regulated by the Washington Wireless Telecommunication Facility Ordinance.

ARRAY: an installation of more than one component installed, linked or wired together for a single purpose. The area of the system includes all the land of the parcel or parcels it is placed on or inside the perimeter of the system, which extends to any exterior fencing.

For the purposes of this Ordinance, any single antenna or panel greater than 5,000 square feet of surface area or any single wind energy conversion unit greater than 80 feet high is included in this definition.

Examples of arrays are, but are not limited to, solar heating panels, solar photovoltaic panels, concentrated solar thermal installations, antenna arrays and wind farms.

ATV TRAILS: An improved or rustic public trail which has been cleared for use by ATV's.

AUTOMOBILE GRAVEYARDS: A yard, field or other area used to store 3 or more unregistered or uninspected motor vehicles as defined in 29-A MRSA §101(42), or parts of such vehicles.

- A. Does not include any area used for temporary storage by an establishment or place of business that is primarily engaged in doing auto body repair work to make repairs to render a motor vehicle serviceable.
- B. Includes an area used for automobile dismantling, salvage and recycling operations.

AUTOMOBILE RECYCLING OPERATIONS: Except as this term may otherwise be defined by State law, an automobile recycling business shall mean the business premises of a person who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles, provided that 80% of the business premises specified in the application for an automobile recycling business permit is used for automobile recycling operations.

AUTOMOBILE REPAIR GARAGE: A place where, with or without the attendant sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair; over-all painting and under-coating of automobiles.



**AUTOMOBILE SALVAGE OPERATION:** the dismantling of motor vehicles for the purpose of reselling the component parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles.

**AUTOMOBILE SERVICE STATION BUILDING:** A place where gasoline, or any other automobile engine fuel (stored only in underground tanks), kerosene, or motor oil and lubricants or grease are retailed directly to the public on the premises; including storage of unlicensed vehicles and not including body, frame or fender straightening and repair.

**BABY SITTING SERVICE:** persons providing in-home daycare for less than 3 children under the age of 13 unrelated to the provider on a regular basis.

**BED AND BREAKFAST:** any establishment where the general public can stay overnight and are provided with a breakfast meal, full or continental, and if providing no more than four rooms for overnight guests.

**BERM:** a barrier constructed of landscaped earth, four (4) feet or more in height measured from the outside base of the berm. Berms may be pierced with reasonable access ways no more than twelve (12) feet in width as approved by the Planning Board.

**BOARDING HOME:** a licensed boarding care facility having more than five residents.

**BUFFER YARD:** a unit of land, together with a specified type and amount of planting thereon, and any structures, such as but not limited to fences, retaining walls and/or berms, which may be required between land uses to eliminate or minimize conflicts.

**BUILDING:** any structure with a floor area greater than 64 square feet, having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals, or chattel. Each portion of a building, separated from other portions by a fire wall, shall be considered a separate building.

**BUSINESS SERVICE:** a service, other than home occupations, exemplified by the types of services listed under U.S. Standard Industrial Classification code 73, including but not limited to: advertising, credit reporting and collection, mailing and reproduction services, services to buildings, personnel supply services, computer and data

processing services, management and public relations, and the business offices of corporations or firms.

**CAMPGROUND:** A plot of ground upon which 2 or more campsites are located , established, or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education, or vacation purposes including erection of tents, trailers, lean-to, overnight cabins, or similar structures and parking facilities.

**CERTIFICATE OF COMPLIANCE:** A document signed by the code enforcement officer stating that a structure or development is in compliance with the provisions of all applicable town ordinances.

**CERTIFICATE OF OCCUPANCY:** A document signed by the code enforcement officer stating that a structure and/or development is in compliance with the provisions of all applicable town ordinances and permits issued for the structure and/or development.

**CLEARCUTTING OF TREES:** Any timber harvesting on a forested site greater than 5 acres in size that results in a residual basal area of trees over 4 1/2 inches in diameter measured at 4 1/2 feet above the ground of less than 30 square feet per acre, unless, after harvesting, the site has a well-distributed stand of acceptable growing stock, as defined by rule, of at least 3 feet in height for softwood trees and 5 feet in height for hardwood trees that meets the regeneration standards defined under Title 12 M.S.R.A. section 8869, subsection 1.

**CLUSTER DEVELOPMENT:** A form of development that allows a subdivision design in which individual lot sizes and setbacks are reduced in exchange for the creation of common open space and recreation areas, the preservation of environmentally sensitive areas, agriculture and silviculture and the reduction in the size of road and utility systems. Total land involved must be "good" land, not swamp or road, etc. and a percentage dedicated to common open space or other types of protected open space. In exchange for this dedication, density can be increased by up to 150% but each dwelling lot has to be no smaller than 20,000 square feet. All clustered residential developments shall be subject to subdivision regulations and approvals.

**CODE ENFORCEMENT OFFICER:** the official responsible for enforcement of this Ordinance and for other duties set forth by state statute and other ordinances.

COMMERCIAL AGRICULTURE: The production, keeping, or maintenance for sale or lease to the public as a business enterprise, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products; also including composting, slaughtering and meat processing activities. Commercial agriculture does not include forest management and timber harvesting activities. *See the definition of Agriculture.*

COMMERCIAL ARRAYS: arrays that provide power or signals for commercial applications, such as but not limited to: fee-based public supply, factories, remote traffic controls, telecommunications, or oil and gas industry applications, except as specifically exempt by this Ordinance.

COMMERCIAL ENTERPRISES AND SALES: activity involving the buying and selling of goods and finished products on a large scale, including, by way of example only, the following: auto repair facilities and shops; non-residential research for profit; commercial outdoor recreational facilities and services; warehousing and storage facilities; wood processing & sales together with related timber harvesting; wholesale sales operations; and any retail establishment of 5,000 square feet or more. *See also the definition of COMMERCIAL CAMPGROUNDS.*

COMMERCIAL FUEL DISTRIBUTION OPERATIONS: A premises where oil and gas products used for domestic or commercial heating, cooking and similar purposes are stored and from which they are distributed to the ultimate consumers or to retail or wholesale business. It does not include oil and gas products used for manufacturing or industrial purposes.

COMMERCIAL OUTDOOR RECREATION: outdoor recreation activities that are operated by an entity other than a unit of government and which are available for use for a fee, including but not limited to standard golf courses, ice skating rinks, tennis courts and cross-country ski trails, but excluding games and activities common to amusement parks. Private outdoor Recreation Facilities serving exclusively a residential use shall be considered accessory to the residential use.

COMMERCIAL STORAGE AND/OR WAREHOUSING: A structure with areas for rent for the storage of items by the public; or the storage, deposit, or stocking of merchandise or commodities in a structure or room, or on the premise, and includes

temporary storage of materials normally associated with construction and landscaping.

**COMMERCIAL WOOD PROCESSING AND/OR SALES:** The commercial storage, sawing, chipping, splitting, compacting and related activities associated with producing combustible wood products for sale to the public in excess of 50 cords per year. Firewood harvesting and processing for one's personal use is a "use by right" in all districts if all other requirements are met.

**COMMUNITY BUILDING:** a private building used by a fraternal, philanthropic or other civic organization and which may be made available from time to time for community functions.

**CORNER LOT:** A lot that is located at the intersection of two streets. For purposes of determining setbacks from the road right-of-way, the setback requirement from the road right-of-way shall apply to the main street (911 address) and the side yard setback requirement shall apply to the side street.

**CULTURAL FACILITIES:** not-for-profit facilities dedicated to recognized public or philanthropic purpose and intellectual endeavor, such as a library, museum, auditorium or performing or visual arts center.

**DAY CARE FACILITY:** a house or other place in which a person or combination of persons maintains or otherwise carries out a regular program, for consideration, for any part of the day providing care and protection for 3 or more children under the age of 13; or any location or locations operated as a single childcare program or by a single person or persons when there are more than twelve (12) children being cared for.

Does not include a facility operated by a family child care provider, a summer camp established solely for recreational and educational purposes, programs offering instruction to children for the purpose of teaching a skill such as karate, dance or basketball or a private school recognized by the Department of Education as a provider of equivalent instruction for the purpose of compulsory school attendance, or a formal public or private school in the nature of a kindergarten or elementary or secondary school approved by the Commissioner of Education in accordance with Title 20-A.

**DEBRIS:** any cast-off or used materials including but not limited to trash, garbage, demolition material, appliances,

automobile parts, barrels, drums, or tires, that are accumulated but are not offered for sale.

DECK: See "open porch or deck".

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

DIMENSIONAL REQUIREMENTS: numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

DOMESTIC PARTNER: Two (2) unmarried adults who are domiciled together under long term arrangements that evidence a commitment to remain responsible indefinitely for each other's welfare. Domestic partnership may be demonstrated by providing proof of (1) Registration as a domestic partner with the State Office of Health Data and Program Management; or (2) Legal domicile for a period of at least 12 months; and (3) that neither partner is married nor in a registered domestic partnership with another person.

DRIVEWAY: a vehicular access-way less than five hundred (500) feet in length serving two lots or less.

DWELLING: any building or structure or portion thereof designed or used for residential purposes.

SINGLE-FAMILY DETACHED DWELLING: a structure containing only one dwelling unit for occupation by not more than one family. The term shall include multi-sectional modular homes, and shall be deemed to include manufactured housing units or older mobile homes.

SINGLE-FAMILY ATTACHED DWELLING: a building containing single family dwelling units each with two or more fire separation walls, or one fire separation wall in the case of a dwelling unit at the end of a group of attached units; which have no dwelling units above or below them; and which have no common hallways. Single family attached dwellings are permitted as part of clustered residential developments or in any district which allows multifamily dwellings.

TWO-FAMILY DWELLING: a building used for residential occupancy by two families living independently of each other.

**MULTI-FAMILY DWELLING:** a building containing three or more dwelling units, such buildings being designed for residential use and occupancy by three or more families living independently of one another, with the number of families not exceeding the number of dwelling units. The term also includes commercial space as the principal use.

**DWELLING UNIT:** a room or group of rooms designed and equipped exclusively for use as living quarters for one family, including provisions for living, sleeping, cooking, and eating. The term shall include seasonal dwellings (designed for occupancy for less than three months), but shall not include motor homes or recreational vehicles, nor shall it include hotel or motel rooms or suites, rooming house rooms, or similar accommodations. Living area shall mean actual enclosed space suitable for year-round occupancy and shall not include porches, patios and similar areas whether or not enclosed.

**EMERGENCY AND FIRE PROTECTION ACTIVITIES:** Activities by first responders, emergency medical services, and fire departments to protect life limb and property due to an accident and/or the suppression and extinguishment of fire.

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

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

**EXPANSION OF USE:** the addition of 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, as distinguished from a group occupying a boarding house, lodging house, hotel, or other transient visitor quarters. Such unit shall not exceed five persons not related by blood or marriage.

**FARM PONDS OR FIRE PROTECTION PONDS:** A constructed pond used for agricultural, recreational, safety, or landscaping purposes and not for the purpose of mineral extraction. Farm ponds will be constructed in adherence with plans approved by the Knox and Lincoln County Soil and Conservation District or prepared by an engineer or other certification approved by the Planning Board.

**FINANCIAL SERVICE:** a service other than home occupations exemplified by the types of services listed under U.S. Standard Industrial Classification Codes 60 through 67, inclusive, and including banking, other credit agencies, security and commodity brokers and services, and insurance, real estate, and investment offices.

**FLEA MARKET:** an outdoor market selling antiques, used household goods, curios, and the like, at a frequency of more than four days in any six month period.

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

**FOREST MANAGEMENT:** timber cruising and other forest evaluation activities, management planning activities, insects and disease control, pruning and other stand improvement, regeneration of forest stands, and other similar associated activities, including removal of dead or diseased trees, but not timber harvesting.

**FORTY PERCENT (40%) NO CUT BUFFER:** In any area that requires a buffer, as in a 30 foot buffer between residential and non residential, or along property lines, the amount of thinning, clearing and cutting of brush shall be regulated by the same standards as shown in the Limited Residential District.

**FRESHWATER WETLAND:** freshwater swamps, marshes, bogs and similar areas which are:

- A. shown as shaded areas on the Town of Washington Tax Maps, or which are

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

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

**FRONTAGE:** (*see also shore frontage*) the linear distance between the sidelines of a lot, measured along the lot line that borders upon whatever right-of-way serves as legal access to the lot. For the purposes of this Ordinance, the following ways shall constitute legal access to a lot along which frontage may be measured:

- A. a way accepted by or established as belonging to the Town of Washington, Knox County, or the State of Maine, provided access is not specifically prohibited;
- B. a way, whether dedicated to public ownership or not, as shown on an approved subdivision plan;
- C. a private or public way which has not been approved by a governmental subdivision but which has been established in a deed or on a plan recorded in a registry of deeds.

In the case of a lot situated on a curve of a way or on a corner of two ways, the measurement of frontage may include the entire length of the property line along such way or ways.

**GARBAGE:** all waste from the preparation, cooking and consumption of food, market refuse, waste from handling, storage and sale of produce, whether in containers or not, excepting a properly constructed and functional compost pile, bin or receptacle.

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

**HAZARDOUS WASTE:** Substances identified under 38 MRSA §1319 that present a present or potential danger to the people of the



State or to its natural environment when deposited on land or discharged on or into the waters of the State or ambient air. {38 MRSA §1317(2)}

**HEIGHT OF BUILDING:** vertical measurement from a point on the ground at the mean original grade adjoining the foundation as calculated by averaging the highest and lowest original points around the building or structure, to the highest point of the building or structure, excluding incidental protrusions such as chimneys and antennae.

**HOME FARMING:** The keeping of cattle, pigs, sheep, horses, and other similar farm animals; the keeping of chickens, ducks, geese or similar fowl; and/or the growing of fruits and vegetables in a garden area for family consumption and not for sale as either wholesale or retail.

**HOME OCCUPATION:** An occupation or profession for financial gain which is carried on in a dwelling unit or structure accessory to a dwelling unit and which is clearly incidental and secondary to the use of the dwelling for residential purposes and which does not change the character thereof. Sale of products shall be limited to those which are assembled or substantially altered on the premises. The term "home occupation," shall include both professional and personal services, within the limits of number of employees established below.

- A. The home occupation shall be carried on wholly within the dwelling or accessory structure.
- B. The home occupation shall be carried on primarily by a member or members of the family residing in the dwelling unit. Not more than two persons other than family members residing in the dwelling unit shall be employed on the premise in connection with the home occupation.
- C. There shall be no exterior display, no exterior signs other than those permitted by the Land Use Ordinance.
- D. Objectionable conditions such as noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare or activity at unreasonable hours, shall not be permitted. Any waste/hazardous waste shall be disposed of in accordance with D.E.P. regulations.
- E. The traffic generated by such home occupation shall not increase the volume of traffic so as to create a traffic hazard or disturb the residential character of the immediate neighborhood.

- F. If existing off-street parking is required to be expanded, it shall be adequately screened from the road and from adjacent lots.
- G. Should all the above conditions not be maintained on a continual basis, the Planning Board shall determine whether the home occupation has become a commercial operation requiring site review.

INDUSTRIAL USES: activity involving the extraction of or bringing in of raw materials or of components, manufacturing, packaging, assembly, or distribution of finished products, including the processing of raw materials; mining and mineral extraction; and junk and salvaging operations. *See also the definition of LIGHT INDUSTRIAL USES.*

INN OR MOTEL: a commercial building or group of buildings with 4 or more rooms built primarily to accommodate for a fee travelers and other transient guests, who are staying for a limited duration, with sleeping and associated rooms.

JUNK: Items described in "JUNKYARD" below.

JUNKYARD: Except as this term may otherwise be defined by State law, a junkyard shall mean a yard, field or other area used to store and/or sell junk, specifically any of but not limited to the following items:

- A. Discarded, worn-out, old, junked or scrap plumbing, heating supplies, household appliances, automobile parts, barrels, drums, copper, brass, batteries, and all scrap iron, steel and other scrap ferrous or nonferrous material; or
- B. Discarded, scrap and junked lumber or furniture; or
- C. Old or scrap rope, rags, garbage, trash, rubber debris, tires or other solid waste.

Junkyard items not offered for sale shall be considered debris and are subject to the provisions of Section 4 of Article X of this Ordinance.

LICENSED BABY SITTING SERVICES: A service conducted or maintained in a house or other place by anyone who provides, on a regular basis and for consideration, care and protection which is required to be licensed by the State of Maine as a "Family Child Care Provider", for three to twelve unrelated persons under 13 years of age for any

part of a day. In addition to any other review required under this ordinance, a family child care provider operating out of their own residence shall be considered a home occupation and shall be allowed under the conditions and regulations applicable to home occupations.

**LIGHT INDUSTRIAL USES:** industrial activity involving the manufacturing, packaging, assembly, or distribution of finished products from previously prepared material, including, by way of example only, the following; bakeries, bottling, printing and publishing, pharmaceuticals, machine shops, precision instruments, watchmakers, musical instruments, toys and sporting goods, pottery and ceramics using only previously pulverized clay, wood products, jewelry, assembly of electrical components, canteen services, tool and die shops, and the packaging of foods. Light industrial uses do not include the processing of raw materials or salvaging operations.

**LOT:** A contiguous parcel of land in single or joint ownership described on a deed, plot plan, or similar legal document and having frontage, as defined in this Article.

**MANUFACTURED HOUSING:**

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

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

**MODULAR HOMES:** Units which the manufacturer certifies are constructed in compliance with Title 10, chapter 957, section 9001 et seq., and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on permanent foundations when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained in the unit.

**MINERAL EXTRACTION:** Any extraction of mineral deposits, including gravel, other than mineral exploration to determine location, extent, and composition or deposits.

**MINERAL EXTRACTION ACTIVITY:** Any excavation or removal, handling or storage of on-site extracted sand, gravel, borrow, rock, clay, minerals, or topsoil to include, but is not limited to, sand or gravel pits, clay pits, borrow pits, quarries, mines, and topsoil mining or removal.

**MINERAL EXTRACTION SITE OR AREA:** All of the land area disturbed or otherwise developed for the extraction, removal, processing, or storage of sand, gravel, clay, minerals, stone, rock, or topsoil; including any access roads and cleared areas adjacent to a pit or excavated area.

**MINERAL PROCESSING:** The processes and related mechanical equipment to wash, crush, or otherwise process rock or earth materials, including the mixing of concrete or asphalt or other aggregate processes. Does not include the loading of material into trucks for transport to off-site processing or the screening of material.

**MUNICIPAL USE OR STRUCTURES:** Any use or building maintained by the Town of Washington.

**NEIGHBORHOOD STORE:** a retail store that occupies less than 4,000 square feet of total floor space and within which no alcoholic beverages are consumed.

**NET DEVELOPABLE ACRES:** The gross acreage available for development, excluding the area for roads or access and the areas which are unsuitable for development.

**NONCONFORMING LOT:** a single lot or contiguous lots of record which, at the effective date of this Ordinance, does not meet the minimum lot area, minimum lot area per dwelling unit, or minimum frontage requirements of the district in which it is located. It is allowed solely because it was in

lawful existence at the time this Ordinance or subsequent amendment took effect.

**NONCONFORMING STRUCTURE:** a structure that does not meet the minimum setback, maximum lot coverage, or maximum height standards of the district in which it is located. It is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

**NONCONFORMING USE:** a use of premises that is not permitted in the district in which it is located, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

**NORMAL HIGH-WATER LINE:** that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers and great ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water.

**NURSING FACILITIES OR CONVALESCENT HOME:** a facility in which nursing care and medical services are performed under the general direction of persons licensed to practice medicine in the State of Maine for the accommodation of convalescent or other persons who are not in need of hospital care, but who do require, on a 24 hour basis, nursing care and related medical services.

**OPEN PORCH or DECK:** A deck is a platform structure usually with railings but no walls or roof while an open porch is the same with a roof. An open porch may have screens installed but will have no permanent windows.

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

**PERSONAL SERVICE:** a service exemplified by the types of services listed under U.S. Standard Industrial Classification code 72, including but not limited to laundry and cleaning services, photography studios, shoe repair shops, funeral homes, and similar services to the general public.

**PLANNING BOARD:** the Municipal Reviewing Authority of the Town of Washington, Maine as defined by 30A M.R.S.A. Section 4301, Subsection 12.

**PREMISES:** one or more parcels of land which are in the same ownership and contiguous.

**PIGGERIES:** a type of factory farm specialized for the raising of domestic pigs up to slaughter weight. In this system of pig production, grower pigs are housed indoors in group-housing or straw-lined sheds, whilst pregnant sows are confined in sow stalls (gestation crates) and give birth in farrowing crates. Also known as hog lots.

**PRIMITIVE RECREATION:** recreational uses that do not require buildings or structures, or significant alteration of the terrain, such as hunting, fishing, hiking, primitive camping, snowmobiling, cross-country ski trails, and parks of primarily undeveloped, natural character.

**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.

**PRIVATE CAMPSITES:** An area of land which is not associated with a campground, but which is developed for repeated camping by one group only, not to exceed 10 individuals and which involves site improvements which may include, but not be limited to, a gravel pad, parking area, fire place, or tent platform.

**PRIVATE WAY:** A road or driveway wholly owned and maintained by one or more abutting landowners.

**PROFESSIONAL AND MEDICAL OFFICES:** places of business maintained by one or more individuals who have recognized professional accreditation in their field, which requires an appropriate academic degree, as determined by the permitting authority. Including but not limited to doctors, lawyers, engineers, health care professionals, accountants, insurance offices, but not including tradesmen or beauty salons.

**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.

**PUBLIC ROAD OR PUBLIC WAY:** A road which has been accepted as a town road, for which the town owns a right-of-way, and is maintained by the town.

**PROHIBITED USES:** Any use, activity or development that is not allowed or permitted in a district or a portion thereof is, thereby, strictly prohibited.

**REAR LOT LINE:** the most parallel side to, or opposite side from, the road that defines the street address of the building(s) or proposed building(s) as determined by the Planning Board.

**RECENT FLOOD PLAIN SOILS:** the following soil series as described and identified by the National Cooperative Soil Survey:

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

**RECREATIONAL FACILITY:** structures or infrastructures 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:

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

**RESIDENTIAL DWELLING UNIT:** a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes, but not recreational vehicles.

**RETAIL ENTERPRISES AND SALES:** activity involving the buying and selling of goods and finished products on a small scale, including, by way of example only, the following: auto service stations; motels, inns and bed and breakfast establishments; small scale retail and grocery stores; restaurants; and retail vehicle/farm machinery sales. This

definition includes activity whereby a client or customer purchases goods, finished products or raw materials and transports it off site in their own vehicles. *See also the definitions of BED AND BREAKFAST; MOTELS & INNS; NEIGHBORHOOD STORES; and TRADESMAN SHOPS.*

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 that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth.

ROAD: a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles.

SERVICES: providing the use of something such as skills, knowledge, training, technical expertise; or of something for the public benefit; generally not involving goods or products except as repairs or replacements for existing products; including, by way of example only, the following: licensed baby sitting services and day care facilities; business services; financial services; nursery schools; nursing homes; personal services; professional & medical offices; diagnostic and repair facilities for household appliances and personal computers; schools, colleges and universities; places of worship; utilities; and veterinary clinics and kennels. *See also the definitions of BABY SITTING SERVICE; DAY CARE FACILITY; BUSINESS SERVICE; FINANCIAL SERVICE; NURSING FACILITIES OR CONVALESCENT HOME; and PERSONAL SERVICE.*

SETBACK, BACK YARD or REAR: the distance between the rear line of the lot, extending the full width of the lot, and the nearest part of principal or accessory structure. Back and rear yard are synonymous terms.

SETBACK, FRONT YARD: the distance between the road right-of-way or easement line extending the width of the frontage, and the nearest part of any principal or accessory structure; provided, however, that signs erected in accordance with the sign standards of this Ordinance may be placed in the front yard area. In the Shoreland Limited Residential District, the front yard faces the water.



SETBACK, NORMAL HIGH-WATER LINE: the distance from the normal high-water line of any perennial stream or pond or freshwater wetland to the nearest part of a structure.

SETBACK, SIDE YARD: the distance between the side property line and the nearest part of any principal or accessory structure. Any lot line not a back lot line or a front lot line shall be deemed a side lot line.

SHOOTING RANGE: A business open to the public or a private gun club whereby the firing of firearms at fixed or movable targets is a prevalent activity to include skeet ranges, trap ranges, or firearm competition. It does not include gun shops or individual target practice.

SHORE FRONTAGE: the length of a lot's shoreline as measured in a straight line between the points of intersection of the side lot lines with the shoreline at normal high water elevation.

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

SIGN: structure, device, letter, banner, symbol, or other representation which is used as or is in the nature of an advertisement, announcement, or direction; which is erected, assembled, affixed, or painted out of doors; and which is visible from a public way.

SIGN AREA: the area of the smallest square, rectangle, triangle, circle, or combination thereof, which encompasses the facing of a sign, including copy insignia, background and borders, but not including structural supports of the sign. A double-sided sign counts as one sign. A wall sign's area includes such background as is not the same color as the building.

SNOWMOBILE: A vehicle propelled by mechanical power that is primarily designed to travel over ice or snow and is supported in part by skis, belts, or cleats.

SOLAR ENERGY CONVERSION ARRAY (SECA): the components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, concentrated solar thermal installations, and solar hot water systems.

**SOLID WASTE:** all non-liquid debris, garbage or trash.

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

**STRUCTURE:** Anything built for the support, shelter, or enclosure of persons, animals, goods, or property of any kind.

**STUMP DUMP:** An area where stumps, logs and brush are collected off site and brought to a location for storage, disposal, or decomposing.

**TIMBER HARVESTING:** The cutting or removal of at least 50 cords of timber for the primary purpose of selling or processing forest products (12 M.R.S.A. § 8868(4)). Also the cutting of trees on any parcel over 1/2 acre that requires a Intent to Harvest certificate from the State Forestry Bureau.

**TRADESMAN SHOP:** the shop of a self-employed craftsman or person in a skilled trade.

**TRASH:** all combustible materials such as, but not limited to, paper cartons, boxes, barrels, wood and excelsior, tree branches, yard trimmings, wood furniture and bedding and non-combustible materials such as but not limited to, metals, tin cans, plastic containers, dirt, glass crockery, and other mineral refuse.

**TRIBUTARY STREAM:** a channel between defined banks created by the action of surface water, whether 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 water body 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 water body or wetland.

**UPLAND EDGE:** the boundary between upland and wetland. The upland edge is formed where the soils are not saturated for the duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are 20 foot tall or taller. {DEP § 17}

**USES BY RIGHT:** Any use, activity or development in a district, or a portion thereof, that is allowed subject to the specific restrictions applicable to that district and other applicable portions of this Ordinance, and which requires no permit.

**USES REQUIRING A CEO PERMIT:** Any use, activity or development permitted in a district, or a portion thereof, and subject to the restrictions applicable to that district, which after a complete application by the applicant may be permitted by the Code Enforcement Officer without Planning Board review.

**USES REQUIRING PLANNING BOARD REVIEW:** A use, activity, or development that owing to some special characteristics attendant to its operation or installation requires approval by the Planning Board subject to special requirements different from the usual requirements of this Ordinance.

**UTILITY STRUCTURES AND 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 wastewater 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. Does not include cell towers.

Satellite dishes serving a residential use on a single lot shall be considered accessory to such use.

**VARIANCE:** a grant of permission by the Board of Appeals to relax the space and bulk standards or performance standards of this Ordinance. Any such grant shall strictly comply with the standards and procedures of Article VII of this Ordinance. A variance is not authorized for establishment or expansion of a use otherwise prohibited.

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

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

**WATER BODY:** any great pond, river, or stream.

**WETLAND:** areas delineated as numbered wetlands on the Maine DEP Wetlands Map that are characterized as being 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.

**WETLANDS 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.

**WIND ENERGY CONVERSION ARRAY (WECA):** A grouping of devices sometimes called "wind turbines", more correctly termed "aerofoil-powered generators", that converts kinetic energy from the wind, a solar-generated force, into electrical power. A WECA is sometimes called a "Wind Farm".

**YARD (OR GARAGE) SALE:** a sale of used household goods, curios, and the like. Yard (or garage) sales, distinguished from flea markets, shall be considered to be residential accessory uses under this Ordinance.



**NAICS Condensed**  
**North American Industry Classification System - United States, 2002**

- |   |  |
|---|--|
| <p><b>11 AGRICULTURE, FORESTRY, FISHING AND HUNTING</b></p> <p>111 Crop Production</p> <p>112 Animal Production</p> <p>113 Forestry and Logging</p> <p>114 Fishing, Hunting and Trapping</p> <p>115 Support Activities for Agriculture and Forestry</p> <p><b>21 MINING</b></p> <p>211 Oil and Gas Extraction</p> <p>212 Mining (except Oil and Gas)</p> <p>213 Support Activities for Mining</p> <p><b>22 UTILITIES</b></p> <p>221 Utilities</p> <p><b>23 CONSTRUCTION</b></p> <p>236 Construction of Buildings</p> <p>237 Heavy and Civil Engineering Construction</p> <p>238 Specialty Trade Contractors</p> <p><b>31-33 MANUFACTURING</b></p> <p>311 Food Manufacturing</p> <p>312 Beverage and Tobacco Product Manufacturing</p> <p>313 Textile Mills</p> <p>314 Textile Product Mills</p> <p>315 Apparel Manufacturing</p> <p>316 Leather and Allied Product Manufacturing</p> <p>321 Wood Product Manufacturing</p> <p>322 Paper Manufacturing</p> <p>323 Printing and Related Support Activities</p> <p>324 Petroleum and Coal Products Manufacturing</p> <p>325 Chemical Manufacturing</p> <p>326 Plastics and Rubber Products Manufacturing</p> <p>327 Nonmetallic Mineral Product Manufacturing</p> <p>331 Primary Metal Manufacturing</p> <p>332 Fabricated Metal Product Manufacturing</p> <p>333 Machinery Manufacturing</p> <p>334 Computer and Electronic Product Manufacturing</p> <p>335 Electrical Equipment, Appliance, and Component Manufacturing</p> <p>336 Transportation Equipment Manufacturing</p> <p>337 Furniture and Related Product Manufacturing</p> <p>339 Miscellaneous Manufacturing</p> <p><b>42 WHOLESALE TRADE</b></p> <p>423 Merchant Wholesalers, Durable Goods</p> | <p>424 Merchant Wholesalers, Nondurable Goods</p> <p>425 Wholesale Electronic Markets and Agents and Brokers</p> <p><b>44-45 RETAIL TRADE</b></p> <p>441 Motor Vehicle and Parts Dealers</p> <p>442 Furniture and Home Furnishings Stores</p> <p>443 Electronics and Appliance Stores</p> <p>444 Building Material and Garden Equipment and Supplies Dealers</p> <p>445 Food and Beverage Stores</p> <p>446 Health and Personal Care Stores</p> <p>447 Gasoline Stations</p> <p>448 Clothing and Clothing Accessories Stores</p> <p>451 Sporting Goods, Hobby, Book, and Music Stores</p> <p>452 General Merchandise Stores</p> <p>454 Nonstore Retailers</p> <p><b>48-49 TRANSPORTATION AND WAREHOUSING</b></p> <p>481 Air Transportation</p> <p>482 Rail Transportation</p> <p>483 Water Transportation</p> <p>484 Truck Transportation</p> <p>485 Transit and Ground Passenger Transportation</p> <p>486 Pipeline Transportation</p> <p>487 Scenic and Sightseeing Transportation</p> <p>488 Support Activities for Transportation</p> <p>491 Postal Service</p> <p>492 Couriers and Messengers</p> <p>493 Warehousing and Storage</p> <p><b>51 INFORMATION</b></p> <p>511 Publishing Industries (except Internet)</p> <p>512 Motion Picture and Sound Recording Industries</p> <p>515 Broadcasting (except Internet)</p> <p>516 Internet Publishing and Broadcasting</p> <p>517 Telecommunications</p> <p>518 Internet Service Providers, Web Search Portals, and Data Processing Services</p> <p>519 Other Information Services</p> <p><b>52 FINANCE AND INSURANCE</b></p> <p>521 Monetary Authorities - Central Bank</p> <p>522 Credit Intermediation and Related Activities</p> <p>523 Securities, Commodity Contracts, and Other Financial Investments and Related Activities</p> <p>524 Insurance Carriers and Related Activities</p> |
|---|--|

**NAICS Condensed**  
**North American Industry Classification System - United States, 2002**

- |  |  |
|--|--|
| <p><b>525 Funds, Trusts, and Other Financial Vehicles</b></p> <p><b>53 REAL ESTATE AND RENTAL AND LEASING</b></p> <p>531 Real Estate</p> <p>532 Rental and Leasing Services</p> <p>533 Lessors of Nonfinancial Intangible Assets<br/>(except Copyrighted Works)</p> <p><b>54 PROFESSIONAL, SCIENTIFIC, AND TECHNICAL SERVICES</b></p> <p>541 Professional, Scientific, and Technical Services</p> <p><b>55 MANAGEMENT OF COMPANIES AND ENTERPRISES</b></p> <p>551 Management of Companies and Enterprises</p> <p><b>56 ADMINISTRATIVE AND SUPPORT AND WASTE MANAGEMENT AND REMEDIATION SERVICES</b></p> <p>561 Administrative and Support Services</p> <p>562 Waste Management and Remediation Services</p> <p><b>61 EDUCATIONAL SERVICES</b></p> <p>611 Educational Services</p> <p><b>62 HEALTH CARE AND SOCIAL ASSISTANCE</b></p> <p>621 Ambulatory Health Care Services</p> <p>622 Hospitals</p> <p>623 Nursing and Residential Care Facilities</p> <p>624 Social Assistance</p> <p><b>71 ARTS, ENTERTAINMENT, AND RECREATION</b></p> <p>711 Performing Arts, Spectator Sports, and Related Industries</p> <p>712 Museums, Historical Sites, and Similar Institutions</p> <p>713 Amusement, Gambling, and Recreation Industries</p> <p><b>72 ACCOMMODATION AND FOOD SERVICES</b></p> <p>721 Accommodation</p> <p>722 Food Services and Drinking Places</p> <p><b>81 OTHER SERVICES (EXCEPT PUBLIC ADMINISTRATION)</b></p> <p>811 Repair and Maintenance</p> <p>812 Personal and Laundry Services</p> <p>813 Religious, Grantmaking, Civic, Professional, and Similar Organizations</p> | <p><b>814 Private Households</b></p> <p><b>92 PUBLIC ADMINISTRATION</b></p> <p>921 Executive, Legislative, and Other General Government Support</p> <p>922 Justice, Public Order, and Safety Activities</p> <p>923 Administration of Human Resource Programs</p> <p>924 Administration of Environmental Quality Programs</p> <p>925 Administration of Housing Programs, Urban Planning, and Community Development</p> <p>926 Administration of Economic Programs</p> <p>927 Space Research and Technology</p> <p>928 National Security and International Affairs</p> |
|--|--|

**11 AGRICULTURE, FORESTRY,  
FISHING AND HUNTING**

**111 Crop Production**

- 1111 Oilseed and Grain Farming
  - 11111 Soybean Farming
    - 111110 Soybean Farming
  - 11112 Oilseed (except Soybean) Farming
    - 111120 Oilseed (except Soybean) Farming
  - 11113 Dry Pea and Bean Farming
    - 111130 Dry Pea and Bean Farming
  - 11114 Wheat Farming
    - 111140 Wheat Farming
  - 11115 Corn Farming
    - 111150 Corn Farming
  - 11116 Rice Farming
    - 111160 Rice Farming
  - 11119 Other Grain Farming
    - 111191 Oilseed and Grain Combination Farming
    - 111199 All Other Grain Farming
- 1112 Vegetable and Melon Farming
  - 11121 Vegetable and Melon Farming
    - 111211 Potato Farming
    - 111219 Other Vegetable (except Potato) and Melon Farming
- 1113 Fruit and Tree Nut Farming
  - 11131 Orange Groves
    - 111310 Orange Groves
  - 11132 Citrus (except Orange) Groves
    - 111320 Citrus (except Orange) Groves
  - 11133 Noncitrus Fruit and Tree Nut Farming
    - 111331 Apple Orchards
    - 111332 Grape Vineyards
    - 111333 Strawberry Farming
    - 111334 Berry (except Strawberry) Farming
    - 111335 Tree Nut Farming
    - 111336 Fruit and Tree Nut Combination Farming
    - 111339 Other Noncitrus Fruit Farming
- 1114 Greenhouse, Nursery, and Floriculture Production
  - 11141 Food Crops Grown Under Cover

- 111411 Mushroom Production
- 111419 Other Food Crops Grown Under Cover
- 11142 Nursery and Floriculture Production
  - 111421 Nursery and Tree Production
  - 111422 Floriculture Production
- 1119 Other Crop Farming
  - 11191 Tobacco Farming
    - 111910 Tobacco Farming
  - 11192 Cotton Farming
    - 111920 Cotton Farming
  - 11193 Sugarcane Farming
    - 111930 Sugarcane Farming
  - 11194 Hay Farming
    - 111940 Hay Farming
  - 11199 All Other Crop Farming
    - 111991 Sugar Beet Farming
    - 111992 Peanut Farming
    - 111998 All Other Miscellaneous Crop Farming

**112 Animal Production**

- 1121 Cattle Ranching and Farming
  - 11211 Beef Cattle Ranching and Farming, including Feedlots
    - 112111 Beef Cattle Ranching and Farming
    - 112112 Cattle Feedlots
  - 11212 Dairy Cattle and Milk Production
    - 112120 Dairy Cattle and Milk Production
  - 11213 Dual-Purpose Cattle Ranching and Farming
    - 112130 Dual-Purpose Cattle Ranching and Farming
- 1122 Hog and Pig Farming
  - 11221 Hog and Pig Farming
    - 112210 Hog and Pig Farming
- 1123 Poultry and Egg Production
  - 11231 Chicken Egg Production
    - 112310 Chicken Egg Production
  - 11232 Broilers and Other Meat Type Chicken Production
    - 112320 Broilers and Other Meat Type Chicken Production
  - 11233 Turkey Production
    - 112330 Turkey Production
  - 11234 Poultry Hatcheries



- 112340 Poultry Hatcheries
- 11239 Other Poultry Production
- 112390 Other Poultry Production
- 1124 Sheep and Goat Farming
- 11241 Sheep Farming
- 112410 Sheep Farming
- 11242 Goat Farming
- 112420 Goat Farming
- 1125 Animal Aquaculture
- 11251 Animal Aquaculture
- 112511 Finfish Farming and Fish Hatcheries
- 112512 Shellfish Farming
- 112519 Other Animal Aquaculture
- 1129 Other Animal Production
- 11291 Apiculture
- 112910 Apiculture
- 11292 Horses and Other Equine Production
- 112920 Horses and Other Equine Production
- 11293 Fur-Bearing Animal and Rabbit Production
- 112930 Fur-Bearing Animal and Rabbit Production
- 11299 All Other Animal Production
- 112990 All Other Animal Production

### **113 Forestry and Logging**

- 1131 Timber Tract Operations
- 11311 Timber Tract Operations
- 113110 Timber Tract Operations
- 1132 Forest Nurseries and Gathering of Forest Products
- 11321 Forest Nurseries and Gathering of Forest Products
- 113210 Forest Nurseries and Gathering of Forest Products
- 1133 Logging
- 11331 Logging
- 113310 Logging

### **114 Fishing, Hunting and Trapping**

- 1141 Fishing
- 11411 Fishing
- 114111 Finfish Fishing
- 114112 Shellfish Fishing
- 114119 Other Marine Fishing
- 1142 Hunting and Trapping
- 11421 Hunting and Trapping
- 114210 Hunting and Trapping

### **115 Support Activities for Agriculture and Forestry**

- 1151 Support Activities for Crop Production
- 11511 Support Activities for Crop Production
- 115111 Cotton Ginning
- 115112 Soil Preparation, Planting, and Cultivating
- 115113 Crop Harvesting, Primarily by Machine
- 115114 Postharvest Crop Activities (except Cotton Ginning)
- 115115 Farm Labor Contractors and Crew Leaders
- 115116 Farm Management Services
- 1152 Support Activities for Animal Production
- 11521 Support Activities for Animal Production
- 115210 Support Activities for Animal Production
- 1153 Support Activities for Forestry
- 11531 Support Activities for Forestry
- 115310 Support Activities for Forestry

## **21 MINING**

### **211 Oil and Gas Extraction**

- 2111 Oil and Gas Extraction
- 21111 Oil and Gas Extraction
- 211111 Crude Petroleum and Natural Gas Extraction
- 211112 Natural Gas Liquid Extraction

### **212 Mining (except Oil and Gas)**

- 2121 Coal Mining
- 21211 Coal Mining
- 212111 Bituminous Coal and Lignite Surface Mining
- 212112 Bituminous Coal Underground Mining
- 212113 Anthracite Mining
- 2122 Metal Ore Mining
- 21221 Iron Ore Mining
- 212210 Iron Ore Mining
- 21222 Gold Ore and Silver Ore Mining
- 212221 Gold Ore Mining

**NAICS - North American Industry Classification System - United States, 2002**

212222 Silver Ore Mining  
21223 Copper, Nickel, Lead, and Zinc Mining  
212231 Lead Ore and Zinc Ore Mining  
212234 Copper Ore and Nickel Ore Mining  
21229 Other Metal Ore Mining  
212291 Uranium-Radium-Vanadium Ore Mining  
212299 All Other Metal Ore Mining  
2123 Nonmetallic Mineral Mining and Quarrying  
21231 Stone Mining and Quarrying  
212311 Dimension Stone Mining and Quarrying  
212312 Crushed and Broken Limestone Mining and Quarrying  
212313 Crushed and Broken Granite Mining and Quarrying  
212319 Other Crushed and Broken Stone Mining and Quarrying  
21232 Sand, Gravel, Clay, and Ceramic and Refractory Minerals Mining and Quarrying  
212321 Construction Sand and Gravel Mining  
212322 Industrial Sand Mining  
212324 Kaolin and Ball Clay Mining  
212325 Clay and Ceramic and Refractory Minerals Mining  
21239 Other Nonmetallic Mineral Mining and Quarrying  
212391 Potash, Soda, and Borate Mineral Mining  
212392 Phosphate Rock Mining  
212393 Other Chemical and Fertilizer Mineral Mining  
212399 All Other Nonmetallic Mineral Mining

**213 Support Activities for Mining**

2131 Support Activities for Mining  
21311 Support Activities for Mining  
213111 Drilling Oil and Gas Wells  
213112 Support Activities for Oil and Gas Operations  
213113 Support Activities for Coal Mining

213114 Support Activities for Metal Mining  
213115 Support Activities for Nonmetallic Minerals (except Fuels)

**22 UTILITIES**

**221 Utilities**

2211 Electric Power Generation, Transmission and Distribution  
22111 Electric Power Generation  
221111 Hydroelectric Power Generation  
221112 Fossil Fuel Electric Power Generation  
221113 Nuclear Electric Power Generation  
221119 Other Electric Power Generation  
22112 Electric Power Transmission, Control, and Distribution  
221121 Electric Bulk Power Transmission and Control  
221122 Electric Power Distribution  
2212 Natural Gas Distribution  
22121 Natural Gas Distribution  
221210 Natural Gas Distribution  
2213 Water, Sewage and Other Systems  
22131 Water Supply and Irrigation Systems  
221310 Water Supply and Irrigation Systems  
22132 Sewage Treatment Facilities  
221320 Sewage Treatment Facilities  
22133 Steam and Air-Conditioning Supply  
221330 Steam and Air-Conditioning Supply

**23 CONSTRUCTION**

**236 Construction of Buildings**

2361 Residential Building Construction  
23611 Residential Building Construction  
236115 New Single-Family Housing Construction (except Operative Builders)

**NAICS - North American Industry Classification System - United States, 2002**

236116 New Multifamily Housing Construction (except Operative Builders)	2381 Foundation, Structure, and Building Exterior Contractors
236117 New Housing Operative Builders	23811 Poured Concrete Foundation and Structure Contractors
236118 Residential Remodelers	238110 Poured Concrete Foundation and Structure Contractors
2362 Nonresidential Building Construction	23812 Structural Steel and Precast Concrete Contractors
23621 Industrial Building Construction	238120 Structural Steel and Precast Concrete Contractors
236210 Industrial Building Construction	23813 Framing Contractors
23622 Commercial and Institutional Building Construction	238130 Framing Contractors
236220 Commercial and Institutional Building Construction	23814 Masonry Contractors
<b>237 Heavy and Civil Engineering Construction</b>	238140 Masonry Contractors
2371 Utility System Construction	23815 Glass and Glazing Contractors
23711 Water and Sewer Line and Related Structures Construction	238150 Glass and Glazing Contractors
237110 Water and Sewer Line and Related Structures Construction	23816 Roofing Contractors
23712 Oil and Gas Pipeline and Related Structures Construction	238160 Roofing Contractors
237120 Oil and Gas Pipeline and Related Structures Construction	23817 Siding Contractors
23713 Power and Communication Line and Related Structures Construction	238170 Siding Contractors
237130 Power and Communication Line and Related Structures Construction	23819 Other Foundation, Structure, and Building Exterior Contractors
2372 Land Subdivision	238190 Other Foundation, Structure, and Building Exterior Contractors
23721 Land Subdivision	2382 Building Equipment Contractors
237210 Land Subdivision	23821 Electrical Contractors
2373 Highway, Street, and Bridge Construction	238210 Electrical Contractors
23731 Highway, Street, and Bridge Construction	23822 Plumbing, Heating, and Air-Conditioning Contractors
237310 Highway, Street, and Bridge Construction	238220 Plumbing, Heating, and Air-Conditioning Contractors
2379 Other Heavy and Civil Engineering Construction	23829 Other Building Equipment Contractors
23799 Other Heavy and Civil Engineering Construction	238290 Other Building Equipment Contractors
237990 Other Heavy and Civil Engineering Construction	2383 Building Finishing Contractors
<b>238 Specialty Trade Contractors</b>	23831 Drywall and Insulation Contractors
	238310 Drywall and Insulation Contractors
	23832 Painting and Wall Covering Contractors
	238320 Painting and Wall Covering Contractors
	23833 Flooring Contractors
	238330 Flooring Contractors

**NAICS - North American Industry Classification System - United States, 2002**

23834 Tile and Terrazzo Contractors  
238340 Tile and Terrazzo  
Contractors  
23835 Finish Carpentry Contractors  
238350 Finish Carpentry Contractors  
23839 Other Building Finishing  
Contractors  
238390 Other Building Finishing  
Contractors  
2389 Other Specialty Trade Contractors  
23891 Site Preparation Contractors  
238910 Site Preparation Contractors  
23899 All Other Specialty Trade  
Contractors  
238990 All Other Specialty Trade  
Contractors

**31-33 MANUFACTURING**

**311 Food Manufacturing**

3111 Animal Food Manufacturing  
31111 Animal Food Manufacturing  
311111 Dog and Cat Food  
Manufacturing  
311119 Other Animal Food  
Manufacturing  
3112 Grain and Oilseed Milling  
31121 Flour Milling and Malt  
Manufacturing  
311211 Flour Milling  
311212 Rice Milling  
311213 Malt Manufacturing  
31122 Starch and Vegetable Fats and  
Oils Manufacturing  
311221 Wet Corn Milling  
311222 Soybean Processing  
311223 Other Oilseed Processing  
311225 Fats and Oils Refining and  
Blending  
31123 Breakfast Cereal Manufacturing  
311230 Breakfast Cereal  
Manufacturing  
3113 Sugar and Confectionery Product  
Manufacturing  
31131 Sugar Manufacturing  
311311 Sugarcane Mills  
311312 Cane Sugar Refining  
311313 Beet Sugar Manufacturing

31132 Chocolate and Confectionery  
Manufacturing from Cacao  
Beans  
311320 Chocolate and Confectionery  
Manufacturing from Cacao  
Beans  
31133 Confectionery Manufacturing  
from Purchased Chocolate  
311330 Confectionery  
Manufacturing from Purchased  
Chocolate  
31134 Nonchocolate Confectionery  
Manufacturing  
311340 Nonchocolate Confectionery  
Manufacturing  
3114 Fruit and Vegetable Preserving and  
Specialty Food Manufacturing  
31141 Frozen Food Manufacturing  
311411 Frozen Fruit, Juice, and  
Vegetable Manufacturing  
311412 Frozen Specialty Food  
Manufacturing  
31142 Fruit and Vegetable Canning,  
Pickling, and Drying  
311421 Fruit and Vegetable Canning  
311422 Specialty Canning  
311423 Dried and Dehydrated Food  
Manufacturing  
3115 Dairy Product Manufacturing  
31151 Dairy Product (except Frozen)  
Manufacturing  
311511 Fluid Milk Manufacturing  
311512 Creamery Butter  
Manufacturing  
311513 Cheese Manufacturing  
311514 Dry, Condensed, and  
Evaporated Dairy Product  
Manufacturing  
31152 Ice Cream and Frozen Dessert  
Manufacturing  
311520 Ice Cream and Frozen  
Dessert Manufacturing  
3116 Animal Slaughtering and  
Processing  
31161 Animal Slaughtering and  
Processing  
311611 Animal (except Poultry)  
Slaughtering

**NAICS - North American Industry Classification System - United States, 2002**

311612 Meat Processed from  
     Carcasses  
 311613 Rendering and Meat  
     Byproduct Processing  
 311615 Poultry Processing  
 3117 Seafood Product Preparation and  
     Packaging  
 31171 Seafood Product Preparation  
     and Packaging  
     311711 Seafood Canning  
     311712 Fresh and Frozen Seafood  
         Processing  
 3118 Bakeries and Tortilla  
     Manufacturing  
 31181 Bread and Bakery Product  
     Manufacturing  
     311811 Retail Bakeries  
     311812 Commercial Bakeries  
     311813 Frozen Cakes, Pies, and  
         Other Pastries Manufacturing  
 31182 Cookie, Cracker, and Pasta  
     Manufacturing  
     311821 Cookie and Cracker  
         Manufacturing  
     311822 Flour Mixes and Dough  
         Manufacturing from Purchased  
         Flour  
     311823 Dry Pasta Manufacturing  
 31183 Tortilla Manufacturing  
     311830 Tortilla Manufacturing  
 3119 Other Food Manufacturing  
     31191 Snack Food Manufacturing  
         311911 Roasted Nuts and Peanut  
             Butter Manufacturing  
         311919 Other Snack Food  
             Manufacturing  
     31192 Coffee and Tea Manufacturing  
         311920 Coffee and Tea  
             Manufacturing  
     31193 Flavoring Syrup and  
         Concentrate Manufacturing  
         311930 Flavoring Syrup and  
             Concentrate Manufacturing  
 31194 Seasoning and Dressing  
     Manufacturing  
     311941 Mayonnaise, Dressing, and  
         Other Prepared Sauce  
         Manufacturing

311942 Spice and Extract  
     Manufacturing  
 31199 All Other Food Manufacturing  
     311991 Perishable Prepared Food  
         Manufacturing  
     311999 All Other Miscellaneous  
         Food Manufacturing  
**312 Beverage and Tobacco Product  
     Manufacturing**  
 3121 Beverage Manufacturing  
     31211 Soft Drink and Ice  
         Manufacturing  
         312111 Soft Drink Manufacturing  
         312112 Bottled Water  
             Manufacturing  
         312113 Ice Manufacturing  
 31212 Breweries  
     312120 Breweries  
 31213 Wineries  
     312130 Wineries  
 31214 Distilleries  
     312140 Distilleries  
 3122 Tobacco Manufacturing  
     31221 Tobacco Stemming and  
         Redrying  
         312210 Tobacco Stemming and  
             Redrying  
     31222 Tobacco Product Manufacturing  
         312221 Cigarette Manufacturing  
         312229 Other Tobacco Product  
             Manufacturing  
**313 Textile Mills**  
 3131 Fiber, Yarn, and Thread Mills  
     31311 Fiber, Yarn, and Thread Mills  
         313111 Yarn Spinning Mills  
         313112 Yarn Texturizing, Throwing,  
             and Twisting Mills  
         313113 Thread Mills  
 3132 Fabric Mills  
     31321 Broadwoven Fabric Mills  
         313210 Broadwoven Fabric Mills  
 31322 Narrow Fabric Mills and  
     Schiffli Machine Embroidery  
         313221 Narrow Fabric Mills  
         313222 Schiffli Machine  
             Embroidery  
 31323 Nonwoven Fabric Mills  
     313230 Nonwoven Fabric Mills  
 31324 Knit Fabric Mills

**NAICS - North American Industry Classification System - United States, 2002**

313241 Weft Knit Fabric Mills	315211 Men's and Boys' Cut and Sew Apparel Contractors
313249 Other Knit Fabric and Lace Mills	315212 Women's, Girls', and Infants' Cut and Sew Apparel Contractors
3133 Textile and Fabric Finishing and Fabric Coating Mills	31522 Men's and Boys' Cut and Sew Apparel Manufacturing
31331 Textile and Fabric Finishing Mills	315221 Men's and Boys' Cut and Sew Underwear and Nightwear Manufacturing
313311 Broadwoven Fabric Finishing Mills	315222 Men's and Boys' Cut and Sew Suit, Coat, and Overcoat Manufacturing
313312 Textile and Fabric Finishing (except Broadwoven Fabric) Mills	315223 Men's and Boys' Cut and Sew Shirt (except Work Shirt) Manufacturing
31332 Fabric Coating Mills	315224 Men's and Boys' Cut and Sew Trouser, Slack, and Jean Manufacturing
313320 Fabric Coating Mills	315225 Men's and Boys' Cut and Sew Work Clothing Manufacturing
<b>314 Textile Product Mills</b>	315228 Men's and Boys' Cut and Sew Other Outerwear Manufacturing
3141 Textile Furnishings Mills	31523 Women's and Girls' Cut and Sew Apparel Manufacturing
31411 Carpet and Rug Mills	315231 Women's and Girls' Cut and Sew Lingerie, Loungewear, and Nightwear Manufacturing
314110 Carpet and Rug Mills	315232 Women's and Girls' Cut and Sew Blouse and Shirt Manufacturing
31412 Curtain and Linen Mills	315233 Women's and Girls' Cut and Sew Dress Manufacturing
314121 Curtain and Drapery Mills	315234 Women's and Girls' Cut and Sew Suit, Coat, Tailored Jacket, and Skirt Manufacturing
314129 Other Household Textile Product Mills	315239 Women's and Girls' Cut and Sew Other Outerwear Manufacturing
3149 Other Textile Product Mills	31529 Other Cut and Sew Apparel Manufacturing
31491 Textile Bag and Canvas Mills	315291 Infants' Cut and Sew Apparel Manufacturing
314911 Textile Bag Mills	315292 Fur and Leather Apparel Manufacturing
314912 Canvas and Related Product Mills	315299 All Other Cut and Sew Apparel Manufacturing
31499 All Other Textile Product Mills	
314991 Rope, Cordage, and Twine Mills	
314992 Tire Cord and Tire Fabric Mills	
314999 All Other Miscellaneous Textile Product Mills	
<b>315 Apparel Manufacturing</b>	
3151 Apparel Knitting Mills	
31511 Hosiery and Sock Mills	
315111 Sheer Hosiery Mills	
315119 Other Hosiery and Sock Mills	
31519 Other Apparel Knitting Mills	
315191 Outerwear Knitting Mills	
315192 Underwear and Nightwear Knitting Mills	
3152 Cut and Sew Apparel Manufacturing	
31521 Cut and Sew Apparel Contractors	

**NAICS - North American Industry Classification System - United States, 2002**

3159 Apparel Accessories and Other Apparel Manufacturing	321113 Sawmills
31599 Apparel Accessories and Other Apparel Manufacturing	321114 Wood Preservation
315991 Hat, Cap, and Millinery Manufacturing	3212 Veneer, Plywood, and Engineered Wood Product Manufacturing
315992 Glove and Mitten Manufacturing	32121 Veneer, Plywood, and Engineered Wood Product Manufacturing
315993 Men's and Boys' Neckwear Manufacturing	321211 Hardwood Veneer and Plywood Manufacturing
315999 Other Apparel Accessories and Other Apparel Manufacturing	321212 Softwood Veneer and Plywood Manufacturing
<b>316 Leather and Allied Product Manufacturing</b>	321213 Engineered Wood Member (except Truss) Manufacturing
3161 Leather and Hide Tanning and Finishing	321214 Truss Manufacturing
31611 Leather and Hide Tanning and Finishing	321219 Reconstituted Wood Product Manufacturing
316110 Leather and Hide Tanning and Finishing	3219 Other Wood Product Manufacturing
3162 Footwear Manufacturing	32191 Millwork
31621 Footwear Manufacturing	321911 Wood Window and Door Manufacturing
316211 Rubber and Plastics Footwear Manufacturing	321912 Cut Stock, Resawing Lumber, and Planing
316212 House Slipper Manufacturing	321918 Other Millwork (including Flooring)
316213 Men's Footwear (except Athletic) Manufacturing	32192 Wood Container and Pallet Manufacturing
316214 Women's Footwear (except Athletic) Manufacturing	321920 Wood Container and Pallet Manufacturing
316219 Other Footwear Manufacturing	32199 All Other Wood Product Manufacturing
3169 Other Leather and Allied Product Manufacturing	321991 Manufactured Home (Mobile Home) Manufacturing
31699 Other Leather and Allied Product Manufacturing	321992 Prefabricated Wood Building Manufacturing
316991 Luggage Manufacturing	321999 All Other Miscellaneous Wood Product Manufacturing
316992 Women's Handbag and Purse Manufacturing	<b>322 Paper Manufacturing</b>
316993 Personal Leather Good (except Women's Handbag and Purse) Manufacturing	3221 Pulp, Paper, and Paperboard Mills
316999 All Other Leather Good Manufacturing	32211 Pulp Mills
<b>321 Wood Product Manufacturing</b>	322110 Pulp Mills
3211 Sawmills and Wood Preservation	32212 Paper Mills
32111 Sawmills and Wood Preservation	322121 Paper (except Newsprint) Mills
	322122 Newsprint Mills
	32213 Paperboard Mills
	322130 Paperboard Mills
	3222 Converted Paper Product Manufacturing

32221 Paperboard Container Manufacturing	323111 Commercial Gravure Printing
322211 Corrugated and Solid Fiber Box Manufacturing	323112 Commercial Flexographic Printing
322212 Folding Paperboard Box Manufacturing	323113 Commercial Screen Printing
322213 Setup Paperboard Box Manufacturing	323114 Quick Printing
322214 Fiber Can, Tube, Drum, and Similar Products Manufacturing	323115 Digital Printing
322215 Nonfolding Sanitary Food Container Manufacturing	323116 Manifold Business Forms Printing
32222 Paper Bag and Coated and Treated Paper Manufacturing	323117 Books Printing
322221 Coated and Laminated Packaging Paper and Plastics Film Manufacturing	323118 Blankbook, Looseleaf Binders, and Devices Manufacturing
322222 Coated and Laminated Paper Manufacturing	323119 Other Commercial Printing
322223 Plastics, Foil, and Coated Paper Bag Manufacturing	32312 Support Activities for Printing
322224 Uncoated Paper and Multiwall Bag Manufacturing	323121 Tradebinding and Related Work
322225 Laminated Aluminum Foil Manufacturing for Flexible Packaging Uses	323122 Prepress Services
322226 Surface-Coated Paperboard Manufacturing	<b>324 Petroleum and Coal Products Manufacturing</b>
32223 Stationery Product Manufacturing	3241 Petroleum and Coal Products Manufacturing
322231 Die-Cut Paper and Paperboard Office Supplies Manufacturing	32411 Petroleum Refineries
322232 Envelope Manufacturing	324110 Petroleum Refineries
322233 Stationery, Tablet, and Related Product Manufacturing	32412 Asphalt Paving, Roofing, and Saturated Materials Manufacturing
32229 Other Converted Paper Product Manufacturing	324121 Asphalt Paving Mixture and Block Manufacturing
322291 Sanitary Paper Product Manufacturing	324122 Asphalt Shingle and Coating Materials Manufacturing
322299 All Other Converted Paper Product Manufacturing	32419 Other Petroleum and Coal Products Manufacturing
<b>323 Printing and Related Support Activities</b>	324191 Petroleum Lubricating Oil and Grease Manufacturing
3231 Printing and Related Support Activities	324199 All Other Petroleum and Coal Products Manufacturing
32311 Printing	<b>325 Chemical Manufacturing</b>
323110 Commercial Lithographic Printing	3251 Basic Chemical Manufacturing
	32511 Petrochemical Manufacturing
	325110 Petrochemical Manufacturing
	32512 Industrial Gas Manufacturing
	325120 Industrial Gas Manufacturing
	32513 Synthetic Dye and Pigment Manufacturing
	325131 Inorganic Dye and Pigment Manufacturing



**NAICS - North American Industry Classification System - United States, 2002**

325132 Synthetic Organic Dye and Pigment Manufacturing	3254 Pharmaceutical and Medicine Manufacturing
32518 Other Basic Inorganic Chemical Manufacturing	32541 Pharmaceutical and Medicine Manufacturing
325181 Alkalies and Chlorine Manufacturing	325411 Medicinal and Botanical Manufacturing
325182 Carbon Black Manufacturing	325412 Pharmaceutical Preparation Manufacturing
325188 All Other Basic Inorganic Chemical Manufacturing	325413 In-Vitro Diagnostic Substance Manufacturing
32519 Other Basic Organic Chemical Manufacturing	325414 Biological Product (except Diagnostic) Manufacturing
325191 Gum and Wood Chemical Manufacturing	3255 Paint, Coating, and Adhesive Manufacturing
325192 Cyclic Crude and Intermediate Manufacturing	32551 Paint and Coating Manufacturing
325193 Ethyl Alcohol Manufacturing	325510 Paint and Coating Manufacturing
325199 All Other Basic Organic Chemical Manufacturing	32552 Adhesive Manufacturing
3252 Resin, Synthetic Rubber, and Artificial Synthetic Fibers and Filaments Manufacturing	325520 Adhesive Manufacturing
32521 Resin and Synthetic Rubber Manufacturing	3256 Soap, Cleaning Compound, and Toilet Preparation Manufacturing
325211 Plastics Material and Resin Manufacturing	32561 Soap and Cleaning Compound Manufacturing
325212 Synthetic Rubber Manufacturing	325611 Soap and Other Detergent Manufacturing
32522 Artificial and Synthetic Fibers and Filaments Manufacturing	325612 Polish and Other Sanitation Good Manufacturing
325221 Cellulosic Organic Fiber Manufacturing	325613 Surface Active Agent Manufacturing
325222 Noncellulosic Organic Fiber Manufacturing	32562 Toilet Preparation Manufacturing
3253 Pesticide, Fertilizer, and Other Agricultural Chemical Manufacturing	325620 Toilet Preparation Manufacturing
32531 Fertilizer Manufacturing	3259 Other Chemical Product and Preparation Manufacturing
325311 Nitrogenous Fertilizer Manufacturing	32591 Printing Ink Manufacturing
325312 Phosphatic Fertilizer Manufacturing	325910 Printing Ink Manufacturing
325314 Fertilizer (Mixing Only) Manufacturing	32592 Explosives Manufacturing
32532 Pesticide and Other Agricultural Chemical Manufacturing	325920 Explosives Manufacturing
325320 Pesticide and Other Agricultural Chemical Manufacturing	32599 All Other Chemical Product and Preparation Manufacturing
	325991 Custom Compounding of Purchased Resins
	325992 Photographic Film, Paper, Plate, and Chemical Manufacturing

325998 All Other Miscellaneous  
Chemical Product and  
Preparation Manufacturing

**326 Plastics and Rubber Products  
Manufacturing**

3261 Plastics Product Manufacturing

32611 Plastics Packaging Materials  
and Unlaminated Film and  
Sheet Manufacturing

326111 Plastics Bag Manufacturing

326112 Plastics Packaging Film and  
Sheet (including Laminated)  
Manufacturing

326113 Unlaminated Plastics Film  
and Sheet (except Packaging)  
Manufacturing

32612 Plastics Pipe, Pipe Fitting, and  
Unlaminated Profile Shape  
Manufacturing

326121 Unlaminated Plastics Profile  
Shape Manufacturing

326122 Plastics Pipe and Pipe Fitting  
Manufacturing

32613 Laminated Plastics Plate, Sheet  
(except Packaging), and Shape  
Manufacturing

326130 Laminated Plastics Plate,  
Sheet (except Packaging), and  
Shape Manufacturing

32614 Polystyrene Foam Product  
Manufacturing

326140 Polystyrene Foam Product  
Manufacturing

32615 Urethane and Other Foam  
Product (except Polystyrene)  
Manufacturing

326150 Urethane and Other Foam  
Product (except Polystyrene)  
Manufacturing

32616 Plastics Bottle Manufacturing

326160 Plastics Bottle  
Manufacturing

32619 Other Plastics Product  
Manufacturing

326191 Plastics Plumbing Fixture  
Manufacturing

326192 Resilient Floor Covering  
Manufacturing

326199 All Other Plastics Product  
Manufacturing

3262 Rubber Product Manufacturing

32621 Tire Manufacturing

326211 Tire Manufacturing (except  
Retreading)

326212 Tire Retreading

32622 Rubber and Plastics Hoses and  
Belting Manufacturing

326220 Rubber and Plastics Hoses  
and Belting Manufacturing

32629 Other Rubber Product  
Manufacturing

326291 Rubber Product  
Manufacturing for Mechanical  
Use

326299 All Other Rubber Product  
Manufacturing

**327 Nonmetallic Mineral Product  
Manufacturing**

3271 Clay Product and Refractory  
Manufacturing

32711 Pottery, Ceramics, and  
Plumbing Fixture  
Manufacturing

327111 Vitreous China Plumbing  
Fixture and China and  
Earthenware Bathroom  
Accessories Manufacturing

327112 Vitreous China, Fine  
Earthenware, and Other Pottery  
Product Manufacturing

327113 Porcelain Electrical Supply  
Manufacturing

32712 Clay Building Material and  
Refractories Manufacturing

327121 Brick and Structural Clay  
Tile Manufacturing

327122 Ceramic Wall and Floor Tile  
Manufacturing

327123 Other Structural Clay  
Product Manufacturing

327124 Clay Refractory  
Manufacturing

327125 Nonclay Refractory  
Manufacturing

3272 Glass and Glass Product  
Manufacturing

**NAICS - North American Industry Classification System - United States, 2002**

32721 Glass and Glass Product Manufacturing	327993 Mineral Wool Manufacturing
327211 Flat Glass Manufacturing	327999 All Other Miscellaneous Nonmetallic Mineral Product Manufacturing
327212 Other Pressed and Blown Glass and Glassware Manufacturing	<b>331 Primary Metal Manufacturing</b>
327213 Glass Container Manufacturing	3311 Iron and Steel Mills and Ferroalloy Manufacturing
327215 Glass Product Manufacturing Made of Purchased Glass	33111 Iron and Steel Mills and Ferroalloy Manufacturing
3273 Cement and Concrete Product Manufacturing	331111 Iron and Steel Mills
32731 Cement Manufacturing	331112 Electrometallurgical Ferroalloy Product Manufacturing
327310 Cement Manufacturing	3312 Steel Product Manufacturing from Purchased Steel
32732 Ready-Mix Concrete Manufacturing	33121 Iron and Steel Pipe and Tube Manufacturing from Purchased Steel
327320 Ready-Mix Concrete Manufacturing	331210 Iron and Steel Pipe and Tube Manufacturing from Purchased Steel
32733 Concrete Pipe, Brick, and Block Manufacturing	33122 Rolling and Drawing of Purchased Steel
327331 Concrete Block and Brick Manufacturing	331221 Rolled Steel Shape Manufacturing
327332 Concrete Pipe Manufacturing	331222 Steel Wire Drawing
32739 Other Concrete Product Manufacturing	3313 Alumina and Aluminum Production and Processing
327390 Other Concrete Product Manufacturing	33131 Alumina and Aluminum Production and Processing
3274 Lime and Gypsum Product Manufacturing	331311 Alumina Refining
32741 Lime Manufacturing	331312 Primary Aluminum Production
327410 Lime Manufacturing	331314 Secondary Smelting and Alloying of Aluminum
32742 Gypsum Product Manufacturing	331315 Aluminum Sheet, Plate, and Foil Manufacturing
327420 Gypsum Product Manufacturing	331316 Aluminum Extruded Product Manufacturing
3279 Other Nonmetallic Mineral Product Manufacturing	331319 Other Aluminum Rolling and Drawing
32791 Abrasive Product Manufacturing	3314 Nonferrous Metal (except Aluminum) Production and Processing
327910 Abrasive Product Manufacturing	33141 Nonferrous Metal (except Aluminum) Smelting and Refining
32799 All Other Nonmetallic Mineral Product Manufacturing	
327991 Cut Stone and Stone Product Manufacturing	
327992 Ground or Treated Mineral and Earth Manufacturing	

**NAICS - North American Industry Classification System - United States, 2002**

331411 Primary Smelting and Refining of Copper	332114 Custom Roll Forming
331419 Primary Smelting and Refining of Nonferrous Metal (except Copper and Aluminum)	332115 Crown and Closure Manufacturing
33142 Copper Rolling, Drawing, Extruding, and Alloying	332116 Metal Stamping
331421 Copper Rolling, Drawing, and Extruding	332117 Powder Metallurgy Part Manufacturing
331422 Copper Wire (except Mechanical) Drawing	3322 Cutlery and Handtool Manufacturing
331423 Secondary Smelting, Refining, and Alloying of Copper	33221 Cutlery and Handtool Manufacturing
33149 Nonferrous Metal (except Copper and Aluminum) Rolling, Drawing, Extruding, and Alloying	332211 Cutlery and Flatware (except Precious) Manufacturing
331491 Nonferrous Metal (except Copper and Aluminum) Rolling, Drawing, and Extruding	332212 Hand and Edge Tool Manufacturing
331492 Secondary Smelting, Refining, and Alloying of Nonferrous Metal (except Copper and Aluminum)	332213 Saw Blade and Handsaw Manufacturing
3315 Foundries	332214 Kitchen Utensil, Pot, and Pan Manufacturing
33151 Ferrous Metal Foundries	3323 Architectural and Structural Metals Manufacturing
331511 Iron Foundries	33231 Plate Work and Fabricated Structural Product Manufacturing
331512 Steel Investment Foundries	332311 Prefabricated Metal Building and Component Manufacturing
331513 Steel Foundries (except Investment)	332312 Fabricated Structural Metal Manufacturing
33152 Nonferrous Metal Foundries	332313 Plate Work Manufacturing
331521 Aluminum Die-Casting Foundries	33232 Ornamental and Architectural Metal Products Manufacturing
331522 Nonferrous (except Aluminum) Die-Casting Foundries	332321 Metal Window and Door Manufacturing
331524 Aluminum Foundries (except Die-Casting)	332322 Sheet Metal Work Manufacturing
331525 Copper Foundries (except Die-Casting)	332323 Ornamental and Architectural Metal Work Manufacturing
331528 Other Nonferrous Foundries (except Die-Casting)	3324 Boiler, Tank, and Shipping Container Manufacturing
<b>332 Fabricated Metal Product Manufacturing</b>	33241 Power Boiler and Heat Exchanger Manufacturing
3321 Forging and Stamping	332410 Power Boiler and Heat Exchanger Manufacturing
33211 Forging and Stamping	33242 Metal Tank (Heavy Gauge) Manufacturing
332111 Iron and Steel Forging	332420 Metal Tank (Heavy Gauge) Manufacturing
332112 Nonferrous Forging	

**NAICS - North American Industry Classification System - United States, 2002**

33243 Metal Can, Box, and Other Metal Container (Light Gauge) Manufacturing	332913 Plumbing Fixture Fitting and Trim Manufacturing
332431 Metal Can Manufacturing	332919 Other Metal Valve and Pipe Fitting Manufacturing
332439 Other Metal Container Manufacturing	33299 All Other Fabricated Metal Product Manufacturing
3325 Hardware Manufacturing	332991 Ball and Roller Bearing Manufacturing
33251 Hardware Manufacturing	332992 Small Arms Ammunition Manufacturing
332510 Hardware Manufacturing	332993 Ammunition (except Small Arms) Manufacturing
3326 Spring and Wire Product Manufacturing	332994 Small Arms Manufacturing
33261 Spring and Wire Product Manufacturing	332995 Other Ordnance and Accessories Manufacturing
332611 Spring (Heavy Gauge) Manufacturing	332996 Fabricated Pipe and Pipe Fitting Manufacturing
332612 Spring (Light Gauge) Manufacturing	332997 Industrial Pattern Manufacturing
332618 Other Fabricated Wire Product Manufacturing	332998 Enameled Iron and Metal Sanitary Ware Manufacturing
3327 Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing	332999 All Other Miscellaneous Fabricated Metal Product Manufacturing
33271 Machine Shops	<b>333 Machinery Manufacturing</b>
332710 Machine Shops	3331 Agriculture, Construction, and Mining Machinery Manufacturing
33272 Turned Product and Screw, Nut, and Bolt Manufacturing	33311 Agricultural Implement Manufacturing
332721 Precision Turned Product Manufacturing	333111 Farm Machinery and Equipment Manufacturing
332722 Bolt, Nut, Screw, Rivet, and Washer Manufacturing	333112 Lawn and Garden Tractor and Home Lawn and Garden Equipment Manufacturing
3328 Coating, Engraving, Heat Treating, and Allied Activities	33312 Construction Machinery Manufacturing
33281 Coating, Engraving, Heat Treating, and Allied Activities	333120 Construction Machinery Manufacturing
332811 Metal Heat Treating	33313 Mining and Oil and Gas Field Machinery Manufacturing
332812 Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers	333131 Mining Machinery and Equipment Manufacturing
332813 Electroplating, Plating, Polishing, Anodizing, and Coloring	333132 Oil and Gas Field Machinery and Equipment Manufacturing
3329 Other Fabricated Metal Product Manufacturing	3332 Industrial Machinery Manufacturing
33291 Metal Valve Manufacturing	33321 Sawmill and Woodworking Machinery Manufacturing
332911 Industrial Valve Manufacturing	
332912 Fluid Power Valve and Hose Fitting Manufacturing	

**NAICS - North American Industry Classification System - United States, 2002**

333210 Sawmill and Woodworking Machinery Manufacturing	333411 Air Purification Equipment Manufacturing
33322 Plastics and Rubber Industry Machinery Manufacturing	333412 Industrial and Commercial Fan and Blower Manufacturing
333220 Plastics and Rubber Industry Machinery Manufacturing	333414 Heating Equipment (except Warm Air Furnaces) Manufacturing
33329 Other Industrial Machinery Manufacturing	333415 Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing
333291 Paper Industry Machinery Manufacturing	3335 Metalworking Machinery Manufacturing
333292 Textile Machinery Manufacturing	33351 Metalworking Machinery Manufacturing
333293 Printing Machinery and Equipment Manufacturing	333511 Industrial Mold Manufacturing
333294 Food Product Machinery Manufacturing	333512 Machine Tool (Metal Cutting Types) Manufacturing
333295 Semiconductor Machinery Manufacturing	333513 Machine Tool (Metal Forming Types) Manufacturing
333298 All Other Industrial Machinery Manufacturing	333514 Special Die and Tool, Die Set, Jig, and Fixture Manufacturing
3333 Commercial and Service Industry Machinery Manufacturing	333515 Cutting Tool and Machine Tool Accessory Manufacturing
33331 Commercial and Service Industry Machinery Manufacturing	333516 Rolling Mill Machinery and Equipment Manufacturing
333311 Automatic Vending Machine Manufacturing	333518 Other Metalworking Machinery Manufacturing
333312 Commercial Laundry, Drycleaning, and Pressing Machine Manufacturing	3336 Engine, Turbine, and Power Transmission Equipment Manufacturing
333313 Office Machinery Manufacturing	33361 Engine, Turbine, and Power Transmission Equipment Manufacturing
333314 Optical Instrument and Lens Manufacturing	333611 Turbine and Turbine Generator Set Units Manufacturing
333315 Photographic and Photocopying Equipment Manufacturing	333612 Speed Changer, Industrial High-Speed Drive, and Gear Manufacturing
333319 Other Commercial and Service Industry Machinery Manufacturing	333613 Mechanical Power Transmission Equipment Manufacturing
3334 Ventilation, Heating, Air-Conditioning, and Commercial Refrigeration Equipment Manufacturing	333618 Other Engine Equipment Manufacturing
33341 Ventilation, Heating, Air-Conditioning, and Commercial Refrigeration Equipment Manufacturing	

**NAICS - North American Industry Classification System - United States, 2002**

3339 Other General Purpose Machinery Manufacturing	334112 Computer Storage Device Manufacturing
33391 Pump and Compressor Manufacturing	334113 Computer Terminal Manufacturing
333911 Pump and Pumping Equipment Manufacturing	334119 Other Computer Peripheral Equipment Manufacturing
333912 Air and Gas Compressor Manufacturing	3342 Communications Equipment Manufacturing
333913 Measuring and Dispensing Pump Manufacturing	33421 Telephone Apparatus Manufacturing
33392 Material Handling Equipment Manufacturing	334210 Telephone Apparatus Manufacturing
333921 Elevator and Moving Stairway Manufacturing	33422 Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing
333922 Conveyor and Conveying Equipment Manufacturing	334220 Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing
333923 Overhead Traveling Crane, Hoist, and Monorail System Manufacturing	33429 Other Communications Equipment Manufacturing
333924 Industrial Truck, Tractor, Trailer, and Stacker Machinery Manufacturing	334290 Other Communications Equipment Manufacturing
33399 All Other General Purpose Machinery Manufacturing	3343 Audio and Video Equipment Manufacturing
333991 Power-Driven Handtool Manufacturing	33431 Audio and Video Equipment Manufacturing
333992 Welding and Soldering Equipment Manufacturing	334310 Audio and Video Equipment Manufacturing
333993 Packaging Machinery Manufacturing	3344 Semiconductor and Other Electronic Component Manufacturing
333994 Industrial Process Furnace and Oven Manufacturing	33441 Semiconductor and Other Electronic Component Manufacturing
333995 Fluid Power Cylinder and Actuator Manufacturing	334411 Electron Tube Manufacturing
333996 Fluid Power Pump and Motor Manufacturing	334412 Bare Printed Circuit Board Manufacturing
333997 Scale and Balance (except Laboratory) Manufacturing	334413 Semiconductor and Related Device Manufacturing
333999 All Other Miscellaneous General Purpose Machinery Manufacturing	334414 Electronic Capacitor Manufacturing
<b>334 Computer and Electronic Product Manufacturing</b>	334415 Electronic Resistor Manufacturing
3341 Computer and Peripheral Equipment Manufacturing	334416 Electronic Coil, Transformer, and Other Inductor Manufacturing
33411 Computer and Peripheral Equipment Manufacturing	
334111 Electronic Computer Manufacturing	

**NAICS - North American Industry Classification System - United States, 2002**

- 334417 Electronic Connector Manufacturing
- 334418 Printed Circuit Assembly (Electronic Assembly) Manufacturing
- 334419 Other Electronic Component Manufacturing
- 3345 Navigational, Measuring, Electromedical, and Control Instruments Manufacturing
- 33451 Navigational, Measuring, Electromedical, and Control Instruments Manufacturing
- 334510 Electromedical and Electrotherapeutic Apparatus Manufacturing
- 334511 Search, Detection, Navigation, Guidance, Aeronautical, and Nautical System and Instrument Manufacturing
- 334512 Automatic Environmental Control Manufacturing for Residential, Commercial, and Appliance Use
- 334513 Instruments and Related Products Manufacturing for Measuring, Displaying, and Controlling Industrial Process Variables
- 334514 Totalizing Fluid Meter and Counting Device Manufacturing
- 334515 Instrument Manufacturing for Measuring and Testing Electricity and Electrical Signals
- 334516 Analytical Laboratory Instrument Manufacturing
- 334517 Irradiation Apparatus Manufacturing
- 334518 Watch, Clock, and Part Manufacturing
- 334519 Other Measuring and Controlling Device Manufacturing
- 3346 Manufacturing and Reproducing Magnetic and Optical Media
- 33461 Manufacturing and Reproducing Magnetic and Optical Media
- 334611 Software Reproducing
- 334612 Prerecorded Compact Disc (except Software), Tape, and Record Reproducing
- 334613 Magnetic and Optical Recording Media Manufacturing
- 335 Electrical Equipment, Appliance, and Component Manufacturing**
- 3351 Electric Lighting Equipment Manufacturing
- 33511 Electric Lamp Bulb and Part Manufacturing
- 335110 Electric Lamp Bulb and Part Manufacturing
- 33512 Lighting Fixture Manufacturing
- 335121 Residential Electric Lighting Fixture Manufacturing
- 335122 Commercial, Industrial, and Institutional Electric Lighting Fixture Manufacturing
- 335129 Other Lighting Equipment Manufacturing
- 3352 Household Appliance Manufacturing
- 33521 Small Electrical Appliance Manufacturing
- 335211 Electric Housewares and Household Fan Manufacturing
- 335212 Household Vacuum Cleaner Manufacturing
- 33522 Major Appliance Manufacturing
- 335221 Household Cooking Appliance Manufacturing
- 335222 Household Refrigerator and Home Freezer Manufacturing
- 335224 Household Laundry Equipment Manufacturing
- 335228 Other Major Household Appliance Manufacturing
- 3353 Electrical Equipment Manufacturing
- 33531 Electrical Equipment Manufacturing



**NAICS - North American Industry Classification System - United States, 2002**

335311 Power, Distribution, and Specialty Transformer Manufacturing	33621 Motor Vehicle Body and Trailer Manufacturing
335312 Motor and Generator Manufacturing	336211 Motor Vehicle Body Manufacturing
335313 Switchgear and Switchboard Apparatus Manufacturing	336212 Truck Trailer Manufacturing
335314 Relay and Industrial Control Manufacturing	336213 Motor Home Manufacturing
3359 Other Electrical Equipment and Component Manufacturing	336214 Travel Trailer and Camper Manufacturing
33591 Battery Manufacturing	3363 Motor Vehicle Parts Manufacturing
335911 Storage Battery Manufacturing	33631 Motor Vehicle Gasoline Engine and Engine Parts Manufacturing
335912 Primary Battery Manufacturing	336311 Carburetor, Piston, Piston Ring, and Valve Manufacturing
33592 Communication and Energy Wire and Cable Manufacturing	336312 Gasoline Engine and Engine Parts Manufacturing
335921 Fiber Optic Cable Manufacturing	33632 Motor Vehicle Electrical and Electronic Equipment Manufacturing
335929 Other Communication and Energy Wire Manufacturing	336321 Vehicular Lighting Equipment Manufacturing
33593 Wiring Device Manufacturing	336322 Other Motor Vehicle Electrical and Electronic Equipment Manufacturing
335931 Current-Carrying Wiring Device Manufacturing	33633 Motor Vehicle Steering and Suspension Components (except Spring) Manufacturing
335932 Noncurrent-Carrying Wiring Device Manufacturing	336330 Motor Vehicle Steering and Suspension Components (except Spring) Manufacturing
33599 All Other Electrical Equipment and Component Manufacturing	33634 Motor Vehicle Brake System Manufacturing
335991 Carbon and Graphite Product Manufacturing	336340 Motor Vehicle Brake System Manufacturing
335999 All Other Miscellaneous Electrical Equipment and Component Manufacturing	33635 Motor Vehicle Transmission and Power Train Parts Manufacturing
<b>336 Transportation Equipment Manufacturing</b>	336350 Motor Vehicle Transmission and Power Train Parts Manufacturing
3361 Motor Vehicle Manufacturing	33636 Motor Vehicle Seating and Interior Trim Manufacturing
33611 Automobile and Light Duty Motor Vehicle Manufacturing	336360 Motor Vehicle Seating and Interior Trim Manufacturing
336111 Automobile Manufacturing	33637 Motor Vehicle Metal Stamping
336112 Light Truck and Utility Vehicle Manufacturing	336370 Motor Vehicle Metal Stamping
33612 Heavy Duty Truck Manufacturing	33639 Other Motor Vehicle Parts Manufacturing
336120 Heavy Duty Truck Manufacturing	
3362 Motor Vehicle Body and Trailer Manufacturing	

**NAICS - North American Industry Classification System - United States, 2002**

336391 Motor Vehicle Air-Conditioning Manufacturing	3371 Household and Institutional Furniture and Kitchen Cabinet Manufacturing
336399 All Other Motor Vehicle Parts Manufacturing	33711 Wood Kitchen Cabinet and Countertop Manufacturing
3364 Aerospace Product and Parts Manufacturing	337110 Wood Kitchen Cabinet and Countertop Manufacturing
33641 Aerospace Product and Parts Manufacturing	33712 Household and Institutional Furniture Manufacturing
336411 Aircraft Manufacturing	337121 Upholstered Household Furniture Manufacturing
336412 Aircraft Engine and Engine Parts Manufacturing	337122 Nonupholstered Wood Household Furniture Manufacturing
336413 Other Aircraft Parts and Auxiliary Equipment Manufacturing	337124 Metal Household Furniture Manufacturing
336414 Guided Missile and Space Vehicle Manufacturing	337125 Household Furniture (except Wood and Metal) Manufacturing
336415 Guided Missile and Space Vehicle Propulsion Unit and Propulsion Unit Parts Manufacturing	337127 Institutional Furniture Manufacturing
336419 Other Guided Missile and Space Vehicle Parts and Auxiliary Equipment Manufacturing	337129 Wood Television, Radio, and Sewing Machine Cabinet Manufacturing
3365 Railroad Rolling Stock Manufacturing	3372 Office Furniture (including Fixtures) Manufacturing
33651 Railroad Rolling Stock Manufacturing	33721 Office Furniture (including Fixtures) Manufacturing
336510 Railroad Rolling Stock Manufacturing	337211 Wood Office Furniture Manufacturing
3366 Ship and Boat Building	337212 Custom Architectural Woodwork and Millwork Manufacturing
33661 Ship and Boat Building	337214 Office Furniture (except Wood) Manufacturing
336611 Ship Building and Repairing	337215 Showcase, Partition, Shelving, and Locker Manufacturing
336612 Boat Building	3379 Other Furniture Related Product Manufacturing
3369 Other Transportation Equipment Manufacturing	33791 Mattress Manufacturing
33699 Other Transportation Equipment Manufacturing	337910 Mattress Manufacturing
336991 Motorcycle, Bicycle, and Parts Manufacturing	33792 Blind and Shade Manufacturing
336992 Military Armored Vehicle, Tank, and Tank Component Manufacturing	337920 Blind and Shade Manufacturing
336999 All Other Transportation Equipment Manufacturing	
<b>337 Furniture and Related Product Manufacturing</b>	<b>339 Miscellaneous Manufacturing</b>
	3391 Medical Equipment and Supplies Manufacturing

**NAICS - North American Industry Classification System - United States, 2002**

33911 Medical Equipment and Supplies Manufacturing	339991 Gasket, Packing, and Sealing Device Manufacturing
339111 Laboratory Apparatus and Furniture Manufacturing	339992 Musical Instrument Manufacturing
339112 Surgical and Medical Instrument Manufacturing	339993 Fastener, Button, Needle, and Pin Manufacturing
339113 Surgical Appliance and Supplies Manufacturing	339994 Broom, Brush, and Mop Manufacturing
339114 Dental Equipment and Supplies Manufacturing	339995 Burial Casket Manufacturing
339115 Ophthalmic Goods Manufacturing	339999 All Other Miscellaneous Manufacturing
339116 Dental Laboratories	
3399 Other Miscellaneous Manufacturing	
33991 Jewelry and Silverware Manufacturing	
339911 Jewelry (except Costume) Manufacturing	
339912 Silverware and Hollowware Manufacturing	
339913 Jewelers' Material and Lapidary Work Manufacturing	
339914 Costume Jewelry and Novelty Manufacturing	
33992 Sporting and Athletic Goods Manufacturing	
339920 Sporting and Athletic Goods Manufacturing	
33993 Doll, Toy, and Game Manufacturing	
339931 Doll and Stuffed Toy Manufacturing	
339932 Game, Toy, and Children's Vehicle Manufacturing	
33994 Office Supplies (except Paper) Manufacturing	
339941 Pen and Mechanical Pencil Manufacturing	
339942 Lead Pencil and Art Good Manufacturing	
339943 Marking Device Manufacturing	
339944 Carbon Paper and Inked Ribbon Manufacturing	
33995 Sign Manufacturing	
339950 Sign Manufacturing	
33999 All Other Miscellaneous Manufacturing	

**42 WHOLESALE TRADE**

**423 Merchant Wholesalers, Durable Goods**

4231 Motor Vehicle and Motor Vehicle Parts and Supplies Merchant Wholesalers
42311 Automobile and Other Motor Vehicle Merchant Wholesalers
423110 Automobile and Other Motor Vehicle Merchant Wholesalers
42312 Motor Vehicle Supplies and New Parts Merchant Wholesalers
423120 Motor Vehicle Supplies and New Parts Merchant Wholesalers
42313 Tire and Tube Merchant Wholesalers
423130 Tire and Tube Merchant Wholesalers
42314 Motor Vehicle Parts (Used) Merchant Wholesalers
423140 Motor Vehicle Parts (Used) Merchant Wholesalers
4232 Furniture and Home Furnishing Merchant Wholesalers
42321 Furniture Merchant Wholesalers
423210 Furniture Merchant Wholesalers
42322 Home Furnishing Merchant Wholesalers
423220 Home Furnishing Merchant Wholesalers
4233 Lumber and Other Construction Materials Merchant Wholesalers

**NAICS - North American Industry Classification System - United States, 2002**

42331 Lumber, Plywood, Millwork, and Wood Panel Merchant Wholesalers	42346 Ophthalmic Goods Merchant Wholesalers
423310 Lumber, Plywood, Millwork, and Wood Panel Merchant Wholesalers	423460 Ophthalmic Goods Merchant Wholesalers
42332 Brick, Stone, and Related Construction Material Merchant Wholesalers	42349 Other Professional Equipment and Supplies Merchant Wholesalers
423320 Brick, Stone, and Related Construction Material Merchant Wholesalers	423490 Other Professional Equipment and Supplies Merchant Wholesalers
42333 Roofing, Siding, and Insulation Material Merchant Wholesalers	4235 Metal and Mineral (except Petroleum) Merchant Wholesalers
423330 Roofing, Siding, and Insulation Material Merchant Wholesalers	42351 Metal Service Centers and Other Metal Merchant Wholesalers
42339 Other Construction Material Merchant Wholesalers	423510 Metal Service Centers and Other Metal Merchant Wholesalers
423390 Other Construction Material Merchant Wholesalers	42352 Coal and Other Mineral and Ore Merchant Wholesalers
4234 Professional and Commercial Equipment and Supplies Merchant Wholesalers	423520 Coal and Other Mineral and Ore Merchant Wholesalers
42341 Photographic Equipment and Supplies Merchant Wholesalers	4236 Electrical and Electronic Goods Merchant Wholesalers
423410 Photographic Equipment and Supplies Merchant Wholesalers	42361 Electrical Apparatus and Equipment, Wiring Supplies, and Related Equipment Merchant Wholesalers
42342 Office Equipment Merchant Wholesalers	423610 Electrical Apparatus and Equipment, Wiring Supplies, and Related Equipment Merchant Wholesalers
423420 Office Equipment Merchant Wholesalers	42362 Electrical and Electronic Appliance, Television, and Radio Set Merchant Wholesalers
42343 Computer and Computer Peripheral Equipment and Software Merchant Wholesalers	423620 Electrical and Electronic Appliance, Television, and Radio Set Merchant Wholesalers
423430 Computer and Computer Peripheral Equipment and Software Merchant Wholesalers	42369 Other Electronic Parts and Equipment Merchant Wholesalers
42344 Other Commercial Equipment Merchant Wholesalers	423690 Other Electronic Parts and Equipment Merchant Wholesalers
423440 Other Commercial Equipment Merchant Wholesalers	
42345 Medical, Dental, and Hospital Equipment and Supplies Merchant Wholesalers	
423450 Medical, Dental, and Hospital Equipment and Supplies Merchant Wholesalers	

**NAICS - North American Industry Classification System - United States, 2002**

4237 Hardware, and Plumbing and Heating Equipment and Supplies Merchant Wholesalers	423840 Industrial Supplies Merchant Wholesalers
42371 Hardware Merchant Wholesalers	42385 Service Establishment Equipment and Supplies Merchant Wholesalers
423710 Hardware Merchant Wholesalers	423850 Service Establishment Equipment and Supplies Merchant Wholesalers
42372 Plumbing and Heating Equipment and Supplies (Hydronics) Merchant Wholesalers	42386 Transportation Equipment and Supplies (except Motor Vehicle) Merchant Wholesalers
423720 Plumbing and Heating Equipment and Supplies (Hydronics) Merchant Wholesalers	423860 Transportation Equipment and Supplies (except Motor Vehicle) Merchant Wholesalers
42373 Warm Air Heating and Air-Conditioning Equipment and Supplies Merchant Wholesalers	4239 Miscellaneous Durable Goods Merchant Wholesalers
423730 Warm Air Heating and Air-Conditioning Equipment and Supplies Merchant Wholesalers	42391 Sporting and Recreational Goods and Supplies Merchant Wholesalers
42374 Refrigeration Equipment and Supplies Merchant Wholesalers	423910 Sporting and Recreational Goods and Supplies Merchant Wholesalers
423740 Refrigeration Equipment and Supplies Merchant Wholesalers	42392 Toy and Hobby Goods and Supplies Merchant Wholesalers
4238 Machinery, Equipment, and Supplies Merchant Wholesalers	423920 Toy and Hobby Goods and Supplies Merchant Wholesalers
42381 Construction and Mining (except Oil Well) Machinery and Equipment Merchant Wholesalers	42393 Recyclable Material Merchant Wholesalers
423810 Construction and Mining (except Oil Well) Machinery and Equipment Merchant Wholesalers	423930 Recyclable Material Merchant Wholesalers
42382 Farm and Garden Machinery and Equipment Merchant Wholesalers	42394 Jewelry, Watch, Precious Stone, and Precious Metal Merchant Wholesalers
423820 Farm and Garden Machinery and Equipment Merchant Wholesalers	423940 Jewelry, Watch, Precious Stone, and Precious Metal Merchant Wholesalers
42383 Industrial Machinery and Equipment Merchant Wholesalers	42399 Other Miscellaneous Durable Goods Merchant Wholesalers
423830 Industrial Machinery and Equipment Merchant Wholesalers	423990 Other Miscellaneous Durable Goods Merchant Wholesalers
42384 Industrial Supplies Merchant Wholesalers	<b>424 Merchant Wholesalers, Nondurable Goods</b>
	4241 Paper and Paper Product Merchant Wholesalers
	42411 Printing and Writing Paper Merchant Wholesalers
	424110 Printing and Writing Paper Merchant Wholesalers

**NAICS - North American Industry Classification System - United States, 2002**

42412 Stationery and Office Supplies Merchant Wholesalers	424420 Packaged Frozen Food Merchant Wholesalers
424120 Stationery and Office Supplies Merchant Wholesalers	42443 Dairy Product (except Dried or Canned) Merchant Wholesalers
42413 Industrial and Personal Service Paper Merchant Wholesalers	424430 Dairy Product (except Dried or Canned) Merchant Wholesalers
424130 Industrial and Personal Service Paper Merchant Wholesalers	42444 Poultry and Poultry Product Merchant Wholesalers
4242 Drugs and Druggists' Sundries Merchant Wholesalers	424440 Poultry and Poultry Product Merchant Wholesalers
42421 Drugs and Druggists' Sundries Merchant Wholesalers	42445 Confectionery Merchant Wholesalers
424210 Drugs and Druggists' Sundries Merchant Wholesalers	424450 Confectionery Merchant Wholesalers
4243 Apparel, Piece Goods, and Notions Merchant Wholesalers	42446 Fish and Seafood Merchant Wholesalers
42431 Piece Goods, Notions, and Other Dry Goods Merchant Wholesalers	424460 Fish and Seafood Merchant Wholesalers
424310 Piece Goods, Notions, and Other Dry Goods Merchant Wholesalers	42447 Meat and Meat Product Merchant Wholesalers
42432 Men's and Boys' Clothing and Furnishings Merchant Wholesalers	424470 Meat and Meat Product Merchant Wholesalers
424320 Men's and Boys' Clothing and Furnishings Merchant Wholesalers	42448 Fresh Fruit and Vegetable Merchant Wholesalers
42433 Women's, Children's, and Infants' Clothing and Accessories Merchant Wholesalers	424480 Fresh Fruit and Vegetable Merchant Wholesalers
424330 Women's, Children's, and Infants' Clothing and Accessories Merchant Wholesalers	42449 Other Grocery and Related Products Merchant Wholesalers
42434 Footwear Merchant Wholesalers	424490 Other Grocery and Related Products Merchant Wholesalers
424340 Footwear Merchant Wholesalers	4245 Farm Product Raw Material Merchant Wholesalers
4244 Grocery and Related Product Wholesalers	42451 Grain and Field Bean Merchant Wholesalers
42441 General Line Grocery Merchant Wholesalers	424510 Grain and Field Bean Merchant Wholesalers
424410 General Line Grocery Merchant Wholesalers	42452 Livestock Merchant Wholesalers
42442 Packaged Frozen Food Merchant Wholesalers	424520 Livestock Merchant Wholesalers
	42459 Other Farm Product Raw Material Merchant Wholesalers
	424590 Other Farm Product Raw Material Merchant Wholesalers
	4246 Chemical and Allied Products Merchant Wholesalers

**NAICS - North American Industry Classification System - United States, 2002**

42461 Plastics Materials and Basic  
Forms and Shapes Merchant  
Wholesalers  
424610 Plastics Materials and Basic  
Forms and Shapes Merchant  
Wholesalers  
42469 Other Chemical and Allied  
Products Merchant Wholesalers  
424690 Other Chemical and Allied  
Products Merchant Wholesalers  
4247 Petroleum and Petroleum Products  
Merchant Wholesalers  
42471 Petroleum Bulk Stations and  
Terminals  
424710 Petroleum Bulk Stations and  
Terminals  
42472 Petroleum and Petroleum  
Products Merchant Wholesalers  
(except Bulk Stations and  
Terminals)  
424720 Petroleum and Petroleum  
Products Merchant Wholesalers  
(except Bulk Stations and  
Terminals)  
4248 Beer, Wine, and Distilled  
Alcoholic Beverage Merchant  
Wholesalers  
42481 Beer and Ale Merchant  
Wholesalers  
424810 Beer and Ale Merchant  
Wholesalers  
42482 Wine and Distilled Alcoholic  
Beverage Merchant Wholesalers  
424820 Wine and Distilled Alcoholic  
Beverage Merchant Wholesalers  
4249 Miscellaneous Nondurable Goods  
Merchant Wholesalers  
42491 Farm Supplies Merchant  
Wholesalers  
424910 Farm Supplies Merchant  
Wholesalers  
42492 Book, Periodical, and  
Newspaper Merchant  
Wholesalers  
424920 Book, Periodical, and  
Newspaper Merchant  
Wholesalers

42493 Flower, Nursery Stock, and  
Florists' Supplies Merchant  
Wholesalers  
424930 Flower, Nursery Stock, and  
Florists' Supplies Merchant  
Wholesalers  
42494 Tobacco and Tobacco Product  
Merchant Wholesalers  
424940 Tobacco and Tobacco  
Product Merchant Wholesalers  
42495 Paint, Varnish, and Supplies  
Merchant Wholesalers  
424950 Paint, Varnish, and Supplies  
Merchant Wholesalers  
42499 Other Miscellaneous  
Nondurable Goods Merchant  
Wholesalers  
424990 Other Miscellaneous  
Nondurable Goods Merchant  
Wholesalers

**425 Wholesale Electronic Markets and  
Agents and Brokers**

4251 Wholesale Electronic Markets and  
Agents and Brokers  
42511 Business to Business Electronic  
Markets  
425110 Business to Business  
Electronic Markets  
42512 Wholesale Trade Agents and  
Brokers  
425120 Wholesale Trade Agents and  
Brokers

**44-45 RETAIL TRADE**

**441 Motor Vehicle and Parts Dealers**

4411 Automobile Dealers  
44111 New Car Dealers  
441110 New Car Dealers  
44112 Used Car Dealers  
441120 Used Car Dealers  
4412 Other Motor Vehicle Dealers  
44121 Recreational Vehicle Dealers  
441210 Recreational Vehicle Dealers  
44122 Motorcycle, Boat, and Other  
Motor Vehicle Dealers  
441221 Motorcycle Dealers  
441222 Boat Dealers  
441229 All Other Motor Vehicle  
Dealers

**NAICS - North American Industry Classification System - United States, 2002**

4413 Automotive Parts, Accessories, and  
Tire Stores

44131 Automotive Parts and  
Accessories Stores

441310 Automotive Parts and  
Accessories Stores

44132 Tire Dealers

441320 Tire Dealers

**442 Furniture and Home Furnishings  
Stores**

4421 Furniture Stores

44211 Furniture Stores

442110 Furniture Stores

4422 Home Furnishings Stores

44221 Floor Covering Stores

442210 Floor Covering Stores

44229 Other Home Furnishings Stores

442291 Window Treatment Stores

442299 All Other Home Furnishings  
Stores

**443 Electronics and Appliance Stores**

4431 Electronics and Appliance Stores

44311 Appliance, Television, and  
Other Electronics Stores

443111 Household Appliance Stores

443112 Radio, Television, and Other  
Electronics Stores

44312 Computer and Software Stores

443120 Computer and Software  
Stores

44313 Camera and Photographic  
Supplies Stores

443130 Camera and Photographic  
Supplies Stores

**444 Building Material and Garden  
Equipment and Supplies  
Dealers**

4441 Building Material and Supplies  
Dealers

44411 Home Centers

444110 Home Centers

44412 Paint and Wallpaper Stores

444120 Paint and Wallpaper Stores

44413 Hardware Stores

444130 Hardware Stores

44419 Other Building Material Dealers

444190 Other Building Material  
Dealers

4442 Lawn and Garden Equipment and  
Supplies Stores

44421 Outdoor Power Equipment  
Stores

444210 Outdoor Power Equipment  
Stores

44422 Nursery, Garden Center, and  
Farm Supply Stores

444220 Nursery, Garden Center, and  
Farm Supply Stores

**445 Food and Beverage Stores**

4451 Grocery Stores

44511 Supermarkets and Other  
Grocery (except Convenience)  
Stores

445110 Supermarkets and Other  
Grocery (except Convenience)  
Stores

44512 Convenience Stores

445120 Convenience Stores

4452 Specialty Food Stores

44521 Meat Markets

445210 Meat Markets

44522 Fish and Seafood Markets

445220 Fish and Seafood Markets

44523 Fruit and Vegetable Markets

445230 Fruit and Vegetable Markets

44529 Other Specialty Food Stores

445291 Baked Goods Stores

445292 Confectionery and Nut  
Stores

445299 All Other Specialty Food  
Stores

4453 Beer, Wine, and Liquor Stores

44531 Beer, Wine, and Liquor Stores

445310 Beer, Wine, and Liquor  
Stores

**446 Health and Personal Care Stores**

4461 Health and Personal Care Stores

44611 Pharmacies and Drug Stores

446110 Pharmacies and Drug Stores

44612 Cosmetics, Beauty Supplies,  
and Perfume Stores

446120 Cosmetics, Beauty Supplies,  
and Perfume Stores

44613 Optical Goods Stores

446130 Optical Goods Stores

44619 Other Health and Personal Care  
Stores



446191 Food (Health) Supplement Stores	45113 Sewing, Needlework, and Piece Goods Stores
446199 All Other Health and Personal Care Stores	451130 Sewing, Needlework, and Piece Goods Stores
<b>447 Gasoline Stations</b>	45114 Musical Instrument and Supplies Stores
4471 Gasoline Stations	451140 Musical Instrument and Supplies Stores
44711 Gasoline Stations with Convenience Stores	4512 Book, Periodical, and Music Stores
447110 Gasoline Stations with Convenience Stores	45121 Book Stores and News Dealers
44719 Other Gasoline Stations	451211 Book Stores
447190 Other Gasoline Stations	451212 News Dealers and Newsstands
<b>448 Clothing and Clothing Accessories Stores</b>	45122 Prerecorded Tape, Compact Disc, and Record Stores
4481 Clothing Stores	451220 Prerecorded Tape, Compact Disc, and Record Stores
44811 Men's Clothing Stores	<b>452 General Merchandise Stores</b>
448110 Men's Clothing Stores	4521 Department Stores
44812 Women's Clothing Stores	45211 Department Stores
448120 Women's Clothing Stores	452111 Department Stores (except Discount Department Stores)
44813 Children's and Infants' Clothing Stores	452112 Discount Department Stores
448130 Children's and Infants' Clothing Stores	4529 Other General Merchandise Stores
44814 Family Clothing Stores	45291 Warehouse Clubs and Supercenters
448140 Family Clothing Stores	452910 Warehouse Clubs and Supercenters
44815 Clothing Accessories Stores	45299 All Other General Merchandise Stores
448150 Clothing Accessories Stores	452990 All Other General Merchandise Stores
44819 Other Clothing Stores	<b>453 Miscellaneous Store Retailers</b>
448190 Other Clothing Stores	4531 Florists
4482 Shoe Stores	45311 Florists
44821 Shoe Stores	453110 Florists
448210 Shoe Stores	4532 Office Supplies, Stationery, and Gift Stores
4483 Jewelry, Luggage, and Leather Goods Stores	45321 Office Supplies and Stationery Stores
44831 Jewelry Stores	453210 Office Supplies and Stationery Stores
448310 Jewelry Stores	45322 Gift, Novelty, and Souvenir Stores
44832 Luggage and Leather Goods Stores	453220 Gift, Novelty, and Souvenir Stores
448320 Luggage and Leather Goods Stores	4533 Used Merchandise Stores
<b>451 Sporting Goods, Hobby, Book, and Music Stores</b>	45331 Used Merchandise Stores
4511 Sporting Goods, Hobby, and Musical Instrument Stores	453310 Used Merchandise Stores
45111 Sporting Goods Stores	
451110 Sporting Goods Stores	
45112 Hobby, Toy, and Game Stores	
451120 Hobby, Toy, and Game Stores	

4539 Other Miscellaneous Store  
Retailers  
45391 Pet and Pet Supplies Stores  
453910 Pet and Pet Supplies Stores  
45392 Art Dealers  
453920 Art Dealers  
45393 Manufactured (Mobile) Home  
Dealers  
453930 Manufactured (Mobile)  
Home Dealers  
45399 All Other Miscellaneous Store  
Retailers  
453991 Tobacco Stores  
453998 All Other Miscellaneous  
Store Retailers (except Tobacco  
Stores)

**454 Nonstore Retailers**

4541 Electronic Shopping and Mail-  
Order Houses  
45411 Electronic Shopping and Mail-  
Order Houses  
454111 Electronic Shopping  
454112 Electronic Auctions  
454113 Mail-Order Houses  
4542 Vending Machine Operators  
45421 Vending Machine Operators  
454210 Vending Machine Operators  
4543 Direct Selling Establishments  
45431 Fuel Dealers  
454311 Heating Oil Dealers  
454312 Liquefied Petroleum Gas  
(Bottled Gas) Dealers  
454319 Other Fuel Dealers  
45439 Other Direct Selling  
Establishments  
454390 Other Direct Selling  
Establishments

**48-49 TRANSPORTATION AND  
WAREHOUSING**

**481 Air Transportation**

4811 Scheduled Air Transportation  
48111 Scheduled Air Transportation  
481111 Scheduled Passenger Air  
Transportation  
481112 Scheduled Freight Air  
Transportation  
4812 Nonscheduled Air Transportation

48121 Nonscheduled Air  
Transportation  
481211 Nonscheduled Chartered  
Passenger Air Transportation  
481212 Nonscheduled Chartered  
Freight Air Transportation  
481219 Other Nonscheduled Air  
Transportation

**482 Rail Transportation**

4821 Rail Transportation  
48211 Rail Transportation  
482111 Line-Haul Railroads  
482112 Short Line Railroads

**483 Water Transportation**

4831 Deep Sea, Coastal, and Great  
Lakes Water Transportation  
48311 Deep Sea, Coastal, and Great  
Lakes Water Transportation  
483111 Deep Sea Freight  
Transportation  
483112 Deep Sea Passenger  
Transportation  
483113 Coastal and Great Lakes  
Freight Transportation  
483114 Coastal and Great Lakes  
Passenger Transportation  
4832 Inland Water Transportation  
48321 Inland Water Transportation  
483211 Inland Water Freight  
Transportation  
483212 Inland Water Passenger  
Transportation

**484 Truck Transportation**

4841 General Freight Trucking  
48411 General Freight Trucking, Local  
484110 General Freight Trucking,  
Local  
48412 General Freight Trucking,  
Long-Distance  
484121 General Freight Trucking,  
Long-Distance, Truckload  
484122 General Freight Trucking,  
Long-Distance, Less Than  
Truckload  
4842 Specialized Freight Trucking  
48421 Used Household and Office  
Goods Moving  
484210 Used Household and Office  
Goods Moving

- 48422 Specialized Freight (except Used Goods) Trucking, Local
- 484220 Specialized Freight (except Used Goods) Trucking, Local
- 48423 Specialized Freight (except Used Goods) Trucking, Long-Distance
- 484230 Specialized Freight (except Used Goods) Trucking, Long-Distance

**485 Transit and Ground Passenger Transportation**

- 4851 Urban Transit Systems
- 48511 Urban Transit Systems
- 485111 Mixed Mode Transit Systems
- 485112 Commuter Rail Systems
- 485113 Bus and Other Motor Vehicle Transit Systems
- 485119 Other Urban Transit Systems
- 4852 Interurban and Rural Bus Transportation
- 48521 Interurban and Rural Bus Transportation
- 485210 Interurban and Rural Bus Transportation
- 4853 Taxi and Limousine Service
- 48531 Taxi Service
- 485310 Taxi Service
- 48532 Limousine Service
- 485320 Limousine Service
- 4854 School and Employee Bus Transportation
- 48541 School and Employee Bus Transportation
- 485410 School and Employee Bus Transportation
- 4855 Charter Bus Industry
- 48551 Charter Bus Industry
- 485510 Charter Bus Industry
- 4859 Other Transit and Ground Passenger Transportation
- 48599 Other Transit and Ground Passenger Transportation
- 485991 Special Needs Transportation
- 485999 All Other Transit and Ground Passenger Transportation

**486 Pipeline Transportation**

- 4861 Pipeline Transportation of Crude Oil
- 48611 Pipeline Transportation of Crude Oil
- 486110 Pipeline Transportation of Crude Oil
- 4862 Pipeline Transportation of Natural Gas
- 48621 Pipeline Transportation of Natural Gas
- 486210 Pipeline Transportation of Natural Gas
- 4869 Other Pipeline Transportation
- 48691 Pipeline Transportation of Refined Petroleum Products
- 486910 Pipeline Transportation of Refined Petroleum Products
- 48699 All Other Pipeline Transportation
- 486990 All Other Pipeline Transportation

**487 Scenic and Sightseeing Transportation**

- 4871 Scenic and Sightseeing Transportation, Land
- 48711 Scenic and Sightseeing Transportation, Land
- 487110 Scenic and Sightseeing Transportation, Land
- 4872 Scenic and Sightseeing Transportation, Water
- 48721 Scenic and Sightseeing Transportation, Water
- 487210 Scenic and Sightseeing Transportation, Water
- 4879 Scenic and Sightseeing Transportation, Other
- 48799 Scenic and Sightseeing Transportation, Other
- 487990 Scenic and Sightseeing Transportation, Other

**488 Support Activities for Transportation**

- 4881 Support Activities for Air Transportation
- 48811 Airport Operations
- 488111 Air Traffic Control
- 488119 Other Airport Operations

48819 Other Support Activities for Air Transportation  
 488190 Other Support Activities for Air Transportation  
 4882 Support Activities for Rail Transportation  
 48821 Support Activities for Rail Transportation  
 488210 Support Activities for Rail Transportation  
 4883 Support Activities for Water Transportation  
 48831 Port and Harbor Operations  
 488310 Port and Harbor Operations  
 48832 Marine Cargo Handling  
 488320 Marine Cargo Handling  
 48833 Navigational Services to Shipping  
 488330 Navigational Services to Shipping  
 48839 Other Support Activities for Water Transportation  
 488390 Other Support Activities for Water Transportation  
 4884 Support Activities for Road Transportation  
 48841 Motor Vehicle Towing  
 488410 Motor Vehicle Towing  
 48849 Other Support Activities for Road Transportation  
 488490 Other Support Activities for Road Transportation  
 4885 Freight Transportation Arrangement  
 48851 Freight Transportation Arrangement  
 488510 Freight Transportation Arrangement  
 4889 Other Support Activities for Transportation  
 48899 Other Support Activities for Transportation  
 488991 Packing and Crating  
 488999 All Other Support Activities for Transportation  
**491 Postal Service**  
 4911 Postal Service  
 49111 Postal Service  
 491110 Postal Service

**492 Couriers and Messengers**  
 4921 Couriers  
 49211 Couriers  
 492110 Couriers  
 4922 Local Messengers and Local Delivery  
 49221 Local Messengers and Local Delivery  
 492210 Local Messengers and Local Delivery  
**493 Warehousing and Storage**  
 4931 Warehousing and Storage  
 49311 General Warehousing and Storage  
 493110 General Warehousing and Storage  
 49312 Refrigerated Warehousing and Storage  
 493120 Refrigerated Warehousing and Storage  
 49313 Farm Product Warehousing and Storage  
 493130 Farm Product Warehousing and Storage  
 49319 Other Warehousing and Storage  
 493190 Other Warehousing and Storage

## **51 INFORMATION**

### **511 Publishing Industries (except Internet)**

5111 Newspaper, Periodical, Book, and Directory Publishers  
 51111 Newspaper Publishers  
 511110 Newspaper Publishers  
 51112 Periodical Publishers  
 511120 Periodical Publishers  
 51113 Book Publishers  
 511130 Book Publishers  
 51114 Directory and Mailing List Publishers  
 511140 Directory and Mailing List Publishers  
 51119 Other Publishers  
 511191 Greeting Card Publishers  
 511199 All Other Publishers  
 5112 Software Publishers  
 51121 Software Publishers  
 511210 Software Publishers

**512 Motion Picture and Sound  
Recording Industries**

- 5121 Motion Picture and Video Industries
  - 51211 Motion Picture and Video Production
    - 512110 Motion Picture and Video Production
  - 51212 Motion Picture and Video Distribution
    - 512120 Motion Picture and Video Distribution
  - 51213 Motion Picture and Video Exhibition
    - 512131 Motion Picture Theaters (except Drive-Ins)
    - 512132 Drive-In Motion Picture Theaters
  - 51219 Postproduction Services and Other Motion Picture and Video Industries
    - 512191 Teleproduction and Other Postproduction Services
    - 512199 Other Motion Picture and Video Industries
- 5122 Sound Recording Industries
  - 51221 Record Production
    - 512210 Record Production
  - 51222 Integrated Record Production/Distribution
    - 512220 Integrated Record Production/Distribution
  - 51223 Music Publishers
    - 512230 Music Publishers
  - 51224 Sound Recording Studios
    - 512240 Sound Recording Studios
  - 51229 Other Sound Recording Industries
    - 512290 Other Sound Recording Industries

**515 Broadcasting (except Internet)**

- 5151 Radio and Television Broadcasting
  - 51511 Radio Broadcasting
    - 515111 Radio Networks
    - 515112 Radio Stations
  - 51512 Television Broadcasting
    - 515120 Television Broadcasting
- 5152 Cable and Other Subscription Programming

- 51521 Cable and Other Subscription Programming

- 515210 Cable and Other Subscription Programming

**516 Internet Publishing and  
Broadcasting**

- 5161 Internet Publishing and Broadcasting
  - 51611 Internet Publishing and Broadcasting
    - 516110 Internet Publishing and Broadcasting

**517 Telecommunications**

- 5171 Wired Telecommunications Carriers
  - 51711 Wired Telecommunications Carriers
    - 517110 Wired Telecommunications Carriers
- 5172 Wireless Telecommunications Carriers (except Satellite)
  - 51721 Wireless Telecommunications Carriers (except Satellite)
    - 517211 Paging
    - 517212 Cellular and Other Wireless Telecommunications
- 5173 Telecommunications Resellers
  - 51731 Telecommunications Resellers
    - 517310 Telecommunications Resellers
- 5174 Satellite Telecommunications
  - 51741 Satellite Telecommunications
    - 517410 Satellite Telecommunications
- 5175 Cable and Other Program Distribution
  - 51751 Cable and Other Program Distribution
    - 517510 Cable and Other Program Distribution
- 5179 Other Telecommunications
  - 51791 Other Telecommunications
    - 517910 Other Telecommunications

**518 Internet Service Providers, Web  
Search Portals, and Data  
Processing Services**

- 5181 Internet Service Providers and Web Search Portals

**NAICS - North American Industry Classification System - United States, 2002**

51811 Internet Service Providers and Web Search Portals	52229 Other Nondepository Credit Intermediation
518111 Internet Service Providers	522291 Consumer Lending
518112 Web Search Portals	522292 Real Estate Credit
5182 Data Processing, Hosting, and Related Services	522293 International Trade Financing
51821 Data Processing, Hosting, and Related Services	522294 Secondary Market Financing
518210 Data Processing, Hosting, and Related Services	522298 All Other Nondepository Credit Intermediation
<b>519 Other Information Services</b>	5223 Activities Related to Credit Intermediation
5191 Other Information Services	52231 Mortgage and Nonmortgage Loan Brokers
51911 News Syndicates	522310 Mortgage and Nonmortgage Loan Brokers
519110 News Syndicates	52232 Financial Transactions Processing, Reserve, and Clearinghouse Activities
51912 Libraries and Archives	522320 Financial Transactions Processing, Reserve, and Clearinghouse Activities
519120 Libraries and Archives	52239 Other Activities Related to Credit Intermediation
51919 All Other Information Services	522390 Other Activities Related to Credit Intermediation
519190 All Other Information Services	<b>523 Securities, Commodity Contracts, and Other Financial Investments and Related Activities</b>
<b>52 FINANCE AND INSURANCE</b>	5231 Securities and Commodity Contracts Intermediation and Brokerage
<b>521 Monetary Authorities - Central Bank</b>	52311 Investment Banking and Securities Dealing
5211 Monetary Authorities - Central Bank	523110 Investment Banking and Securities Dealing
52111 Monetary Authorities - Central Bank	52312 Securities Brokerage
521110 Monetary Authorities - Central Bank	523120 Securities Brokerage
<b>522 Credit Intermediation and Related Activities</b>	52313 Commodity Contracts Dealing
5221 Depository Credit Intermediation	523130 Commodity Contracts Dealing
52211 Commercial Banking	52314 Commodity Contracts Brokerage
522110 Commercial Banking	523140 Commodity Contracts Brokerage
52212 Savings Institutions	5232 Securities and Commodity Exchanges
522120 Savings Institutions	52321 Securities and Commodity Exchanges
52213 Credit Unions	
522130 Credit Unions	
52219 Other Depository Credit Intermediation	
522190 Other Depository Credit Intermediation	
5222 Nondepository Credit Intermediation	
52221 Credit Card Issuing	
522210 Credit Card Issuing	
52222 Sales Financing	
522220 Sales Financing	

523210 Securities and Commodity Exchanges  
 5239 Other Financial Investment Activities  
 52391 Miscellaneous Intermediation  
     523910 Miscellaneous Intermediation  
 52392 Portfolio Management  
     523920 Portfolio Management  
 52393 Investment Advice  
     523930 Investment Advice  
 52399 All Other Financial Investment Activities  
     523991 Trust, Fiduciary, and Custody Activities  
     523999 Miscellaneous Financial Investment Activities  
**524 Insurance Carriers and Related Activities**  
 5241 Insurance Carriers  
     52411 Direct Life, Health, and Medical Insurance Carriers  
         524113 Direct Life Insurance Carriers  
         524114 Direct Health and Medical Insurance Carriers  
 52412 Direct Insurance (except Life, Health, and Medical) Carriers  
     524126 Direct Property and Casualty Insurance Carriers  
     524127 Direct Title Insurance Carriers  
     524128 Other Direct Insurance (except Life, Health, and Medical) Carriers  
 52413 Reinsurance Carriers  
     524130 Reinsurance Carriers  
 5242 Agencies, Brokerages, and Other Insurance Related Activities  
     52421 Insurance Agencies and Brokerages  
         524210 Insurance Agencies and Brokerages  
 52429 Other Insurance Related Activities  
     524291 Claims Adjusting  
     524292 Third Party Administration of Insurance and Pension Funds

524298 All Other Insurance Related Activities  
**525 Funds, Trusts, and Other Financial Vehicles**  
 5251 Insurance and Employee Benefit Funds  
     52511 Pension Funds  
         525110 Pension Funds  
     52512 Health and Welfare Funds  
         525120 Health and Welfare Funds  
     52519 Other Insurance Funds  
         525190 Other Insurance Funds  
 5259 Other Investment Pools and Funds  
     52591 Open-End Investment Funds  
         525910 Open-End Investment Funds  
     52592 Trusts, Estates, and Agency Accounts  
         525920 Trusts, Estates, and Agency Accounts  
     52593 Real Estate Investment Trusts  
         525930 Real Estate Investment Trusts  
     52599 Other Financial Vehicles  
         525990 Other Financial Vehicles

## **53 REAL ESTATE AND RENTAL AND LEASING**

### **531 Real Estate**

5311 Lessors of Real Estate  
     53111 Lessors of Residential Buildings and Dwellings  
         531110 Lessors of Residential Buildings and Dwellings  
     53112 Lessors of Nonresidential Buildings (except Miniwarehouses)  
         531120 Lessors of Nonresidential Buildings (except Miniwarehouses)  
     53113 Lessors of Miniwarehouses and Self-Storage Units  
         531130 Lessors of Miniwarehouses and Self-Storage Units  
     53119 Lessors of Other Real Estate Property  
         531190 Lessors of Other Real Estate Property  
 5312 Offices of Real Estate Agents and Brokers

53121 Offices of Real Estate Agents  
and Brokers  
531210 Offices of Real Estate  
Agents and Brokers  
5313 Activities Related to Real Estate  
53131 Real Estate Property Managers  
531311 Residential Property  
Managers  
531312 Nonresidential Property  
Managers  
53132 Offices of Real Estate  
Appraisers  
531320 Offices of Real Estate  
Appraisers  
53139 Other Activities Related to Real  
Estate  
531390 Other Activities Related to  
Real Estate

**532 Rental and Leasing Services**

5321 Automotive Equipment Rental and  
Leasing  
53211 Passenger Car Rental and  
Leasing  
532111 Passenger Car Rental  
532112 Passenger Car Leasing  
53212 Truck, Utility Trailer, and RV  
(Recreational Vehicle) Rental  
and Leasing  
532120 Truck, Utility Trailer, and  
RV (Recreational Vehicle)  
Rental and Leasing  
5322 Consumer Goods Rental  
53221 Consumer Electronics and  
Appliances Rental  
532210 Consumer Electronics and  
Appliances Rental  
53222 Formal Wear and Costume  
Rental  
532220 Formal Wear and Costume  
Rental  
53223 Video Tape and Disc Rental  
532230 Video Tape and Disc Rental  
53229 Other Consumer Goods Rental  
532291 Home Health Equipment  
Rental  
532292 Recreational Goods Rental  
532299 All Other Consumer Goods  
Rental  
5323 General Rental Centers

53231 General Rental Centers  
532310 General Rental Centers  
5324 Commercial and Industrial  
Machinery and Equipment  
Rental and Leasing  
53241 Construction, Transportation,  
Mining, and Forestry Machinery  
and Equipment Rental and  
Leasing  
532411 Commercial Air, Rail, and  
Water Transportation  
Equipment Rental and Leasing  
532412 Construction, Mining, and  
Forestry Machinery and  
Equipment Rental and Leasing  
53242 Office Machinery and  
Equipment Rental and Leasing  
532420 Office Machinery and  
Equipment Rental and Leasing  
53249 Other Commercial and  
Industrial Machinery and  
Equipment Rental and Leasing  
532490 Other Commercial and  
Industrial Machinery and  
Equipment Rental and Leasing

**533 Lessors of Nonfinancial Intangible  
Assets (except Copyrighted  
Works)**

5331 Lessors of Nonfinancial Intangible  
Assets (except Copyrighted  
Works)  
53311 Lessors of Nonfinancial  
Intangible Assets (except  
Copyrighted Works)  
533110 Lessors of Nonfinancial  
Intangible Assets (except  
Copyrighted Works)

**54 PROFESSIONAL, SCIENTIFIC,  
AND TECHNICAL  
SERVICES**

**541 Professional, Scientific, and  
Technical Services**

5411 Legal Services  
54111 Offices of Lawyers  
541110 Offices of Lawyers  
54112 Offices of Notaries  
541120 Offices of Notaries  
54119 Other Legal Services



**NAICS - North American Industry Classification System - United States, 2002**

541191 Title Abstract and Settlement Offices	5415 Computer Systems Design and Related Services
541199 All Other Legal Services	54151 Computer Systems Design and Related Services
5412 Accounting, Tax Preparation, Bookkeeping, and Payroll Services	541511 Custom Computer Programming Services
54121 Accounting, Tax Preparation, Bookkeeping, and Payroll Services	541512 Computer Systems Design Services
541211 Offices of Certified Public Accountants	541513 Computer Facilities Management Services
541213 Tax Preparation Services	541519 Other Computer Related Services
541214 Payroll Services	5416 Management, Scientific, and Technical Consulting Services
541219 Other Accounting Services	54161 Management Consulting Services
5413 Architectural, Engineering, and Related Services	541611 Administrative Management and General Management Consulting Services
54131 Architectural Services	541612 Human Resources and Executive Search Consulting Services
541310 Architectural Services	541613 Marketing Consulting Services
54132 Landscape Architectural Services	541614 Process, Physical Distribution, and Logistics Consulting Services
541320 Landscape Architectural Services	541618 Other Management Consulting Services
54133 Engineering Services	54162 Environmental Consulting Services
541330 Engineering Services	541620 Environmental Consulting Services
54134 Drafting Services	54169 Other Scientific and Technical Consulting Services
541340 Drafting Services	541690 Other Scientific and Technical Consulting Services
54135 Building Inspection Services	5417 Scientific Research and Development Services
541350 Building Inspection Services	54171 Research and Development in the Physical, Engineering, and Life Sciences
54136 Geophysical Surveying and Mapping Services	541710 Research and Development in the Physical, Engineering, and Life Sciences
541360 Geophysical Surveying and Mapping Services	54172 Research and Development in the Social Sciences and Humanities
54137 Surveying and Mapping (except Geophysical) Services	
541370 Surveying and Mapping (except Geophysical) Services	
54138 Testing Laboratories	
541380 Testing Laboratories	
5414 Specialized Design Services	
54141 Interior Design Services	
541410 Interior Design Services	
54142 Industrial Design Services	
541420 Industrial Design Services	
54143 Graphic Design Services	
541430 Graphic Design Services	
54149 Other Specialized Design Services	
541490 Other Specialized Design Services	

541720 Research and Development  
in the Social Sciences and  
Humanities  
5418 Advertising and Related Services  
54181 Advertising Agencies  
541810 Advertising Agencies  
54182 Public Relations Agencies  
541820 Public Relations Agencies  
54183 Media Buying Agencies  
541830 Media Buying Agencies  
54184 Media Representatives  
541840 Media Representatives  
54185 Display Advertising  
541850 Display Advertising  
54186 Direct Mail Advertising  
541860 Direct Mail Advertising  
54187 Advertising Material  
Distribution Services  
541870 Advertising Material  
Distribution Services  
54189 Other Services Related to  
Advertising  
541890 Other Services Related to  
Advertising  
5419 Other Professional, Scientific, and  
Technical Services  
54191 Marketing Research and Public  
Opinion Polling  
541910 Marketing Research and  
Public Opinion Polling  
54192 Photographic Services  
541921 Photography Studios,  
Portrait  
541922 Commercial Photography  
54193 Translation and Interpretation  
Services  
541930 Translation and  
Interpretation Services  
54194 Veterinary Services  
541940 Veterinary Services  
54199 All Other Professional,  
Scientific, and Technical  
Services  
541990 All Other Professional,  
Scientific, and Technical  
Services

## **55 MANAGEMENT OF COMPANIES AND ENTERPRISES**

## **551 Management of Companies and Enterprises**

5511 Management of Companies and  
Enterprises  
55111 Management of Companies and  
Enterprises  
551111 Offices of Bank Holding  
Companies  
551112 Offices of Other Holding  
Companies  
551114 Corporate, Subsidiary, and  
Regional Managing Offices

## **56 ADMINISTRATIVE AND SUPPORT AND WASTE MANAGEMENT AND REMEDIATION SERVICES**

### **561 Administrative and Support Services**

5611 Office Administrative Services  
56111 Office Administrative Services  
561110 Office Administrative  
Services  
5612 Facilities Support Services  
56121 Facilities Support Services  
561210 Facilities Support Services  
5613 Employment Services  
56131 Employment Placement  
Agencies  
561310 Employment Placement  
Agencies  
56132 Temporary Help Services  
561320 Temporary Help Services  
56133 Professional Employer  
Organizations  
561330 Professional Employer  
Organizations  
5614 Business Support Services  
56141 Document Preparation Services  
561410 Document Preparation  
Services  
56142 Telephone Call Centers  
561421 Telephone Answering  
Services  
561422 Telemarketing Bureaus  
56143 Business Service Centers  
561431 Private Mail Centers  
561439 Other Business Service  
Centers (including Copy Shops)

56144 Collection Agencies  
 561440 Collection Agencies  
 56145 Credit Bureaus  
 561450 Credit Bureaus  
 56149 Other Business Support  
 Services  
 561491 Repossession Services  
 561492 Court Reporting and  
 Stenotype Services  
 561499 All Other Business Support  
 Services  
 5615 Travel Arrangement and  
 Reservation Services  
 56151 Travel Agencies  
 561510 Travel Agencies  
 56152 Tour Operators  
 561520 Tour Operators  
 56159 Other Travel Arrangement and  
 Reservation Services  
 561591 Convention and Visitors  
 Bureaus  
 561599 All Other Travel  
 Arrangement and Reservation  
 Services  
 5616 Investigation and Security Services  
 56161 Investigation, Guard, and  
 Armored Car Services  
 561611 Investigation Services  
 561612 Security Guards and Patrol  
 Services  
 561613 Armored Car Services  
 56162 Security Systems Services  
 561621 Security Systems Services  
 (except Locksmiths)  
 561622 Locksmiths  
 5617 Services to Buildings and  
 Dwellings  
 56171 Exterminating and Pest Control  
 Services  
 561710 Exterminating and Pest  
 Control Services  
 56172 Janitorial Services  
 561720 Janitorial Services  
 56173 Landscaping Services  
 561730 Landscaping Services  
 56174 Carpet and Upholstery Cleaning  
 Services  
 561740 Carpet and Upholstery  
 Cleaning Services

56179 Other Services to Buildings and  
 Dwellings  
 561790 Other Services to Buildings  
 and Dwellings  
 5619 Other Support Services  
 56191 Packaging and Labeling  
 Services  
 561910 Packaging and Labeling  
 Services  
 56192 Convention and Trade Show  
 Organizers  
 561920 Convention and Trade Show  
 Organizers  
 56199 All Other Support Services  
 561990 All Other Support Services  
**562 Waste Management and  
 Remediation Services**  
 5621 Waste Collection  
 56211 Waste Collection  
 562111 Solid Waste Collection  
 562112 Hazardous Waste Collection  
 562119 Other Waste Collection  
 5622 Waste Treatment and Disposal  
 56221 Waste Treatment and Disposal  
 562211 Hazardous Waste Treatment  
 and Disposal  
 562212 Solid Waste Landfill  
 562213 Solid Waste Combustors and  
 Incinerators  
 562219 Other Nonhazardous Waste  
 Treatment and Disposal  
 5629 Remediation and Other Waste  
 Management Services  
 56291 Remediation Services  
 562910 Remediation Services  
 56292 Materials Recovery Facilities  
 562920 Materials Recovery  
 Facilities  
 56299 All Other Waste Management  
 Services  
 562991 Septic Tank and Related  
 Services  
 562998 All Other Miscellaneous  
 Waste Management Services

## **61 EDUCATIONAL SERVICES**

### **611 Educational Services**

6111 Elementary and Secondary Schools

**NAICS - North American Industry Classification System - United States, 2002**

61111 Elementary and Secondary  
Schools  
611110 Elementary and Secondary  
Schools  
6112 Junior Colleges  
61121 Junior Colleges  
611210 Junior Colleges  
6113 Colleges, Universities, and  
Professional Schools  
61131 Colleges, Universities, and  
Professional Schools  
611310 Colleges, Universities, and  
Professional Schools  
6114 Business Schools and Computer  
and Management Training  
61141 Business and Secretarial  
Schools  
611410 Business and Secretarial  
Schools  
61142 Computer Training  
611420 Computer Training  
61143 Professional and Management  
Development Training  
611430 Professional and  
Management Development  
Training  
6115 Technical and Trade Schools  
61151 Technical and Trade Schools  
611511 Cosmetology and Barber  
Schools  
611512 Flight Training  
611513 Apprenticeship Training  
611519 Other Technical and Trade  
Schools  
6116 Other Schools and Instruction  
61161 Fine Arts Schools  
611610 Fine Arts Schools  
61162 Sports and Recreation  
Instruction  
611620 Sports and Recreation  
Instruction  
61163 Language Schools  
611630 Language Schools  
61169 All Other Schools and  
Instruction  
611691 Exam Preparation and  
Tutoring  
611692 Automobile Driving Schools

611699 All Other Miscellaneous  
Schools and Instruction  
6117 Educational Support Services  
61171 Educational Support Services  
611710 Educational Support  
Services

**62 HEALTH CARE AND SOCIAL  
ASSISTANCE**

**621 Ambulatory Health Care Services**

6211 Offices of Physicians  
62111 Offices of Physicians  
621111 Offices of Physicians (except  
Mental Health Specialists)  
621112 Offices of Physicians,  
Mental Health Specialists  
6212 Offices of Dentists  
62121 Offices of Dentists  
621210 Offices of Dentists  
6213 Offices of Other Health  
Practitioners  
62131 Offices of Chiropractors  
621310 Offices of Chiropractors  
62132 Offices of Optometrists  
621320 Offices of Optometrists  
62133 Offices of Mental Health  
Practitioners (except Physicians)  
621330 Offices of Mental Health  
Practitioners (except Physicians)  
62134 Offices of Physical,  
Occupational and Speech  
Therapists, and Audiologists  
621340 Offices of Physical,  
Occupational and Speech  
Therapists, and Audiologists  
62139 Offices of All Other Health  
Practitioners  
621391 Offices of Podiatrists  
621399 Offices of All Other  
Miscellaneous Health  
Practitioners  
6214 Outpatient Care Centers  
62141 Family Planning Centers  
621410 Family Planning Centers  
62142 Outpatient Mental Health and  
Substance Abuse Centers  
621420 Outpatient Mental Health  
and Substance Abuse Centers  
62149 Other Outpatient Care Centers

- 621491 HMO Medical Centers
- 621492 Kidney Dialysis Centers
- 621493 Freestanding Ambulatory Surgical and Emergency Centers
- 621498 All Other Outpatient Care Centers
- 6215 Medical and Diagnostic Laboratories
- 62151 Medical and Diagnostic Laboratories
- 621511 Medical Laboratories
- 621512 Diagnostic Imaging Centers
- 6216 Home Health Care Services
- 62161 Home Health Care Services
- 621610 Home Health Care Services
- 6219 Other Ambulatory Health Care Services
- 62191 Ambulance Services
- 621910 Ambulance Services
- 62199 All Other Ambulatory Health Care Services
- 621991 Blood and Organ Banks
- 621999 All Other Miscellaneous Ambulatory Health Care Services
- 622 Hospitals**
- 6221 General Medical and Surgical Hospitals
- 62211 General Medical and Surgical Hospitals
- 622110 General Medical and Surgical Hospitals
- 6222 Psychiatric and Substance Abuse Hospitals
- 62221 Psychiatric and Substance Abuse Hospitals
- 622210 Psychiatric and Substance Abuse Hospitals
- 6223 Specialty (except Psychiatric and Substance Abuse) Hospitals
- 62231 Specialty (except Psychiatric and Substance Abuse) Hospitals
- 622310 Specialty (except Psychiatric and Substance Abuse) Hospitals
- 623 Nursing and Residential Care Facilities**
- 6231 Nursing Care Facilities
- 62311 Nursing Care Facilities
- 623110 Nursing Care Facilities
- 6232 Residential Mental Retardation, Mental Health and Substance Abuse Facilities
- 62321 Residential Mental Retardation Facilities
- 623210 Residential Mental Retardation Facilities
- 62322 Residential Mental Health and Substance Abuse Facilities
- 623220 Residential Mental Health and Substance Abuse Facilities
- 6233 Community Care Facilities for the Elderly
- 62331 Community Care Facilities for the Elderly
- 623311 Continuing Care Retirement Communities
- 623312 Homes for the Elderly
- 6239 Other Residential Care Facilities
- 62399 Other Residential Care Facilities
- 623990 Other Residential Care Facilities
- 624 Social Assistance**
- 6241 Individual and Family Services
- 62411 Child and Youth Services
- 624110 Child and Youth Services
- 62412 Services for the Elderly and Persons with Disabilities
- 624120 Services for the Elderly and Persons with Disabilities
- 62419 Other Individual and Family Services
- 624190 Other Individual and Family Services
- 6242 Community Food and Housing, and Emergency and Other Relief Services
- 62421 Community Food Services
- 624210 Community Food Services
- 62422 Community Housing Services
- 624221 Temporary Shelters
- 624229 Other Community Housing Services
- 62423 Emergency and Other Relief Services
- 624230 Emergency and Other Relief Services

6243 Vocational Rehabilitation Services  
 62431 Vocational Rehabilitation Services  
 624310 Vocational Rehabilitation Services  
 6244 Child Day Care Services  
 62441 Child Day Care Services  
 624410 Child Day Care Services

**71 ARTS, ENTERTAINMENT, AND RECREATION**

**711 Performing Arts, Spectator Sports, and Related Industries**

7111 Performing Arts Companies  
 71111 Theater Companies and Dinner Theaters  
 711110 Theater Companies and Dinner Theaters  
 71112 Dance Companies  
 711120 Dance Companies  
 71113 Musical Groups and Artists  
 711130 Musical Groups and Artists  
 71119 Other Performing Arts Companies  
 711190 Other Performing Arts Companies  
 7112 Spectator Sports  
 71121 Spectator Sports  
 711211 Sports Teams and Clubs  
 711212 Racetracks  
 711219 Other Spectator Sports  
 7113 Promoters of Performing Arts, Sports, and Similar Events  
 71131 Promoters of Performing Arts, Sports, and Similar Events with Facilities  
 711310 Promoters of Performing Arts, Sports, and Similar Events with Facilities  
 71132 Promoters of Performing Arts, Sports, and Similar Events without Facilities  
 711320 Promoters of Performing Arts, Sports, and Similar Events without Facilities  
 7114 Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures

71141 Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures  
 711410 Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures  
 7115 Independent Artists, Writers, and Performers  
 71151 Independent Artists, Writers, and Performers  
 711510 Independent Artists, Writers, and Performers

**712 Museums, Historical Sites, and Similar Institutions**

7121 Museums, Historical Sites, and Similar Institutions  
 71211 Museums  
 712110 Museums  
 71212 Historical Sites  
 712120 Historical Sites  
 71213 Zoos and Botanical Gardens  
 712130 Zoos and Botanical Gardens  
 71219 Nature Parks and Other Similar Institutions  
 712190 Nature Parks and Other Similar Institutions

**713 Amusement, Gambling, and Recreation Industries**

7131 Amusement Parks and Arcades  
 71311 Amusement and Theme Parks  
 713110 Amusement and Theme Parks  
 71312 Amusement Arcades  
 713120 Amusement Arcades  
 7132 Gambling Industries  
 71321 Casinos (except Casino Hotels)  
 713210 Casinos (except Casino Hotels)  
 71329 Other Gambling Industries  
 713290 Other Gambling Industries  
 7139 Other Amusement and Recreation Industries  
 71391 Golf Courses and Country Clubs  
 713910 Golf Courses and Country Clubs  
 71392 Skiing Facilities  
 713920 Skiing Facilities  
 71393 Marinas

713930 Marinas  
 71394 Fitness and Recreational Sports  
     Centers  
 713940 Fitness and Recreational  
     Sports Centers  
 71395 Bowling Centers  
 713950 Bowling Centers  
 71399 All Other Amusement and  
     Recreation Industries  
 713990 All Other Amusement and  
     Recreation Industries

## **72 ACCOMMODATION AND FOOD SERVICES**

### **721 Accommodation**

7211 Traveler Accommodation  
 72111 Hotels (except Casino Hotels)  
     and Motels  
 721110 Hotels (except Casino  
     Hotels) and Motels  
 72112 Casino Hotels  
 721120 Casino Hotels  
 72119 Other Traveler Accommodation  
 721191 Bed-and-Breakfast Inns  
 721199 All Other Traveler  
     Accommodation  
 7212 RV (Recreational Vehicle) Parks  
     and Recreational Camps  
 72121 RV (Recreational Vehicle)  
     Parks & Recreational Camps  
 721211 RV (Recreational Vehicle)  
     Parks and Campgrounds  
 721214 Recreational and Vacation  
     Camps (except Campgrounds)  
 7213 Rooming and Boarding Houses  
 72131 Rooming and Boarding Houses  
 721310 Rooming and Boarding  
     Houses

### **722 Food Services and Drinking Places**

7221 Full-Service Restaurants  
 72211 Full-Service Restaurants  
 722110 Full-Service Restaurants  
 7222 Limited-Service Eating Places  
 72221 Limited-Service Eating Places  
 722211 Limited-Service Restaurants  
 722212 Cafeterias  
 722213 Snack and Nonalcoholic  
     Beverage Bars  
 7223 Special Food Services

72231 Food Service Contractors  
 722310 Food Service Contractors  
 72232 Caterers  
 722320 Caterers  
 72233 Mobile Food Services  
 722330 Mobile Food Services  
 7224 Drinking Places (Alcoholic  
     Beverages)  
 72241 Drinking Places (Alcoholic  
     Beverages)  
 722410 Drinking Places (Alcoholic  
     Beverages)

## **81 OTHER SERVICES (EXCEPT PUBLIC ADMINISTRATION)**

### **811 Repair and Maintenance**

8111 Automotive Repair and  
     Maintenance  
 81111 Automotive Mechanical and  
     Electrical Repair and  
     Maintenance  
 811111 General Automotive Repair  
 811112 Automotive Exhaust System  
     Repair  
 811113 Automotive Transmission  
     Repair  
 811118 Other Automotive  
     Mechanical and Electrical  
     Repair and Maintenance  
 81112 Automotive Body, Paint,  
     Interior, and Glass Repair  
 811121 Automotive Body, Paint, and  
     Interior Repair and Maintenance  
 811122 Automotive Glass  
     Replacement Shops  
 81119 Other Automotive Repair and  
     Maintenance  
 811191 Automotive Oil Change and  
     Lubrication Shops  
 811192 Car Washes  
 811198 All Other Automotive Repair  
     and Maintenance  
 8112 Electronic and Precision  
     Equipment Repair and  
     Maintenance  
 81121 Electronic and Precision  
     Equipment Repair and  
     Maintenance

**NAICS - North American Industry Classification System - United States, 2002**

811211 Consumer Electronics Repair and Maintenance	8121 Personal Care Services
811212 Computer and Office Machine Repair and Maintenance	81211 Hair, Nail, and Skin Care Services
811213 Communication Equipment Repair and Maintenance	812111 Barber Shops
811219 Other Electronic and Precision Equipment Repair and Maintenance	812112 Beauty Salons
8113 Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance	812113 Nail Salons
81131 Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance	81219 Other Personal Care Services
811310 Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance	812191 Diet and Weight Reducing Centers
8114 Personal and Household Goods Repair and Maintenance	812199 Other Personal Care Services
81141 Home and Garden Equipment and Appliance Repair and Maintenance	8122 Death Care Services
811411 Home and Garden Equipment Repair and Maintenance	81221 Funeral Homes and Funeral Services
811412 Appliance Repair and Maintenance	812210 Funeral Homes and Funeral Services
81142 Reupholstery and Furniture Repair	81222 Cemeteries and Crematories
811420 Reupholstery and Furniture Repair	812220 Cemeteries and Crematories
81143 Footwear and Leather Goods Repair	8123 Drycleaning and Laundry Services
811430 Footwear and Leather Goods Repair	81231 Coin-Operated Laundries and Drycleaners
81149 Other Personal and Household Goods Repair and Maintenance	812310 Coin-Operated Laundries and Drycleaners
811490 Other Personal and Household Goods Repair and Maintenance	81232 Drycleaning and Laundry Services (except Coin-Operated)
<b>812 Personal and Laundry Services</b>	812320 Drycleaning and Laundry Services (except Coin-Operated)
	81233 Linen and Uniform Supply
	812331 Linen Supply
	812332 Industrial Launderers
	8129 Other Personal Services
	81291 Pet Care (except Veterinary) Services
	812910 Pet Care (except Veterinary) Services
	81292 Photofinishing
	812921 Photofinishing Laboratories (except One-Hour)
	812922 One-Hour Photofinishing
	81293 Parking Lots and Garages
	812930 Parking Lots and Garages
	81299 All Other Personal Services
	812990 All Other Personal Services
	<b>813 Religious, Grantmaking, Civic, Professional, and Similar Organizations</b>
	8131 Religious Organizations
	81311 Religious Organizations
	813110 Religious Organizations
	8132 Grantmaking and Giving Services



81321 Grantmaking and Giving Services	921110 Executive Offices
813211 Grantmaking Foundations	92112 Legislative Bodies
813212 Voluntary Health Organizations	921120 Legislative Bodies
813219 Other Grantmaking and Giving Services	92113 Public Finance Activities
8133 Social Advocacy Organizations	921130 Public Finance Activities
81331 Social Advocacy Organizations	92114 Executive and Legislative Offices, Combined
813311 Human Rights Organizations	921140 Executive and Legislative Offices, Combined
813312 Environment, Conservation and Wildlife Orgs.	92115 American Indian and Alaska Native Tribal Governments
813319 Other Social Advocacy Organizations	921150 American Indian and Alaska Native Tribal Governments
8134 Civic and Social Organizations	92119 Other General Government Support
81341 Civic and Social Organizations	921190 Other General Government Support
813410 Civic and Social Organizations	<b>922 Justice, Public Order, and Safety Activities</b>
8139 Business, Professional, Labor, Political, & Similar Orgs.	9221 Justice, Public Order, and Safety Activities
81391 Business Associations	92211 Courts
813910 Business Associations	922110 Courts
81392 Professional Organizations	92212 Police Protection
813920 Professional Organizations	922120 Police Protection
81393 Labor Unions and Similar Labor Organizations	92213 Legal Counsel and Prosecution
813930 Labor Unions and Similar Labor Organizations	922130 Legal Counsel and Prosecution
81394 Political Organizations	92214 Correctional Institutions
813940 Political Organizations	922140 Correctional Institutions
81399 Other Similar Organizations (except Business, Professional, Labor, and Political Organizations)	92215 Parole Offices and Probation Offices
813990 Other Similar Organizations (except Business, Professional, Labor, and Political Organizations)	922150 Parole Offices and Probation Offices
<b>814 Private Households</b>	92216 Fire Protection
8141 Private Households	922160 Fire Protection
81411 Private Households	92219 Other Justice, Public Order, and Safety Activities
814110 Private Households	922190 Other Justice, Public Order, and Safety Activities
<b>92 PUBLIC ADMINISTRATION</b>	<b>923 Administration of Human Resource Programs</b>
<b>921 Executive, Legislative, and Other General Government Support</b>	9231 Administration of Human Resource Programs
9211 Executive, Legislative, and Other General Government Support	92311 Administration of Education Programs
92111 Executive Offices	923110 Administration of Education Programs

**NAICS - North American Industry Classification System - United States, 2002**

92312 Administration of Public Health Programs	9261 Administration of Economic Programs
923120 Administration of Public Health Programs	92611 Administration of General Economic Programs
92313 Administration of Human Resource Programs (except Education, Public Health, and Veterans' Affairs Programs)	926110 Administration of General Economic Programs
923130 Administration of Human Resource Programs (except Education, Public Health, and Veterans' Affairs Programs)	92612 Regulation and Administration of Transportation Programs
92314 Administration of Veterans' Affairs	926120 Regulation and Administration of Transportation Programs
923140 Administration of Veterans' Affairs	92613 Regulation and Administration of Communications, Electric, Gas, and Other Utilities
<b>924 Administration of Environmental Quality Programs</b>	926130 Regulation and Administration of Communications, Electric, Gas, and Other Utilities
9241 Administration of Environmental Quality Programs	92614 Regulation of Agricultural Marketing and Commodities
92411 Administration of Air and Water Resource and Solid Waste Management Programs	926140 Regulation of Agricultural Marketing and Commodities
924110 Administration of Air and Water Resource and Solid Waste Management Programs	92615 Regulation, Licensing, and Inspection of Miscellaneous Commercial Sectors
92412 Administration of Conservation Programs	926150 Regulation, Licensing, and Inspection of Miscellaneous Commercial Sectors
924120 Administration of Conservation Programs	<b>927 Space Research and Technology</b>
<b>925 Administration of Housing Programs, Urban Planning, and Community Development</b>	9271 Space Research and Technology
9251 Administration of Housing Programs, Urban Planning, and Community Development	92711 Space Research and Technology
92511 Administration of Housing Programs	927110 Space Research and Technology
925110 Administration of Housing Programs	<b>928 National Security and International Affairs</b>
92512 Administration of Urban Planning and Community and Rural Development	9281 National Security and International Affairs
925120 Administration of Urban Planning and Community and Rural Development	92811 National Security
<b>926 Administration of Economic Programs</b>	928110 National Security
	92812 International Affairs
	928120 International Affairs

# Town Of Washington

## Site Plan Review Application

### Property Owner Information:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

### Applicant (if different from owner)

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

Names and addresses and map & lot numbers of all property owners within 500 feet of any and all property boundaries. Check with Code Enforcement Officer for assistance

### Subject Property information:

Map \_\_\_\_\_  
Lot \_\_\_\_\_  
Book \_\_\_\_\_  
Page \_\_\_\_\_  
Road Name \_\_\_\_\_  
Applicable Land Use District(s): \_\_\_\_\_  
Existing Use of Property: \_\_\_\_\_  
Proposed Use of Property: \_\_\_\_\_

Copy of the current, registered deed to the property, or an option to purchase the property or other documentation to demonstrate right title or interest in the property on the part of the applicant.

Applicable Fee: \_\_\_\_\_  
Fee Paid

Applicant Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

### Applicable Fee Structure:

Any structure or activity for which the Planning Board may grant a permit:

Activities and uses requiring Planning Board approval: \$50.00

Non-residential structures 240 sq ft – 1200 sq ft: \$50.00

Non-residential structures 1200 sq ft – 3000 sq ft: \$100.00

Non-residential structures over 3000 sq ft: \$250.00

### Submission Checklist:

#### **Required by Town of Washington Land Use Ordinance Article IV, 4**

Applications for permits shall be made on forms available at the Town Office. Each application for a building permit shall be accompanied by the following:

- A. A subsurface wastewater disposal permit is required, if the proposed structure will have pressurized water, in compliance with the Maine State Plumbing Code.
- B. A site plan drawn to approximate scale, showing the measurements of the lot and of all buildings, setbacks, disposal fields, the location of abutting streets or ways, existing and proposed parking spaces.
- C. A clear statement as to the intended use of the property.
- D. An assigned 911 Address.
- E. An MDOT or town access, driveway or entrance permit, if required.
- F. Any State or Federal permits that may be required.

#### **Required by Article XI, 5**

##### **Section 5. Submission Requirements**

- A. Applications for site plan review must be submitted on application forms provided by the municipality. The complete application form, evidence of payment of the required fees, and the required plans and related information must be submitted to the Code Enforcement Officer. The submission must contain at least the following exhibits and information unless specifically waived in writing. The Planning Board may waive any of the submission requirements based upon a written request of the applicant. Such request must be made at the time of the preapplication conference or at the initial review of the application if no preapplication conference is held. A waiver of any submission requirement may be granted only if the Board makes a written finding that the information is not required to determine compliance with the standards.
- B. All applications for site plan review must contain the following information:
  - 1. A fully executed and signed copy of the application for site plan review.
  - 2. Evidence of payment of the application fee and technical review fee, if required.
  - 3. Ten (10) copies of written materials plus ten (10) sets of maps or drawings containing the information listed below. The written materials must be bound or contained in a binder with an index of materials. The maps or drawings must be at a scale sufficient to allow review of the items listed under the approval standards and criteria, but in no case shall be more than one hundred (100) feet to the inch for that portion of the tract of land being proposed for development.

C. General Information

1. Record owner's name, address, and phone number and applicant's name, address and phone number if different.
2. The location of all required building setbacks, yards, and buffers.
3. Names and addresses and map and lot numbers of all property owners within five hundred (500) feet of any and all property boundaries.
4. Sketch map showing general location of the site within the municipality based upon a reduction of the tax maps.
5. Boundaries of all contiguous property under the total or partial control of the owner or applicant regardless of whether all or part is being developed at this time.
6. The tax map and lot number of the parcel or parcels on which the project is located.
7. A copy of the current, registered deed to the property, or an option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant.
8. The name, registration number, and seal of the person who prepared the plan, if applicable.
9. Evidence of the applicant's technical and financial capability to carry out the project as proposed.

D. Existing Conditions

1. Land Use District classification(s), including overlay district if any, of the property and the location of district boundaries if the property is located in two (2) or more districts or abuts a different district.
2. The bearings and length of all property lines of the property to be developed and the source of this information. The planning board may waive this requirement of a boundary survey when sufficient information is available to establish, on the ground, all property boundaries.
3. Location and size of any existing sewer and water mains, culverts and drains, on-site sewage disposal systems, wells, underground tanks or installations, and power and telephone lines and poles on the property to be developed, on abutting streets, or land that may serve the development, and an assessment of their adequacy and condition to meet the needs of the proposed use. Appropriate elevations must be provided as necessary to determine the direction of flow.
4. Location, names, and present widths of existing public and/or private roads and rights-of-way within or adjacent to the proposed development.
5. The location, dimensions and ground floor elevation of all existing buildings on the site.
6. The location and dimensions of existing driveways, parking and loading areas, walkways, and sidewalks on or immediately adjacent to the site.
7. Location of intersecting roads or driveways within two hundred (200) feet of the site.
8. The location of open drainage courses, wetlands, stonewalls, graveyards, fences, stands of trees, and other important or unique natural areas and site

features, including but not limited to, floodplains, deer wintering areas, significant wildlife habitats, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, sand and gravel aquifers, and historic and/or archaeological resources, together with a description of such features.

9. The direction of existing surface water drainage across the site.
10. The location, front view, dimensions, and lighting of existing signs.
11. Location and dimensions of any existing easements and copies of existing covenants or deed restrictions.
12. The location of the nearest fire hydrant, dry hydrant or other water supply for fire protection.
13. The E-911 Addressing Permit.
14. The driveway entrance permit, if applicable.

E. Proposed Development Activity

1. Estimated demand for water supply and sewage disposal together with the location and dimensions of all provisions for water supply and wastewater disposal, and evidence of their adequacy for the proposed use, including soils test pit data if on-site sewage disposal is proposed.
2. The direction of proposed surface water drainage across the site and from the site, with an assessment of impacts on downstream properties.
3. Provisions for handling storage or disposal of all solid wastes, including hazardous and special wastes and the location and proposed screening of any on-site collection or storage facilities.
4. The location, dimensions, and materials to be used in the construction of proposed driveways, parking and loading areas, and walkways and any changes in traffic flow onto or off-site.
5. Proposed landscaping and buffering.
6. The location, dimensions, and ground floor elevation of all proposed buildings or building expansion proposed on the site.
7. Location, front view, materials, and dimensions of proposed signs together with the method for securing the sign.
8. Location and type of exterior lighting.
9. The location of all utilities, including fire protection systems.
10. A general description of the proposed use or activity.
11. An estimate of the peak hour and daily traffic to be generated by the project.
12. If the project requires a stormwater permit from the Maine Department of Environmental Protection or if the planning board determines that such information is necessary based upon the scale of the project or the existing conditions in the vicinity of the project, stormwater calculations, erosion and sedimentation control measures, and water quality and/or phosphorous export management provisions.

F. Approval Block

Space must be provided on the plan drawing for the signatures of the Planning Board and date together with the following words, "Approved: Town of Washington Planning Board".

## **Fact Sheet for Site Plan Review**

### **Applicability:**

#### **Article XI, Section 2, A. Site Plan Review Not required**

The following activities shall not require site plan approval. Certain of these activities will, however, require the owner to obtain a building permit, plumbing permit or other state or local approvals:

1. The construction, alteration, or enlargement of a single family or two-family dwelling, including accessory buildings and structures.
2. The placement, alternation, or enlargement of a single manufactured housing or mobile home dwelling, including accessory buildings and structures on individually owned lots.
3. Agricultural activities, except for agri-business, including agricultural buildings and structures.
4. Timber harvesting and forest management activities.
5. The establishment and modification of home occupations that do not result in changes to the site or exterior of the building.
6. Activities involving nonresidential buildings or activities that are specifically excluded from review by the provisions of this section.
7. Expansion of less than 240 square feet.
8. Any activity that can be approved by the Code Enforcement Officer.

#### **Article XI, Section 2, B Site Plan Required:**

##### **B. Site Plan Permit Required**

A person who has right, title, or interest in a parcel of land must obtain site plan approval from the Code Enforcement Officer or Planning Board, as applicable, prior to commencing any of the following activities on the parcel, obtaining a building or plumbing permit for the activities, or undertaking any alteration or improvement of the site including grubbing or grading:

1. The construction or placement of any new building or structure for a nonresidential use, including accessory buildings and structures, greater than one thousand two hundred (1,200) base square feet within any five (5) year period.
2. The expansion of an existing nonresidential building or structure including accessory buildings that increases the total floor area by more than 240 square feet.
3. The conversion of an existing building, in whole or in part, from a residential use to a nonresidential use.
4. The establishment of a new nonresidential use even if no buildings or structures are proposed, including uses such as agri-business, mineral extraction, mineral processing, cemeteries, golf courses, and other nonstructural nonresidential uses.
5. The conversion of an existing nonresidential use, in whole or in part, to another nonresidential use if the new use changes the basic nature of the existing use such that it increases the intensity of on- or off-site impacts of the use subject to the standards and criteria of site plan review described in Section 9 of this article.
6. The construction of a residential building containing three (3) or more dwelling units.
7. The modification or expansion of an existing residential structure that increases the number of dwelling units in the structure by three (3) or more in any five (5) year period.

8. The conversion of an existing nonresidential building or structure, in whole or in part, into three (3) or more dwelling units within a five (5) year period.
9. The nonresidential construction or expansion of paved areas or other impervious surfaces, including walkways, access drives, and parking lots involving an area of more than two thousand five hundred (2,500) square feet within any three (3) year period.





# **TOWN OF WASHINGTON, MAINE**

## **MINING ORDINANCE**

### **ADOPTED**

**23 MARCH 2002**

### **AMENDED**

**25 MARCH 2005**

**27 MARCH 2009**

**30 MARCH 2012**

**29 MARCH 2013**

This is to certify that this ordinance was adopted by majority of the secret ballot vote on Article 4 at the Annual Town Meeting held March 23, 2002 at Prescott School and amended by majority of the referendum vote on Article 7 at the Annual Town Meeting held March 25, 2005 and by majority of the referendum vote on Articles 4, 5, 6, and 7 at the Annual Town Meeting held March 27, 2009 and by majority of the referendum vote on Article 6 at the Annual Town Meeting held March 30, 2012, and by majority of the referendum vote on Articles 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, and 21, at the Annual Town Meeting held March 29, 2013 .

True and attested copy:

**Town Clerk**



## CONTENTS

<b>ARTICLE I – TITLE &amp; PURPOSE.....</b>	<b>1</b>
§1 Title.....	1
§2 Purpose.....	1
<b>ARTICLE II – ACTIVITIES EXEMPT FROM THIS ORDINANCE .....</b>	<b>1</b>
<b>ARTICLE III – DEFINITIONS &amp; REFERENCES .....</b>	<b>2</b>
§1 Construction of Language .....	2
§2 Relationship to Other Town Ordinances .....	2
§3 References to the Town.....	2
§4 References to Other Documents .....	2
§5 Symbols used in this Ordinance.....	2
§6 Definitions .....	2
<b>ARTICLE IV– AUTHORITY, APPLICABILITY &amp; ADMINISTRATION.....</b>	<b>5</b>
§1 Authority .....	5
§2 Administration.....	5
§3 Effective Date.....	5
§4 Permit Required .....	6
§5 Permit To Be Recorded .....	6
§6 Types of Mineral Extraction Activities Prohibited.....	6
§7 Accessory Uses Not Included.....	6
<b>ARTICLE V – MINERAL EXTRACTION APPLICATION REVIEW.....</b>	<b>7</b>
§1 Preapplication Meeting.....	7
§2 Application.....	7
§3 Alternate Submissions .....	9
§4 Exemptions from submissions.....	9
§5 Application Procedures .....	9
§6 Appeals and Variances.....	11
<b>ARTICLE VI – MINIMUM DESIGN &amp; PERFORMANCE STANDARDS .....</b>	<b>12</b>
§1 General Requirements — All Operations.....	12
§2 Performance Standards — All Operations.....	13
A. Erosion, Sedimentation Control & Stormwater Management.....	13
B. Reclamation Plan.....	13
C. Petroleum Usage.....	14
D. Buffers and Setbacks .....	15
E. Road Design, Circulation and Traffic.....	15
F. Ground Water Impacts .....	16
G. Preservation of Natural and Historic Features .....	17
H. Sanitary Standards.....	17
I. Signs.....	17
J. Noise.....	17
K. Mitigation of Effects on Neighboring Community .....	18
§3 Performance Standards — Rock Mining Operations .....	19

<b>ARTICLE VII – PERFORMANCE GUARANTEES .....</b>	<b>19</b>
§1 Types of Guarantees.....	19
§2 Contents of Guarantee .....	20
§3 Escrow Account .....	20
§4 Performance Bond .....	20
§5 Letter of Credit.....	20
§6 Phasing of Development .....	20
§7 Performance Guarantee Review .....	20
§8 Release of guarantee .....	20
§9 Default .....	20
§10 Improvement Guarantees.....	21
<b>ARTICLE VIII – ENFORCEMENT AND INSPECTIONS.....</b>	<b>21</b>
§1 Annual Compliance Inspection .....	21
§2 Reclamation Certification .....	21
§3 Violations.....	21
§4 Mineral Extraction Plan Amendments After Approval .....	22
§5 Enforcement.....	22
§6 Penalties .....	22
<b>ARTICLE IX – SEVERABILITY &amp; CONFLICT .....</b>	<b>23</b>
§1 Severability .....	23
§2 Conflict with other Ordinances .....	23
<b>ARTICLE X – AMENDMENT OF THIS ORDINANCE.....</b>	<b>23</b>
§1 Review of Ordinance.....	23
§2 Initiation of Amendment .....	23
§3 Adoption of Amendment .....	23
<b>ARTICLE XI – OTHER PROVISIONS.....</b>	<b>23</b>
§1 Public Access to Information .....	23
§2 [Repealed]	
§3 Right of Entry Onto Land .....	23

# TOWN OF WASHINGTON, MAINE

## MINING ORDINANCE

### **ARTICLE I – TITLE & PURPOSE**

#### **§1 Title**

This Ordinance shall be known and may be cited as *the Town of Washington, Surface and Subsurface Mineral Extraction Ordinance*, or by its short title of *Town of Washington Mining Ordinance* and will be referred to herein as “this Ordinance.”

#### **§2 Purpose**

The purpose of this Ordinance is to put into law minimum removal and reclamation standards, and municipal procedures intended to regulate the removal, processing and storage of topsoil, loam, rock, flat rock, sand, gravel, or other similar materials. These standards and procedures are intended to protect the public health, safety, and general welfare, and to minimize the adverse impact of extraction to the Town, abutting property owners, citizens of the Town, and wildlife and natural resources by:

- A. Preserving and protecting surface and groundwater quality and quantity for current and future use of the town and/or its residents.
- B. Preserving the value of property and its future ability to be an asset to the town and its residents.
- C. Limiting the volume and size of the most intensive types of extraction.

### **ARTICLE II – ACTIVITIES EXEMPT FROM THIS ORDINANCE**

#### **§1 This ordinance shall not apply to the following:**

*[NOTE: Mineral extraction activities which are exempt from this Ordinance may need Planning Board approval, as well as the provisions of Article XI of the Site Plan Review required by the Land Use Ordinance, and must comply with other rules and regulations of the Town.]*

- A. Permits are not required for mineral extraction activities not exceeding 20,000 square feet of surface area, or the removal or handling of less than 1,000 cubic yard of material, if for the owner’s personal use and not sold. All sites which offer extraction for sale shall obtain an permit from the planning board.
- B. Storage or Stockpiles of winter abrasives (sand) used for the maintenance of private or public roads. This applies to the stockpile or storage area itself and not any associated mineral extraction activity or area;
- C. Removal or filling of material incidental to construction, alteration or repair of a structure , or in the landscaping incidental thereto;
- D. Construction of farm and fire ponds and normal agricultural operations;
- E. Inactive areas where previous mining had last occurred at least 12 months prior to the adoption of this ordinance;
- F. Activities presently permitted by the Town, if an annual compliance inspection is required by the permit;
- G. Removal of stone or rock walls or foundation walls;
- H. Stripping of topsoil (loam) not part of a mineral extraction operation to a depth no greater than 1 foot provided the area so stripped is reseeded in the same growing season as removal; and
- I. Excavation of material used for personal purposes.

### **ARTICLE III – DEFINITIONS & REFERENCES**

#### **§1 Construction of Language**

In general, all words and terms used in this Ordinance shall have their customary dictionary meanings. More specifically, certain words and terms shall be described below.

#### **§2 Relationship to Other Town Ordinances**

Where there is a conflict between the language contained in this Ordinance and any other Town ordinances, the stricter language shall apply for purposes of this Ordinance.

#### **§3 References to the Town**

All references in this ordinance to “Town,” “the Town,” “the Town of Washington,” and to any board, official or officer, unless clearly defined otherwise, shall be construed to be references to The Town of Washington, Maine, an incorporated municipality in the County of Knox, State of Maine and its municipal boards, officials and officers.

#### **§4 References to Other Documents**

All references in this ordinance to any document, chapter, handbook, or other external reference, shall be construed to be references to said documents and their successor documents, as they may be amended or replaced from time to time by other materials.

#### **§5 Symbols used in this Ordinance**

- A. **{A}** for All size projects;
- B. **{XL}** for eXtra Large size projects (over 30 acres);
- C. **{L}** for Large size projects (5-30 acres);
- D. **{M}** for Medium size projects (1-5 acres);
- E. **{S}** for Excavation projects (20,000 square feet – 1 acre) and extract 1,000 cubic yards within any 12 consecutive months.

#### **§6 Definitions**

**Abandonment:** Failure to complete the Annual Compliance Inspection; or to cease operations without completing the reclamation plan.

**Accessory Use:** Uses clearly incidental and subordinate to a principal use and located on the same lot as the principal use. Such uses must be clearly spelled out in the application and permit.

**Affected land:** The land area from which the overburden will be or is being removed or has been removed and not reclaimed; land where flat rocks are picked up from the surface or are mined; land upon which stumps, spoil, or other solid waste will be or has been deposited; and any storage area that will be or has been used in connection with the development, except a natural buffer strip.

**Annual Compliance Inspection:** An examination by the Code Enforcement Officer done on an annual basis that shall check for compliance of the operations with the conditions and requirements of the permit.

**Aquifer:** An underground bed or stratum of earth, gravel or porous stone that contains water.

**Area Actively Mined:** See *Working pit or area*, below.

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

**Blasting:** The use of explosives to break up or otherwise aid in the extraction or removal of rock or other consolidated natural formation.

**High Velocity:** Blasting using explosive materials that are characterized by a very high rate of reaction, high pressure development, and the presence of a detonation wave.

**Low Velocity:** Blasting using explosive materials that are characterized by deflagration or a low rate of reaction and the development of low pressure.

**Blasting Plan:** A required written outline of all procedures and policies regarding blasting where such activity is proposed to be used. For operations that are **(M)** medium in size the Planning Board may require and for operations that are **(L)** large or larger in size, shall require such plan will include an environmental impact study, a hydrogeologic study, and a preblast survey of the surrounding areas to such a distance as the Planning Board shall determine, but in no case less than 2,000 feet from the site of the proposed blasting.

**Body of Water:** Shall include the following:

**Pond or Lake:** any inland impoundment, natural or man-made, which collects and stores surface water.

**Stream or River:** a free flowing drainage outlet, with a defined channel lacking terrestrial vegetation, and flowing water for more than three months during the year.

**Borrow Pit:** A development undertaken for the primary purpose of excavating sand, gravel or fill. This does not include any excavation for rock or clay.

**Buffer:** A natural, undisturbed area or belt of land that contains vegetation. A buffer area may be larger than specified in this ordinance.

**Common Scheme of Development:** Separate, but similar or coordinated, land use activities being conducted on either a single parcel of land or on multiple contiguous parcels of land that are either under common ownership or common management.

**Disposal:** The placing or storing of materials that are not going to be used in any process or production in conjunction with the extraction activity.

**Duration:** A specified length of time.

**Environmentally sensitive areas:** Wetlands, swamps, wildlife habitat areas delineated by the Dept. of Inland Fisheries and Wildlife (IF&W), prime agricultural areas, areas with steep slopes, areas with poorly drained soils, and flood plain areas (subject to a 100 year flood). Also to include Protected Natural Resources. Environmentally sensitive areas shall specifically include all areas within the Conservation District, as defined in Article VII, Section 1 of the *Town of Washington Land Use Ordinance*.

**Expansion of operation:** Excavation operations that exceed the approved area or footprint.

**Extra Large Mineral extraction operations: {XL}** Excavations that are 30 acres or more.

**Flat Rock Mining:** Extraction with the primary purpose of the removal of solid rock strata using low velocity blasting or mechanical means.

**Ground water:** The water beneath the surface of the ground, consisting largely of surface water that has seeped down; the source of water in springs and wells.

**Handling:** Any aggregate screening, mixing or storage of sand, gravel, stone, rock, clay, or topsoil; to include any mining of material.

**Inactive:** Mineral extraction that has ceased for 12 consecutive months prior to the passage of this Ordinance, in any areas where mining extraction activity had previously occurred.

**Infrastructure:** Structures, roads or utility facilities that are a necessary part of the development of an operation.

**Immediate Family:** The husband, wife or children of a specific individual.

**Large Mineral extraction operations: {L}** Excavations that are more than 5 acres and less than 30 acres.

**Maximum Seasonal High Groundwater Level:** The upper level at which the groundwater table normally is located during the season of the year when such levels are at their highest. In order to determine such level, a test pit reviewed by a soil analyst or groundwater data for a minimum of one year must be gathered and analyzed. Adjustments may be made by the Planning Board for extreme seasonal variations.

**Medium Mineral extraction operations: {M}** Excavations that are between 1 and 5 acres.

**Mineral extraction activity:** Any excavation or removal, handling or storage of on-site extracted sand, gravel, borrow, rock, clay, minerals, or topsoil to include, but is not limited to, sand or gravel pits, clay pits, borrow pits, quarries, mines, and topsoil mining or removal.

**Mineral Extraction Site or Area:** All of the land area disturbed or otherwise developed for the extraction, removal, processing, or storage of sand, gravel, clay, minerals, stone, rock, or topsoil; including any access roads and cleared areas adjacent to a pit or excavated area

**Net Property Area Acreage:** Remaining property size after setback and buffers are subtracted.

**Normal High Water Mark of Inland Waters:** That line of the shores and banks of nontidal water which is apparent because of the different character of the soil or the vegetation due, or to the prolonged action of the water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial (by way of illustration, aquatic vegetation includes but is not limited to the following plant and plant groups: water lily, pond lily, pickerel weed, cattail, wild rice, sedges, rushes, and marsh grasses, and terrestrial vegetation includes but is not limited to the following plants and plant groups, upland grasses, aster, lady slipper, wintergreen, partridgeberry, sarsaparilla, pines, cedars, oaks, ash, alders, elms, and maples). In places where the shore or bank is of such character the high water mark shall be estimated from places where it can be determined by the above method.

**Objectionable Noise:** Sounds occurring on a frequent or regular basis that are uncomfortable to hear due to intermittence, beat frequency, shrillness, or volume outside of the boundaries of the project.

**Personal purposes:** Non-commercial uses for personal or immediate family needs.

**Phasing of Operations:** A plan of completion of the operations in separate and distinct sequences that have a complete beginning and ending for predetermined areas. In the context of this ordinance, all phases must be structured so that they stand on their own, shall be inspected for completeness at the end of each phase and have reclamation of area completed at the end of each phase.

**Picked Up From The Surface:** A rock harvesting method that does not involve blasting and only utilizes hand tools and small scale mechanized equipment. It is the intent of this ordinance that this method shall be conducted with a minimum of soil disturbance and is utilized to remove rock that can be seen on the surface.

**Preblast Survey:** Documentation prior to the initiation of blasting of the condition of buildings, structures, wells or other infrastructures and of protected natural resources, historic sites and unusual natural areas.

**Processing:** Any washing, crushing, or similar processing of on-site material that does not inherently change the nature of the product.

**Production Blasting:** A blasting operation carried out on a regular basis for the purpose of production of material.

**Projections of Groundwater Quality:** An analysis of the potential changes to existing groundwater quality by examining the processes, chemical byproducts and outflow of a proposed operation.

**Protected Natural Resource:** Wetlands, significant wildlife habitat, fragile mountain areas, freshwater wetlands, bog, marsh, rivers, streams or brooks, as the terms are defined in applicable Town of Washington or state law.

**Reclamation:** The restoration to conditions similar to what existed prior to the operation or that will be compatible with what existed prior to the operation on the area of land affected by mining under a reclamation plan. This may include but is not limited to, grading and shaping of the land, the planting of forests, the seeding of grasses, legumes, or crops for harvest, or the enhancement of wildlife and aquatic resources.

*[NOTE: Any inactive area, may be considered for Tax assessing purposes as active, if the area has not been reclaimed according to the Standards of this ordinance. Currently, reclaimed land has a lower assessed value.]*



**Reclamation Plan:** A plan which depicts how the project area will be restored, or altered for the productive use of the land, after excavation is complete. Such a plan shall include final grading and re-vegetation plans, of any given phase.

**Road:** Public and private owned ways such as alleys, avenues, boulevards, highways, roads, streets, lanes and other rights-of-way, as well as areas on mineral extraction activity plans designated as rights-of-way.

**Rock:** A hard, nonmetallic mineral that requires cutting, blasting or similar methods of forced extraction.

**Screening:** Includes, but is not limited to, the planting of trees, placement of solid fence or creation of berm in order to prevent a direct view of an operation or a part of an operation from public ways and other properties.

**Seasonal Waterway:** A watercourse that flows for a minimum of three months during the course of an average year.

**Setback:** The horizontal distance from a lot line or referred location to the nearest part of a structure or activity.

**Setback from Water:** The horizontal distance from the normal high water mark to the nearest part of a structure or activity.

**Small Mineral extraction operations: {S}** Excavations that are less than 1 acre in size but more than 20,000 square feet; or extract more than 1,000 cubic yards within any 12 consecutive month period. [*Amended from 5,000 square feet and less than 200 cubic yards March 25, 2004*]

**Stop Work Order:** An order from Town Officials to cease a specified activity.

**Substantial Deviation:** Changes made to a specified plan that are materially at variance with the original instructions of operation so as to constitute a different plan for most intents and purposes.

**Surface Water Body:** any water flowing on the surface, either channelized or by sheet flow including, but not limited to, rivers, streams, brooks, ponds, lakes and any swamp, marsh, bog or other contiguous lowland where water is periodically ponded on the surface.

**Topsoil:** The top layer of soil that is predominantly fertile and ordinarily moved in tillage or the equivalent of such a layer in uncultivated soils.

**Water Table:** The upper surface of groundwater, or that level below which the soil is seasonally saturated with water.

**Working pit or area:** The extraction area including side slopes and adjoining areas with overburden removed, excluding roads, structures, stockpiles, etc. not part of the active mineral extraction area. For the purposes of this ordinance, reclaimed land is not included.

#### **ARTICLE IV– AUTHORITY, APPLICABILITY & ADMINISTRATION**

##### **§1 Authority**

This Ordinance is enacted pursuant to Home Rule Powers as provided for in Article VIII-A of the *Constitution of the State of Maine* and under the authority granted to the Town by the statutes of the State of Maine, Title 30-A M.R.S.A., Section 3001.

##### **§2 Administration**

The provisions of this Ordinance shall be administered by the Town of Washington Planning Board and enforced by the Town of Washington Code Enforcement Officer (CEO).

##### **§3 Effective Date**

This Ordinance shall be effective upon its adoption by vote of the eligible voters of the Town of Washington, Maine in Town Meeting.

A. Upon adoption, this ordinance shall supersede the Planning Board's Mineral Extraction Regulations.

#### **§4 Permit Required**

- A. The provisions of this Ordinance shall apply to all mineral extraction activities within the boundaries of the Town of Washington, Maine, except as provided in Article II of this Ordinance. This applies to all extraction activities described in Article I which are
  - 1. a resumption of extraction activities in inactive operations, or on parcels of land on which inactive operations are located, or on parcels of land that are under a common scheme of development with parcels of land on which inactive operations are located;
  - 2. active and unpermitted by the Town;
  - 3. new or proposed; and
  - 4. expansions of the above, and mineral extraction activities previously permitted by the town, except as provided in Article II of this Ordinance.
- B. Planning Board approval, as well as, the provisions of Article XI of the Site Plan review required by the Land Use Ordinance, if applicable, must be obtained prior to making application under this ordinance.
- C. Any application submitted to the Planning Board, for any portion of the affected area, shall be classified for size, and treated as if it included all the previously exempt unreclaimed inactive area.  
*[NOTE: It is intended that the Planning Board use discretion on reclamation of old pits if they have been reclaimed by natural processes and applying reclamation standards would destabilize an area.]*
- D. Active mineral extraction without a permit issued by the Town is subject to the entire ordinance, requiring a permit; and shall be classified for size, and treated as if it included all affected areas, including contiguous land under common scheme of development with mineral extraction activity, and inactive land.
- E. The owner or operator of any active mineral extraction activity operating without a valid Town mineral extraction permit shall within 90 days from the effective date of this ordinance submit an application pursuant to this ordinance.
  - 1. Any operation that did not obtain a Certificate of Legal operation or a permit from the Planning after March 23, 2002 Must obtain a permit from the planning board based on a review of the provisions of this ordinance and the Town of Washington land Use Ordinance as adopted and amended to date.
  - 2. All other unpermitted operations shall apply as required in this ordinance.
- F. Any owner or operator of an active operation that has not applied for a permit within 90 days from the effective date of this ordinance or received an extension for good cause from the Planning Board shall be in violation of this ordinance.

#### **§5 Permit To Be Recorded**

No permit shall take effect or be valid unless it is recorded in the Knox County Registry of Deeds together with the site plan, the reclamation plan and all other plans such as but not limited to the spill containment plan or blasting plan, and the survey, if required, within 90 days of the granting of said permit at the expense of and by the applicant.

#### **§6 Types of Mineral Extraction Activities Prohibited**

Any proposed mineral extraction activity not specifically described in this ordinance shall be prohibited.

#### **§7 Accessory Uses Not Included**

It is the intent of this ordinance that a permit granted hereunder does not imply permission to undertake any accessory or non-extraction uses.

## **ARTICLE V – MINERAL EXTRACTION APPLICATION REVIEW**

### **§1 Preapplication Meeting**

The Washington Planning Board shall hold a pre-application meeting with the applicant. At that meeting, the size, scale, number of copies, and other administrative details shall be specified.

### **§2 Application**

Prior to the establishment, continuation or expansion of a mineral extraction activity, an applicant shall apply for an approved mineral extraction Town permit. The application shall contain the following information, where applicable, and any other information that may be required by Article VI of this Ordinance:

- A. Name, address and telephone number of the applicant, and the name, address and telephone number of the owner of the property, if different from the applicant.
- B. Verification of the right title or interest that the applicant has in the property by means of a certification of such title to the Town of Washington by an attorney at law authorized to practice in the State of Maine. This title certification shall be made in accordance with the *Standards of Title* promulgated by the Maine Bar Association. The certification shall include copies of the applicant's deed, easement or lease, and any covenants, deed restrictions, easements, rights of way, liens, mortgages and other encumbrances affecting the property.
- C. Site Plan, prepared by and bearing the seal of a land surveyor or engineer licensed to practice in the State of Maine, showing the following:
  1. The date the plan was prepared with the name, address and telephone number of the person or company that prepared such.
  2. Scale of the drawings submitted and north arrow; all dimensions to be marked in feet or decimals of a foot.
  3. Contour lines showing elevations in relation to mean sea level at appropriate intervals to show the effect on the land of existing and proposed grades for areas proposed to be excavated or filled. Contour intervals shall be a minimum of 5 feet, however, the Washington Planning Board may require other intervals.
  4. Boundaries of the tract of land showing lot lines, abutting lots, districts within 1,000 feet as defined by the Land Use Ordinance and illustrated on the Town of Washington Tax Assessor's Maps, with total acreage of the whole parcel(s) indicated, and the Town of Washington Tax Assessor's map and lot number(s); the names of all the property owners within 1,000 feet of any line, as determined by the Washington Tax Records, shall be shown. The Planning Board shall require a survey of the extraction area by a licensed surveyor unless the area is less than 5 acres. The Planning Board may require a survey of the property by a licensed surveyor if the boundaries are in question.
  5. Location of existing, inactive areas, reclaimed areas, and proposed mineral extraction activities and structures on the property.
  6. Approximate location of residences on properties within 1,000 feet of the proposed activity.
  7. Location and identification of existing public and private streets, roadways and rights-of-way on or abutting the property.
  8. Location of proposed access road to the mineral extraction activity from public roadways.
  9. Location of all setbacks, buffers, and conservation areas, and protected natural resources.
  10. Location and arrangement of proposed parking and loading areas and their appurtenant drives and maneuvering areas.
  11. Location of existing and proposed utilities and easements, such as sanitary sewage, water supply, and electricity on the property.
  12. Location, intensity, type, size and direction of all outdoor lighting.
  13. Location and size of signs and all permanent outdoor fixtures such as fences, gates, utility poles.
  14. Location and type of existing and proposed berms, fences, hedges, and tree lines.

15. Location of existing natural drainage ways and proposed storm drainage facilities, including dimensions of culverts, pipes, etc. If any portion of the mineral extraction activity is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.
  16. Location of existing wells:
    - a. all wells on the parcel itself; and
    - b. within 1,000 feet of the proposed activity, if 5 acres or more; or
    - c. within 500 feet of the proposed activity if less than 5 acres .
  17. Location of proposed hazardous material storage areas including but not limited to fuel storage and handling, and washdown areas.
- D. The name, address and telephone number of each applicant, and if the applicant is not a natural person, list of the names, titles, addresses and telephone numbers of the natural persons that will be responsible for the management of the operation. The Planning Board shall consider the performance record of the applicant and those responsible for the management of the operation. The performance record shall include any prior violation, suspension, or revocation of a permit issued under this ordinance, or similar permit issued by any other agency of government, and any other environmental enforcement history.
- E. An estimate of the average daily traffic during periods of operation projected to be generated by the activity. A traffic impact narrative, if required, as stated in Article VI of this ordinance.
- F. A narrative description of the surface and ground water impacts, including protection plans and the identification of any significant mapped aquifers.
- G. Information and a map showing Soils Conditions on the site of the proposed mineral extraction activity. For subsurface sewage disposal proposed, the information shall include evidence of soil suitability according to the standards established in Article VI of this Ordinance. The Site Plan shall show the location of soil test areas.
- H. A soil erosion and sedimentation control plan, prepared in accordance with the standards contained in the latest revision Best Management Practices (BMP's) as established by the State.
- I. A "Preservation of Natural and Historic Features" map as required by Article VI of this Ordinance.
- J. A reclamation plan showing the final grades and re-vegetation plan, and any phasing of the plan.
- K. A narrative description of the impact on the wildlife habitat, and the location of any deer yard or other significant wildlife habitat designated by Maine Dept. of Inland Fisheries and Wildlife, including any proposed mitigation plan.
- L. A narrative description of the present use of the parcel and property within 500 feet of the activity.
- M. Estimated longevity of the operation, including phasing.
- N. Proposed hours and days of operation.
- O. Types and amounts of equipment to be used in the operation.
- P. Proof of financial capacity, and/or capacity to obtain a Performance Guarantee as specified in Article VII, payable to the Town of Washington, in an amount determined by the Planning Board as sufficient to cover the cost of any proposed reclamation, erosion control or other activities required by the Planning Board.
- Q. A Spill Prevention, Control & Containment (SPCC) Plan. (See Article VI §2-C).
- R. Blasting Plan, if required.
- S. Plan for screening the excavation activity from abutters and any public roads.
- T. All submissions made to any federal or state agency concerning the property.
- U. Proof of technical ability to complete the project as reasonably related to size and intensity of project.
- V. Type of mining planned.

- W. Other information the Planning Board may require to meet standards in Article VI.
- X. A Reclamation Plan which includes enough detail to address the provisions of Article VI, §2 Performance Standards, B and compliance with Maine Erosion and Sediment Control BMPS, Section I, 1.
- Y. Erosion control plan for all portions of the proposed operation which are not internally drained.

**§3 Alternate Submissions**

Activities that already have a valid DEP permit or a complete pending DEP application may submit the DEP application to the Planning Board subject to the Planning Board request for additional information on submissions above, not covered by the DEP application.

**§4 Exemptions from submissions**

**(S)** Small mineral extraction activities shall be exempt from the requirements of Article V, §2-C items 3, 8, 10, and 11.

**§5 Application Procedures**

- A. Submission of Application for newly proposed, and for expansions of existing mineral extraction activities.
  - 1. Applications for mineral extraction activity permits shall be submitted to the Town Clerk or Chairman of the Planning Board who shall issue to the applicant a dated receipt.
    - a. Within 45 days from the date of receipt, the Planning Board shall notify the applicant in writing either that the application is complete or, if the application is incomplete, the specific additional material needed to make a complete application. Determination by the Planning Board that the application is complete in no way commits or binds the Planning Board as to the adequacy of the application to meet the criteria of this Ordinance. The Planning Board shall make a determination as to the completeness of the application. The applicant assumes all responsibility as to its completeness.
    - b. The Planning Board shall provide application forms and all applications shall conform to Planning Board requirements.
  - 2. The application shall be accompanied by a fee in accordance with a fee schedule determined by the Board of Selectmen for each type of activity.

*[NOTE: See Article III, § 5 for explanation of the size symbols.]*

    - a. **{S}** mineral extraction activity of 20,000 sq. ft. to 1 acre ;
    - b. **{M}** mineral extraction activity 1 to 5 acres;
    - c. **{L}** mineral extraction activity larger than 5 acres to 30 acres; or
    - d. **{XL}** mineral extraction activity larger than 30 acres.
    - e. All checks, shall be made payable to the *Town of Washington, Maine*. If a public hearing is deemed necessary by the Planning Board, an additional fee shall be required to cover the costs of advertising, postal notification and dissemination of information. Additional fees may be required by the Washington Planning Board to cover the cost of reviewing the application as specified in Article V §5-G and Article V §2-C(4)
    - f. CEO shall advise the Planning Board regarding the classification of the proposed pit and application fee to be paid.
- B. Public Hearing
  - 1. All mineral extraction activity larger than 1 acre shall require a hearing.
  - 2. A public hearing on the proposed mineral extraction activity shall be conducted in accordance with the procedures in Title 30-A, M.R.S.A., Section 2691(3)A-F or as amended.
  - 3. Notice of the public hearing shall be advertised by the Planning Board at least 10 days in advance in a local newspaper and posted in other places used for public notices, at the expense of the applicant. The notice shall contain a clear and concise statement of the matter to be

addressed. At least 10 days before the public hearing, the Planning Board shall notify by mail the owners of properties within 1,000 feet of any boundary of the property for which application is being made. Upon request, the applicant at their expense must supply a copy of the permit application to any of the owners of properties so mentioned. The owners of properties shall be considered to be persons listed on Town tax maps and lists. The list of abutters shall be verified by the Code Enforcement Officer.

C. Planning Board Decision on the Mineral Extraction Activity Application

1. The Planning Board shall, within sixty days of the completion of the public hearing process, or within sixty days of having received a complete application, if no hearing is held, or within such other time limit as may be mutually agreed to by said Planning Board and applicant, issue a decision denying or granting approval of the proposed mineral extraction activity or granting approval on such terms or conditions as it may deem advisable to satisfy the criteria contained in this Ordinance. In all instances, the burden of proof shall be upon the applicant. The Planning Board shall make a written finding regarding the applicant's Financial and Technical ability to satisfy the criteria contained in this ordinance and conditions of any permit.
2. Upon approval of the mineral extraction activity a majority of the Board shall sign all copies of the final site plan. The original shall be recorded by the applicant with the Knox County Registry of Deeds. One copy shall be retained by the applicant, one copy shall be retained by the Planning Board, one copy shall be filed with the Tax Assessor, and one copy shall be filed with the Code Enforcement Officer. The Planning Board shall maintain a permanent record of their action on the mineral extraction activity. **Any plan not recorded within 90 days after approval, with the Knox County Registry of Deeds shall be null and void.**
3. Approval by the Planning Board of a mineral extraction activity plan shall not be deemed to constitute or be evidence of any legal acceptance by the Town of Washington, Maine of any road, easement, or other open space shown on such plan.

D. Operation Conditions and Limitations

Before any mineral extraction activity begins, and as a condition of the permit, the applicant shall apply for and receive all applicable permits as may be required by Town, state or federal regulations, laws or ordinances regulating such developments, including Planning Board approval, as well as, the provisions of the Site Plan review required by the Land Use Ordinance. Any violation of other permits necessary for operation and noted in the permit shall be considered a violation of this ordinance.

E. Expiration of Approval

Mineral Extraction Activity permits shall expire three years from the date of issuance unless the mineral extraction activity is started.

F. Plan Revisions after Approval

Plan revisions after approval shall be made as further provided for in Article VIII §4 of this Ordinance.

G. Expert Witnesses and Opinions

In the event that the Planning Board requires expert opinions, advice or testimony during the course of reviewing the application, it will use due diligence to obtain and utilize free services from governmental or non-profit sources. Should the Planning Board be unable to obtain and utilize such services, it shall require the applicant to pay for such services, after giving notice to the applicant of the name of the expert, the area of qualification of the expert, and the purpose for which the expert is required, and the approximate cost of the expert. The applicant shall be provided with an opportunity to meet with the Planning Board to arrange a schedule for payment of the costs.

The applicant shall have the right to request a public hearing before the Appeals Board to determine if the experts, as noticed by the Planning Board, are necessary to a determination of any issue properly before the Planning Board, and if the approximate costs of the expert are reasonable. It will be the applicant's burden to prove that the requested expert is unnecessary, or that the cost is excessive. The

applicant shall request the hearing within 10 days of the meeting, or such time as is agreed to by the Planning Board and the applicant.

H. Transfer of Mineral Extraction Activity Permit.

Within thirty (30) days of the date of the transfer, by sale or otherwise, of land upon which a mineral extraction operation is situated, the new owner or owners shall file with the Town notice of the transfer and a statement of agreement and capacity to comply with the Town Mineral Extraction Permit.

1. Failure to comply with this requirement shall be a violation of this Ordinance and may subject the violator to any penalty, or combination of penalties, that may be imposed under the Ordinance.
2. The transferee shall provide the Planning Board the information as required in Article V §2-A, B, and D of this Ordinance.
3. Proposed changes to the terms of the permit, including financial responsibility requirements, shall be considered a request for permit modification and processed accordingly.
4. The Planning Board shall hold a public hearing and provide an opportunity for public comment on any changes in the terms of the permit. Notice of that hearing shall be as specified in Article V §5-B.

**§6 Appeals and Variances – Superseded by TOWN OF WASHINGTON, MAINE, BOARD OF APPEALS ORDINANCE adopted by referendum question March 29, 2013.**

~~A. Administrative Appeals~~

- ~~1. Any person aggrieved by an action of the Planning Board or Code Enforcement Officer pursuant to this Ordinance may file a request for appeal in writing within 30 days of the granting or denial of approval from the Planning Board or Code Enforcement Officer. The request of appeal shall state with specificity the exact portions of the decision that are being appealed, and the legal grounds for appeal. The appellant shall file this request for appeal with the Chairman of the Board of Appeals, who shall issue a dated receipt and who shall, within 7 days of the date of receipt, notify the applicant in writing that either the request for appeal is complete or, if the request for appeal is incomplete, the specific additional material needed to make a complete request for appeal.~~
- ~~2. The fee to accompany request for appeal shall be in accordance with a fee schedule determined by the Board of Selectmen in cash, checks, money orders or bank drafts which shall be made payable to the Town of Washington, Maine. The applicant shall be required to cover the costs of advertising, postal notification and dissemination of information for the appeals hearing.~~
- ~~3. The Board of Appeals shall, upon determination that the Request for Appeal by an aggrieved party is complete and after public notice, hear appeals from determinations of the Planning Board in the administration of this Ordinance within 30 days of such request. The Appeals Board shall cause notice of the date, time and place of said hearing, the location of the proposed mineral extraction activity and the issues raised in the appeal, to be given in writing to the appellant, permit holder and/or applicant and published in a newspaper of general circulation in the Town of Washington, Maine at least two times. The date of the first such publication shall be at least 10 days prior to the hearing. The Board of Appeals shall also cause written notice by mail or hand delivery of the hearing be given to the appellant, permit holder and/or applicant, the Selectmen, the Planning Board, the Code Enforcement Officer, and all property owners within 1,000 feet of the boundaries of the proposed mineral extraction activity at least 14 days prior to the date of the hearing. Notice shall be posted in such public places as a notice of a Town Meeting. Upon request, the applicant at their expense must supply a copy of the request for appeal to any of the owners of properties so mentioned.~~
- ~~4. If such appeal is not made within the stated time, the decision of the Planning Board shall be final.~~

- ~~5. Following such hearing, the Board of Appeals shall have the power to interpret this ordinance and may affirm, modify, vacate or remand the decision of the Planning Board.~~
  - ~~a. The Board of Appeals shall review the Planning Board's conclusions of law, including findings of fact, for support by competent evidence in the record, and other legal issues relevant to the appeal.~~
  - ~~b. The appeal shall not be a de novo hearing, except in the case of an appeal from a *Stop Work Order* or other action by the Code Enforcement Officer.~~
  - ~~c. The Board of Appeals shall render a decision in writing to the appellant and/or applicant, Planning Board Chairman, Code Enforcement Officer, and the Selectmen within 30 days of the appeal hearing.~~
  - ~~d. The Appeals Board decision shall be registered at the Knox County Registry of Deeds at the applicants expense within 30 days of the date the decision becomes final.~~

**B. ~~Variances~~**

- ~~1. The Board of Appeals may, upon written application and hearing as outlined in Article V §5-B of this Ordinance grant a variance from the strict application of the dimensional requirements of this Ordinance, including lot sizes, setbacks, site distances, lot coverage by structures, sign requirements, and parking requirements only if the requirement of this Ordinance would result in undue hardship to the applicant, as defined in Article V §6-B(2), below, of this Ordinance.~~
- ~~2. In order to find an undue hardship the Board of Appeals must find all of the following to grant a variance:~~
  - ~~a. That the land in question cannot yield a reasonable return unless a variance is granted; and~~
  - ~~b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and~~
  - ~~c. That the granting of the 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.~~
- ~~3. Following the public hearing, as outlined in Article V §5-B(2) and (3) of this ordinance, the Board of Appeals shall render a decision to grant or deny a variance in writing to the applicant, the Planning Board, and selectmen, within 30 days of the appeal hearing.~~
- ~~4. Variances for pre-existing conditions. Whenever there are existing conditions that do not meet the provisions of this ordinance that cannot be brought into compliance the owner/operator must obtain a variance from the Board of Appeals in order for this provision to be waived.~~

**C. ~~Appeal to Superior Court~~**

~~Any aggrieved party having proper standing may appeal any decision of the Appeals Board under this Ordinance to the Superior Court of Knox County, within 45 days of a written decision in accordance with Maine State Law.~~

**ARTICLE VI – MINIMUM DESIGN & PERFORMANCE STANDARDS**

**§1 General Requirements — All Operations**

- A. Mineral extraction activities shall conform to all applicable State laws and local ordinances or regulations. Where the provisions of this section conflict with specific provisions of the Land Use Ordinance, the more restrictive standards shall prevail. It is anticipated that the application will be reviewed concurrently with this Ordinance and the requirements of the Land Use Ordinance.
- B. This Article details the specific application requirements for the submissions required in Article V.
- C. The owner and/or permit holder of a mineral extraction activity shall be responsible, both jointly and severally, for ensuring the maintenance of all infrastructure, structures and their sites.
- D. The Planning Board shall consider the financial capacity, technical ability, and prior performance of the applicant to complete all proposed activities .



- E. The Planning Board may approve the application only if the applicant or agent is in compliance with all other Town of Washington or State of Maine permits for Mineral Extraction Activity.
- G. In all cases, the applicant shall have the burden of proof that all requirements, standards, and conditions of this Ordinance and subsequent approval are met.
- H. A copy of the permit must be displayed on site at all times.

## §2 Performance Standards — All Operations

[*NOTE: See Article III, § 5 for explanation of the size symbols.*]

### A. Erosion, Sedimentation Control & Stormwater Management.

- 1. **{A}** All projects.
  - a. Sediment may not leave the parcel or enter a Protected Natural Resource.
  - b. Topsoil stockpile must be stabilized and inspected as specified in Article VI§2-B(1), below.
- 2. Internally Drained projects.
  - a. **{A}** Land shall be restored and stabilized according to the Reclamation Plan.
  - b. **{L}{XL}** For Large and Extra Large projects, a volume calculation shall be provide demonstrating that the area(s) will safely hold a volume of precipitation at least equal to that which may be expected in the area from the 25 year, 24 hour storm event for the region, U.S.D.A. Natural Resources Conservation Service.
- 3. Externally Drained Projects.
  - a. **{A}** If surface water flows out of and away from the proposed site during and after the site is excavated, the following should be provided to assure proper erosion control and prevent siltation of downstream waters. Temporary erosion control measures shall be included in the project design, such as hay bale barriers, silt fencing, and riprap. Plans shall show the location and installation details and include a description of the timing of installation, inspection and maintenance of erosion control measures.
  - b. **{M}{L}{XL}** For Medium through Extra Large Projects, additional information including:
    - i. A plan and narrative detailing specific erosion control measures; and
    - ii. A site plan showing the pre-construction and post-construction contours, and if applicable, phased contours. The plan must show on and off site watershed boundaries and hydrologic surface water flow lines.
  - c. **{A}** Sedimentation pond location and design, if any, shall be designed to the 25 year storm event and based on the U.S.D.A. Natural Resources Conservation Service methodology. The location and construction details of the pond shall be shown on the site plans.

### B. Reclamation Plan

The affected land must be restored to a physical state that is similar to that which existed prior to any development, or encourages the productive use of the land. A reclamation plan is required to be submitted with **ALL {A}** permit applications according to the following specifications:

- 1. **{A}** Topsoil Stockpiling  
Topsoil which is stripped or removed must be stockpiled in sufficient quantity for use in reclaiming disturbed land, unless it is demonstrated to the Planning Board that it is not needed for reclamation purposes. Topsoil stockpiles must be seeded, mulched, or otherwise stabilized. At least 4 inches of topsoil will be used for final cover.
- 2. **{A}** Regrading  
Upon completion of the excavation, the side slopes must be regraded to a slope no steeper than 2.5 horizontal to 1 vertical.
- 3. **{A}** Vegetative cover  
Vegetative cover must be established on all affected land. Topsoil must be placed, seeded, and mulched within 30 days of final grading if it is within a current growing season or within 30 days of the start of the next growing season.

- a. Vegetative material used in reclamation must consist of grasses, legumes, herbaceous, or woody plants or a mixture thereof. Plant material must be planted during the first growing season following the reclamation phase. Selection and use of vegetative cover must take into account soil and site characteristics such as drainage, pH, nutrient availability, and climate to ensure permanent growth.
  - b. The vegetative cover is acceptable if within one growing season of seeding
    - i. the planting of trees and shrubs results in a permanent stand, or regeneration and succession rate, sufficient to assure a 75% survival rate; and
    - ii. the planting results in 90% ground coverage.
  - 4. **{A}** Structures and roads  
All structures and access, haul, or other support roads must be reclaimed once no longer used, unless reserved for future productive use of the land, as described in the reclamation plan.
  - 5. Phased Reclamation  
Except for **{S}** small sized projects, the site must be reclaimed in phases so that:
    - a. **{L}{XL}** For Large and Extra Large projects, the working pit does not exceed 10 acres at one time and the area being actively mined does not exceed 5 acres at any time.
    - b. **{M}** For Medium projects, the working pit does not exceed 3 acres at any time.
    - c. For guidance in planning and implementation of reclamation, see the most recent edition of *Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices* (Cumberland Cty. SWCD; 3/1991) for Pit Reclamation.
  - 6. **{A}** Time Line  
A time line for reclamation shall be included with the reclamation plan. All reclamation shall begin within 6 months of completion of phasing, or the completion of the project or abandonment. The site shall be inspected when the regrading and planting is completed and again at one year to ensure compliance with the reclamation plan.
    - a. A *Certification of Completion of Reclamation* shall be issued by the Code Enforcement Officer only after the final inspection is made and is passed as stated immediately above.
- C. Petroleum Usage **{A}**
- 1. Spill prevention, control, and countermeasures plan shall be required for all size projects.
  - 2. Petroleum Products Storage
    - a. If any petroleum products or other materials with potential to contaminate groundwater are to be stored on the site, a Spill Prevention Control, and Countermeasures (SPCC) Plan shall be submitted. A SPCC Plan shall be developed in accordance with DEP regulations, *Section 5A of Chapter 378 Performance Standards for the Storage of Petroleum Products (CMR 378)*, and shall be submitted with the application and kept with the permit in the Town's records.
    - b. Any petroleum products, highly flammable or explosive liquids, solids or gasses to be stored on site, shall be located in bulk, above ground, anchored tanks or containers, having a roofed, secondary containment system, adequate to contain 110% of the full contents of such container, for control of spills and leaks, and must be located at least 75 feet from any lot line, Town road or interior road.
    - c. The use of underground tanks is strictly prohibited.
  - 3. Machinery Maintenance
    - a. Crankcase oil, hydraulic fluids, and similar products shall not be changed, stored or disposed of within the excavation area, unless specifically covered in the SPCC Plan.
    - b. Routine maintenance operations, such as refueling or oil changes, may be allowed for fixed equipment such as screeners, crushers and wash facilities, if allowed in the district the operation will be located in, provided that a secondary containment system in accordance

with the SPCC Plan, adequate to contain 110% of the full contents of said equipment is installed.

4. Any discharge or leak of petroleum product over a gallon shall be immediately reported to the Code Enforcement Officer and a report kept with the permit in the Town's records. All discharges or leaks of any size shall be cleaned up promptly according to the spill containment and cleanup provisions of *CMR 378*, Section 5H.
5. A copy of the Spill Prevention Control, and Countermeasures Plan shall be kept available on site at all times.
6. The applicant shall demonstrate to the Planning Board's satisfaction the applicant's ability to implement the SPCC plan.

**D. Buffers and Setbacks {A}**

Buffers and setbacks shall be shown on the site plans as follows:

**1. Property Boundaries.**

To minimize visual impacts and provide for wildlife, a 100 foot buffer shall be maintained from property boundaries. This buffer may be reduced to 25 feet with written permission of an abutting landowner; or may be eliminated between abutting properties provided:

- a. written permission is obtained, and
- b. erosion & stormwater control standards on both properties are met.

**2. Existing Structures.**

**{A}** A 300 foot buffer from the closest edge of an existing residence or business, cemetery, or farm building used for livestock shall be maintained with all projects. This buffer may be reduced with written permission of the owner of the structure.

**3. Protected Natural Resources {A}**

The following shall apply:

- a. A natural buffer of 250 feet, horizontal distance, from the normal high water mark of Washington Pond, Crystal Pond, Iron Pond, Spring Pond, Muddy Pond, Lily Pond, Medomak River, Little Medomak River, Davis Stream, Jackson Stream, the stream between Crystal and Washington Ponds, Burns Brook, Calderwood Brook, Jones Brook, Washington Brook, Hope Brook, Vanner Brook, and Pitcher Brook, and all freshwater wetlands identified as shaded areas on the "*Town of Washington Tax Map*."
- b. A 100 foot horizontal distance undisturbed natural buffer shall be maintained from the Normal High Water of all other permanent surface water body or wetland. A minimum 25 foot undisturbed natural buffer shall be maintained from any Normal High Water of an seasonal waterbody or wetland.
  - i. Where the slope is greater than 15%, a natural buffer of 75 feet plus 4 times the average slope percent in horizontal width shall be maintained between the affected land and the protected resource, e.g. if the slope is 15%, then the calculation would be  $75 + (4 \times 15) = 135$  feet for the buffer.

**4. Public Roads.**

**{A}** A 150 foot natural buffer from the closest edge of the shoulder of a public road shall be maintained with all projects. A 50 feet wide undisturbed natural vegetated area, closest to any private road or right of way, shall be maintained, except for any access road entrance. Reduction of the 50 foot buffer from a private road or right of way is allowed with written permission of adjacent property owners.

**5. Screening.**

The Planning Board may at its discretion request the applicant to take specific actions to insure the effectiveness of any buffer required under Article VI, Section 2 (D), Buffers and Setbacks, including, but not limited to, the planting of trees, placement of solid fence or creation of berm.

**E. Road Design, Circulation and Traffic {A}**

1. The intersection of any road within the development area and an existing public road shall meet the following standards:
  - a. The desired angle of intersection shall be 60 degrees to 90 degrees.
  - b. The maximum permissible grade within 75 feet of the intersection shall be 3%.
  - c. A minimum sight distance of 10 feet for every mile per hour of posted speed limit on the existing road shall be provided. Sight distances shall be measured from the driver's seat of a vehicle that is 10 feet behind the curb or edge of shoulder line with the height of the eye 3 1/2 feet above the pavement and the height of object 4 1/4 feet.
  - d. The center line of any road within the project intersecting an existing public road shall be no less than 125 feet from the center line of any other road intersecting that public road.
  - e. Turning lanes, traffic directional islands, frontage roads, and traffic controls shall be provided on public roads at the developer's expense, where necessary, in the opinion of the Planning Board, to safeguard against hazards to traffic or pedestrians, and/or to avoid traffic congestion.
  - f. All access/egress roads leading to or from the extraction site to public ways shall be treated with suitable materials to reduce dust and mud; and paved or otherwise hard surfaced for a distance of at least 200 feet from the public road.
2. Traffic impacts to be considered:
  - a. Where mineral extraction activity traffic will use town maintained roads, the proposed traffic volume and type must be suitable and appropriate to the type and condition of the existing road as determined by E(2)(b)(v), below. In determining this standard, the road condition survey must show not only the current capacity of the existing road but also the type, size and volume of existing traffic and compare this to the proposed traffic volume and type.
  - b. The road giving access to the Mineral Extraction Activity and neighboring roads which can be expected to carry traffic to and from the Mineral Extraction Activity
    - i. shall have traffic carrying capacity; and
    - ii. the surface shall, if a Town road, be suitably improved if necessary at the applicant's expense, and with the permission of the Selectmen and the Road Commissioner, to accommodate the amount and types of traffic generated by the proposed mineral extraction activity; and
    - iii. shall not increase the volume to capacity of any town road above 80%; nor reduce the town road's Level of Service to MDOT rating "D" or below; and
    - iv. shall have minimum travel surface width of 16 feet with 2 foot shoulders; and
    - v. shall require a road condition survey of the town road or, on operations larger than 5 acres, the Planning Board shall require an engineering impact study, at the expense of the applicant; and
    - vi. may require mitigation for adverse impacts on Town roads, by decision of the Planning Board.
  - c. Projects that don't meet these standards shall not be approved.
3. Routing.

Where necessary to safeguard against hazards to pedestrians and to avoid traffic congestion, or adverse impacts to Town roads, alternative routing may be required.

**F. Ground Water Impacts**

The following requirements apply to **{A}** all projects unless otherwise noted.

**1. Assessment Submitted.**

The Planning Board must find that the Mineral Extraction Activity will not cause an adverse impact to ground water quality and quantity before approving any application. The assessment shall be submitted to the Washington Planning Board and kept in the applicant's file.

2. Groundwater buffer.

To provide an adequate buffer for ground water and allow for filtration of impurities from surface water, extraction shall not be any closer than 5 feet above the maximum seasonal high water level. The applicant shall provide documentation of the groundwater table. The Planning Board may require monitoring of groundwater levels and quality to ensure there are no adverse impacts to any water supplies or wells within 500 feet of the site.

3. Water Supply buffer.

A 300 foot separation must be maintained between the limit of excavation and any pre existing private drinking water supply. A 1,000 foot separation must be maintained between the limit of excavation and any well or spring which qualifies as a public drinking water supply. The Planning Board shall require larger buffers from water supplies, if they find that a hazard is shown to exist due to the Mineral Extraction Activity.

4. Water Use.

- a. A mineral extraction activity must not withdraw more than 5,000 gallons of ground water per day, unless a hydrogeologic study is submitted by a hydrogeologist that determines this will not represent an environmental hazard or threaten drinking water supplies.
- b. Any water that is discharged from the site shall be monitored for sediment, pH and other contaminants to ensure the discharge shall not adversely affect surface water quality.

5. Standards for Acceptable Ground Water Impacts

- a. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
- b. No mineral extraction activity shall increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards. No mineral extraction activity shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.
- c. If pre-existing ground water contains contaminants in excess of the primary standards, and the mineral extraction activity is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated, if necessary.

G. Preservation of Natural and Historic Features; **{A}**

The scenic, historic or environmentally sensitive areas identified in the Comprehensive Plan as rare and irreplaceable areas or areas specially designated by the Town or areas identified by the Maine Natural Areas Program shall be preserved.

H. Sanitary Standards **{A}**

1. Sewage Disposal

All water carried sewage shall be disposed of by sewage systems meeting the requirements of the *State of Maine Plumbing Code (CMR 238)*.

2. Solid Waste Disposal

No solid waste, including stumps and grubblings, shall be placed stored or disposed of in the mineral extraction site unless it meets the requirements of the rules and regulations of the Maine Department of Environmental Protection. The storage, collection and disposal of refuse in the mineral extraction site shall not create health hazards, rodent or insect breeding areas, accident or fire hazards, air pollution, or surface or ground water pollution. No off site solid waste material shall be brought in for disposal.

I. Signs **{A}**

Any signs must comply with the standards of the Land Use Ordinance.

J. Noise **{A}**

Normal operation times shall be specified, so as not to constitute a nuisance to residents in the neighborhood, including but not limited to daily starting and ending times.

1. Noise shall be required to be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness, or volume outside of the boundaries of the project.

2. The maximum permissible sound pressure level of any continuous, regular or frequent source of sound shall be established by the time period and type of land use district as listed in Subsection 3, below. Sound pressures shall be measured per Subsection 5, below, at any lot line of the project site, at a height of at least four feet above the ground surface. Both dB(A) and dB(C) scales shall be used, and a violation of either standard shall be deemed to constitute a violation of this Ordinance.

3. The Sound Pressure Limits Measured in Decibels are as follows:

	6 am to 6 pm	
	dB(A)	dB(C)
Rural-Commercial District	60	72
All Other Districts	55	67

4. Sound from production blasting shall be limited as follows, provided a blasting plan has been approved by the Planning Board as a part of the permit:

	11 am to 3 pm	
	dB(A)	dB(C)
Rural-Commercial District	120	129
All Other Districts	110	126

5. Noise shall be measured with a sound level meter meeting the standards of the American National Standards Institute (ANSI S1.4-1961) "American Standard Specification for General Purpose Sound Level Meters." The instrument shall be set to the appropriate weight response scales and the meter to the slow response. Measurements shall be conducted in accordance with ANSI S1.2-1962 "American Standard Method for the Physical Measurement of Sound."
6. The following uses and activities shall be exempt from the noise level regulations:
- Noises emanating from building construction and occasional site maintenance activities between 6:00 a.m. and 6:00 p.m. This shall be waived in emergency situations by a special permit from the Code Enforcement Officer.
  - The noises of safety signals, warning devices, and emergency pressure relief valves and other emergency activity.
  - Traffic noise on existing public ways.
7. The Planning Board, as a term of condition of approval, may establish any reasonable requirement to ensure that the impact of noise shall not exceed that of any other activity in the district the project may be located in. Such conditions may include, but are not limited to, enclosing equipment or operations, imposing limits on hours of operation, or requiring the employment of specific design technologies, site design, modes of operation, or traffic patterns.
8. The sound level limits prescribed in these standards shall not preclude the Planning Board from requiring lower sound level limits so as to ensure the operation will not unreasonably disturb wildlife or adversely affect wildlife populations. **(M) (L) (XL)** Any medium or larger project proposed to be located in a potential wildlife area must submit a study of the wildlife community existing on and adjacent to the site, citing potential disturbances to that population, at the applicant's expense.

**K. Mitigation of Effects on Neighboring Community {A}**

- The project shall not operate on Sundays or the following holidays: New Year's, Memorial Day, Fourth of July, Labor Day, Thanksgiving and Christmas.
- Operations shall only be conducted between the hours of 6 a.m. and 6 p.m. Blasting is limited to the hours between 11 a.m. and 3 p.m.
- No permit shall be granted for any operations for more than 7 years in duration.
  - Except that a project to be completed in up to three distinct and complete phases, which includes reclamation, may be granted for no more than 7 years duration per phase. No

subsequent phase may be started under the existing permit until the prior phase is complete and inspected and approved by the CEO.

- b. A new permit may be applied for at any time.

**L. Additional Review Criteria {A}**

In addition to the standards contained in this section, the Planning Board shall review the project for compliance with all the review criteria contained in M.R.S.A. title 38, Chapter 3, Subchapter 1, Article 7 Performance Standards for Excavations for Borrow, Clay, Topsoil, or Silt and Article 8-A Performance Standards for Quarries. Whenever the provisions of M.R.S.A. title 38 come into conflict with other review criteria of this ordinance, the more restrictive shall apply.

**§3 Performance Standards — Rock Mining Operations**

Because of the intensity of the type of operation, in addition to the performance standards listed in Section 2 of this Article, Rock Mining operations shall conform to the following:

- A. Maximum limit of material that may be extracted per year is 5,000 Cubic Yards.
  - 1. If an applicant chooses to adopt a Forestry Management Plan for wooded lots prepared by a licensed Maine Forester that provides the following minimum standards, then there is no limit on volume of flat rock or area if the rocks are harvested by being picked up from the surface,
    - a. Over the life of the permit, no more than 40% of the trees greater than 4" in diameter at 5' above ground are removed, distributed evenly over the affected area.
    - b. The Forestry Management Plan shall be complied with.
  - 2. An applicant may apply for this wood lot choice, as defined in § 3 (A)(1), above, in addition to other types of operations.
  - 3. The wooded lot choice, as defined in § 3 (A)(1), above, shall be considered a small or medium size operation for fees and application only.
  - 4. In a multiple operation, as defined in § 3 (A)(2), above, the largest size operation shall be used for fees and application purposes.
- B. A surveyed profile of the material on site to be excavated must be calculated and submitted with the permit application and the amount extracted per year confirmed by the annual inspection of the CEO.
- C. Maximum of two acres of open operation at any time, regardless of the size of the project.
  - 1. Area must be reclaimed before next two acres can be started.
  - 2. Excavation may be done in 1 acre or other increments to ensure continuity of operation.
- D. Maximum size of project area is the lesser of 15 acres or 40% of net property acreage over the life of the permit, unless exempted by §3(A)(1) above.
- E. Excavation shall be no deeper than 6' below grade. It shall be necessary to establish the benchmark grade level prior to the granting of the permit. Rock Mining Operations shall be exempt from the Maximum Seasonal High Water Level required by Article VI, §2(F)(2).
- F. High velocity blasting requires blast mats or similar measures to attenuate noise, dust, and debris.

**ARTICLE VII – PERFORMANCE GUARANTEES**

[*NOTE: See Article III, § 5 for explanation of the size symbols.*]

The following applies to **{A}** all sized projects unless otherwise noted.

**§1 Types of Guarantees**

With submittal of the application for mineral extraction Town permit, the applicant shall provide one of the following performance guarantees for an amount adequate to cover the total costs of all required reclamation, taking into account the time-span of the phasing, or reclamation schedule and the inflation rate for costs:

- A. Either a certified check payable to the Town or a savings account or certificate of deposit naming the Town as owner, for the establishment of an escrow account; or

- B. A performance bond payable to the Town issued by a surety company, approved by the Selectmen; or
- C. An irrevocable letter of credit from a financial institution establishing funding for the construction or reclamation of the mineral extraction activity, from which the Town may draw if reclamation or construction is inadequate, approved by the Selectmen; or
- D. **{S}{M}** Small or Medium projects may propose alternatives to the above.

The conditions and amount of the performance guarantee shall be determined by the Planning Board with the advice of one or more of the following: a certified Civil Engineer, Town Road Commissioner, Town Selectmen, and/or Town Attorney, expenses paid for by the applicant.

## **§2 Contents of Guarantee**

The performance guarantee shall contain a reclamation schedule, cost estimates for each major phase of reclamation taking into account inflation, provisions for inspections of each phase of reclamation, provisions for the release of part or all of the performance guarantee to the permit holder, and a date after which the permit holder will be in default and the Town shall have access to the funds to finish reclamation.

## **§3 Escrow Account**

A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the permit holder, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the developer unless the municipality has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the developer and the amount withdrawn to complete the required improvements.

## **§4 Performance Bond**

A performance bond shall detail the conditions of the bond, the method for release of the entire bond or portions of the bond to the Town, and the procedures for collection by the municipality. The bond documents shall specifically reference the mineral extraction activity for which approval is sought.

## **§5 Letter of Credit**

An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the reclamation of the mineral extraction activity and may not be used for any other project or loan.

## **§6 Phasing of Development**

The Board may approve phased performance guarantees, when a mineral extraction activity is approved in separate and distinct phases.

## **§7 Performance Guarantee Review**

Any performance bond or proof of financial capacity shall be reviewed no later than 30 days before the expiration of the guarantee, and adjusted if necessary. The applicant may also request adjustments in the guarantee.

## **§8 Release of guarantee**

Prior to the release of any part of the performance guarantee, the Planning Board shall determine to its satisfaction, that the reclamation meets or exceeds the design requirements for the portion of the reclamation for which the release is requested. The Planning Board's determination shall in part be based upon a certification of compliance, provided by the permit holder, issued by a licensed Civil Engineer and/or adequate assurances that compliance has been achieved from whatever governmental agencies and departments other than the Town that may be involved.

## **§9 Default**

If upon inspection, CEO or other inspecting official finds that any of the required reclamation has not been performed in accordance with the approved plans and specifications, he shall so report in writing to the Municipal Officers, the Board, and the permit holder and guarantor. The permit holder shall have 30 days



unless otherwise specified by the CEO, to remedy any insufficiency noted. Thereafter, Municipal Officers shall take any steps necessary to enforce the guarantee and remedy the insufficiencies.

**§10 Improvement Guarantees**

Performance guarantees may be required for all off site improvements required by this Ordinance, when the Planning Board finds that the scale of the improvements warrants.

**ARTICLE VIII – ENFORCEMENT AND INSPECTIONS.**

**§1 Annual Compliance Inspection**

- A. The annual compliance inspection fee, payable to the Town of Washington, shall be in accordance with a fee schedule determined by the Board of Selectmen for each type.

*[NOTE: See Article III, §5 for explanation of the size symbols.]*

1. **{S}** small mineral extraction activity less than 1 acre;
  2. **{M}** medium mineral extraction activity 1-5 acres;
  3. **{L}** large mineral extraction activity larger than 5 to 30 acres;
  4. **{XL}** extra large mineral extraction activity larger than 30 acres.
- B. The Annual Compliance Inspection (ACI) shall be conducted by the CEO prior yearly during the months of June thru October.
1. The CEO shall provide the selectmen, site owner, and site operator with a report outlining any violations of this ordinance and remediation required.
- C. It is the responsibility of the permit holder to see that the inspection is done conducted as required by this section and to ensure payment of the annual mineral extraction inspection fee as established by the Board of Selectmen. Failure to pay the annual inspection fee may result in a “Stop Work Order” being issued. .
- D. In addition, the CEO shall inspect the gravel extraction or rock mining operation for compliance with all standards contained in M.R.S.A. title 38, Chapter 3, Subchapter 1, Article 7 Performance Standards for Excavations for Borrow, Clay, Topsoil, or Silt and Article 8-A Performance Standards for Quarries. Whenever the provisions of M.R.S.A. title 38 come into conflict with other inspection requirements of this ordinance, the more restrictive shall apply.

**§2 Reclamation Certification**

- A. **{L}{XL}** Upon completion of reclamation or a reclamation phase for large and extra large operations, a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the Chairman of the Planning Board at the expense of the applicant, certifying that the reclamation is in compliance with the approved plans.

**§3 Violations**

- A. No mineral extraction activity plan shall be recorded in the Knox County Registry of Deeds until a Final Plan has been approved and signed by the Planning Board in accordance with this Ordinance.
- B. No person, corporation or other legal entity may sell or offer to sell any materials in a mineral extraction activity site which has not been approved by the Planning Board and recorded in the Knox County Registry of Deeds.
- C. The Code Enforcement officer shall issue a “Notice of Violation” outlining any violations and if the order is not complied with, the Code Enforcement officer shall refer the violation(s) to the Board of Selectmen for legal action.
- D. Any operation that is in violation of other approvals (such as DEP *Intent to Comply for Pits* or for *Quarries* or DEP permits) covering the same operation shall be deemed in violation of approvals granted under this ordinance, in that all other approvals are necessary for approvals under this ordinance to be valid.

**§4 Mineral Extraction Plan Amendments After Approval**

No changes, erasures, or modifications shall be made in a Final Plan after approval has been given by the Planning Board unless the plan is first resubmitted and the Planning Board approves any modifications. The applicant is not required to go through the complete review process of an amendment to an existing mineral extraction activity, unless, in the judgment of the Planning Board the amendment substantially alters the character of the original mineral extraction activity, or unless the change constitutes a new mineral extraction activity. If an amended Final Plan is recorded without complying with this requirement, it shall be null and void. The Planning Board shall record a revocation of a previous recorded document in the Knox County Registry of Deeds.

**§5 Enforcement**

- A. The Code Enforcement Officer of the Town of Washington, Maine, shall enforce this Ordinance and the Selectmen of the Town of Washington, Maine are authorized to institute legal proceedings to enjoin violations of this Ordinance.
- B. If the Code Enforcement Officer finds violation of any provision of this ordinance or failure to comply with any order, permit, approval, condition or other final decision or action of the Planning Board that constitutes a substantial and immediate danger to the health, safety or welfare of any person(s), or property or environment of the Town of Washington, Maine, said Town may initiate immediate injunction proceedings to abate or correct such violations. Violations are subject to inspection as per §1 of this Article.
- C. In any action to enforce any provision of this ordinance where the Town of Washington, Maine prevails, said Town shall be awarded reasonable attorney fees, expert witness fees, and costs unless the court finds that special circumstances make the award of these fees and costs unjust. If the defendant is the prevailing party, the defendant may be awarded reasonable attorney fees, expert witness fees, and costs provided by court rule.

**§6 Penalties**

- A. Any person, firm or corporation, being the owner or having control or use of any mineral extraction activity in violation of any of the provisions of this Ordinance or terms or conditions of any order, permit or approval or final decision of the Planning Board shall be subject to a civil penalty due and payable to the Town of Washington, Maine of not less than one hundred dollars (\$100.00) for each day said violation exists and not more than twenty-five hundred dollars (\$2,500.00) for each day said violation exists or twice the economic benefit resulting from the violation, whichever is greater, not to exceed \$25,000 per day. If the same person has been convicted of a violation of this ordinance within the previous two years, the maximum penalty is twenty five thousand dollars (\$25,000.00) for each day said violation exists.
- B. In setting the penalties, the Court shall consider but is not limited to the following:
  - 1. Prior violations by the same person;
  - 2. The degree of environmental damage that can not be abated or corrected;
  - 3. The extent to which the violation continued following an order to stop;
  - 4. The extent to which the Town of Washington, Maine contributed to the violation by providing incorrect information or failing to take timely action; and
  - 5. Whether penalties have been imposed by another governmental agency for the same incident(s).
- C. Payment of any penalty shall be made within thirty (30) days in cash or by certified check drawn on a recognized financial institution, made payable to the Town of Washington, Maine in an amount equal to the full amount of the penalty.
- D. If the maximum penalty amount of Article VIII §6-A of this ordinance is held void or invalid it is the intent of the Town of Washington, Maine that provisions of Title 30-A, M.R.S.A. Section 4452 be given full force and effect and that the maximum penalty amounts authorized by such provision apply to violations of any order, permit, approval or final decision of the Planning Board, or any provision of this ordinance.

## **ARTICLE IX – SEVERABILITY & CONFLICT**

### **§1 Severability**

Should any section of this Ordinance be declared by the courts of the State of Maine or by the courts of the United States to be invalid, such decisions shall not invalidate any other section or provision of this Ordinance.

### **§2 Conflict with other Ordinances**

This Ordinance shall in no way impair or remove the necessity of compliance with any other rule, regulation, bylaw, permit or provision of law. Where this Ordinance imposes a greater restriction upon the use of the land, buildings or structures, than any other rule, regulation, bylaw, permit or provision of law, the provisions of this Ordinance shall prevail.

## **ARTICLE X – AMENDMENT OF THIS ORDINANCE**

### **§1 Review of Ordinance**

- A. A Mineral Extraction Review Committee shall be appointed by the Selectmen.
- B. Five or more members shall be appointed for staggered three year terms.
- C. The Committee shall elect its chair from among its members.
- D. The Mineral Extraction Review Committee shall meet at least semi-annually to publicly review this ordinance and receive comments and suggestions from the public on possible amendments to this ordinance. The Committee shall present their recommendations to the Board of Selectmen.

### **§2 Initiation of Amendment**

An amendment to this Ordinance may be initiated by:

- A. The Selectmen provided that a majority of the Board has so voted; or
- B. Written petition to the Selectmen bearing signatures of registered voters of the Town of Washington, Maine numbering at least ten percent (10%) of the number who voted in the last gubernatorial election.

### **§3 Adoption of Amendment**

All proposed amendments to this Ordinance shall be voted on by the voters of the Town of Washington, Maine at a Town Meeting, a majority vote being required for adoption.

## **ARTICLE XI – OTHER PROVISIONS**

### **§1 Public Access to Information**

Except as expressly made confidential by law, the Board shall make all documents and records available to the public in accordance with the Maine Freedom of Access Law (1 MRSA § 401 et seq.). The Board shall also keep confidential those documents which may remain confidential pursuant to the Maine Freedom of Access Law. The Board shall make determinations on confidentiality and any person aggrieved by such determination may appeal to a court in accordance with State Law. The Board shall withhold disclosure of such information pending a final judicial determination on any claim of confidentiality. A policy for inspecting and copying documents may be established by the Board, including, but not limited to, a reasonable charge for copying costs.

### **§2 [Repealed]**

### **§3 Right of Entry On to Land**

The CEO shall have the right of entry onto any mineral extraction activity site at reasonable times and with reasonable notice.

*Town of*  
**W A S H I N G T O N**

*County of Knox*



*State of Maine*

# Mobile Home Park Ordinance

Prepared by the  
Washington Planning Board  
George VanDeventer, Chair

Adopted 3/23/1991  
Effective 1/1/1990  
Amended 3/31/2001 & 3/30/2012



# **MOBILE HOME PARK ORDINANCE**

## **ARTICLE I – CONTENTS OF THIS ORDINANCE**

### **§1 Contents**

ARTICLE I – CONTENTS OF THIS ORDINANCE .....	1
ARTICLE II – TITLE & PURPOSE .....	1
ARTICLE III – AUTHORITY, APPLICABILITY & ADMINISTRATION .....	1
ARTICLE IV – SEVERABILITY & CONFLICT .....	2
ARTICLE V – AMENDMENT OF THIS ORDINANCE .....	2
ARTICLE VI – PREAPPLICATION .....	2
ARTICLE VII – MOBILE HOME PARK REVIEW .....	3
ARTICLE VIII – MINIMUM DESIGN & PERFORMANCE STANDARDS .....	8
ARTICLE IX – ENFORCEMENT .....	16
ARTICLE X – PERFORMANCE GUARANTEES .....	18
ARTICLE XI – DEFINITIONS .....	19
ARTICLE XII – INDEX OF THIS ORDINANCE .....	22

## **ARTICLE II – TITLE & PURPOSE**

### **§1 Title**

This Ordinance shall be known and may be cited as *the Town of Washington, Maine Mobile Home Park Ordinance* and will be referred to herein as “this Ordinance”.

### **§2 Purpose**

The purpose of this Ordinance is to ensure the comfort, convenience, safety, health and welfare of the people of the town of Washington, Maine, to protect the environment and to promote the development of an economically sound and stable community.

## **ARTICLE III – AUTHORITY, APPLICABILITY & ADMINISTRATION**

### **§1 Authority**

This Ordinance is enacted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine State Constitution and under the authority granted to the Town by the statutes of the State of Maine Title 30-A, M.R.S.A. Section 3001, and in accordance with the provisions of Title 30-A, M.R.S.A., Section 4358, Subsection 3.

### **§2 Administration**

The provisions of this Ordinance shall be administered by the Town of Washington, Maine Planning Board and enforced by the Town of Washington, Maine Code Enforcement Officer.

### **§3 Effective Date**

This Ordinance shall be effective upon its adoption by vote of the eligible voters of the Town of Washington, Maine in Town Meeting retroactively to January 1, 1990.

**§4 Applicability to this Ordinance**

- A. The provisions of this Ordinance shall apply to all proposed mobile home parks and to expansion of any existing mobile home parks within the boundaries of the Town of Washington, Maine. Mobile home subdivisions as expressly defined in Article XI, §3 of this Ordinance are not governed by this Ordinance, except in the case where the individual owners form a corporate body that owns and governs said mobile home lots in common.
- B. An approved mobile home park plan shall be necessary under the terms of this Ordinance, prior to the establishment or expansion of a mobile home park, and shall consist of a site plan as required by Article VII of this Ordinance, including all attachments, signed by the Planning Board, and may include any conditions attached by the Planning Board.
- C. An approved mobile home park plan shall not exempt an applicant from meeting other applicable local, state or federal requirements.

**ARTICLE IV – SEVERABILITY & CONFLICT**

**§1 Severability**

Should any article of this Ordinance be declared by the courts of the State of Maine or by the courts of the United States to be invalid, such decisions shall not invalidate any other article or provision of this Ordinance.

**§2 Conflict with other Ordinances**

This Ordinance shall in no way impair or remove the necessity of compliance with any other rule, regulation, bylaw, permit or provision of law. Where this Ordinance imposes a greater restriction upon the use of the land, buildings or structures, the provisions of this Ordinance shall prevail.

**ARTICLE V – AMENDMENT OF THIS ORDINANCE**

**§1 Initiation of Amendment**

An amendment to this Ordinance may be initiated by:

- A. The Planning Board provided that a majority of the Board has so voted; or
- B. Request of the Selectmen to the Planning Board; or
- C. Written petition to the Selectmen bearing signatures of registered voters of the Town of Washington, Maine numbering at least ten percent of the number who voted in the last gubernatorial election.

**§2 Adoption of Amendment**

All proposed amendments to this Ordinance shall be referred to the Planning Board for their recommendation. The Planning Board may hold a public hearing on any proposed amendment. Within thirty days of receiving a proposed amendment, the Planning Board shall make known their recommendation to the Selectmen and to the Town. After receiving the recommendation of the Planning Board, the amendment shall be voted on by the voters of the Town of Washington, Maine at a Town Meeting, a majority vote being required for adoption.

**ARTICLE VI – PREAPPLICATION**

**§1 Preapplication Procedure**

- A. Applicant presentation and submission of sketch plans.
- B. Question and answer period. Board makes specific suggestions to be incorporated by the applicant into subsequent submissions.
- C. Scheduling of on-site inspection.

**§2 Preapplication Submission**

The preapplication sketch plan shall show, in simple sketch form, the proposed layout of roads, lots, buildings and other features in relation to existing conditions. The sketch plan, which may be a free-hand pencilled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed mobile home park. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the Assessor's Map(s) on which the land is located. The sketch plan shall be accompanied by a copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed mobile home park.

**§3 Contour Interval and On-Site Inspection**

Within thirty days, the Board shall determine and inform the applicant in writing of the required contour interval on the mobile home park plan. The Board or its designated agent shall, at its earliest convenience and normally within 30 days, make an on-site inspection. If any conditions such as snow exist to prevent an adequate inspection in the opinion of the Board, the applicant shall be notified in writing, and any time limits for review shall be extended accordingly until an on-site inspection can be made. The applicant shall place "flagging" at the centerline of any proposed roads, and at the approximate intersections of the road centerlines and lot corners, prior to the on-site inspection.

**§4 Rights not Vested**

The submittal or review of the preapplication sketch plan shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1, M.R.S.A., §302.

**ARTICLE VII – MOBILE HOME PARK REVIEW**

**§1 Applicability of Article VII**

The provisions of this article shall be in lieu of the review requirements of the Subdivision Ordinance.

**§2 Application**

Prior to the establishment or expansion of a mobile home park, an applicant shall apply for an approved mobile home park plan, which application shall include two reproducible, stable based transparent originals, one to be recorded at the Knox County Registry of Deeds and one to be filed at the Washington Town Office, and three copies on paper, of a site plan, no larger than 24 by 36 inches in size, and having a margin of two inches outside the border line on the left side for binding and a one inch margin outside the border on the remaining sides with space reserved on the plan for the endorsement of the Planning Board; one copy of the plan reduced to a size of 8½ by 11 inches or 11 by 17 inches for each Planning Board Member's use; other plans and elevations necessary to describe the proposed project; all plans drawn to a scale of not more than one hundred feet to the inch; and containing the following information, where applicable, and any other information that may be required by Article VIII of this Ordinance:

- A. Name, address and telephone number of the applicant, and the name, address and telephone number of the owner of the property, if different from the applicant.
- B. The date the plan was prepared with the name, address and telephone number of the person or company that prepared such.
- C. Scale of the drawings submitted and compass rose; all dimensions to be marked in feet or decimals of a foot.



- D. Contour lines showing elevations in relation to mean sea level at appropriate intervals to show the effect on the land of existing and proposed grades for areas proposed to be excavated or filled.
- E. Boundaries of the tract of land showing lot lines, abutting lots, districts within 1,000 feet as defined by the Land Use Ordinance and illustrated on the Town of Washington Tax Assessor's Maps, with total acreage indicated and the Town of Washington Tax Assessor's map and lot number(s). The Planning Board may require a survey by a licensed surveyor.
- F. Verification of right, title or interest the applicant has in the property.
- G. A copy of the deed or deeds of the property together with copies of all covenants or deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
- H. Location of existing and proposed mobile homes and other structures.
- I. Location of buildings or other structures on abutting properties within 300 feet of the property lines of the proposed park.
- J. Location of existing public and private streets, roadways and rights-of-way.
- K. Location of proposed access road to the mobile home park from public streets or roadways.
- L. The following disclaimers shall be attached to the plan to be recorded at the Registry of Deeds and filed with the municipality as well as any other notes or conditions of approval:
  - 1. "The land within the park shall remain in a unified ownership and the fee to lots or portions of lots shall not be transferred."
  - 2. "No dwelling unit other than a manufactured housing unit shall be located within the park."To any plan showing existing or proposed private roads:
  - 3. "All roads in this mobile home park so marked shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town of Washington, Maine."
- M. An estimate of the average daily traffic projected to be generated by the park and a traffic impact analysis, if required, as stated by Article VIII, § 6-F of this Ordinance.
- N. Location and arrangement of proposed off-street parking and loading areas and their appurtenant drives and maneuvering areas.
- O. Location of existing and proposed pedestrian walkways.
- P. Location of existing and proposed utilities and easements therefore, including sanitary sewerage, water supply, and electricity.
- Q. Location, intensity, type, size and direction of all outdoor lighting.
- R. Location and size of signs and all permanent outdoor fixtures.
- S. Location and proposed use of areas proposed for outdoor recreation or for reserved open space as per Article VIII, §5 of this Ordinance.
- T. Location and type of existing and proposed fences, hedges, and trees of 36-inch diameter and over at a point four and one half feet above ground level.
- U. Location of existing natural drainage ways and proposed storm drainage facilities, including dimensions of culverts, pipes, etc.; if any portion of the mobile home park is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.
- V. An analysis of ground water impact if required by Article VIII, §7-A of this Ordinance.
- W. Information about Soils Conditions on the site of the proposed mobile home park. For subsurface sewage disposal proposed, the information shall include evidence of soil suitability according to the standards established in Article VIII, §11 of this Ordinance. The Site Plan shall show the location of soil test areas and natural wet areas.

- X. A soil erosion and sedimentation control plan, prepared in accordance with the standards contained in the latest revision of the *Environmental Quality Handbook* published by the United States Soil Conservation Service.
- Y. A “Preservation of Natural and Historic Features” map as required by Article VIII, §9 of this Ordinance.
- Z. For projects within lake watershed districts a phosphorus control analysis and plan shall be submitted for review and approval.

§3 Application Procedures

A. Submission of Application

1. Applications for mobile home park permits shall be submitted to the Chairman of the Planning Board who shall issue to the applicant a dated receipt. Within 30 days from the date of receipt, the Planning Board shall notify the applicant in writing either that the application is complete or, if the application is incomplete, the specific additional material needed to make a complete application. Determination by the Planning Board that the application is complete in no way commits or binds the Planning Board as to the adequacy of the application to meet the criteria of the Subdivision Law, Title 30-A, M.R.S.A., Sections 4401-4407 or of this Ordinance. The Planning Board shall make a determination as to the completeness of the application. The applicant assumes all responsibility as to its completeness.
2. The application shall be accompanied by a fee in accordance with a fee schedule determined by the Board of Selectmen [*Amended from \$15.00 30 March 2012*], lawful currency of the United States of America, per proposed lot or unit to be located in the proposed mobile home park. All checks, money orders or bank drafts shall be made payable to *the Town of Washington, Maine*. If a public hearing is deemed necessary by the Planning Board, an additional fee shall be required to cover the costs of advertising, postal notification and dissemination of information.

B. Public Hearing

In the event that the Planning Board determines to hold a public hearing on the proposed mobile home park, it shall hold such public hearing within thirty days of having notified the applicant in writing that a complete application has been received and shall cause notice of the date, time and place of said hearing, together with information about the proposed mobile home park regarding its location both by address and map and lot number from the Town of Washington, Maine Tax Assessor’s Map, the number of proposed units or lots to be contained therein, the number and length of new roadways to be contained therein and any other information deemed pertinent to be given in writing to the applicant, all property owners within 3,000 feet of the boundaries of the proposed mobile home park, the Selectmen, Code Enforcement Officer, Road Commissioner, Superintendent of MSAD 40, Maine State Police, Knox County Sheriff and published in a newspaper of general circulation in the Town of Washington, Maine at least two times; the date of the first such publication shall be at least seven days prior to the hearing. The decision to hold a public hearing is discretionary, and in making its decision, the Planning Board may consider the size and type of the proposed mobile home park, the community impact, and whether any written requests for such a hearing from citizens of the Town of Washington, Maine have been received. Public hearings shall be conducted in accordance with the procedures in Title 30-A, M.R.S.A., Section 2691.

C. Planning Board Decision on the Mobile Home Park Application

1. The Planning Board shall, within thirty days of a public hearing, or within sixty days of having received a complete application, if no hearing is held, or within such other time limit as may be mutually agreed to by said Planning Board and applicant, issue an order

denying or granting approval of the proposed mobile home park, or granting approval on such terms or conditions as it may deem advisable to satisfy the criteria contained in this Ordinance and in the Subdivision Law, Title 30-A, M.R.S.A., Sections 4401-4407, and to preserve the public's health, safety, and general welfare. In all instances, the burden of proof shall be upon the applicant. In issuing its decision, the Planning Board shall make a written finding of fact establishing that the proposed mobile home park does or does not meet the provisions of this Ordinance.

2. Upon approval of the mobile home park, a majority of the Board shall sign all copies of the development plan. The original shall be filed by the applicant with the Knox County Registry of Deeds. One copy shall be retained by the applicant, one copy shall be retained by the Planning Board, one copy shall be filed with the Tax Assessor, and one copy shall be filed with the Code Enforcement Officer. The Planning Board shall maintain a permanent record of their action on the mobile home park. Any plan not recorded within 90 days with the Knox County Registry of Deeds shall be null and void.
3. Approval by the Planning Board of a mobile home park plan shall not be deemed to constitute or be evidence of any acceptance by the Town of Washington, Maine of any road, easement, or other open space shown on such plan.

**D. Construction limitations**

1. Construction of the proposed mobile home park is subject to the provisions of Article IX, §2-D of this Ordinance.
2. After approval of the mobile home park, and before any construction begins, the applicant shall apply for and receive all applicable permits as may be required by the Land Use Ordinance, the Subdivision Ordinance or any other Town, state or federal regulations, laws or ordinances regulating such developments and that said permits shall be displayed in a conspicuous place at the site of the proposed mobile home park, visible to all who enter said site for the purposes of construction, inspection and review.

**E. Expiration of Approval**

All approvals shall expire within one year of the date of issuance unless work thereunder is commenced within one year from the date of approval. If work is not completed within two years from the date of approval, a new application must be made.

**F. Plan Revisions after Approval**

Plan revisions after approval shall be made as further provided for in Article IX, §3 of this Ordinance.

**G. Limitation on Units**

After the effective date of this Ordinance as stipulated in Article III, §3 of this Ordinance, mobile and modular homes as defined by Article XI, §3 of this Ordinance, and mobile homes meeting the safety standards contained in Article VIII, §10 of this Ordinance, may be located in a mobile home park sited within the Town of Washington, Maine. Excepting any units legally sited as of the effective date of this Ordinance as stipulated in Article III, §3 of this Ordinance, no manufactured housing unit which fails to meet the definition of mobile or modular home contained in Article XI, §3 of this Ordinance, or which otherwise fails to meet the safety standards contained in Article VIII, §10 of this Ordinance, travel trailers, units not suitable for year-round occupancy, or site built home shall be located in a mobile home park situated within the Town of Washington, Maine.

**H. Expert Witnesses and Opinions**

The Planning Board shall retain the right to call, cite, reference, examine, cross-examine, quote, or question any authority, expert, professional, or experienced individual of their choice who, in their sole opinion, may have pertinent information regarding the proposed mobile home park, at any time during the approval process or during the construction process; all

costs of such shall be borne by the developer of the proposed mobile home park. Consultation shall be sought first from sources without fees.

**§4 Appeals and Variances**

**A. Administrative Appeals**

1. Any person aggrieved by an action from determinations of the Planning Board pursuant to this Ordinance may file an application for appeal in writing within 30 days of the granting or denial of approval from the Planning Board. The applicant shall file this appeal with the Chairman of the Board of Appeals, who shall issue a dated receipt and who shall, within 7 days of the date of receipt, notify the applicant in writing that either the application is complete or, if the application is incomplete, the specific additional material needed to make a complete application.
2. The fee to accompany applications for appeal shall be in accordance with a fee schedule determined by the Board of Selectmen [*Amended from \$25.00 30 March 2012*], lawful currency of the United States of America. All checks, money orders or bank drafts shall be made payable to *the Town of Washington, Maine*. An additional fee shall be required to cover the costs of advertising, postal notification and dissemination of information for the appeals hearing.
3. The Board of Appeals shall, upon complete written application of an aggrieved party and after public notice, hear appeals from determinations of the Planning Board in the administration of this Ordinance within 30 days of such application. Such hearing shall be held in accordance with Maine State Law. The board shall cause notice of the date, time and place of said hearing, the location of the proposed mobile home park, and the general nature of the question involved to be given in writing to the applicant of the appeal and published in a newspaper of general circulation in the Town of Washington, Maine at least two times; the date of the first such publication shall be at least seven (7) days prior to the hearing. The Board shall also cause notice of the hearing be given to the Selectmen, the Planning Board, the Code Enforcement Officer, and all property owners within 3,000 feet of the boundaries of the proposed mobile home park at least 14 days prior to the date of the hearing.
4. If such application for appeal is not made within the stated time, the prior decision of the Planning Board shall be final.
5. Following such hearing, the Board of Appeals may reverse the decision of the Planning Board only upon a finding in fact that the decision of the Planning Board is clearly contrary to specific provisions of this Ordinance. The Board of Appeals shall render a decision in writing to the applicant, Planning Board Chairman, Code Enforcement Officer, and the Selectmen within 30 days of the appeal hearing.

**B. Variances**

1. The Board of Appeals may, upon written application and hearing as outlined in Article VII, § 4-A of this Ordinance grant a variance from the strict application of the dimensional requirements of this Ordinance, including lot sizes, setbacks, site distances, lot coverage by structures, sign requirements, and parking requirements only if the strict application of the terms of this Ordinance would result in undue hardship, as defined in Article XI, § 3 of this Ordinance, to the applicant.
2. Variances are not justified unless all elements of undue hardship, as defined in Article XI, § 3 of this Ordinance are present in the case.
3. Variances to relieve economic hardship or to alleviate economic inconvenience, or to make a project economically viable, or to enhance economic viability, are prohibited.

4. Following the public hearing, as outlined in Article VII, § 4-A of this Ordinance, the Board of Appeals shall render a decision to grant a variance in writing to the applicant, Planning Board Chairman and the Selectmen within 30 days of the appeal hearing.
- C. Appeal to Superior Court  
Any aggrieved party having proper standing may appeal any decision of the Appeals Board under this Ordinance to the Superior Court of Knox County, within thirty days of a written decision in accordance with Maine State Law.
- D. Any appeal or variance granted contrary to the standards set forth in this Ordinance, except as noted in Article VII, §4 of this Ordinance, shall be null and void.

## **ARTICLE VIII – MINIMUM DESIGN & PERFORMANCE STANDARDS**

### **§1 General Requirements**

- A. Except as stipulated below, mobile home parks shall meet all the requirements for a residential subdivision, and shall conform to all applicable State laws and local ordinances or regulations and shall be in conformity with the Land Use Ordinance of the Town of Washington, Maine. Where the provisions of this article conflict with specific provisions of the Subdivision Ordinance, or of the Land Use Ordinance, the provisions of this article shall prevail.
- B. Where a developer elects to create a mobile home park where all land is under one ownership, the park plan shall show lots and the developer shall demonstrate that the development standards described herein are met.
- C. The owner or operator of a mobile home park shall be responsible for ensuring the maintenance of all infrastructure, structures and their sites, including snow removal from all park roads and walkways and sanding where required. Park management shall conform to Maine State Laws. Compliance with this Ordinance shall not exempt the park owner, developer, or manager from complying with other applicable local, state, and federal codes and regulations.
- D. No manufactured housing may be sited within the Town of Washington, Maine without either a bill of sale indicating the name, address, dealer registration number and sales tax certificate number of the person who sold or provided the manufactured housing to the buyer locating such housing in this Town; or evidence of certification of payment of the sales tax in accordance with Title 36, M.R.S.A., Section 1760, Subsection 40 and Title 36, M.R.S.A., Section 1952-B. A copy of each document required for each housing unit shall be filed with the Code Enforcement Officer prior to the siting of said unit.
- E. Mobile home parks shall be considered an allowable use within the Rural-Commercial or Rural Districts of the Town of Washington, Maine as defined in the Land Use Ordinance and as illustrated on the Town of Washington, Maine Tax Assessor's Maps; they shall be considered a conditional use in the Farm and Forest District; they shall be specifically prohibited from the Village, Shoreland, Watershed, Conservation, and Historic Districts as well as any other environmentally sensitive areas, as defined in Article XI, § 3 of this Ordinance.

### **§2 Lot Area, Lot Width and Lot Coverage Requirements**

Lots in a mobile home park shall meet the following lot area and lot width requirements.

- A. Lots served by public sewer:  
Min. lot area: .....6,500 square feet  
Min. lot width: .....50 feet

- B. Lots served by individual subsurface waste water disposal systems  
     Min. lot area: .....20,000 square feet  
     Min. lot width: .....100 feet
- C. Lots served by a central subsurface waste water disposal system approved by the Maine Department of Human Services:  
     Min. lot area: .....12,000 square feet  
     Min. lot width: .....75 feet
- D. The overall density of any park served by any subsurface wastewater disposal system shall not exceed one dwelling unit per 20,000 square feet of total park area.
- E. The overall density of the mobile home park shall be the combined area of its mobile home lots plus the sum of the area required for road rights-of-way, the area required for buffer strips (if any), the open space area as defined in Article VIII, §5-A of this Ordinance (if the park is served by a public sewer), and the area within the shoreland setback as defined in the Land Use Ordinance.
- F. Where lots front on a curved right-of-way or are served by a driveway, the frontage requirement shall be measured in a straight line perpendicular to the front of the manufactured home.
- G. Lots located within any shoreland zoning district shall meet the lot area, lot width and shore frontage requirements for that district.
- H. All buildings on the mobile home lot, including accessory buildings and structures, but excluding open decks and parking spaces, shall not cover more than 50% of the lot area.

**§3 Unit Setback Requirements**

- A. The following minimum unit setbacks shall apply to all homes and accessory buildings located in the mobile home park:
 

	Lots served by public sewer	All other lots
Front setback .....	20 feet.....	20 feet
Side setback .....	10 feet.....	20 feet
Rear setback .....	10 feet.....	10 feet
- B. So as to avoid monotony and sameness, the Planning Board may allow the front setback on a private road within the mobile home park to be varied provided that no home may be closer than 10 feet from the right-of-way and the average distance is at least 20 feet for all units.
- C. On lots which abut a public way either within the park or adjacent to the park, or on lots which are located within a shoreland zoning district, structures shall meet the setback requirements and setback from high water mark requirements in the Land Use Ordinance for the respective district those lots are located in.
- D. The Planning Board may allow unit side yard setbacks to be reduced to 5 feet provided a distance of 20 feet is maintained between units for the purpose of providing more useable yard space on one side of a home.
- E. A minimum 20 foot separation shall be maintained between all manufactured homes in all directions.

**§4 Buffering**

If a park is proposed with a residential density at least twice the density of adjacent development in existence, or at least twice the density permitted in the zoning district in which the park is located if the neighboring land is undeveloped, the park shall be designed with a continuous landscaped area not less than fifty feet in width which shall contain no structures or streets.

**§5 Open Space Reservation**

For mobile home parks served by a public sewer:

- A. An area no less than 10% of the total area of the mobile home park lots shall be reserved as open space. The area reserved as open space shall be maintained and used for its stated purpose. Parking space, driveways and streets and buffer areas are not considered useable open space but community recreation buildings, pools and courts are considered as open space.
- B. At least 50% of the reserved open space shall have slopes less than 5%, shall not be located on poorly or very poorly drained soils, and shall be accessible directly from roads within the park.
- C. All developed open space shall be designed and landscaped for the use and enjoyment of the park residents and shall be maintained for their long term use. Plans for these areas shall be submitted in the approval application.
- D. To the maximum extent possible, undeveloped open space shall be left in its natural state. Improvements to make trails for walking and jogging or to make picnic areas are permitted. Plans for these areas shall be submitted in the approval application.
- E. The developer shall submit as part of the application, a copy of that portion of the proposed mobile home park rules and a plan which specify how the open space is to be used and maintained and what conditions are to apply to its use. The plan shall specify the areas to be dedicated to open space, recreation, and storage.
- F. The Planning Board may waive the requirement for open space when the park is located within one half mile of a publicly owned recreation area of equal or greater area.
- G. Reserved open space shall not be used for future mobile home lots.

**§6 Road Design, Circulation, Traffic Impacts and Parking**

Roads within a park shall be designed by a Professional Engineer, registered in the State of Maine.

- A. Roads which the applicant proposes to be dedicated as public ways shall be designed and constructed in accordance with the standards for roads as detailed in Article XII of the Subdivision Ordinance.
- B. Roads which the applicant proposes to remain private ways shall meet the following minimum design standards.
  1. For two way roads:
    - i. Minimum right of way width: .....23 feet
    - ii. Minimum width of traveled way: .....20 feet
  2. For one way roads:
    - i. Minimum right of way width: .....18 feet
    - ii. Minimum width of traveled way: .....14 feet
  3. Cul-de-sac turnarounds shall have a minimum radii of 50 feet at the outer edge of the pavement, exclusive of any parking areas.
  4. The surfacing of all private roads shall be constructed in accordance with Article XII, §3 of the Subdivision Ordinance.
  5. The park owner or management shall be responsible for snow removal and sanding on all park roads.
- C. Any mobile home park expected to generate average daily traffic of 200 trips per day or more shall have at least two road connections with existing public roads. Any road within a park with an average daily traffic of 200 trips per day or more, shall have at least two road connections leading to existing public roads, other roads within the park, or other roads shown on an approved subdivision plan.
- D. No individual lot within a park shall have direct vehicular access onto an existing public road.

- E. The intersection of any road within a park and an existing public road shall meet the following standards.
  - 1. The desired angle of intersection shall be 90°. The minimum angle of intersection shall be 75°.
  - 2. The maximum permissible grade within 75 feet of the intersection shall be 2%.
  - 3. A minimum sight distance of 10 feet for every mile per hour of posted speed limit on the existing road shall be provided. Sight distances shall be measured from the driver's seat of a vehicle that is 10 feet behind the curb or edge of shoulder line with the height of the eye 3½ feet above the pavement and the height of object 4¼ feet.
  - 4. The center line of any road within a park intersecting an existing public road shall be no less than 125 feet from the center line of any other road intersecting that public road.
  - 5. No connection of a road within a mobile home park shall be made with any public road unless the public road meets or exceeds the standards for roads in Article XII of the Subdivision Ordinance.
  - 6. Where necessary to safeguard against hazards to traffic, pedestrians and/or to avoid traffic congestion, turning lanes, traffic directional islands, frontage roads, and traffic controls shall be provided on public roads at the developers expense.
- F. The application shall contain an estimate of the average daily traffic projected to be generated by the park. Estimates of traffic generation shall be based on the Trip Generation Manual, 1987 edition, published by the Institute of Transportation Engineers. If the park is projected to generate more than 400 vehicle trip ends per day, the application shall also include a traffic impact analysis, by a professional engineer registered in the State of Maine with experience in transportation engineering.
- G. Each lot shall be legibly marked for identification, and easily accessible to emergency vehicles, permitting fire apparatus and emergency vehicles to approach within 100 feet.
- H. Curvilinear roads shall be utilized within the park wherever possible. No road within the park shall be more than 200 feet long without a curve or bend.
- I. All roads within the park and connecting with roads outside the park shall be marked with signs designating their name, appropriate safety and stop signs, and with appropriate lines and markings painted on them, all approved by the Road Commissioner. Proposed road names shall be approved by the Planning Board.
- J. On-street parking shall be prohibited within the park unless an eight foot parking lane is provided in addition to the road width requirements of Article VIII, §6-B of this Ordinance, in which case on-street parking may be permitted on the side of the road where the parking lane is located.
- K. For each mobile home lot there shall be provided and maintained at least two hard surfaced off-street parking spaces. Each parking space shall contain a minimum of 200 square feet with minimum dimensions of 10 feet by 20 feet. This requirement may be waived if a parking lane is provided that supplies an equivalent number of parking spaces.
- L. Guest and service parking shall be provided within the boundaries of the park at a ratio of one space for every four mobile home lots. Such parking shall be hard surfaced and the spaces shall be marked and reserved for that sole use. These parking spaces shall be off-street unless a parking lane is provided that supplies the equivalent number of spaces in addition to those required under Article VIII, §6-K.
- M. The mobile home park shall contain pedestrian walkways that link all units and all service and recreational facilities. Such walkways shall be adequately surfaced and lit. A portion of the road surface may be reserved for walkways provided the roadway width is increased and marked accordingly. Walkways shall be a minimum width of 3 feet and shall be constructed



in accordance with Article XII, §2-K of the Subdivision Ordinance. The park owner or management shall be responsible for snow removal on all park walkways.

- N. Outdoor lighting shall be provided to adequately illuminate internal streets and pedestrian walkways. Lights shall be sized and directed to avoid adverse impact on adjacent properties. Lighting costs and maintenance are the responsibility of the park management.

## **§7 Ground Water Impacts**

### **A. Assessment Submitted**

Accompanying the application for approval of any mobile home park which is not served by public sewer shall be an analysis of the impacts of the proposed mobile home park on ground water quality. The hydrogeologic assessment shall be prepared by a certified geologist or professional engineer registered in the State of Maine, experienced in hydrogeology and shall contain at least the following information.

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

### **B. Standards for Acceptable Ground Water Impacts**

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

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

**§8 Conversion**

No development or subdivision which is approved under this Ordinance as a mobile home park may be converted to another use or individual lots sold without the approval of the Planning Board, and meeting the appropriate lot size, lot width, setback and other requirements of the applicable district.

**§9 Preservation of Natural and Historic Features**

The Planning Board shall require that the proposed park include a landscape and management plan that will show the preservation of scenic, historic or environmentally desirable areas or any areas identified in the Comprehensive Plan or by the Maine Critical Areas Program as rare and irreplaceable areas.

**§10 Safety Standards**

The standards in Article VIII, §10 shall apply to all manufactured housing built before June 15, 1976, or any manufactured housing not built according to the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70, to be located in a mobile home park in the Town of Washington, Maine. The park owner shall have the burden of proving to the Code Enforcement Officer that these standards are met.

**A. Exit Facilities - Exterior Doors**

1. Required egress doors shall not be located where a lockable interior door must be used in order to exit.
2. Homes shall have a minimum of two exterior doors not less than twelve feet from each other as measured in any straight line direction regardless of the length of travel between doors. One of the required exit doors must be accessible from the doorway of each bedroom without traveling more than 35 feet.
3. All exterior swinging doors shall provide a minimum 28 inches wide by 74 inches high clear opening. All exterior sliding glass doors shall provide a minimum 28 inches wide by 72 inches high clear opening. Locks shall not require the use of a key for operation from the inside.

**B. Exit Facilities - Egress Windows and Devices**

Mobile homes shall have the following emergency egress facilities:

1. Every room designated expressly for sleeping purposes, unless it has an exit door, shall have at least one outside window or approved exit device. If an exit window or device is installed, it shall be listed in accordance with procedures and requirements of AAMA 1704-1985.
2. The bottom of the window opening shall not be more than 36 inches above the floor.
3. Locks, latches, operating handles, tabs and any other window, screen or storm window devices, which need to be operated in order to permit exiting, shall not be located in excess of 54 inches from the finished floor.

**C. Interior Doors**

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

**D. Fire Detection Equipment**

1. At least one smoke detector (which may be a single station alarm device) shall be installed in the home in the following locations:
  - i. A smoke detector shall be installed on any wall in the hallway or space communicating with each bedroom area between the living area and the first bedroom

door unless a door separates the living area from that bedroom area, in which case the detector shall be installed on the living area side as close to the door as practical.

Homes having bedroom areas separated by any one or combination of communication areas such as kitchen, dining room, living room, or family room (but not a bathroom or utility room) shall have at least one detector protecting each bedroom area.

- ii. When located in hallways, the detector shall be between the return air intake and the living area.
- iii. The smoke detector shall not be placed in a location which impairs its effectiveness.
- iv. Smoke detectors shall be labeled as conforming with the requirements of Underwriters Laboratory Standards No. 217, Third Edition, 1985, as amended through October 8, 1985, for single and multiple station smoke detectors.
- v. Each smoke detector shall be installed in accordance with its listing. The top of the detector shall be located on a wall four inches to twelve inches below the ceiling. However, when a detector is mounted on an interior wall below a sloping ceiling, it shall be located four inches to twelve inches below the intersection on the connecting exterior wall and the sloping ceiling (cathedral ceiling). The required detector(s) shall be attached to an electrical outlet box and the detector connected by permanent wiring method into a general electrical circuit. There shall be no switches in the circuit to the detector between the over-current protection device protecting the branch circuit and the detector. The smoke detector shall not be placed on the same branch circuit or any circuit protected by a ground fault circuit interrupter.

**E. Flame Spread**

1. Ceiling interior finish shall not have a flame spread rating exceeding 75.
2. Walls and ceilings adjacent to or enclosing a furnace or water heater shall have an interior finish with a flame spread rating not exceeding 25. Sealants and other trim material two inches or less in width used to finish adjacent surfaces within this space are exempt if supported by framing members or by materials having a flame spread rating not exceeding 25.
3. Exposed interior finishes adjacent to the cooking range shall have a flame spread rating not exceeding 50.
4. Kitchen cabinet doors, countertops, backsplashes, exposed bottoms, and end panels shall have a flame spread rating not to exceed 200.
5. Finish surfaces of plastic bathtubs, shower units, and tub or shower doors shall not exceed a flame spread rating of 200.
6. No burner of a surface cooking unit shall be closer than twelve horizontal inches to a window or an exterior door.

**F. Kitchen Cabinet Protectors**

1. The bottom and sides of combustible kitchen cabinets over cooking ranges to a horizontal distance of six inches from the outside edge of the cooking range shall be protected with at least  $\frac{5}{16}$  inch thick gypsum board or equivalent limited combustible material. One inch nominal framing members and trim are exempted from this requirement. The cabinet area over the cooking range or cooktops shall be protected by a metal hood with not less than a three inch eyebrow projecting horizontally from the front cabinet face. The  $\frac{5}{16}$  inch thick gypsum board or equivalent limited combustible material which is above the top of the hood may be supported by the hood. A  $\frac{3}{8}$  inch enclosed air space shall be provided between the bottom surface of the cabinet and the gypsum board or equivalent limited combustible material. The hood shall be at least as wide as the cooking range.

2. The metal hood will not be required if there is an oven at least as wide as the cooking range installed between the cabinet and the range, centered above the range.
  3. Ranges shall have a vertical clearance above the cooking top of not less than 24 inches to the bottom of combustible cabinets.
- G. Carpeting  
Carpeting shall not be used in a space or compartment designed to contain only a furnace and/or water heater. Carpeting may be installed in other areas where a furnace or water heater is installed, provided that it is not located underneath the furnace or water heater.
- H. Heating and Fuel Burning System  
A person holding a master license issued by the State of Maine Oil and Solid Fuel Examining Board shall inspect and certify in writing that the heating and fuel system meets the requirements of NFPA-31 - Installation of Oil Burning Equipment as adopted by that Board.
- I. Electrical System  
A person holding a master license issued by the State of Maine Electricians Examining Board shall inspect and certify in writing that the electrical system is safe and meets the National Electrical code in effect at the time the home was manufactured.

#### §11 Sanitary Standards

- A. Sewage Disposal
1. All water carried sewage shall be disposed of by means of one of the following:
    - i. A centralized private sewer system approved by the State of Maine Department of Human Services, serving each mobile home lot in the mobile home park.
    - ii. Individual subsurface sewage systems meeting the requirements of the State of Maine Plumbing Code
  2. All subsurface sewage systems shall be located on soils approved by the local Plumbing Inspector.
- B. Refuse Disposal  
The storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.

#### §12 Fire Protection

- A. If the mobile home park is to contain 20 living units or more and the park is not served by a piped central or public water supply then the developer shall construct a pond or ponds with suitable dry hydrant(s) within  $\frac{1}{2}$  mile of the proposed park to provide adequate water storage for fire-fighting purposes. An easement shall be granted to the Town of Washington, Maine granting access to and maintenance of the dry hydrant(s) where necessary. The Planning Board may waive this requirement only upon submittal of evidence that there is an existing pond with dry hydrant(s) within  $\frac{1}{2}$  mile of the proposed mobile home park or that the soil types within  $\frac{1}{2}$  mile of the proposed mobile home park will not permit their construction. The burden of proving this rests solely with the developer.
- B. If the park is served by a piped central or public water supply then the developer shall install fire hydrants within the park at the rate of one hydrant for every six units or less.

#### §13 Storm Drainage

A storm drainage plan shall be prepared by a professional engineer licensed by the State of Maine showing ditching, culverts, storm drains, easements, and other proposed improvements sufficient to accommodate a 25-year storm. Said storm drainage construction shall conform to the standards set forth in Article XII, §5 of the Subdivision Ordinance.

**§14 Storage**

At least 294 cubic feet (for example, a utility building measuring approximately 6' wide by 7' long by 7' high or equivalent) of enclosed tenant storage facilities shall be conveniently provided on or near each mobile home lot for the storage of materials and equipment.

**§15 Utility Requirements**

All mobile home parks shall provide permanent electrical, water and sewage disposal connections to each mobile home in accordance with applicable state and local rules and regulations. State rules and regulations shall take precedence over local rules and regulations in the event there is a conflict.

**§16 Signs**

Signs and advertising devices shall be prohibited in the mobile home park except:

- A. One identifying sign at each entrance of the mobile home park no larger than 24 square feet which may be indirectly lit, but not flashing.
- B. Directional and informational signs for the convenience of tenants and the public relative to parking, office, traffic movement, etc.
- C. Mobile/manufactured home "for sale" signs, provided that such signs that face a public road shall be no more than 10 square feet and shall be limited to two signs per mobile home park.
- D. Mobile/manufactured home address signs.

The styles and location of the identifying sign shall not interfere with vehicle sight distance.

**§17 Roof Loads**

All homes to be located in the mobile home park with roofs added after manufacturing will require a professional engineer licensed in the State of Maine to inspect the roof to determine that the roof and home can withstand the extremes of the local weather and winds that may occur and certify such in writing.

**ARTICLE IX – ENFORCEMENT**

**§1 Construction Inspection**

- A. At least five days prior to completing each major phase of construction of required improvements, the developer or builder shall:
  1. Notify the Code Enforcement Officer in writing of the time when it is proposed to complete construction of the following phases of construction so that the Municipal Officers can cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board:
    - i. Roads and Walkways
    - ii. Septic and Drainage
    - iii. Utilities, Lighting and Signs
    - iv. Fire Pond and Open Space, if required
    - v. Unit Siting, Buffers, and Utility Building Siting
  2. Submit a fee in accordance with a fee schedule determined by the Board of Selectmen [*Amended from \$100 per phase 30 March 2012*] to pay for the costs of inspection per phase as listed in Article IX, §1-A1, i through v, of this Ordinance, lawful currency of the United States of America, with said notification. All checks, money orders or bank drafts shall be made payable to *the Town of Washington, Maine*.

- B. If the inspecting official finds upon inspection that any of the required improvements have not been constructed in accordance with the plans and specifications filed for the mobile home park, it shall be so reported in writing to the Selectmen, Planning Board, developer and owner of the mobile home park. The Selectmen shall take any steps necessary to preserve the rights of the Town of Washington, Maine.
- C. If at any time before or during the construction of the required improvements it appears to be necessary or desirable to modify the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this article in writing and shall transmit a copy of the approval to the Planning Board. Revised plans shall be filed with the Chairman of the Planning Board. For major modifications, such as relocation of rights-of-way, property or lot boundaries, changes of grade by more than 1%, etc., the developer or owner shall obtain permission in writing to modify the plans from the Planning Board.
- D. Upon completion of road construction, a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the Chairman of the Planning Board at the expense of the applicant, certifying that the road(s) meet or exceed the design and construction requirements of this Ordinance.

## §2 Violations

- A. No mobile home park plan shall be recorded in the Registry of Deeds until a Final Plan has been approved and signed by the Planning Board in accordance with this Ordinance.
- B. No person, corporation or other legal entity may sell or rent or offer to sell or rent any land in a mobile home park which has not been approved by the Planning Board and recorded in the Registry of Deeds.
- C. No public utility, water district or sewer district shall serve any lot in a mobile home park for which a final Plan has not been approved by the Planning Board and recorded in the Registry of Deeds.
- D. No development of the infrastructure of a mobile home park may begin until Final Plan approval by the Planning Board and recording in the Registry of Deeds. Development includes the grading and construction of roads, the grading of lots, utility installations, siting of mobile homes, and construction of buildings.

## §3 Park Plan Amendments After Approval

No changes, erasures, or modifications shall be made in a Final Plan after approval has been given by the Planning Board unless the plan is first resubmitted and the Planning Board approves any modifications. The applicant is not required to go through the complete review process of an amendment to an existing mobile home park, unless, in the judgment of the Planning Board the amendment substantially alters the character of the original mobile home park, or unless the change constitutes a new mobile home park. If an amended Final Plan is recorded without complying with this requirement, it shall be null and void. The Planning Board may institute proceedings to have the plan stricken from the Registry of Deeds.

## §4 Enforcement

The Code Enforcement Officer or the Selectmen of the Town of Washington, Maine, upon finding that any provisions of this Ordinance or the conditions of any approval(s) is being violated, are authorized to institute legal proceedings to enjoin violations of this Ordinance.

**§5 Penalties**

Any person, firm or corporation being the owner or having control or use of any residential building or infrastructure constructed or placed in violation of any of the provisions of this Ordinance shall be fined in accordance with the penalty provisions of Title 30-A M.R.S.A. Section 4452.

**ARTICLE X – PERFORMANCE GUARANTEES**

**§1 Applicability of Article X**

The provisions of this article shall be in lieu of the Performance Guarantee requirements of the Subdivision Ordinance.

**§2 Types of Guarantees**

With submittal of the application for Final Plan approval, the developer shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs:

- A. Either a certified check payable to the Town or a savings account or certificate of deposit naming the Town as owner, for the establishment of an escrow account; or
- B. A performance bond payable to the Town issued by a surety company, approved by the Selectmen; or
- C. An irrevocable letter of credit from a financial institution establishing funding for the construction of the mobile home park, from which the Town may draw if construction is inadequate, approved by the Selectmen.

The conditions and amount of the performance guarantee shall be determined by the Board with the advice of the Code Enforcement Officer, Road Commissioner, Selectmen, and/or Town Attorney.

**§3 Contents of Guarantee**

The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and a date after which the developer will be in default and the Town shall have access to the funds to finish construction.

**§4 Escrow Account**

A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the developer, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the developer unless the municipality has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the developer and the amount withdrawn to complete the required improvements.

**§5 Performance Bond**

A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the developer, and the procedures for collection by the municipality. The bond documents shall specifically reference the mobile home park for which approval is sought.

**§6 Letter of Credit**

An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have

been set aside for the construction of the mobile home park and may not be used for any other project or loan.

**§7 Phasing of Development**

The Board may approve plans to develop a mobile home park in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed mobile home park street which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

**§8 Release of guarantee**

Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction, in part upon the report of the inspecting official and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.

**§9 Default**

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

**§10 Improvements Guaranteed**

Performance guarantees shall be tendered for all improvements required by this Ordinance, as well as any other improvements required by the Board.

**ARTICLE XI – DEFINITIONS**

**§1 Construction of Language**

In general, all words and terms used in this Ordinance shall have their customary dictionary meanings. More specifically, certain words and terms shall be described below.

**§2 Relationship to Other Town Ordinances**

Where there is a conflict between the language contained in this Ordinance and any other Town ordinances, the stricter language shall apply for purposes of this Ordinance.

**§3 Definitions**

**Board of Appeals:** The Appeals Board of the Town of Washington, Maine as created by 30A, M.R.S.A. 4353.

**Body of Water:** Shall include the following:

- A. *Pond or Lake* - any inland impoundment, natural or manmade, which collects and stores surface water.
- B. *Stream or River* - a free flowing drainage outlet, with a defined channel lacking terrestrial vegetation, and flowing water for more than three months during the year.
- C. *Tidal* - any area upon which tidal action occurs.



**Code Enforcement Officer:** A person appointed by the Selectmen of the Town of Washington, Maine to administer and enforce this Ordinance. Reference to the Code Enforcement Officer may be construed to include Building Inspector, Plumbing Inspector, Electrical Inspector, and the like, where applicable.

**Comprehensive Plan:** Any part or element of the overall plan for development of the Town of Washington, Maine as defined in Title 30-A, M.R.S.A. §4301 and as the same may be amended from time to time.

**Driveway:** A private vehicular entrance from a road or right-of-way. The driveway itself shall not constitute the means of legal access along which frontage may be measured.

**Environmentally sensitive areas:** Wetlands, swamps, dune areas, wildlife habitat areas, prime agricultural areas, areas with steep slopes, areas with poorly drained soils if not on a public sewer, and flood plain areas (subject to a 100 year flood).

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

**Frontage:** The linear distance between the sidelines of a lot, measured along the line that borders upon whatever right-of-way serves as legal access to the lot. For the purposes of these regulations, the following ways shall constitute legal access to a lot along which frontage may be measured:

- A. A way accepted by or established as belonging to the Town of Washington, Maine, or the State of Maine, provided access is not specifically prohibited.
- B. A road way, whether dedicated to public ownership or not, as shown on an approved mobile home park plan; this road way must have been constructed before consideration for lot access.

**Hard surfaced:** A covering for roads and walkways comprising any hard material such as packed gravel, pea stone, asphalt, concrete, or paving blocks but not including sand, soil, clay, loam, or wood.

**Land Use Ordinance:** The Town of Washington, Maine Land Use Ordinance as adopted 22 December 1988 by the Town and its subsequent amendments.

**Lot Area:** The total horizontal area within the lot lines.

**Lot Coverage:** The total horizontal area within the lot lines.

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

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

- A. Those units constructed after June 15, 1976, commonly called “newer mobile homes,” which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, which in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings,

with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit; this term also includes any structure which meets all the requirements of this subparagraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.; and

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

**Mobile Home Park Lot:** The area of land on which an individual home is situated within a mobile home park and which is reserved for use by the occupants of that home. The Planning Board may require a lot to be designated on a mobile home park plan.

**Mobile Home Park:** A parcel of land under unified ownership approved by the Planning Board designed and/or used to accommodate three or more manufactured housing units.

**Mobile Home Subdivision or Development:** A parcel of land approved by the Planning Board designed and/or used to accommodate three or more manufactured housing units on individually owned lots.

**M.R.S.A.:** The abbreviation for *Maine Revised Statutes, Annotated*, the definitive source for all state statutes as published and updated by the State of Maine.

**Normal High Water Mark of Inland Waters:** That line of the shores and banks of nontidal water which is apparent because of the different character of the soil or the vegetation due to the prolonged action of the water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial (by way of illustration , aquatic vegetation includes but is not limited to the following plant and plant groups: water lily, pond lily, pickerilweed, cattail, wild rice, sedges, rushes, and marsh grasses, and terrestrial vegetation included but is not limited to the following plants and plant groups, Upland grasses, aster, lady slipper, wintergreen, partridgeberry, sarsparilla, pines, cedars, oaks, ash, alders, elms, and maples). In places where the shore or bank is of such character that the high water mark shall be estimated from places where it can be determined by the above method.

**Planning Board:** The Municipal Reviewing Authority of the Town of Washington, Maine as defined by 30A M.R.S.A. Section 4301, Subsection 12.

**Road:** Public and private ways such as alleys, avenues, boulevards, highways, roads, streets, lanes and other rights-of-way, as well as areas on mobile home park plans designated as rights-of-way.

**Road Commissioner:** The elected officer of the Town of Washington, Maine in charge of the roads of said Town.

**Selectmen:** The primary elected officers of the Town of Washington, Maine.

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

**Setback from Water:** The horizontal distance from the normal high water mark to the nearest part of a structure.

**Subdivision Ordinance:** The Town of Washington, Maine Subdivision Ordinance as adopted 1 April 1989 by the Town and its subsequent amendments.

§: A symbol used by legislating bodies or entities meaning “section.”

**Undue Hardship:**

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

**Variance:** A relaxation of the terms of an ordinance where such variance would not be contrary to the public interest where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship. A financial hardship shall not constitute grounds for granting a variance. The crucial points of variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless all elements are present in the case.

**ARTICLE XII – INDEX OF THIS ORDINANCE**

§1 Index

Administration .....	Article III, §2 .....	1
Adoption of Amendment .....	Article V, §2.....	2
Appeals and Variances.....	Article VII, §4 .....	7
Applicability of Article VII .....	Article VII, §1 .....	3
Applicability of Article X .....	Article X, §1 .....	18
Applicability to this Ordinance .....	Article III, §4 .....	2
Application.....	Article VII, §2 .....	3
Application Procedures .....	Article VII, §3 .....	5
Authority .....	Article III, §1 .....	1
Buffering .....	Article VIII, §4.....	9
Conflict with other Ordinances .....	Article IV, §2 .....	2
Construction Inspection .....	Article IX, §1 .....	16
Construction of Language .....	Article XI, §1 .....	19
Contents .....	Article I, §1 .....	1
Contents of Guarantee.....	Article X, §3.....	18
Contour Interval and On-Site Inspection .....	Article VI, §3 .....	3
Conversion .....	Article VIII, §8.....	13
Default.....	Article X, §9.....	19
Definitions.....	Article XI, §1 .....	19

Effective Date .....	Article III, §3 .....	1
Enforcement .....	Article IX, §4 .....	17
Escrow Account .....	Article X, §4.....	18
Fire Protection .....	Article VIII, §12.....	15
General Requirements .....	Article VIII, §1.....	8
Ground Water Impacts .....	Article VIII, §7.....	12
Improvements Guaranteed .....	Article X, §10.....	19
Index .....	Article XII, §1 .....	22
Initiation of Amendment .....	Article V, §1.....	2
Letter of Credit.....	Article X, §6.....	18
Lot Area, Lot Width and Lot Coverage Requirements .....	Article VIII, §2.....	8
Open Space Reservation .....	Article VIII, §5.....	10
Park Plan Amendments After Approval .....	Article IX, §3 .....	17
Penalties .....	Article IX, §5 .....	18
Performance Bond .....	Article X, §5.....	18
Phasing of Development .....	Article X, §7.....	19
Preapplication Procedure .....	Article VI, §1 .....	2
Preapplication Submission.....	Article VI, §2 .....	3
Preservation of Natural and Historic Features .....	Article VIII, §9.....	13
Purpose.....	Article II, §2.....	1
Relationship to Other Town Ordinances.....	Article XI, §2 .....	19
Release of guarantee .....	Article X, §8.....	19
Rights not Vested .....	Article VI, §4 .....	3
Road Design, Circulation, Traffic Impacts and Parking .....	Article VIII, §6.....	10
Roof Loads.....	Article VIII, §17.....	16
Safety Standards.....	Article VIII, §10.....	13
Sanitary Standards .....	Article VIII, §11.....	15
Severability .....	Article IV, §1 .....	2
Signs.....	Article VIII, §16.....	16
Storage .....	Article VIII, §14.....	16
Storm Drainage .....	Article VIII, §13.....	15
Title .....	Article II, §1 .....	1
Types of Guarantees .....	Article X, §2.....	18
Unit Setback Requirements.....	Article VIII, §3.....	9
Utility Requirements .....	Article VIII, §15.....	16
Violations .....	Article IX, §2 .....	17

# Town of Washington

## **Nelson-Butterfield Park Ordinance**

Enacted 24 June 1978

Amended 28 March 1998

No person shall enter into or remain at the Nelson-Butterfield Park at Crystal lake in the Town of Washington, Maine between the hours of 9 p.m. and daybreak. Violation of this ordinance is punishable by a fine of not more than \$100.00 nor less than \$25.00 plus court and attorney fees, said sum to be used by the Town of Washington for the maintenance and improvement of said park.

Town of Washington

**Prohibition of Possession, Use or  
Ingestion of Alcoholic Beverages  
at Nelson-Butterfield Park  
Ordinance**

Enacted 25 March 1983

No person may possess, use or ingest any alcoholic beverage on the land and beach of Nelson-Butterfield Park nor on or within the waters immediately adjacent thereto. Any law enforcement officer or constable shall have the authority to seize alcoholic beverages being possessed or consumed at said park.

The fine for violation of this ordinance shall not exceed \$500.00. Any fine paid or collected shall be for the use of the Town.

Town of Washington

**Prohibition of Permitting or  
Allowing Dogs at Nelson-  
Butterfield Park  
Ordinance**

Enacted 25 March 1983

No person except for handicapped may allow or permit any dog, whether or not controlled by leash or tether, to run or be present at Nelson-Butterfield Park, it's beach or immediately adjacent waters.

The penalty for violation of this ordinance shall be a fine not to exceed \$100.00. Any fine paid or collected shall be for the use of the Town.

Town of Washington

**Prohibition of Use of Soaps,  
Detergents or Cleansing Agents at  
Nelson-Butterfield Park, it's  
Beaches and Adjacent Waters  
Ordinance**

Enacted 25 March 1983

No person may use any soap, detergent, shampoo or cleansing agent of any variety for any purpose upon the beach or adjacent waters at Nelson-Butterfield Park.

The fine for violation of this ordinance shall not exceed \$100.00, said fine being imposed shall be for the use of the Town.



Town of Washington

**Prohibition of Washing or Bathing  
Animals, Livestock or Pets at  
Nelson-Butterfield Park  
Ordinance**

Enacted 25 March 1983

No person may bathe, wash or permit to be bathed or washed any animals, livestock or pets or permit same to swim from or upon the beach or within the waters and immediately adjacent to Nelson-Butterfield Park.

**TOWN OF WASHINGTON, MAINE,  
PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE**

**Administration by the Efficiency Maine Trust**

**PREAMBLE**

WHEREAS, the 124<sup>th</sup> Maine Legislature has enacted Public Law 2009, Chapter 591, “An Act to Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the PACE Act”; and

WHEREAS, that Act authorizes a municipality that has adopted a Property Assessed Clean Energy (“PACE”) Ordinance to establish a PACE program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the Town, financed by funds awarded to the Efficiency Maine Trust under the Federal Energy Efficiency and Conservation Block Grant (EECBG) Program and by other funds available for this purpose, and to enter into a contract with the Trust to administer functions of its PACE program; and

WHEREAS, the Municipality wishes to establish a PACE program; and

NOW THEREFORE, the Town of Washington, Maine, hereby enacts the following Ordinance:

**ARTICLE I - PURPOSE AND ENABLING LEGISLATION**

§ XX-1 Purpose

By and through this Chapter, the Town of Washington declares as its public purpose the establishment of a municipal program to enable its citizens to participate in a Property Assessed Clean Energy (“PACE”) program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the Town. The Town declares its purpose and the provisions of this Ordinance to be in conformity with federal and State laws.

§ XX-2 Enabling Legislation

The Town enacts this Ordinance pursuant to Public Law 2009, Chapter 591 of the 124<sup>th</sup> Maine State Legislature -- “An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the PACE Act” (codified at 35-A M.R.S.A. § 10151, *et seq.*).

## ARTICLE II - TITLE AND DEFINITIONS

### § XX-3 Title

This Ordinance shall be known and may be cited as the Town of Washington, Maine, Property Assessed Clean Energy (PACE) Ordinance” (the “Ordinance”).”

### § XX-4 Definitions

Except as specifically defined below, words and phrases used in this Ordinance shall have their customary meanings; as used in this Ordinance, the following words and phrases shall have the meanings indicated:

**1. Energy saving improvement.** “Energy saving improvement” means an improvement to qualifying property that is new and permanently affixed to qualifying property and that:

A. Will result in increased energy efficiency and substantially reduced energy use and:

(1) Meets or exceeds applicable United States Environmental Protection Agency and United States Department of Energy “Energy Star” program or similar energy efficiency standards established or approved by the Trust; or

(2) Involves air sealing, insulating, and other energy efficiency improvements of residential, commercial or industrial property in a manner approved by the Trust; or

B. Involves a renewable energy installation or an electric thermal storage system that meets or exceeds standards established or approved by the trust.

**2. Municipality.** “Municipality” shall mean the Town of Washington, Maine.

**3. PACE agreement.** “Pace agreement” means an agreement between the owner of qualifying property and the Trust that authorizes the creation of a PACE mortgage on qualifying property and that is approved in writing by all owners of the qualifying property at the time of the agreement, other than mortgage holders.

**4. PACE assessment.** “PACE assessment” means an assessment made against qualifying property to repay a PACE loan.

**5. PACE district.** “Pace district” means the area within which the Municipality establishes a PACE program hereunder, which is all that area within the Municipality’s boundaries.

- 6. PACE loan.** “PACE loan” means a loan, secured by a PACE mortgage, made to the owner(s) of a qualifying property pursuant to a PACE program to fund energy saving improvements.
- 7. PACE mortgage.** “PACE mortgage” means a mortgage securing a loan made pursuant to a PACE program to fund energy saving improvements on qualifying property.
- 8. PACE program.** “PACE program” means a program established under State statute by the Trust or a municipality under which property owners can finance energy savings improvements on qualifying property.
- 9. Qualifying property.** “Qualifying property” means real property located in the PACE district of the Municipality.
- 10. Renewable energy installation.** “Renewable energy installation” means a fixture, product, system, device or interacting group of devices installed behind the meter at a qualifying property, or on contiguous property under common ownership, that produces energy or heat from renewable sources, including, but not limited to, photovoltaic systems, solar thermal systems, biomass systems, landfill gas to energy systems, geothermal systems, wind systems, wood pellet systems and any other systems eligible for funding under federal Qualified Energy Conservation Bonds or federal Clean Renewable Energy Bonds.
- 11. Trust.** “Trust” means the Efficiency Maine Trust established in 35-A M.R.S.A. § 10103 and/or its agent(s), if any.

### **ARTICLE III - PACE PROGRAM**

- 1. Establishment; funding.** The Municipality hereby establishes a PACE program allowing owners of qualifying property located in the PACE district who so choose to access financing for energy saving improvements to their property through PACE loans administered by the Trust or its agent. PACE loan funds are available from the Trust in municipalities that 1) adopt a PACE Ordinance, 2) adopt and implement a local public outreach and education plan, 3) enter into a PACE administration contract with the Trust to establish the terms and conditions of the Trust’s administration of the municipality’s PACE program, and 4) agree to assist and cooperate with the Trust in its administration of the municipality’s PACE program.
- 2. Amendment to PACE program.** In addition, the Municipality may from time to time amend this Ordinance to use any other funding sources made available to it or appropriated by it for the express purpose of its PACE program, and the Municipality shall be responsible for administration of loans made from those other funding sources.

## **ARTICLE IV – CONFORMITY WITH THE REQUIREMENTS OF THE TRUST**

**1. Standards adopted; Rules promulgated; model documents.** If the Trust adopts standards, promulgates rules, or establishes model documents subsequent to the Municipality's adoption of this Ordinance and those standards, rules or model documents substantially conflict with this Ordinance, the Municipality shall take necessary steps to conform this Ordinance and its PACE program to those standards, rules, or model documents.

## **ARTICLE V – PROGRAM ADMINISTRATION; MUNICIPAL LIABILITY**

### **1. Program Administration**

**A. PACE Administration Contract.** Pursuant to 35-A M.R.S.A. §10154(2)(A)(2) and (B), the Municipality will enter into a PACE administration contract with the Trust to administer the functions of the PACE program for the Municipality. The PACE administration contract with the Trust will establish the administration of the PACE program including, without limitation, that:

- i. the Trust will enter into PACE agreements with owners of qualifying property in the Municipality's PACE district;
- ii. the Trust, or its agent, will create and record a Notice of the PACE agreement in the appropriate County Registry of Deeds to create a PACE mortgage;
- iii. the Trust, or its agent, will disburse the PACE loan to the property owner;
- iv. the Trust, or its agent, will send PACE assessment statements with payment deadlines to the property owner;
- v. the Trust, or its agent, will be responsible for collection of the PACE assessments;
- vi. the Trust, or its agent, will record any lien, if needed, due to nonpayment of the assessment;
- vii. the Trust or its agent on behalf of the Municipality, promptly shall record the discharges of PACE mortgages upon full payment of the PACE loan.

**B. Adoption of Education and Outreach Program.** In conjunction with adopting this Ordinance, the Municipality shall adopt and implement an education and outreach program so that citizens of the Municipality are made aware of

home energy saving opportunities, including the opportunity to finance energy saving improvements with a PACE loan.

**C. Assistance and Cooperation.** The Municipality will assist and cooperate with the Trust in its administration of the Municipality's PACE program.

**D. Assessments Not a Tax.** PACE assessments do not constitute a tax but may be assessed and collected by the Trust in any manner determined by the Trust and consistent with applicable law.

## **2. Liability of Municipal Officials; Liability of Municipality**

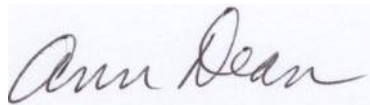
**A.** Notwithstanding any other provision of law to the contrary, municipal officers and municipal officials, including, without limitation, tax assessors and tax collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under or related to a PACE program, including, without limitation, claims for or related to uncollected PACE assessments.

**B.** Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under Article V, §1(A) above, a municipality has no liability to a property owner for or related to energy savings improvements financed under a PACE program.

## **ARTICLE V – ADOPTION**

**Adopted by:** the Legislative body of the Town of Washington, Maine, this 30<sup>th</sup> day of March, 2012

Attest:

A handwritten signature in cursive script, appearing to read "Ann Dean", written in dark ink on a light blue background.

Ann Dean  
Town Clerk

## Town of Washington Fee Schedule

*Voted by Selectmen October 28, 2015 and Effective January 1, 2016*

- Any Residential or Residential Accessory Structure for which the Code Enforcement Officer may grant a permit:  
(Structures 240 square feet or less have no fee) \$0.05 (5-cents) per sq foot with a minimum of \$25.00 plus \$25.00 if in Shoreland District
- Activities and uses requiring Code Enforcement Officer permit approval \$25.00
- Any structure or activity for which the Planning Board may grant a permit:
  - Activities and uses requiring Planning Board approval: \$50.00
  - Non-residential structures 241 sq ft – 1200 sq ft: \$50.00
  - Non-residential structures 1201 sq ft – 3000 sq ft: \$100.00
  - Non-residential structures over 3000 sq ft: \$250.00

**In addition to the fee(s), the Planning Board shall require the applicant to pay all administrative, legal, consulting, and CEO reimbursement costs in connection with the application and permit process.**

- 911 address application fee: \$25.00
- Driveway entrance application: \$25.00
- After the fact permit fee: \$250.00 plus any other fees that should have been paid
- Mobile home park application: \$100.00 per lot or unit
- Sludge management application: \$150.00
- Sludge management annual renewal: \$75.00
- Minor subdivision: \$150.00
- Major subdivision
  - \$50.00 per lot or dwelling for major subdivision preliminary plan application
  - \$75.00 per lot or dwelling for major subdivision final plan application plus 2% of costs or \$500.00, whichever is greater, per phase of subdivision construction inspection

**In addition to the fee(s), the Planning Board shall require the applicant to pay all administrative, legal, consulting, and CEO reimbursement costs in connection with the application and permit process.**

- Mineral extraction application for permit:
  - Projects between 5,000 sq ft and 1 acre \$250.00
  - Projects between 1 and 5 acres \$500.00
  - Projects between 5 and 30 acres \$1000.00
  - Projects over 30 acres \$1500.00

**In addition to the fee(s), the Planning Board shall require the applicant to pay all administrative, legal, consulting, and CEO reimbursement costs in connection with the application and permit process.**

- Mineral extraction annual compliance inspections:
  - Pits that are licensed by the Mine DEP and the Bureau of Mines \$300.00
  - Pits that are licensed by the State of Maine \$200.00
  - All other active pits that are not included above \$100.00
  - Inactive Pits (pits which are not currently actively removing material) \$50.00
- Automobile graveyard, automobile salvage, and junkyard selectmen's license application:
  - Initial application \$100.00
  - Annual renewal and inspection \$75.00
- Plumbing permit application: (includes 4 compliance inspections)
  - Internal plumbing permit Fees as established by Maine Dept. of Health Engineering
  - Sub-surface Wastewater Designs (Septic design) Fees as established by Maine Dept. of Health Engineering
  - (5 or more compliance inspections – \$25.00 per re-inspection)
- Application to any Board of Appeals Application \$25.00



**PLANNING BOARD ORDINANCE**  
**(AS AMENDED)**  
**TOWN OF WASHINGTON, MAINE**

**ADOPTED**

**29 MARCH 1985**

**AMENDED**

**28 MARCH 1986**

**31 MARCH 2001**

**30 MARCH 2012**





**ESTABLISHMENT OF WASHINGTON PLANNING BOARD**

1. Establishment. Pursuant to M.R.S.A. Const. Art. VIII-A and 30A M.R.S.A. Section 3001, the Town of Washington hereby establishes the Washington Planning Board.
2. Appointment
  - A. Appointments to the board shall be made by the municipal officers.
  - B. The board shall consist of 5 members and 2 associate members.
  - C. The term of each member shall be 5 years, except the initial appointments which shall be for 1, 2, 3, 4 and 5 years respectively. The term of office of an associate member shall be 1 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 1 municipal officer may serve as a member or associate member.
  - F. Not more than 2 non-residents of the Town of Washington may serve as a member or associate member.
3. Organization and Rules.
  - A. The board shall elect a chairman and a secretary from among its members and create and fill such other offices as it may determine. The term of all offices shall be 1 year with eligibility for re-election.
  - 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 designate 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 only vote when he has been designated by the chairman to sit for a member.
  - D. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members except the member who is being challenged.
  - E. The chairman shall call at least one regular meeting of the board every two months.
  - F. No meeting of the board shall be held without a quorum consisting of 4 members or associate members authorized to vote.
  - G. The Board shall adopt rules 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 30A M.R.S.A. Section 4326. A comprehensive plan that is adopted by the board shall control until superseded by provisions adopted by the Washington legislative body.
- B. The board shall perform such duties and exercise such powers as are provided by Washington ordinance 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 appropriations made for the purpose.



**ROAD NAMING  
AND HOUSE NUMBERING  
ORDINANCE**

**TOWN OF  
WASHINGTON, MAINE**

**ADOPTED 1 APRIL 1995**

**AMENDED 29 JULY 1995**

# **ROAD NAMING AND HOUSE NUMBERING ORDINANCE**

## **TOWN OF WASHINGTON, MAINE**

### **CONTENTS**

<b>Article I Title .....</b>	<b>1</b>
<b>Article II Purpose and Authority .....</b>	<b>1</b>
<b>Article III Definitions .....</b>	<b>1</b>
<b>Article IV Official Map .....</b>	<b>1</b>
<b>Article V Naming and Numbering System .....</b>	<b>2</b>
<b>Article VI Numbers and Names to be Posted .....</b>	<b>2</b>
<b>Article VII Proposed Roads and Structures .....</b>	<b>3</b>
<b>Article VIII Violations .....</b>	<b>3</b>
<b>Article IX Amendment and Other Legal Provisions</b>	
<b>§1. Interpretation.....</b>	<b>4</b>
<b>§2. Conflict with other ordinances .....</b>	<b>4</b>
<b>§3. Severability.....</b>	<b>4</b>
<b>§4. Amendment .....</b>	<b>4</b>
<b>§5. Effective Date.....</b>	<b>4</b>

# **W a s h i n g t o n   R o a d   N a m i n g   O r d i n a n c e**

## **ARTICLE I TITLE**

1. This ordinance is entitled and may be referred to as the “Road Naming and House Numbering Ordinance of the Town of Washington, Maine” or it may be referred to by its short title of “Road Naming Ordinance” and will be referred to herein as “this ordinance.”

## **ARTICLE II PURPOSE & AUTHORITY**

1. The purpose of this ordinance is to enhance the easy and rapid location of properties for the delivery of public safety and emergency services, postal delivery and business delivery.
2. This ordinance is adopted pursuant to and consistent with the Municipal Home Rule Powers as provided for in Article VIII, Part 2, Section 1 of the Constitution of the State of Maine and Title 30-A M.R.S.A. Section 3001.

## **ARTICLE III DEFINITIONS**

1. For the purpose of this ordinance, the following definitions shall apply:
  - A. **Road** is any highway, road, street, avenue, lane, private way, fire road, or similar paved, gravel, or dirt way within the Town of Washington.
  - B. **Improved property** is any property on which a more or less permanent structure has been erected or placed.

## **ARTICLE IV OFFICIAL MAP**

1. The Washington Board of Selectmen in cooperation and consultation with the Washington Fire Department, the Washington Postmaster, the Washington Historical Society and the Washington Road Commissioner shall have a map prepared to be entitled “Property Number Map of the Town of Washington, Maine,” which shall be adopted as the official map by which roads are named and property numbers assigned upon the signing and dating of said map by the Washington Board of Selectmen and the Washington Town Clerk, following a Public Hearing. Said map shall be made up and adopted within one hundred twenty (120) days of the effective date as provided for in Article IX of this ordinance.
2. Following its adoption as provided for above, the “Property Number Map of the Town of Washington, Maine” shall be available to the public for reference at the Washington Town Office and a copy shall be available to the public for reference at the Gibbs Library. These copies of the map shall be updated and/or replaced by the Board of Selectmen with new maps from time to time as necessary.
3. Assignment of numbers to properties, both on existing and proposed streets, shall be the responsibility of the Washington Fire Department or designee.
4. The Board of Selectmen shall be responsible for maintaining the following official records of the numbering system:
  - A. Property Number Map of the Town of Washington, Maine; and

## **W a s h i n g t o n   R o a d   N a m i n g   O r d i n a n c e**

- B. An alphabetical list of all property owners as identified by current assessment records, by last name, showing the assigned numbers; and
  - C. An alphabetical list of all streets with property owners listed in order of their assigned numbers.
5. Copies of the official records as listed in Article IV, Section 4 shall be deposited with the Washington Fire Department for their use and shall be updated and/or replaced by the Board of Selectmen with new records from time to time as necessary.

### **ARTICLE V NAMING AND NUMBERING SYSTEM**

#### **1. Road Names**

- A. Every public way and all roads with more than one property, improved or unimproved, shall have a name.
- B. The Town Meeting of Washington is the final authority in accepting names for such roads. A road name accepted by the Town Meeting of Washington shall not constitute or imply acceptance of the road as a public way.
- C. Road names shall conform to U.S. Postal Service guidelines as published in their publication 28, *Postal Addressing Standards*, or as the same may be amended, superseded or replaced from time to time.

#### **2. Property Numbers**

- A. Each residence and business property shall have a number indicating its position on the road on which it is located.
- B. In general, numbering shall begin at the end of the road closest to the most direct route from the Washington Fire Department facility, as determined by that department, with even numbers appearing on the left side of the road and odd numbers appearing on the right side of the road.
- C. In general, one whole number on each side of the road shall be assigned for every interval of road frontage, as defined by the committee named in Article IV, § 1 of this ordinance, whether the property is improved or unimproved.
- D. Every improved property with more than one principal use or occupancy shall have a separate designator for each use or occupancy (i.e. 125 Razorville Road, Apt. 2).

### **ARTICLE VI NUMBERS AND NAMES TO BE POSTED**

- 1. Every owner of an improved property shall, within thirty (30) days of notification as defined in Article IX, Section 5 of this ordinance, or within thirty (30) days of new habitation, display and maintain in a conspicuous place on said property the number assigned.
  - A. The number assigned shall be displayed in numeral form and be no less than three inches (3") in height. Numerals shall be a contrasting color from the background.
  - B. Assigned numbers of each improved property shall be posted near the principal entrance to the property and in a manner as to be legible from the road on which the property is located.

## **W a s h i n g t o n   R o a d   N a m i n g   O r d i n a n c e**

- C. Owners of buildings which are not visible from the road shall place the assigned number on a post or mailbox at the entrance to the property.
2. Road name signs may be erected by the Washington Road Commissioner on all roads assigned names, whether they be State, Town or privately maintained or owned, in conformance with this ordinance at the direction and appropriation of the Washington Town Meeting.
3. Every person whose duty it is to display the assigned number or road name sign shall remove any different number or name which might be mistaken for, or confused with, the number or name assigned in conformance with this ordinance.

### **ARTICLE VII PROPOSED ROADS AND STRUCTURES**

1. Proposed roads shall be named and numbered in accordance with the provisions of Article V of this ordinance. All proposals for road names shall be subject to confirmation and possible alteration by the Washington Town Meeting.
2. On any final plan submitted to the Washington Planning Board showing proposed roads, applicants shall mark on the plan lines or dots, in the center of the proposed roads every one hundred (100) feet so as to aid the town in assigning numbers to properties.
3. No development, building or occupancy permits for new structures will be issued in the Town of Washington unless the applicant demonstrates that they have applied for or received the assignment of a property number from the Washington Fire Department.

### **ARTICLE VIII VIOLATIONS**

1. **Unlawful to deface assigned numbers or road signs.**
  - A. No person may alter, deface, or remove any number placed on any property in accordance with this ordinance, except for repair or replacement within twenty-four (24) hours of such number.
  - B. No person may alter, deface, or remove any road sign erected in accordance with this ordinance, except for repair or replacement within twenty-four (24) hours of such sign.
2. Any violation of this article of this ordinance shall be subject to a civil penalty, payable to the Town of Washington, Maine of not less than twenty-five dollars (\$25.00) nor more than one hundred fifty dollars (\$150.00), for each violation, together with attorney's and other legal fees incurred by the Town of Washington, Maine in the enforcement of this ordinance, as provided for by law.

### **ARTICLE IX AMENDMENT AND OTHER LEGAL PROVISIONS**

1. **Interpretation:** Interpretation of what may not be clear in this Ordinance shall be according to the intent of the Ordinance and the Comprehensive Plan.
2. **Conflict with Other Ordinances:** Whenever the regulations of this Ordinance conflict with those of another Ordinance, the stricter shall apply.



## **W a s h i n g t o n   R o a d   N a m i n g   O r d i n a n c e**

3. **Severability:** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.
4. **Amendment:**
  - A. No regulation or amendment of this ordinance shall be adopted until after the Selectmen of the Town have held a public hearing thereon at least ten days before it is submitted to the legislative body for consideration. Public notice of the hearing shall be made at least ten days prior to the hearing.
  - B. Amendments to this Ordinance shall be considered following petition, recommendation of the Washington Fire Department, or motion of the Selectmen. For petitions, signatures numbering not less than 10% of the number of votes cast in the town in the last election for governor shall be required before the proposed amendment will be brought for a vote.
5. **Effective Date:**
  - A. This ordinance shall be enacted and be of full force and effect on the day of approval of this ordinance by the voters of the Town of Washington, in Town Meeting assembled.
  - B. It shall be the duty of the Board of Selectmen to notify by mail each property owner required to display an assigned number and the United States Post Office of the new address within thirty (30) days of official adoption of the "Property Number Map of the Town of Washington, Maine" as provided for in Article IV, Section 1 of this ordinance.
  - C. It shall be the duty of each property owner assigned a property number to comply with this ordinance within thirty (30) days of notification in accordance with Article VI of this ordinance.
  - D. It shall be the duty of each property owner of a new structure assigned a property number to comply with this ordinance within thirty (30) days of habitation in accordance with Article VI of this ordinance.



**ARTICLE XIV - ARRAYS****Section 1. Purpose**

The purpose of this section is to accomplish the following objectives with the least possible regulation:

1. To encourage the development of on-site energy production and consumption;
2. To protect the public health and safety;
3. To promote the general welfare of the community;
4. To meet the goals of the Comprehensive Plan;
5. To conserve the environment, wildlife habitat, fisheries and unique natural areas; and
6. To fit these systems harmoniously into the fabric of the community by providing standards for alternative energy systems and other types of arrays.

**Section 2. Authority**

The Washington Planning Board is vested with the authority to review and approve, approve with conditions or reject any application for arrays as defined in this Ordinance.

1. The Washington Planning Board reserves the right to hire independent third party consultants to review array proposals in order to determine the impact to surrounding properties or public safety implications or resolve any other issues regarding the proposal.
2. In the event that the Planning Board requires expert opinions, advice or testimony during the course of reviewing the application, it will use due diligence to obtain and utilize free services from governmental or non-profit sources.
3. Should the Planning Board be unable to obtain and utilize free services, it shall require the applicant to pay for such services, after giving notice to the applicant of the name of the expert, the area of qualification of the expert, and the purpose for which the expert is required, and the approximate cost of the expert.

4. The applicant shall be provided with an opportunity to meet with the Planning Board to arrange a schedule for payment of the costs.
5. The applicant shall have the right to request a public hearing before the Appeals Board to determine if the experts, as noticed by the Planning Board, are necessary to a determination of any issue properly before the Planning Board, and if the approximate costs of the expert are reasonable.
6. The applicant shall request the hearing within 10 days of receipt of the notice establishing the necessity and costs of any independent third party consultant, or such time as is agreed to by the Planning Board and the applicant.
7. It will be the applicant's burden to prove that the requested expert is unnecessary, or that the cost is not reasonable.

In addition to any other applicable provisions of this Ordinance, before granting Site Plan Approval for any land-use activity described in this section, the Planning Board must find that the proposed plan will comply with such of the following standards as are applicable.

### **Section 3. Exempt Arrays**

The following arrays are exempt from this Article provided they meet all other requirements of this Ordinance:

1. Roof-mounted on any legally-permitted residential or residential accessory structure.
2. Ground- or pole-mounted for private use with a panel area less than 5,000 square feet.
3. Building integrated solar (i.e., shingle, hanging solar, canopy, etc.).
4. Repair or replacement of array components that do not enlarge the area of the existing array.
5. Arrays regulated by the Washington Wireless Telecommunication Facility (WTF) Ordinance.

### **Section 4. Location and Size**

Arrays may be permitted in all districts subject to all requirements of securing site plan approval and a building permit and the following size restrictions:

1. Resource Protection (RP) District: less than or equal to one-half ( $\frac{1}{2}$ ) acre.
2. Farm and Forest (FF) District: less than or equal to ten (10) acres.
3. Rural (RU) District: less than or equal to five (5) acres.
4. Rural/Commercial (RC) District: any size.
5. Village (VI) District: less than or equal to one-half ( $\frac{1}{2}$ ) acre.
6. Planned Development (PD) District: any size.
7. Shoreland Limited Residential (LR) District: less than or equal to one-half ( $\frac{1}{2}$ ) acre.
8. Watershed (WS) District: less than or equal to the underlying district limit.
9. Historic Preservation (HP) District: less than or equal to one-half ( $\frac{1}{2}$ ) acre.

#### **Section 5. Site Plan Review**

All non-exempt arrays must be approved by the Washington Planning Board through the Town of Washington Site Plan Review process which is a part of this Ordinance.

The following requirements are additional to all other requirements of this Ordinance to be included in the Site Plan.

1. A Site Plan stamped and certified by a Maine registered engineer.
2. A revegetation plan for any cleared areas with appropriate plantings that are native to the region when the facility is decommissioned.
3. A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) whose minimum requirements meet the standards in Section 6, below. Such plan must be filed in the Knox County Registry of Deeds prior to the first operation of the array.
4. A Waste Stream Management Plan (WSMP) for the construction waste and debris at the site of the said Array, including but not limited to cardboard, wood, scrap metal, scrap wire, and clearing and grading wastes, from the construction site and

the disposal site(s) of such waste. Information on the amount of material that is being recycled shall be included in the WSMP.

#### Section 6. Guarantee For Removal

At the time of approval of a proposed array, and prior to initiating construction of any array within the Town of Washington, the applicant must guarantee the costs for the removal of the facility.

1. The amount of the guarantee shall be equal to the estimated removal cost, provided by the applicant and certified by a professional civil engineer licensed in Maine or a professional array construction company.
2. The owner of the facility shall provide the Planning Board with a revised removal cost estimate and structural evaluation prepared by a professional civil engineer licensed in Maine or a professional array construction company every five (5) years from the date of the Planning Board's approval of the site plan.
3. If the cost has increased more than fifteen (15) percent, then the owner of the facility shall provide additional security in the amount of the increase. The applicant may also request adjustments in the guarantee.
4. Types and Contents Of Guarantee

One of the following performance guarantees chosen by the applicant shall be provided on approval of the application.

##### a. Interest-Bearing Escrow Account

A cash contribution equal to the estimated removal cost for the establishment of an escrow account shall be made by either a certified check made out to the Town, direct deposit into a savings account, or purchase of a certificate of deposit.

- i. For any account opened by the applicant, the Town shall be named as owner or co-owner, and consent of the Town shall be required for a withdrawal.
- ii. Any interest earned on the escrow account shall be returned to the applicant unless the Town has found it necessary to draw on the account, in which case the interest earned shall be proportionately

divided between the amount returned to the applicant and the amount withdrawn to complete the required work.

b. Performance Bond

A performance bond shall detail the conditions of the bond, the method for release of the entire bond or portions of the bond to the Town, and the procedures for collection by the municipality. The bond documents shall specifically reference the array facility for which approval is sought.

c. Irrevocable Letter of Credit

An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the removal of the array facility and may not be used for any other project or loan.

The conditions and amount of the performance guarantee shall be determined by the Planning Board with the advice of the Town Selectmen, and/or Town Attorney, expenses paid for by the applicant.

**Section 7. Decommissioning and Abandonment**

1. The lessee of the Facility, or the owner of the parcel if there is no lessee, will do the following as a minimum to decommission the project.

a. Remove all non-utility owned equipment, conduits, structures, fencing, and foundations to a depth of at least four feet below grade.

b. Remove all graveled areas and access roads unless the owner of the leased real estate requests in writing for it to stay in place.

c. Restore the land to a condition reasonably similar to its condition before development, including replacement of top soil removed or eroded.

d. Revegetate any cleared areas with appropriate plantings that are native to the region according to the approved Site Plan unless requested in writing by the owner of the real estate to not revegetate due to plans for agricultural planting or other development subject to site plan review.

2. All said removal and decommissioning shall occur within 12 months of the facility ceasing to operate.
3. Abandonment will occur as a result of any of the following conditions unless the lessee or owner of the facility or of the parcel notifies the Code Enforcement Officer of the intent to maintain and reinstate the operation of the facility within 30 days of the following events:
  - a. The land lease ends; or
  - b. The system does not function for 12 months; or
  - c. The system is damaged and will not be repaired or replaced.

A notice of the intent to maintain and reinstate the operation of the facility shall be updated every six months with a statement of the progress made towards that goal.

If the facility has not returned to operational condition within two years from the date of the first notice of the intent to maintain and reinstate the operation of the facility the Code Enforcement Officer shall find the facility has been abandoned unless there is documentable evidence that the process has had significant progress and in the Code Enforcement Officer's opinion is likely to be completed in a timely manner.

4. Upon determination of abandonment based on the foregoing, the Code Enforcement Officer shall notify the party (or parties) responsible by certified mail or by hand delivery with signed receipt that they must remove the facility and restore the site to its condition prior to development within three hundred and sixty (360) days of notice by the Code Enforcement Officer. A copy of the notice shall be forwarded by the Code Enforcement Officer to the Board of Selectmen.
  - a. In the event the lessee of the facility fails to remove the array and its components as outlined above, the landowner shall remove the facility within 90 days of notice by the Code Enforcement Officer.
  - b. In the event the landowner fails to remove the facility as stated above, the Town of Washington shall have the facility removed at the expense of the landowner.

- c. Any unpaid costs associated with the removal after one year of removal shall be enforced as a tax lien placed on the real estate of the array site.

**Section 8. General Standards for All Arrays**

1. Arrays legally constructed prior to the effective date of this Article shall not be required to meet the requirements of this Article, unless they are expanded.
2. Unless otherwise specified through a written contract or agreement, a copy of which is on file with the Washington Code Enforcement Officer, the property owner of record will be presumed to be the responsible party for owning and maintaining the array.
3. Approval under this Article is conditional upon compliance with all other provisions of the Land Use Ordinance, the Maine Plumbing and Electrical Codes, Natural Resources Protection Act, Site Law, Stormwater Management Law or other applicable regulations and any requirements of the local utility if any array is to be connected to any existing electric grid.
4. An array shall not be constructed until the Site Plan has been approved by the Planning Board and a Building Permit has been issued by the Code Enforcement Officer and all time for appeal by others has expired during which no appeal has been filed.
5. All arrays shall be operated and located such that no disruptive electromagnetic interference with signal transmission or reception is caused beyond the site. If it has been demonstrated that the system is causing disruptive interference beyond the site, the system operator shall promptly eliminate the disruptive interference or cease operation of the system.
6. All on-site electrical wires or piping associated with the system shall be installed underground except for "tie-ins" from above-ground mounted installations and to public-utility company transmission poles, towers and/or lines. This standard may be waived by the Planning Board if the project terrain is determined to be unsuitable for underground installation.
7. The array site shall not display any permanent or temporary signs, writing, symbols, logos or any graphic representation



of any kind except appropriate manufacturer's or installer's identification and warning signs.

8. Array placement must be designed to minimize or negate any solar glare onto nearby properties, airports or roadways.
9. If lighting is provided at site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel or the night sky. Motion sensor control is preferred.
10. Any point of potential contact of people or animals with generated electric current must be secured.
11. The boundaries of any array that border any road or any abutting residential dwelling lot shall consist of a vegetated buffer the width of the required setback along that border additionally to any fence that may be erected and existing vegetation should be used to satisfy these planting requirements where possible. No vegetation or fence shall interfere with a required clear sight triangle at a driveway or intersection.

Berms with vegetation are encouraged as a component of any buffer and the Planning Board may allow up to 25% reduction in the required buffer width with a berm.
12. Arrays covering permanent parking lots and other hardscape areas approved by the Planning Board are encouraged in order to limit the amount of stormwater flowage. Such installations may have the vegetated buffer requirements substituted by the buffer requirements of the overall project at the discretion of the Planning Board.
13. If electric storage batteries are included as part of any array system, they must be installed according to all requirements set forth in the National Electric Code and State Fire Code when in operation. When no longer in operation, the batteries shall be disposed of in accordance with the laws and regulations of the Town of Washington and any other applicable laws and regulations relating to solid, special, or hazardous waste disposal.
14. Financial gain from "Net metering" for electric power is not considered a commercial activity if the benefits of it are for private use.

15. Collective or cooperative arrays are not considered commercial if they benefit only the collective or cooperative owners.

Section 9. Solar Energy Conversion Arrays (SECA)

1. Setbacks:

All parts of the SECA shall be setback from all property lines a distance equal to the required minimum setback of the district in which it is located plus ten (10) feet for each 100,000 square feet or fraction thereof of array collector surface area.

2. Height:

A ground- or pole-mounted SECA shall have a maximum height of 20 feet in all districts as measured from the ground level to the system's highest point at full tilt except for the Rural/Commercial, Farm and Forest, and Planned Development districts where the maximum height shall be 40 feet as measured from the ground level to the system's highest point at full tilt.

3. Roof Load:

The weight of any SECA proposed to be roof mounted on any non-exempt structure must be calculated and a determination must be made in writing by a registered engineer stamped certification or finding that the load rating of the underlying structure can accommodate the additional weight.

4. Lot Coverage:

The maximum surface area of a ground- or pole-mounted panel system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.

5. Design Standards:

- a. Any height limitations of this Ordinance shall not be applicable to roof-mounted solar collectors provided that such structures are erected only to such height as is reasonably necessary to accomplish the purpose for which they are intended to serve.
- b. SECA installations shall not obstruct solar access to neighboring properties.

- d. The SECA structure shall be a non-reflective color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporates non-reflective surfaces to minimize any visual disruptions.

**ARTICLE ~~XIV~~ XV - DEFINITIONS**

**Section 2. Definitions**

ARRAY: an installation of more than one component installed, linked or wired together for a single purpose. The area of the system includes all the land of the parcel or parcels it is placed on or inside the perimeter of the system, which extends to any exterior fencing.

For the purposes of this Ordinance, any single antenna or panel greater than 5,000 square feet of surface area or any single wind energy conversion unit greater than 80 feet high is included in this definition.

Examples of arrays are, but are not limited to, solar heating panels, solar photovoltaic panels, concentrated solar thermal installations, antenna arrays and wind farms.

BERM: a barrier constructed of landscaped earth, four (4) feet or more in height measured from the outside base of the berm. Berms may be pierced with reasonable access ways no more than twelve (12) feet in width as approved by the Planning Board.

COMMERCIAL ARRAYS: arrays that provide power or signals for commercial applications, such as but not limited to: fee-based public supply, factories, remote traffic controls, telecommunications, or oil and gas industry applications, except as specifically exempt by this Ordinance.

SOLAR ENERGY CONVERSION ARRAY (SECA): the components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, concentrated solar thermal installations, and solar hot water systems.

# TOWN *of* WASHINGTON, MAINE

## AN ORDINANCE REGULATING STORAGE AND LAND APPLICATION OF SLUDGE AND OTHER RESIDUALS

### **TITLE :**

This Ordinance shall be known and cited as the "Town of Washington Sludge Management Ordinance" and will be referred to herein as "this Ordinance."

### **Article 1 — Authority, Applicability and Availability**

- 1.1 This Ordinance is adopted pursuant to M.R.S.A. Title 30-A section 3001 et seq.
- 1.2 The provisions of this Ordinance shall govern all land and all structures within the boundaries of the Town of Washington.
- 1.3 A certified copy of this Ordinance shall be filed with the Town Clerk and shall be accessible to any member of the public during Town office hours. Copies shall be made available to the public at reasonable cost to be charged to the person making the request. Notice of availability of this Ordinance shall be posted in the Town office.

### **Article 2 — Purpose**

- 2.1 The purpose of this Ordinance is to protect the health and safety of the residents of the Town of Washington; to enhance and maintain the quality of the environment; and to conserve natural resources through regulation of storage and land application of septage, industrial wastewater treatment plant sludge and other residuals.
- 2.2 The Town of desires to work in partnership with the Department of Environmental protection by establishing in this Ordinance a local procedure for the following activities:
  - 2.2.1 a public hearing process to review all land application sites;
  - 2.2.2 an inspection process to review all land spreading activities;
  - 2.2.3 a notification process to keep the Town informed of all land spreading activities; and
  - 2.2.4 identification of local sensitive environmental areas.
- 2.3 This Ordinance also recognizes the agricultural value that sludge and other residuals can provide the Town's farms and forest land. The opportunity to use sludge and residuals on agricultural land enhances the ability of local farmers to improve the productivity of their land and further promotes the Town's interest in preserving the agricultural heritage of the community. Furthermore, the application of sludge and residuals and composting activities represent a cost effective management strategy for a certain

portion of municipal and special solid waste. The application of sludge and residuals on agricultural lands shall be performed in a manner that also recognizes the other land use activities that share the Town's rural landscape.

### **Article 3 — Validity, Severability, and Conflict with Other Ordinances**

- 3.1 Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section of this Ordinance.
- 3.2 Whenever the requirements of this Ordinance are inconsistent with the requirements of any other Ordinance, Code, or Statute, the more restrictive requirements shall apply.

### **Article 4 — Appeals**

- 4.1 An aggrieved party may appeal any final action taken by the Planning Board or Code Enforcement Officer to Superior Court pursuant to Rule 80B of the Maine Rules of Civil Procedure.

### **Article 5 — Amendments**

- 5.1 This Ordinance may be amended by a majority vote of the Town, in Town Meeting assembled. Amendments may be initiated by a request of the Planning Board, Selectmen, or by petition bearing the signatures of registered voters equal to, or in excess of, 10% of the votes cast in the last gubernatorial election in the Town.

### **Article 6 — Continuance of Existing Uses**

- 6.1 Any land spreading of sludge and residuals, storage of sludge and residuals, land spreading and storage of septic sludge, and composting operations that are legally existing and operating with a permit from the Department of Environmental Protection within the Town of Washington prior to the adoption of this Ordinance may continue, but shall be subject to the following requirements:
  - 6.1.1 The expansion or enlargement of any existing activity shall require a permit and conform to the provisions of this Ordinance for the new, expanded area.
  - 6.1.2 The applicant shall obtain an annual renewal permit within 12 months of the effective date of this Ordinance and shall conform to the requirements established for permit renewal.

### **Article 7 — Effective Date**

- 7.1 Having been adopted by the voters on 27 March 1999, this Ordinance shall be effective immediately upon certification by the Town Clerk.

### **Article 8 — Definitions**

- 8.1 **Applicant**

The term applicant refers to the owner and/or operator of the wastewater treatment plant or generator of the sludge or residual, or any person who alone or in conjunction with others owns real property upon which is located a land spreading site, compost operation or storage facility.

**8.2 Composting Operation**

The term refers to any activity designed for the biological decomposition and stabilization of organic matter under aerobic conditions of high temperature, resulting in a humus-like product that can be used as a soil amendment. Composting activities that are exempt from obtaining a permit from the Department of Environmental Protection or require a permit under the permit by rule standards are exempt from this definition.

**8.3 Expansion and/or Enlargement**

The expansion and/or enlargement of an activity shall mean the increase in the size or capacity of an operation regulated under this Ordinance and shall include the following: construction and/or enlargement of any building or structure, new spreading sites, and any increase in the size of the operation.

**8.4 Minor Revision**

A minor revision shall mean any change in the activity that does not include an expansion and/or enlargement.

**8.5 Residuals**

Those materials, included but not limited to pulp and paper mill wastewater treatment sludge, food and fiber processing wastes, municipal wastewater and sludges, vegetable and fish processing residuals, and ash from wood incinerators, generated from municipal, commercial or industrial facilities that are suitable for controlled land application and results in vegetative assimilation,attenuation of the components in the material or improved soil conditions.

**8.6 Septage**

Waste, refuse, effluent, sludge, and other materials from septic tanks, cesspools, or other similar facilities.

**8.7 Sludge**

The semi-solid or liquid residual generated from a municipal, commercial or industrial wastewater treatment plant.

**Article 9 — Regulated Activities**

9.1 The following activities shall be regulated by the Town of Washington and shall require a permit from the Planning Board. The activities are:

9.1.1 land spreading of sludge and residuals;

9.1.2 storage of sludge and residuals;

9.1.3 land spreading; and

9.1.4 storage of septage,and composting operations.

## **Article 10 — Permit Requirements**

### **10.1 Permit Required**

No person shall conduct or allow on his/her property any of the activities listed in section 9.1 without first obtaining a permit for that purpose from the Planning Board. The Planning Board shall furnish an application form for the purpose of obtaining all the required information from the applicant. The fee for the permit shall be \$150.00 and shall be presented with the complete application to the Town Clerk. The permit fee is non-refundable. The permit shall be issued for a period of one year and shall be subject to an annual renewal permit.

### **10.2 Annual Renewal Permit**

All applicants that plan to continue operations shall obtain an annual renewal permit from the Code Enforcement Officer within 15 days of the expiration of their existing permit. The non-refundable renewal permit fee shall be \$75.00. Any applicant that does not obtain the annual renewal permit shall submit an application to the Planning Board for a new permit. The renewal permit shall be obtained for any activity that plans to continue operations regardless of any temporary lapse in spreading, storage, composting, etc.

### **10.3 Permit Modifications**

The expansion and/or enlargement of any regulated activity shall require a permit from the Planning Board according to the requirements for a new permit. Minor changes or revisions to the original application shall be submitted to the Code Enforcement Officer for review and approval. The CEO may request the Planning Board's input prior to making a decision about the proposed change. The applicant shall be responsible for making any permit modifications with the Department of Environmental as required.

## **Article 11 — Permit Submission Requirements**

### **11.1 New Permits**

All new permits for any regulated activity shall be filed on the forms provided by the Planning Board and shall include the following information:

- 11.1.1 The complete application submitted to the Department of Environmental Protection for the proposed activity. This shall include all the required permit attachments.
- 11.1.2 The \$150.00 application fee.
- 11.1.3 Construction drawings for any buildings and/or structures proposed for the activity.
- 11.1.4 A list of names and addresses of all property owners of record within 500 feet of the proposed activity.
- 11.1.5 A map of the proposed site showing any local sensitive areas within 1,000 feet of the site.



- 11.1.6 A report from the Code Enforcement Officer indicating that the site was inspected for compliance with the provisions of this Ordinance.

**11.2 Renewal Permits**

All renewal permits for any regulated activities shall be submitted to the Code Enforcement Officer on the forms provided and shall include the following:

- 11.2.1 All required testing data and/or reporting data that was required to be submitted to the DEP during the preceding calendar year.
- 11.2.2 The \$75.00 renewal fee.
- 11.2.3 Any proposed changes or modifications to the permit.

**Article 12 — Application Procedure**

**12.1 New Permits**

The application procedure outlined below shall be followed for all new permit applications:

- 12.1.1 The applicant shall obtain a copy of this Ordinance and application form from the Code Enforcement Officer.
- 12.1.2 The applicant shall complete the application and arrange an inspection of the site with the CEO who shall check the location for compliance with this Ordinance.
- 12.1.3 The CEO shall complete an inspection report and submit a copy to the applicant to include with the application.
- 12.1.4 The applicant shall submit a complete application to the CEO and request to be placed on the Planning Board Agenda for consideration of the proposal.
- 12.1.5 The Planning Board shall schedule a hearing on the proposed application within 30 days of the CEO receiving the complete application. The Planning Board shall provide notice of the date and time of the hearing to the applicant at least 20 days prior to the date of the hearing, in order to allow adequate time for notification of property owners of record and legal notices.
- 12.1.6 The applicant shall notify all property owners of record within 500 feet of the proposed site of the date, time, place, and purpose of the hearing by certified mail. The applicant shall submit proof to the Planning Board that the letters were sent to each property owner of record. The letters shall be mailed at least 10 days prior to the scheduled hearing. Failure of any party to receive a notice shall not invalidate the hearing proceedings, provided that the applicant can show proof that the letters were mailed.
- 12.1.7 The applicant shall place one legal ad in a newspaper of general circulation in the area indicating the date, time, place, and purpose

of the hearing. The ad shall be placed at least 7 days prior to the scheduled hearing. The applicant shall submit a copy of the ad to the planning board.

- 12.1.8 The Planning Board shall review the proposed application for compliance with this Ordinance and shall hear testimony from the applicant, property abutters and other interested parties.
- 12.1.9 The CEO shall attend the hearing and provide information to the Planning Board concerning the site inspection.
- 12.1.10 The Planning Board may decide to conduct a site visit prior to rendering it's decision.
- 12.1.11 The Planning Board shall review and decide upon the application based upon the following review standards:
  - 12.1.11.1 The application is complete.
  - 12.1.11.2 The applicant has complied with all hearing notification requirements.
  - 12.1.11.3 The CEO has conducted a site visit and finds that the proposal complies with all of the applicable provisions of the Ordinance.
  - 12.1.11.4 The proposed activity conforms to all the applicable provisions of this Ordinance.
- 12.1.12 The Planning Board may decide to
  - 12.1.12.1 approve the application;
  - 12.1.12.2 approve the application with conditions in order to bring the proposal into compliance with this Ordinance;  
or
  - 12.1.12.3 deny the application.
- 12.1.13 The Planning Board shall issue a written decision and shall indicate the reasons for their decision by a finding of fact. The written decision shall be mailed to the applicant within 7 days of a decision.
- 12.1.14 The Planning Board shall grant or deny the permit to the applicant based upon the board's written finding of fact. The permit shall be issued within 7 days of the final decision of the Planning Board.

## **12.2 — Renewal Permits**

The application procedure outlined below shall be followed for all renewal permits:

- 12.2.1 The applicant shall within 15 days of the expiration of the existing permit submit a renewal application form to the CEO on the forms provided.
- 12.2.2 The CEO shall review the permit request and shall issue the renewal permit if the application is complete and conforms to the provisions of this Ordinance.

## **Article 13 — Performance Standards**

### **13.1 Notification Standards**

- 13.1.1 The applicant shall notify the Code Enforcement Officer at least 24 hours prior to any sludge, residuals or septage land spreading activity.
- 13.1.2 The applicant shall submit all test reports, annual reports and any other data required as per the DEP permit to the CEO at the time of the annual permit renewal. The CEO shall file this information with the original permit.
- 13.1.3 The applicant shall notify the CEO of any change or modification in the activity and request that the original permit be amended. Failure to notify the CEO of any alteration in the original permit shall constitute a violation of this Ordinance.
- 13.1.4 The applicant shall notify the CEO when the activity will permanently cease operation at the location. A temporary lapse in activity does not constitute a closing of the activity.

### **13.2 Inspection**

- 13.2.1 Upon notification that land spreading will occur at the site, the CEO shall inspect the site during or within 48 hours after spreading has occurred. The CEO shall maintain a record of each inspection.
- 13.2.2 The CEO shall inspect the site for compliance with this Ordinance and shall notify the applicant in writing of any violation along with the steps necessary to remedy the situation.
- 13.2.3 The CEO shall respond to all complaints concerning any activity regulated by this Ordinance and determine if there are any violations of this Ordinance. A copy of all complaints shall be provided to the applicant.
- 13.2.4 The applicant shall allow the CEO to inspect the activity during reasonable business hours.

### **13.3 General Standards**

- 13.3.1 All activities shall be performed in accordance with the regulations and provisions contained in this Ordinance and the applicable DEP permit. The applicant shall provide to the CEO all annual reporting

data required by the DEP at the time of permit renewal. Any activity not performed in accordance with this Ordinance shall constitute a violation of this Ordinance.

13.3.2 All activities shall conform to the following general standards as applicable:

13.3.2.1 Land spreading shall not occur during the following time period: November 15th to April 15th.

13.3.2.2 Land spreading shall not occur on frozen ground or if the ground is saturated.

13.3.2.3 Whenever sludge, residuals or septage are planned to be tilled into the soil, this activity shall occur as soon as possible after spreading.

13.3.2.4 Whenever possible, temporary sludge storage sites shall be left untouched until spreading occurs.

13.3.2.5 All activities shall conform to the setback requirements established by DEP and for local sensitive areas contained in this Ordinance.

#### **13.4 Transportation**

13.4.1 The applicant shall take all reasonable measures to transport sludge, residuals or septage to the activity site in a manner that reduces any odors or other nuisances to residents and businesses along the access route. Whenever possible, an access route shall be found through the least populated area.

#### **13.5 Local Sensitive Areas and Setbacks**

13.5.1 The Town may designate local sensitive areas that due to environmental conditions require setback distances greater than those prescribed by DEP. The Town shall identify and map all local sensitive areas and designate appropriate setbacks to protect these locations from the activities regulated by this Ordinance. These locations shall be sensitive to one or more of the following conditions:

13.5.1.1 phosphorus,

13.5.1.2 stormwater run-off,

13.5.1.3 erosion, and

13.5.1.4 contamination from nutrients and/or other compounds usually found in sludge and residuals.

13.5.2 Local sensitive areas may include but are not limited to some of the following:

- 13.5.2.1 wetlands;
  - 13.5.2.2 rivers, streams, and brooks;
  - 13.5.2.3 steep slopes;
  - 13.5.2.4 fishing areas; and
  - 13.5.2.5 ponds and lakes.
- 13.5.3 The local sensitive areas and the applicable setback requirements for the Town of Washington are as follows:
- 13.5.3.1 Spreading of sludge and sewerage or septage waste is prohibited in the Town of Washington Watershed Overlay District as per the Washington Land Use Ordinance.
  - 13.5.3.2 Spreading of sludge and sewerage or septage waste is prohibited in the Town of Washington Shoreland and Conservation Districts, per Maine DEP regulations requiring 300 foot minimum setbacks from waterbodies.
  - 13.5.3.3 Setback from all wells or potable water supplies shall be 300 feet minimum. The Planning Board may find a larger setback is required by local circumstances, such as, but not limited to, steep slopes or stormwater courses.
  - 13.5.3.4 Setback in all other districts is 50 feet minimum from any roads, ditches, intermittent streams or other potential water carrying features, otherwise the minimum setback is 25 feet. The Planning Board may find a larger setback is required by local circumstances, such as, but not limited to, steep slopes or stormwater courses.

#### **Article 14 — Enforcement**

- 14.1 It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the CEO shall find that any provision of this Ordinance is being violated, the CEO shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Said violation shall be corrected within 30 days.
- 14.2 After notification and the 30 day correction period, any person including, but not limited to, a landowner, a landowner's agent, or a contractor who is responsible for a violation of this Ordinance is liable for the penalties in Title 30-A MRSA, Section 4452. If court action is necessary to enforce this Ordinance, the violator shall be responsible for all court costs and the Town's reasonable attorneys fees. Any fine recovered through this Ordinance shall accrue to the Town.
- 14.3 The CEO shall maintain a record of all inspections and complaints, notices of violation, resolutions of any violations, and enforcement actions.

- 14.4 A copy of the notice of violation shall be sent to the Department of Environmental Protection. The DEP shall also be notified upon the correction of any violation.



**SUBDIVISION ORDINANCE**  
**(AS AMENDED)**  
**TOWN OF WASHINGTON, MAINE**

**ADOPTED**

**1 APRIL 1989**

**AMENDED**

**28 DECEMBER 1990**

**31 MARCH 2001**





## TABLE OF CONTENTS

<b>Article I Purposes</b>	1
<b>Article II Authority and Administration</b>	
2.1 Authority	2
2.2 Administration	2
<b>Article III Definitions</b>	3
<b>Article IV Administrative Procedure</b>	
4.1 Purpose	6
4.2 Agenda	6
<b>Article V Preapplication</b>	
5.1 Procedure	7
5.2 Submission	7
5.3 Contour Interval and On-site Inspection	7
5.4 Rights not vested	7
<b>Article VI Minor Subdivisions</b>	
6.1 General	8
6.2 Procedure	8
6.3 Submissions	8
<b>Article VII Preliminary Plan for Major Subdivision</b>	
7.1 Procedure	11
7.2 Submissions	12
<b>Article VIII Final Plan for Major Subdivisions</b>	
8.1 Procedure	15
8.2 Submissions	16
8.3 Final Approval and Filing	18
<b>Article IX Revisions to Approved Plans</b>	
9.1 Procedure	20
9.2 Submissions	20
9.3 Scope of Review	20
<b>Article X Enforcement</b>	
10.1 Inspection of Required Improvements	21
10.2 Violations and Enforcement	22
<b>Article XI General Standards</b>	
11.1 Conformance with Comprehensive Plan	23
11.2 Retention of Open Spaces and Natural or Historic Features	23
11.3 Blocks	24
11.4 Lots	24
11.5 Utilities	25
11.6 Required Improvements	25
11.7 Land Features	26
11.8 Dedication and Maintenance of Common Open Space and Services	26
11.9 Construction in Flood Hazard Areas	27

**Article XI General Standards (continued)**

11.10 Impact on Ground Water .....	27
11.11 Access Control and Traffic Impacts .....	28

**Article XII Street and Storm Drainage Design and Construction Standards**

12.1 General Requirements .....	34
12.2 Road Design Standards.....	34
12.3 Road Construction Standards.....	37
12.4 Storm Water Management Design Standards.....	39
12.5 Storm Drainage Construction Standards.....	40
12.6 Additional Improvements and Requirements.....	41
12.7 Certification of Construction .....	41

**Article XIII Performance Guarantees**

13.1 Types of Guarantees .....	42
13.2 Contents of Guarantees .....	42
13.3 Escrow Account .....	42
13.4 Performance Bond .....	42
13.5 Letter of Credit .....	42
13.6 Conditional Agreement .....	42
13.7 Phasing of Development .....	43
13.8 Release of Guarantee .....	43
13.9 Default .....	43
13.10 Improvements Guaranteed .....	43

<b>Article XIV Waivers</b> .....	44
----------------------------------	----

<b>Article XV Appeals</b> .....	45
---------------------------------	----

<b>Appendix A Maine's Subdivision Law</b> .....	See 30A MRSA §4401-4407
---	-------------------------

Note: previously, we included the text of Maine's Subdivision Law but now it has become too lengthy to do so. You can get the text of this law, and all Maine Laws, on the web at <http://janus.state.me.us/legis/statutes/homepage.htm>

**ARTICLE I - PURPOSES**

The purposes of this ordinance are to assure the comfort, convenience, safety, health and welfare of the people of the Town of Washington, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Washington, Maine, the Planning Board shall consider the following criteria and before granting approval shall make findings of fact that the provisions of this ordinance have been met and that the proposed subdivision will meet the guidelines of Title 30A, M.R.S.A. §4404. The subdivision:

- 1.1. Will not result in undue water or air pollution. In making this determination, the Board shall at least consider the elevation of the land above sea level and its relation to the flood plains; the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents;
- 1.2. Has sufficient water available for the reasonably foreseeable needs of the subdivision;
- 1.3. Will not cause an unreasonable burden on an existing water supply;
- 1.4. 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;
- 1.5. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;
- 1.6. Will provide for adequate solid and sewage waste disposal;
- 1.7. Will not cause an unreasonable burden on the ability of the Town of Washington to dispose of solid waste and sewage;
- 1.8. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline; and
- 1.9. Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, districting ordinance, or shoreland zoning ordinance.
- 1.10. The subdivider has adequate financial and technical capacity to meet the above stated standards.
- 1.11. Whenever situated in whole or in part, within 250 feet of any pond, lake, river or tidal waters, will not adversely affect the quality of the body of water or unreasonably affect the shoreline of that body of water.
- 1.12. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground or surface water.
- 1.13. All principal structures within the subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

**Town of Washington Subdivision Ordinance · 4/1/89 · Amended 3/31/01**  
**ARTICLE II - AUTHORITY AND ADMINISTRATION**

**2.1. Authority.**

- A. This ordinance has been prepared in accordance with the provisions of Title 30A M.R.S.A., §4403.
- B. This ordinance shall be known and may be cited as "Subdivision Ordinance of the Town of Washington, Maine."

**2.2. Administration.**

- A. The Planning Board of the Town of Washington, hereinafter called the Board, shall administer this ordinance.
- B. The provisions of this ordinance shall pertain to all land proposed for subdivision, as defined in Title 30A M.R.S.A., §4401, Subsection 4, within the boundaries of the Town of Washington.

**ARTICLE III - DEFINITIONS**

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

**Cluster Subdivision:** A subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located in return for the provision of permanent open space owned in common by lot/unit owners, the Town, or a land conservation organization.

**Complete Application:** An application shall be considered complete upon submission of the required fee and all information required by these regulations for a Final Plan, or by a vote by the Board to waive the submission of required information. The Board shall issue a receipt to the applicant upon its determination that an application is complete.

**Comprehensive Plan or Policy Statement:** Any part or element of the overall plan or policy for development of the municipality as defined in Title 30A M.R.S.A., Section 4326.

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

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

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

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

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

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

**100 Year Flood:** The highest level of flood that, on the average, is likely to occur once every 100 years (that has a one percent chance of occurring in any year).

**Normal High Water Mark of Inland Waters:** That line on the shores of banks on nontidal waters which is apparent because of the different character of the contiguous soil or the vegetation due to the prolonged action of the water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial (by way of illustration, aquatic vegetation includes but is not limited to the following plants and plant groups: Water lily, pond lily, pickerelweed, cattail, wild rice, sedges, rushes, and marsh grasses; and terrestrial

**Town of Washington Subdivision Ordinance • 4/1/89 • Amended 3/31/01**

vegetation includes but is not limited to the following plants and plant groups: upland grasses, aster, lady slipper, wintergreen, partridge berry, sassaparilla, pines, cedars, oaks, ashes, alders, elms, and maples). In places where the shore or bank is of such character that the high water mark cannot be easily determined, (rockslides, ledges, rapidly eroding or slumping banks) the normal high water mark shall be estimated from places where it can be determined by the above method.

**Industrial Park or Development:** A subdivision in an area zoned exclusively for industrial uses, or a subdivision planned for industrial uses and developed and managed as a unit, usually with provision for common services for the users.

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

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

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

**Planning Board:** The Municipal Reviewing Authority of the Town of Washington, Maine as defined by 30A M.R.S.A. Section 4301, Subsection 12.

**Preliminary Subdivision Plan:** The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Board for its consideration.

**Recording Plan:** A copy of the Final Plan which is recorded at the Registry of Deeds and which need not show information not relevant to the transfer of an interest in the property, such as sewer and water line locations and sizes, culverts, and building lines.

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

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

Road Classification:

Arterial road: A major thoroughfare which serves as a major traffic way for travel between and through the municipality. The following roadways shall be considered arterial roads: Routes 17, 105, 126, 206, 220.

Collector road: A road servicing at least fifteen lots or dwelling units, or roads which serve as feeders to arterial roads, and collectors of traffic from minor roads.

Industrial or Commercial road: Roads servicing industrial or commercial uses.

Minor road: A road servicing less than fifteen lots or dwelling units.

Private Right of Way: A vehicular accessway serving no more than eight dwelling units, which is not intended to be dedicated as a public way.

**Town of Washington Subdivision Ordinance · 4/1/89 · Amended 3/31/01**

**Solar Collector:** A device, or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes to a building's energy supply.

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

**Subdivision:** The division of a tract or parcel of land into three or more lots or dwelling units within any five-year period, which period begins after September 22, 1971, whether accomplished by sale, lease, development, buildings, or otherwise, provided that a division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood marriage or adoption, unless the intent of such gift is to avoid the objectives of these regulations, or by transfer of any interest in land to the owner of land abutting thereon, shall not be considered to create a lot or lots for the purposes of these regulations.

In determining whether a tract or parcel of land is divided into three or more lots, the first dividing of such tract or parcel, unless otherwise exempted herein, shall be considered to create the first two lots and the next dividing of either of said first two lots, by whomever accomplished, unless otherwise exempted herein, shall be considered to create the third lot, unless both such dividings are accomplished by a subdivider who shall have retained one of such lots for his own use as a single family residence for a period of a least five years prior to such second dividing. Notwithstanding the provisions of the State Subdivision Law 30A M.R.S.A., § 4401(4)(c) as amended, lots of forty or more acres shall be counted as lots.

For the purposes of these regulations, a tract or parcel of land is defined as all contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof.

**Subdivision, Major:** Any subdivision containing more than four lots or dwelling units, or any subdivision containing a proposed road.

**Subdivision, Minor:** Any subdivision containing not more than four lots or dwelling units, and in which no road is proposed to be constructed.

**Tract, or Parcel, of Land:** All contiguous land in the same ownership, whether or not the tract is separated at any point by: an intermittent or non-navigable stream, or a private road established by the abutting land owners.

**ARTICLE IV – ADMINISTRATIVE PROCEDURE**

- 4.1. Purpose.** The purpose of this Article is to establish an orderly, equitable and expeditious procedure for reviewing subdivisions.
- 4.2. Agenda.** In order to avoid unnecessary delays in processing applications for subdivision review, the Board shall prepare an agenda for each regularly scheduled meeting. Applicants shall request to be placed on the Board's agenda at least three weeks in advance of a regularly scheduled meeting by contacting the Chairman. Applicants who attend a meeting but who are not on the Board's agenda may be heard but only after all agenda items have been completed, and then only if a majority of the Board so votes.



**ARTICLE V - PREAPPLICATION**

**5.1. Procedure.**

- A. Applicant presentation and submission of sketch plans.
- B. Question and answer period. Board makes specific suggestions to be incorporated by the applicant into subsequent submissions.
- C. Scheduling of on-site inspection.

**5.2. Submission.** The Preapplication Sketch Plan shall show, in simple sketch form, the proposed layout of roads, lots, buildings and other features in relation to existing conditions. The Sketch Plan, which may be a free-hand pencilled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the Assessor's Map(s) on which the land is located. The Sketch Plan shall be accompanied by a copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision, unless the proposed subdivision is less than ten acres in size.

**5.3. Contour Interval and On-Site Inspection.** Within thirty days, the Board shall determine and inform the applicant in writing of the required contour interval on the Preliminary Plan, or Final Plan in the case of a Minor Subdivision. The Board or its designated agent shall, at its earliest convenience and normally within 30 days, make an on-site inspection. If any conditions such as snow exist to prevent an adequate inspection in the opinion of the Board, the applicant shall be notified in writing, and any time limits for review shall be extended accordingly until an on-site inspection can be made. The applicant shall place "flagging" at the centerline of any proposed roads, and at the approximate intersections of the road centerlines and lot corners, prior to the on-site inspection.

**5.4. Rights not Vested.** The submittal or review of the preapplication sketch plan shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1, M.R.S.A., §302.

**ARTICLE VI – MINOR SUBDIVISIONS**

**6.1. General.** The Board may require, where it deems it necessary for the protection of public health, safety, and welfare, that a Minor Subdivision comply with all or any of the submission requirements for a Major Subdivision.

**6.2. Procedure.**

- A. Within six months after the preapplication submission or the on-site inspection by the Board, the subdivider shall submit an application for approval of a Final Plan at least seven days prior to a scheduled meeting of the Board. Failure to do so shall require resubmission of the Sketch Plan to the Board. The Final Plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board.
- B. All applications for Final Plan approval for Minor Subdivision shall be accompanied by an application fee of \$80.00 payable by check to the Town of Washington Planning Board Account. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the additional costs of advertising and postal notification.
- C. The subdivider, or his duly authorized representative, shall attend the meeting of the Board and be prepared to discuss the Preliminary Plan.
- D. The Planning Board shall notify all owners of abutting property that an application for subdivision approval has been submitted to the Board, and the Board shall publish notification, in the *Rockland Courier Gazette*, that an application has been submitted, noting the size in total acres of the proposed subdivision and the location of the proposed subdivision.
- E. Upon determination that a complete application has been submitted for review, the Board shall issue a dated receipt to the subdivider. The Board shall determine whether to hold a public hearing on the Final Plan application.
- F. If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of receipt of a complete application, and shall publish notice of the date, time, and place of the hearing in the *Rockland Courier Gazette* at least two times, the date of the first publication to be at least seven days prior to the hearing.
- G. Within thirty days of a public hearing, or within sixty days of receipt of a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the subdivider, the Board shall make findings of fact on the application, and approve, approve with conditions, or deny the Final Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.

**6.3. Submissions.**

- A. The subdivision plan for a Minor Subdivision shall consist of two reproducible, stable based transparent originals, one to be recorded at the Registry of Deeds, the other to be filed at the Municipal Office and three copies of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border lines on the left side for binding and a one inch margin outside the border along the remaining

**Town of Washington Subdivision Ordinance • 4/1/89 • Amended 3/31/01**

sides. Space shall be provided for endorsement by the Board. Copies of all information accompanying the plan shall be submitted in sufficient numbers for use by the Registry of Deeds, Municipal Office for public viewing, Planning Board members, and review agencies and consultants as required by the Board.

The application for approval of a Minor Subdivision shall include the following information:

1. Proposed name of the subdivision, or identifying title, and the name of the municipality in which it is located, plus the Assessor's Map and Lot numbers.
2. Verification of right, title, or interest in the property.
3. A field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each lot corner.
4. A copy of the deed from which the survey was based. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
5. A copy of any deed restrictions intended to cover all or part of the lots in the subdivision.
6. Indication of the type of sewage disposal to be used in the subdivision:

When sewage disposal is to be accomplished by subsurface wastewater disposal systems, test pit analyses, prepared by a currently Licensed Site Evaluator, Soils Scientist, Geologist or other duly qualified professional, registered or certified in the State of Maine shall be provided. A map showing the location of all test pits dug on the site shall be submitted.

7. Indication of the type of water supply system(s) to be used in the subdivision:

When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.

8. The date the Plan was prepared, north point, graphic map scale, names and addresses of the record owner, subdivider, and individual or company who prepared the plan, and the names of adjoining property owners. If the subdivider is not the owner of the property, evidence of the subdivider's right, title or interest to the property.
9. A copy of the portion of the county Soil Survey covering the subdivision. When the medium intensity soil survey shows soils which are generally unsuitable for the uses proposed, the Board may require the submittal of a high intensity soil survey or a report by a Registered Soil Scientist or Registered Professional Engineer experienced in geotechnics, indicating the suitability of soil conditions for those uses.
10. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, vegetative cover type, and other essential existing physical features. The location of

**Town of Washington Subdivision Ordinance • 4/1/89 • Amended 3/31/01**

any trees larger than 24 inches in diameter at breast height that are to be removed shall be shown on the plan. On wooded sites, the plan shall indicate the area where clearing for lawns and structures shall be permitted.

11. Contour lines at the interval specified by the Planning Board, showing elevations in relation to Mean Sea Level.
12. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.
13. A hydrogeologic assessment prepared by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology, when:
  - a. Any part of the subdivision is located over a sand and gravel aquifer, as shown on a map entitled "Hydrogeologic Data for Significant Sand and Gravel Aquifers," by the Maine Geological Survey, 1985, Map No. 18; or a primary recharge area to an aquifer, or
  - b. The subdivision has an average density of less than 100,000 square feet per dwelling unit.
14. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. A traffic impact analysis shall be required for subdivisions proposed to be accessed by roads that do not meet minimum standards as outlined in Article 12 of this document.
15. For subdivisions involving 40 or more parking spaces or projected to generate more than 400 vehicle trips per day, a traffic impact analysis, prepared by a Registered Professional Engineer with experience in traffic engineering, shall be submitted. The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the road giving access to the site and neighboring roads which may be affected, and recommended improvements to maintain the desired level of service on the affected roads. Trip generation rates used shall be the mean value reported in Table 3 of Development and Application of Trip Generation Rates, Kellerco, Inc., published by the Federal Highway Administration, January 1985.
16. For projects within lake watershed districts a phosphorus control analysis and plan shall be submitted for review and approval.

**Town of Washington Subdivision Ordinance · 4/1/89 · Amended 3/31/01**  
**ARTICLE VII – PRELIMINARY PLAN FOR MAJOR SUBDIVISION**

**7.1. Procedure.**

- A. Within six months after the preapplication submission or on-site inspection by the Board, the subdivider shall submit an application for approval of a Preliminary Plan at least seven days prior to a scheduled meeting of the Board. Failure to do so shall require resubmission of the Sketch Plan to the Board. The Preliminary Plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board.
- B. All applications for Preliminary Plan approval for a Major Subdivision shall be accompanied by an application fee of \$25 per lot or dwelling unit, payable by check to the Town of Washington Planning Board Account. In addition, at its discretion the Board may consult with agencies or persons of recognized special authority in the fields of traffic engineering, environmental protection, land use, fish and wildlife management, geology, air or water quality, solid or liquid waste disposal, or other fields as appropriate. Consultation from sources without fee shall be used first, if available. If not, the fees shall be the responsibility of the applicant who shall be notified in advance of the estimated fees. The amount of said fees shall be paid by the applicant. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover all costs of advertising and postal notification and dissemination of information.
- C. The subdivider, or his duly authorized representative, shall attend the meeting of the Board and be prepared to discuss the Preliminary Plan.
- D. The Planning Board shall notify all owners of abutting property that an application for subdivision approval has been submitted to the Board, and the Board shall publish notification, in the *Rockland Courier Gazette*, that an application has been submitted, noting the size in total acres of the proposed subdivision and the location of the proposed subdivision.
- E. Within thirty days of receipt of a Preliminary Plan application form and fee, the Board shall notify the applicant in writing whether or not the application is complete, and what, if any, additional submissions are required for a complete application.
- F. Upon determination that a complete application has been submitted for review, the Board shall issue a dated receipt to the subdivider. The Board shall determine whether to hold a public hearing on the Preliminary Plan application. If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of receipt of a complete application, and shall publish notice of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing.

When a subdivision is located within 500 feet of a municipal boundary, and a public hearing is to be held, the Board shall notify the Clerk and the Chairman of the Planning Board of the adjacent municipality involved, at least ten days prior to the hearing.

- G. The Board shall, within thirty days of a public hearing, or within sixty days of receipt of a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the subdivider, make findings of fact on the application, and approve, approve with conditions, or deny the Preliminary Plan. The Board shall specify in writing its findings of facts and reasons for any

- H. When granting approval to a Preliminary Plan, the Board shall state the conditions of such approval, if any, with respect to:
1. The specific changes which it will require in the Final Plan;
  2. The character and extent of the required improvements for which waivers may have been requested and which in the Board's opinion may be waived without jeopardy to the public health, safety, and general welfare; and
  3. The amount and type of all performance guarantees which it will require as prerequisite to the approval of the Final Plan;
- I. Approval of a Preliminary Plan shall not constitute approval of the Final Plan or intent to approve the Final Plan, but rather it shall be deemed an expression of approval of the design of the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Board upon fulfillment of the requirements of these regulations and the conditions of preliminary approval, if any. Prior to the approval of the Final Plan, the Board may require additional changes as a result of the further study of the subdivision or as a result of new information received.

**7.2. Submissions.**

- A. Location Map. The Preliminary Plan shall be accompanied by a Location Map adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Board to locate the subdivision within the municipality. The Location Map shall show:
1. Existing subdivisions in the proximity of the proposed subdivision.
  2. Locations and names of existing and proposed roads.
  3. Boundaries and designations of districts.
  4. An outline of the proposed subdivision and any remaining portion of the owner's property if the Preliminary Plan submitted covers only a portion of the owner's entire contiguous holding.
- B. Preliminary Plan. The Preliminary Plan shall be submitted in three copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The Preliminary Plan shall be drawn to a scale of not more than one hundred feet to the inch. The Board may allow plans for subdivisions containing more than one hundred acres to be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. In addition, one copy of the Plan(s) reduced to a size of 8 1/2 by 11 inches, and all accompanying information shall be mailed to each Board member no less than seven days prior to the meeting. The following information shall either be shown on the Preliminary Plan or accompany the application for preliminary approval:
1. Proposed name of the subdivision and the name of the municipality in which it is located, plus the Tax Assessor's Map and Lot numbers.
  2. Verification of right, title, or interest in the property.
  3. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall

be located on the ground and marked by monuments.

4. A copy of the deed from which the survey was based. A copy of all covenants or deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
5. A copy of any covenants or deed restrictions intended to cover all or part of the lots in the subdivision.
6. Contour lines at the interval specified by the Planning Board, showing elevations in relation to Mean Sea Level.
7. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, vegetative cover type, and other essential existing physical features. The location of any trees larger than 24 inches in diameter at breast height shall be shown on the plan.
8. Indication of the type of sewage disposal to be used in the subdivision:  
  
When sewage disposal is to be accomplished by subsurface sewage disposal systems, test pit analyses, prepared by a Licensed Site Evaluator shall be provided. A map showing the location of all test pits dug on the site shall be submitted.
9. Indication of the type of water supply system(s) to be used in the subdivision:  
  
When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.
10. The date the Plan was prepared, magnetic north point, graphic map scale, names and addresses of the record owner, subdivider, and individual or company who prepared the plan. If the subdivider is not the owner of the property, evidence of the subdivider's right, title or interest to the property.
11. The names and addresses of owners of record of adjacent property, including any property directly across an existing public road from the subdivision.
12. The location of any districting boundaries within 1000 feet of any part of the proposed subdivision.
13. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
14. The location, names, and present widths of existing and proposed roads, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.
15. The width and location of any roads or public improvements shown upon the Official Map and the Comprehensive Plan, if any, within the subdivision.
16. The proposed lot lines with approximate dimensions and lot areas.
17. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.

**Town of Washington Subdivision Ordinance • 4/1/89 • Amended 3/31/01**

18. The location of any open space to be preserved and a description of proposed improvements and its management.
19. A copy of that portion of the county Soil Survey covering the subdivision. When the medium intensity soil survey shows soils which are generally unsuitable for the uses proposed, the Board may require the submittal of a high intensity soil survey or a report by a Registered Soil Scientist or Registered Professional Engineer experienced in geotechnics, indicating the suitability of soil conditions for those uses.
20. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.
21. A hydrogeologic assessment, prepared in accordance with Section 11.12.A of this Ordinance by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology, when
  - a. Any part of the subdivision is located over a sand and gravel aquifer, as shown on a map entitled "Hydrogeologic Data for Significant Sand and Gravel Aquifers," by the Maine Geological Survey, Map No. 18; or a primary recharge area to an aquifer, or
  - b. The subdivision has an average density of less than 100,000 square feet per dwelling unit.
22. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. A traffic impact analysis shall be required for subdivisions proposed to be accessed by roads that do not meet minimum standards as outlined in Article 12 of this document.
23. For subdivisions involving 40 or more parking spaces or projected to generate more than 400 vehicle trips per day, a traffic impact analysis, prepared by a Registered Professional Engineer with experience in traffic engineering, shall be submitted. The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the road giving access to the site and neighboring roads which may be affected, and recommended improvements to maintain the desired level of service on the affected roads. Trip generation rates used shall be the mean value reported in Table 3 of Development and Application of Trip Generation Rates, Kellerco, Inc., published by the Federal Highway Administration, January 1985.
24. For projects within lake watershed districts a phosphorus control analysis and plan shall be submitted for review and approval.



**Town of Washington Subdivision Ordinance · 4/1/89 · Amended 3/31/01**  
**ARTICLE VIII – FINAL PLAN FOR MAJOR SUBDIVISION**

**8.1. Procedure.**

- A. The subdivider shall, within six months after the approval of the Preliminary Plan, file with the Board an application for approval of the Final Plan at least seven days prior to a scheduled meeting of the Board. If the application for the Final Plan is not submitted within six months after Preliminary Plan approval, the Board may refuse without prejudice to act on the Final Plan, and require resubmission of the Preliminary Plan. The Final Plan shall approximate the layout shown on the Preliminary Plan, plus any recommendations made by the Board.
- B. All applications for Final Plan approval for Major Subdivision shall be accompanied by an application fee of \$30 per lot or dwelling unit payable by check to the Town of Washington Planning Board Account. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the costs of advertising, postal notification and dissemination of information.
- C. Prior to submittal of the Final Plan application, the following approvals shall be obtained in writing, where appropriate:
  - 1. Maine Department of Environmental Protection, under the Site Location of Development Act, Great Ponds Act, Fresh Water Wetlands Act, Alteration of Streams and Rivers Act, or if a Wastewater Discharge License is needed.
  - 2. Maine Department of Human Services, if the subdivider proposes to provide a central water supply system.
  - 3. Maine Department of Human Services, if a centralized or shared subsurface sewage disposal system(s) is to be utilized.
- D. The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the Final Plan.
- E. Upon determination that a complete application has been submitted for review, the Board shall issue a dated receipt to the subdivider. The Board shall determine whether to hold a public hearing on the Final Plan application.
- F. A public hearing may be held by the Board within thirty days after the issuance of a receipt for the submittal of a complete application. This hearing shall be advertised the *Rockland Courier Gazette* at least two times, the date of the first publication to be at least seven days before the hearing and the notice of the hearing shall be posted in at least three prominent places at least seven days prior to the hearing.
- G. The Board shall notify the Selectmen, Code Enforcement Officer, Road Commissioner, School Superintendent, Law Enforcement Agencies, and Fire Chief of the proposed subdivision, the number of dwelling units proposed, the length of roadways, and the size and construction characteristics of any multi-family, commercial or industrial buildings. The Board shall request that these officials submit written statements, signed and dated, attesting to the adequacy of their department's existing capital facilities to service the proposed subdivision. Comment on the adequacy before and after the proposed development of the Town of Washington's a. Solid waste disposal facility, b. roads, c. schools, d. fire protection, and e. police protection shall be included
- H. Before the Board grants approval of the Final Plan, the subdivider shall

meet the performance guarantee requirements contained in Article XIII.

- I. If the subdivision is located in more than one municipality, the Board shall have a joint meeting with the Planning Board of the adjacent municipality to discuss the Plan.
- J. The Board, within thirty days from the public hearing or within sixty days of receiving a complete application, if no hearing is held, shall make findings of fact, and conclusions relative to the standards contained in Title 30, M.R.S.A. §4956, subsection 3 and in these regulations. If the Board finds that all standards of the Statute and these regulations have been met, they shall approve the Final Plan. If the Board finds that any of the standards of the Statute or these regulations have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The reasons for any conditions shall be stated in the records of the Board.

## **8.2. Submissions.**

The Final Plan shall consist of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can be read. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border line on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be reserved on the plan for endorsement by the Board. Two reproducible, stable based transparent originals, one to be recorded at the Registry of Deeds, the other to be filed at the Municipal Offices, and three copies of the plan shall be submitted. The subdivider may, instead submit one reproducible stable based transparent original of the Final Plan and one Recording Plan with three copies of the Final Plan. In addition, one copy of the Final Plan, reduced to a size of 8 1/2 by 11 inches or 11 by 17 inches, and all accompanying information shall be mailed to each Board member no less than seven days prior to the meeting.

The application for approval of the Final Plan shall include the following information.

- A. Proposed name of the subdivision and the name of the municipality in which it is located, plus the Assessor's Map and Lot numbers.
- B. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each lot corner.
- C. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, and other essential existing physical features.
- D. Indication of the type of sewage disposal to be used in the subdivision.
- E. Indication of the type of water supply system(s) to be used in the subdivision.
  1. When water is to be supplied by private and/or communal wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the

area.

2. A written statement shall be submitted from the Fire Chief approving all hydrant locations or other fire protection measures deemed necessary.
- F. The date the Plan was prepared, magnetic and true north point, graphic map scale, names and addresses of the record owner, subdivider, and individual or company who prepared the plan.
- G. The location of any districting boundaries within 1000 feet of any part of the subdivision, and the location of the proposed subdivision within the Town of Washington boundaries.
- H. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
- I. The location, names, and present widths of existing and proposed roads, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every road line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The length of all straight lines, the deflection angles radii, length of curves and central angles of curves, tangent distances and tangent bearings for each road shall be included.
- J. A soil erosion and sedimentation control plan, prepared in accordance with the standards contained in the latest revised edition of the *Environmental Quality Handbook* published by the U.S. Soil Conservation Service.
- K. A plan for the disposal of surface drainage waters prepared by a Registered Professional Engineer, in accordance the latest revised edition of Technical Release 55, *Urban Hydrology for Small Watersheds*, published by the U.S. Soil Conservation Service.
- L. The width and location of any roads or public improvements shown upon the Official Map and the Comprehensive Plan, if any, within the subdivision.
- M. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers of cession to the municipality of all public open spaces shown on the Plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If open space or other land is to be offered to the municipality, written evidence that the Municipal Officers are satisfied with the legal sufficiency of the written offer of cession shall be included.
- N. A list of construction items with cost estimates that will be completed by the developer prior to the sale of lots. A separate list of construction and maintenance items, with both capital and annual operating cost estimates, that must be financed by the municipality, or quasi-municipal districts. These lists shall include but not be limited to:

- Schools, including busing
- Road maintenance and snow removal
- Police and fire protection
- Solid waste disposal
- Recreation facilities
- Storm water drainage

Wastewater treatment  
Water supply

The developer shall provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the subdivision.

- O. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.

### **8.3. Final Approval and Filing.**

- A. No plan shall be approved by the Board as long as the subdivider is in violation of the provisions on a previously approved Plan.
- B. Upon findings of fact and determination that all standards in Title 30A, M.R.S.A. §4404, and these regulations have been met, and upon voting to approve the subdivision, the Board shall sign the Final Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial. One copy of the signed plan shall be retained by the Board as part of its permanent records. One copy of the signed plan shall be forwarded to the Tax Assessor. One copy of the signed plan shall be forwarded to the Code Enforcement Officer. Any subdivision not recorded in the Registry of Deeds within ninety days of the date upon which the plan is approved and signed by the Board shall become null and void.
- C. At the time the Board grants Final Plan approval, it may permit the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to insure the orderly development of the Plan. If any municipal or quasi-municipal department head notified of the proposed subdivision informs the Board that their department or district does not have adequate capital facilities to service the subdivision, the Board shall require the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to allow the orderly planning, financing and provision of public services to the subdivision. If the superintendent of schools indicates that there is less than 20% excess classroom capacity existing in the school(s) which will serve the subdivision, considering previously approved but not built subdivisions, the Board shall require the Plan to be divided into sections to prevent classroom overcrowding.
- D. No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Board and endorsed in writing on the Plan, unless the revised Final Plan is first submitted and the Board approves any modifications, except in accordance with Article IX. The Board shall make findings that the revised plan meets the standards of Title 30A, M.R.S.A. §4404, and these regulations. In the event that a Plan is recorded without complying with this requirement, it shall be considered null and void, and the Board shall institute proceedings to have the Plan stricken from the records of the Registry of Deeds.
- E. The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any road, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the municipality, approval of the Plan shall not constitute an acceptance by the municipality of such areas. The Board shall require the Plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the

**Town of Washington Subdivision Ordinance • 4/1/89 • Amended 3/31/01**

applicant and the Municipal Officers covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.

- F. Construction or alteration activities for which approval has been granted under this Ordinance shall commence within six (6) months of the date of issuance and shall be substantially completed within twenty-four (24) months of the date of issuance.

Activities which are not commenced or substantially completed within the time limits provided above shall be subject to new application and the approval issued under this Ordinance shall be considered void. The Board shall have a notice placed in the Registry of Deeds to that effect.

Activities may be extended for up to one (1) year by the Board if application is submitted not later than thirty (30) days prior to expiration.

**Town of Washington Subdivision Ordinance · 4/1/89 · Amended 3/31/01**  
**ARTICLE IX – REVISIONS TO APPROVED PLANS**

**9.1. Procedure**

An applicant for a revision to a previously approved plan shall, at least seven days prior to a scheduled meeting of the Board, request to be placed on the Board's agenda. If the revision involves the creation of additional lots or dwelling units, the procedures for preliminary plan approval shall be followed. If the revision involves only modifications of the approved plan, without the creation of additional lots or dwelling units, the procedures for final plan approval shall be followed.

**9.2. Submissions**

The applicant shall submit a copy of the approved plan, as well as three copies of the proposed revisions. The application shall also include enough supporting information to allow the Board to make a determination that the proposed revisions meet the standards of these regulations.

**9.3 Scope of Review**

The Board's scope of review shall be limited to those portions of the plan which are proposed to be changed.

**ARTICLE X - ENFORCEMENT**

**10.1. Inspection of Required Improvements.**

- A. At least five days prior to commencing each major phase of construction of required improvements, the subdivider or builder shall:
  - 1. Notify the Code Enforcement Officer in writing of the time when he proposes to commence construction of such improvements, so that the Municipal Officers can cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.
  - 2. To pay for the costs of inspection, pay to the Town of Washington Planning Board Account a fee in the amount of 2% of the estimated costs of the required improvements. Said fee minimum to be \$400.
- B. If the inspecting official finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, he shall so report in writing to the Municipal Officers, Planning Board, and the subdivider or builder. The Municipal Officers shall take any steps necessary to preserve the municipality's rights.
- C. If at any time before or during the construction of the required improvements, it appears to be necessary or desirable to modify the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the Board. Revised plans shall be filed with the Town. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 1%, etc., the subdivider shall obtain permission to modify the plans from the Board.
- D. At the close of each summer construction season the Town shall, at the expense of the subdivider, have the site inspected by a qualified individual. By December 1 of each year during which construction was done on the site, the inspector shall submit a report to the Board based on that inspection, addressing whether storm water and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate to do the job they were designed for. The report shall also include a discussion and recommendations on any problems which were encountered.
- E. Prior to the sale of any lot, the subdivider shall provide the Board with a letter from a Registered Land Surveyor, stating that all monumentation shown on the plan has been installed.
- F. Upon completion of road construction a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the Municipal Officers at the expense of the applicant, certifying that the road meets or exceeds the design and construction requirements of these regulations. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility.
- G. The subdivider, builder or lot owners shall be required to maintain all improvements and provide for snow removal on roads and sidewalks.

**10.2. Violations and Enforcement.**

- A. No plan of a division of land within the municipality which would constitute a subdivision shall be recorded in the Registry of Deeds until a Final Plan has been approved by the Board in accordance with these regulations.
- B. No person, firm, corporation or other legal entity may convey, offer or agree to convey any land in a subdivision which has not been approved by the Board and recorded in the Registry of Deeds.
- C. No person, firm, corporation or other legal entity may convey, offer or agree to convey any land in an approved subdivision which is not shown on the Final Plan as a separate lot.
- D. Any person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by this ordinance shall be punished by a fine of not less than \$100, and not more than \$2500 for each such conveyance, offering or agreement. The Town of Washington may institute proceedings to enjoin the violation of this section, and may collect attorneys' fees and court costs if it is the prevailing party.
- E. No utility company of any kind shall serve any lot in a subdivision for which a Final Plan has not been approved by the Board.
- F. Development of a subdivision without Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land or lots, or construction of buildings which require a Final Plan approved as provided in these regulations and recorded in the Registry of Deeds.
- G. No lot in a subdivision may be sold, leased, or otherwise conveyed before the road upon which the lot fronts is completed in accordance with these regulations up to and including the entire frontage of the lot. No unit in a multi-family development shall be occupied before the road upon which the unit is accessed is completed in accordance with these regulations.



**ARTICLE XI – GENERAL STANDARDS**

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

**11.1. Conformance with Comprehensive Plan.** All proposed subdivisions shall be in conformity with the Comprehensive Plan or policy statement of the municipality and with the provisions of all pertinent state and local codes and ordinances.

**11.2. Retention of Open Spaces and Natural or Historic Features.**

- A. The plan shall, by notes on the final plan and deed restrictions, limit the clearing of trees to those areas designated on the plan.
- B. The Board shall require the reservation of between five and ten percent of the area of the subdivision as open space in order to provide for the recreational needs of the occupants of the subdivision or to maintain the scenic or natural beauty of the area. In determining the need for open space the Board shall consider the proximity of the subdivision to neighboring dedicated open space or recreation facilities; the needs identified in the municipal comprehensive plan or recreation plan for open space or recreation facilities in the neighborhood surrounding the subdivision; the type of development and the demographic characteristics of potential residents in the subdivision; and the density or lot sizes of the development. The developer may instead make a payment in-lieu-of dedication into a municipal open space or recreation land acquisition fund.
- C. Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended. A site intended to be used for active recreation purposes, such as a playground or a play field, should be relatively level and dry, have a total frontage on one or more roads of at least 200 feet, and have no major dimensions of less than 200 feet. Sites selected primarily for scenic or passive recreation purposes shall have such access as the Board may deem suitable and no less than twenty-five feet of road frontage. The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes to be preserved, together with sufficient areas for trails, lookouts, etc. where necessary and appropriate.
- D. Reserved land acceptable to the Board and subdivider may be dedicated to the municipality as a condition of approval.
- E. Where land is not suitable or is insufficient in amount, or where the applicant prefers, a payment-in-lieu of dedication shall be calculated at the market value of the developed land at the time of the subdivision, as determined by the municipal tax assessor, and paid into a municipal land acquisition or improvement fund.
- F. The Board may require that the development plans include a landscape plan that will show the preservation of any existing trees larger than 36" inches diameter breast height, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic historic or environmentally significant areas. Cutting of trees on the northerly borders of lots should be avoided as far as possible, to retain a natural wind buffer.
- G. If the proposed subdivision contains any historical or archaeological sites, or any areas identified in the Comprehensive Plan or by the Maine

Critical Areas Program as rare and irreplaceable natural areas, these areas shall be included in the open space, and suitably protected by appropriate covenants and management plans.

- H. Any public rights of access to the shoreline of a water body shall be maintained by means of easements or rights-of-way, or should be included in the open space, with provisions made for continued public access.

**11.3. Blocks.** Where road lengths exceed 1,000 feet between intersections with other roads, the Board may require an utility/pedestrian easement, at least 20 feet in width, to provide for underground utility crossings and/or a pedestrian pathway of at least five feet in width constructed in accordance with design standards in Section 12.2.L. Maintenance obligations of the easement shall be included in the written description of the easement.

**11.4. Lots.**

- A. All lots shall meet the minimum requirements of the Land Use Ordinance for the district in which they are located. The lot configuration should be designed to maximize the use of solar energy on building sites with suitable orientation.
- B. Lot configuration and area shall be designed to provide for adequate off-road parking and service facilities based upon the type of development contemplated. Wherever possible, parking areas shall be laid out to coincide with building locations to maximize solar energy gain.
- C. Lots with multiple frontages shall be avoided wherever possible. When lots do have frontage on two or more roads, the plan, and deed restrictions shall indicate vehicular access shall be located only on the less traveled way.
- D. Wherever possible, side lot lines shall be perpendicular to the road.
- E. The subdivision of tracts into parcels with more than twice the required minimum lot size shall be laid out in such a manner as either to provide for or preclude future resubdivision. Where public utilities could be extended to the subdivision in the foreseeable future, the subdivision shall be designed to accommodate the extensions of utilities.
- F. If a lot on one side of a stream, tidal water, road or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the stream, tidal water, or road to meet the minimum lot size.
- G. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited.
- H. Lots shall be numbered in such a manner as to facilitate mail delivery. Even numbers shall be assigned to lots on one side of the road, and odd numbers on the opposite side. Where the proposed subdivision contains the extension of an existing road or road approved by the Board, but not yet constructed, the lot numbers shall correspond with the existing lot numbers. The lot numbering shall be reviewed by the Postmaster and his comments considered by the Board.
- I. Where a major subdivision abuts or contains an existing or proposed arterial road, no residential lot may have vehicular access directly onto the arterial road. This requirement shall be noted on the Plan and in the deed of any lot with frontage on the arterial road.

**11.5. Utilities.**

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

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

**A. Monuments.**

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

**B. Water Supply.**

- 1. The Board may allow the use of individual wells or a private community water system.
  - a. Dug wells shall be permitted only if it is demonstrated to be not economically feasible to develop other ground water sources, and shall be constructed so as to prevent infiltration of surface water into the well. Unless otherwise permitted by the Board, the subdivider shall prohibit dug wells by deed restrictions and a note on the plan.
  - b. If a central water supply system is provided by the subdivider, the location and protection of the source, and the design, construction and operation of the system and shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144 A C.M.R. 231).
  - c. The subdivider shall construct ponds and dry hydrants to provide for adequate water storage for fire-fighting purposes. An easement shall be granted to the municipality granting access to the dry hydrants where necessary. The Board may waive the requirement for fire ponds only upon submittal of evidence that the soil types in the subdivision will not permit their construction.

**C. Sewage Disposal.**

- 1. Private Systems.
  - a. The developer shall submit evidence of soil suitability for

**Town of Washington Subdivision Ordinance • 4/1/89 • Amended 3/31/01**

subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules. In addition, on lots in which the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted so as not to be built upon.

- b. In no instance shall a disposal area be permitted on soils or on a lot which requires a New System Variance from the Subsurface Wastewater Disposal Rules.

**D. Surface Drainage.**

The storm water management plan submitted in accordance with Section 12.4 shall be installed.

**11.7. Land Features.**

- A. Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.
- B. Except for normal thinning, landscaping, and cutting trees to provide access to direct sunlight, existing vegetation shall be left intact to prevent soil erosion and to minimize storm water runoff.
- C. To prevent soil erosion in shoreline areas, tree cutting in the strip extending one hundred feet inland from the normal high water mark of any waterbody shall be limited in accordance with the Maine State Minimum Shoreland Zoning Ordinance as amended.

**11.8. Dedication and Maintenance of Common Open Space and Services.**

- 1. All common land, facilities and property shall be owned jointly or in common by the owners of the dwelling units by means of a home-owners association, by an association which has as its principal purpose the conservation or preservation of land in essentially its natural condition, or by the Town of Washington, if so voted.
- 2. Further subdivision of the common land or its use for other than non-commercial recreation or conservation purposes, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land.
- 3. The common open space shall be shown on the Final Plan with appropriate notation on the plan to indicate that:
  - a. It shall not be used for future building lots; and
  - b. A part or all of the common open space may be dedicated for acceptance by the Town of Washington.
- 4. The by-laws of the proposed homeowners association shall specify maintenance responsibilities and shall be submitted to the Board prior to Final Plan approval.
- 5. Covenants for mandatory membership in the homeowners association setting forth the owners' rights, interests, and privileges in the association and the common property, shall be reviewed by the Board and included in the deed for each lot or dwelling.

6. The homeowners association shall have the responsibility of maintaining the common property or facilities.
7. The association shall levy annual charges against all owners of dwelling units to defray the expenses connected with the maintenance of common property and tax assessments.
8. The developer or subdivider shall maintain control of the common property, and be responsible for its maintenance until development sufficient to support the association has taken place.
9. Provision shall be made in these by-laws for enforcement of these by-laws by the Town of Washington should the association fail to do so.

**11.9. Construction in Flood Hazard Areas.**

When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency, the plan shall indicate that all principal structures on lots in the subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation. Such a restriction shall be included in the deed to any lot which is included or partially included in the flood hazard area.

**11.10. Impact on Ground Water**

- A. When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:
  1. A map showing the basic soils types.
  2. The depth to the water table at representative points throughout the subdivision.
  3. Drainage conditions throughout the subdivision.
  4. Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.
  5. An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision, at the subdivision boundaries and at a distance of 1000 feet from potential contamination sources, whichever is a shorter distance. For subdivisions within the watershed of a lake, projections of the development's impact on groundwater phosphate concentrations shall also be provided.
  6. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.
- B. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
- C. No subdivision shall contaminate the ground water beyond the Maine Drinking Water Standards as measured at the property boundaries.
- D. If ground water contains contaminants in excess of the Maine Drinking Water standards, and the subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.

- E. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the Final Plan, and as restrictions in the deeds to the affected lots.

**11.11. Access Control and Traffic Impacts**

- A. General. Provision shall be made for vehicular access to the subdivision and circulation within the subdivision in such a manner as to safeguard against hazards to traffic and pedestrians in existing roads and within the subdivision, to avoid traffic congestion on any road and to provide safe and convenient circulation on public roads and within the subdivision. More specifically, access and circulation shall also conform to the following standards and the design criteria below.

1. The vehicular access to the subdivision shall be arranged to avoid traffic use of existing local residential roads.
2. Where a lot has frontage on two or more roads, the access to the lot shall be provided to the lot across the frontage and to the road where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.
3. The road giving access to the subdivision and neighboring roads which can be expected to carry traffic to and from the subdivision shall have traffic carrying capacity or be suitably improved by the subdivider to accommodate the amount and types of traffic generated by the proposed subdivision. No subdivision shall increase the volume:capacity ratio of any road above 0.8 nor reduce the road's Level of Service to "D" or below.
4. Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage roads, and traffic controls within public roads.
5. Accessways shall be of a design and have sufficient capacity to avoid queueing of entering vehicles on any road.
6. Where topographic and other conditions allow, provision shall be made for circulation access connections to adjoining lots of similar existing or potential use:
  - a. When such access connection will facilitate fire protection services as approved by the Fire Chief; or
  - b. When such access will enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a road.

- B. Subdivision Access Design for Subdivisions entering onto Arterial roads.

When the access to a subdivision is a road, the road design and construction standards of this appendix shall be met. Where there is a conflict between the standards in this section and the road design and construction standards section, the stricter or more stringent shall apply.

1. General. Access design shall be based on the estimated volume using the access classification defined below.
  - a. Low Volume Access: Less than 25 vehicle trips per day.

**Town of Washington Subdivision Ordinance • 4/1/89 • Amended 3/31/01**

- b. Medium Volume Access: Any access that is not a low volume or high volume access.
- c. High Volume Access: Peak hour volume of 400 vehicles or greater.
2. Sight Distances. Accesses shall be designed in profile and grading and located to provide the required sight distance measured in each direction. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curbline or edge of shoulder, with the height of the eye 3-1/2 feet, to the top of an object 4-1/2 feet above the pavement. The required sight distances are listed below for various posted speed limits.
- a. Two Lane Roads. A sight distance of ten feet for each mile per hour of posted speed limit shall be maintained or provided.
- b. Four Lane Roads. The sight distances provided below are based on passenger cars exiting from accesses onto four lane roads and are designed to enable exiting vehicles:
1. Upon turning left or right to accelerate to the operating speed of the road without causing approaching vehicles to reduce speed by more than 10 miles per hour, and
  2. Upon turning left, to clear the near half of the road without conflicting with the vehicles approaching from the left.

Operating Speed <u>(mph)</u>	Safe Sight Distance - <u>Left (ft)</u>	Safe Sight Distance - <u>Right (ft)</u>
20	130	130
30	220	260
40	380	440
50	620	700

3. Vertical Alignment. Accesses shall be flat enough to prevent the dragging of any vehicle undercarriage. Low volume accesses shall slope upward or downward from the gutter line on a straight slope of 2 percent or less for at least 25 feet followed by a slope of no greater than 10 percent for the next 50 feet. The maximum grade over the entire length shall not exceed 15 percent. Medium and high volume accesses should slope upward or downward from the gutter line on a straight slope of 2 percent or less for at least 25 feet. Following this landing area, the steepest grade on the access shall not exceed 8 percent.
4. Low Volume Accesses.
- a. Skew Angle. Low volume accesses shall be two-way operation and shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 60 degrees.
- b. Curb Radius. The curb radius shall be between 5 feet and 15 feet, with a preferred radius of 10 feet.
- c. Access Width. The width of the access shall be between 12 feet and 16 feet, with a preferred width of 16 feet.
- d. Curb-Cut Width. Curb-cut width shall be between 22 feet and 46 feet, with a preferred width of 36 feet.

5. Medium Volume Accesses.

- a. Skew Angle. Medium volume accesses shall be either one-way or two-way operation and shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 60 degrees.
- b. Curb Radius. Curb radii will vary depending if the access is one-way or two-way operation. On a two-way access the curb radii shall be between 25 feet and 40 feet, with a preferred radius of 30 feet. On one way accesses, the curb radii shall be 30 feet for right turns into and out of the site, with a 5 foot radius on the opposite curb.
- c. Width. On a two-way access the width of the access shall be between 24 feet and 26 feet, with a preferred width of 26 feet, however where truck traffic is anticipated, the width may be no more than 30 feet. On a one-way access the width shall be between 16 feet and 20, with a preferred width of 16 feet.
- d. Curb-Cut Width. On a two-way access the curb-cut width shall be between 74 feet and 110 feet, with a preferred width of 86 feet. On a one-way access the curb-cut width shall be between 46 feet and 70 feet, with a preferred width of 51 feet.

6. High Volume Accesses.

- a. Skew Angle. High volume accesses shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 60 degrees.
- b. Curb Radius. Without channelization islands for right-turn movements into and out of the site, the curb radii shall be between 30 feet and 50 feet. With channelization islands, the curb radii shall be between 75 feet and 100 feet.
- c. Curb-Cut Width. Without channelization, curb-cut width shall be between 106 feet and 162 feet with a preferred width of 154 feet. With channelization, the curb-cut width shall be between 196 feet and 262 feet, with a preferred width of 254 feet.
- d. Entering and exiting accesses shall be separated by a raised median which shall be between 6 feet and 10 feet in width. Medians separating traffic flows shall be no less than 25 feet in length, with a preferred length of 100 feet.
- e. Width. Access widths shall be between 20 feet and 26 feet on each side of the median, with a preferred width of 24 feet. Right turn only lanes established by a channelization island shall be between 16 feet and 20, with a preferred width of 20 feet.
- f. Appropriate traffic control sinage shall be erected at the intersection of the access and the road and on medians and channelization islands.

7. Special Case Accesses. Special case accesses are one-way or two-way drives serving medium or high volume uses with partial access (right turn only) permitted. These accesses are appropriate on roadway segments where there is a raised median and no median breaks are provided opposite the proposed access. These accesses are usually located along the approaches to major signalized intersections where a raised median may be provided to protect left-turning vehicles and



**Town of Washington Subdivision Ordinance • 4/1/89 • Amended 3/31/01**  
separate opposing traffic flows.

a. Perpendicular driveways.

1. Curb Radii. Curb radii shall be between 30 feet and 50 feet, with a preferred radius of 50 feet.
2. Access width. The width of the access shall be between 26 feet and 30 feet, with a preferred width of 30 feet. On two-way accesses, a triangular channelization island shall be provided at the intersection with the road. On each side of the island the one-way drive shall be between 15 feet and 24 feet with a preferred width of 20 feet.
3. Curb-Cut Width. The total curb-cut width shall be between 86 feet and 130 feet with a preferred width of 130 feet.
4. Channelization island. The channelization island on two-way accesses shall be raised and curbed. Corner radii shall be 2 feet.

b. Skewed Accesses.

1. Skew Angle. The skew angle shall be between 45° and 60°, with a preferred angle of 45°.
2. Curb Radii. Curb radii shall be between 30 feet and 50 feet on the outside of the intersection, with a preferred radius of 30 feet. Curb radii shall be between 5 feet and 10 feet on the acute side of the intersection with a preferred radius of 5 feet.
3. Access width. The width of the access shall be between 15 feet and 24 feet, with a preferred width of 20 feet. Where entering and exiting accesses meet, the width shall be between 24 feet and 30 feet with a preferred width of 30 feet.
4. Curb-Cut Width. The total curb-cut width for each access shall be between 35 feet and 75 feet with a preferred width of 42 feet.

c. Access Location and Spacing.

1. Minimum Corner Clearance. Corner clearance shall be measured from the point of tangency (PT) for the corner to the point of tangency for the access. In general the maximum corner clearance should be provided as practical based on site constraints. Minimum corner clearances are listed below based upon access or minor road volume and intersection type.

MINIMUM STANDARDS FOR CORNER CLEARANCE

<u>Access Type</u>	<u>Minimum Corner Clearance (feet)</u>	
	<u>Intersection Signalized</u>	<u>Intersection unsignalized</u>
Low Volume	150	50
Medium Volume	150	50
High Volume	500	250
Special Case		
Right turn in only	50	50
Right turn out only	100	50

Where the minimum standard for a full access drive cannot be met, only a special case access shall be permitted. If based on the above criteria, full access to the site cannot be provided on either the major or minor roads, the site shall be restricted to partial access. Alternately, construction of a shared access drive with an adjacent parcel is recommended.

2. Access Spacing. Accesses and road intersections shall be separated from adjacent accesses, roads and property lines as indicated in the table below, in order to allow major through routes to effectively serve their primary function of conducting through traffic. This distance shall be measured from the access point of tangency to the access point of tangency for spacing between accesses and from the access point of tangency to a projection of the property line at the edge of the roadway for access spacing to the property line.

**MINIMUM ACCESS SPACING**

Access type	Minimum Spacing to Property Line (Dpl) <sup>1</sup>	Minimum Spacing to Adjacent Access by Access Type <sup>2</sup> (Dsp) <sup>3</sup>				
	(feet)	Low (feet)	Medium (feet)	High w/o RT* (feet)	High w/RT** (feet)	Special Case (feet)
Low Volume	5	***				
Medium Volume	10	-	75			
High Volume (w/o RT)*	75	-	75	150		
High Volume (w/RT)**	75	-	75	250	500	
Special Case	10	-	75	75	75	40****

<sup>1</sup> Dpl measured from point of tangency of access to projection of property line on roadway edge.

<sup>2</sup> For two more accesses serving a single parcel, or from a proposed access from an existing access.

<sup>3</sup> Dsp measured from point of tangency of access to point of tangency of adjacent access.

\* High volume access without right turn channelization.

\*\* High volume access with right turn channelization.

\*\*\* Low volume accesses are not permitted in combination with other access types on a single lot.

\*\*\*\* Right-turn-in-only upstream of right-turn-out-only. Right-turn-out followed by right-turn-in not allowed.

- D. Number of Accesses. The maximum number of accesses onto a single road is controlled by the available site frontage and the table above. In addition, the following criteria shall limit the number of accesses independent of frontage length.

1. No low volume traffic generator shall have more than one two-way access onto a single roadway.
2. No medium or high volume traffic generator shall have more than two two-way accesses or three accesses in total onto a single roadway.

**E. Construction Materials/Paving.**

1. All accesses entering a curbed road shall be curbed with materials matching the road curbing. Sloped curbing is required around all raised channelization islands or medians.
2. All accesses shall be paved with bituminous concrete pavement within the road right-of-way. All commercial accesses regardless of access volume shall be paved with bituminous concrete pavement within 30 feet of the road right-of-way.

**ARTICLE XII – STREET AND STORM DRAINAGE**  
**DESIGN AND CONSTRUCTION STANDARDS**

**12.1. General Requirements.**

- A. The Board shall not approve any subdivision plan unless proposed roads and storm water management systems are designed in accordance with any local ordinance or the specifications contained in these regulations. Approval of the Final Plan by the Board, shall not be deemed to constitute or be evidence of acceptance by the municipality of any road or easement.
- B. Subdividers shall submit to the Board, as part of the Final Plan, detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed roads and existing roads within 300 feet of any proposed intersections. The plans shall include the following information:
  - 1. Date, scale, and magnetic or true north point.
  - 2. Intersections of the proposed road with existing roads.
  - 3. Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks, and curbs.
  - 4. Kind, size, location, material, profile and cross-section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.
  - 5. Complete curve data shall be indicated for all horizontal and vertical curves.
  - 6. Turning radii at all intersections.
  - 7. Centerline gradients.
  - 8. Locations of all existing and proposed overhead and underground utilities, to include but not be limited to water, sewer, electricity, telephone, lighting, and cable television.
- C. Upon receipt of plans for a proposed road the Board shall forward one copy to the Municipal Officers, the Road Commissioner, and may forward one copy to a Consulting Engineer for review and comment.
- D. Where the subdivider proposes improvements within existing public roads, the proposed design and construction details shall be approved in writing by the Road Commissioner or the Maine Department of Transportation, as appropriate.
- E. Where the subdivision roads are to remain private roads, the following words shall appear on the recorded plan.

“All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town.”

**12.2. Road Design Standards**

- A. These design standards shall be met by all roads within subdivisions, and shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances.
- B. Roads shall be designed to discourage through traffic within a residential subdivision.

**Town of Washington Subdivision Ordinance • 4/1/89 • Amended 3/31/01**

- C. Reserve strips controlling access to roads shall be prohibited except where their control is definitely placed in the municipality.
- D. Adjacent to areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial uses is contemplated by the municipality, the road right-of-way and/or pavement width shall be increased on each side by half of the amount necessary to bring the road into conformance with the standards for commercial roads in these regulations.
- E. Where a subdivision borders an existing narrow road (not meeting the width requirements of the standards for roads in these regulations), or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the plan shall indicate reserved areas for widening or realigning the road marked "Reserved for Road Realignment (Widening) Purposes." Land reserved for such purposes may not be included in computing lot area or setback requirements of the Zoning Ordinance. When such widening or realignment is indicated on the Official Map, the reserve area shall not be included in any lot, but shall be reserved to be deeded to the municipality or State.
- F. Any subdivision expected to generate average daily traffic of 200 trips per day or more, shall have at least two road connections with existing public roads, roads shown on an Official Map, or roads on an approved subdivision plan for which performance guarantees have been filed and accepted. Any road with an average daily traffic of 200 trips per day or more, shall have at least two road connections leading to existing public roads, roads shown on an Official Map, or roads on an approved subdivision plan for which performance guarantees have been filed and accepted.
- G. The following tabular design standards apply according to road classification. Roads shall be hard surfaced and dust free and designed in accordance with those standards described in appendix B to this ordinance. Hard surface may be concrete, bituminous surface or stone/gravel.

**Town of Washington Subdivision Ordinance • 4/1/89 • Amended 3/31/01**

<u>Description</u>	<u>Type of Road</u>				
	<u>Arterial</u>	<u>Collector</u>	<u>Minor</u>	<u>Private Right of Way</u>	<u>Industrial/ Commercial</u>
Minimum Right-of Way Width	80'	50'	50'	50'	60'
Minimum Travel Surface Width	44'	24'	20'	18'	30'
Sidewalk Width	8'	5'	5'	N/A	8'
Minimum Grade	0.5%	0.5%	0.5%	N/A	0.5%
Maximum Grade*	5%	6%	8%	10%	5%
Minimum Centerline Radius	500'	230'	150'	N/A	400'
Minimum Tangent between curves of reverse alignment	200'	100'	50'	N/A	200'
Roadway Crown	1/4"/ft	1/4"/ft	1/4"/ft	N/A	1/4"/ft
Minimum angle of road intersections**	90°	90°	75°	75°	
Maxi grade within 75' of intersection	2%	2%	2%	N/A	2%
Minimum curb radii at intersections	30'	20'	15'	N/A	30'***
Minimum r/o/w radii at intersections	20'	10'	10'	10'	20'
Min width of shoulders (each side)	5'	3'	3'	3'	9'

\* Maximum grade may be exceeded for a length of 100 feet or less.

\*\* Road intersection angles shall be as close to 90° as feasible but no less than the listed angle.

\*\*\* Should be based on turning radii of expected commercial vehicles, but no less than 30 feet.

H. The centerline of the roadway shall be the centerline of the right-of-way.

I. Dead End Roads. In addition to the design standards above, dead-end roads shall be constructed to provide a cul-de-sac turn-around with the following requirements for radii: Property line 65 ft.; outer edge of pavement 50'; inner edge of pavement: 30 ft. Where the cul-de-sac is in a wooded area prior to development, a stand of trees shall be maintained within the center of the cul-de-sac. The Board may require the reservation of a twenty foot easement in line with the road to provide continuation of pedestrian traffic or utilities to the next road. The Board may also require the reservation of a fifty foot easement in line with the road to provide continuation of the road where future subdivision is possible.

J. Grades, Intersections, and Sight Distances.

1. Grades of all roads shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards above.
2. All changes in grade shall be connected by vertical curves to provide the following minimum stopping sight distances based on the road design speed.

Design Speed (mph)	<u>20</u>	<u>25</u>	<u>30</u>	<u>35</u>
Stopping Sight Distance (ft)	125	150	200	250

Stopping sight distance shall be calculated with a height of eye at 3-1/2 feet and the height of object at 1/2 feet.

**Town of Washington Subdivision Ordinance • 4/1/89 • Amended 3/31/01**

3. Where new road intersections or driveway curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curbline or edge of shoulder, with the height of the eye 3-1/2 feet, to the top of an object 4-1/2 feet above the pavement.

Posted Speed Limit (mph)	<u>25</u>	<u>30</u>	<u>35</u>	<u>40</u>	<u>45</u>	<u>50</u>	<u>55</u>
Sight Distance (ft)	250	300	350	400	450	500	550

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

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

**K. Sidewalks.** Sidewalks may be installed within subdivisions.

**1. Bituminous Sidewalks.**

- a. The crushed aggregate base course shall be no less than eight inches thick.
- b. The hot bituminous pavement surface course shall be no less than than two inches after compaction.

**2. Portland Cement Concrete Sidewalks.**

- a. The sand base shall be no less than six inches thick.
- b. The Portland Cement concrete shall be reinforced with six inch square, number 10 wire mesh and shall be no less than four inches thick.

- L. Granite curbing shall be installed on a thoroughly compacted gravel base of six inches minimum thickness. Bituminous curbing shall be installed on the base course of the pavement. The specified pavement width above shall be measured between the curbs.

**12.3. Road Construction Standards**

**A. Minimum thickness of material after compaction:**

<u>Road Materials</u>	<u>Minimum Requirements</u>				
	<u>Arterial</u>	<u>Collector</u>	<u>Minor</u>	<u>Private Right of Way</u>	<u>Industrial/ Commercial</u>
Aggregate Sub-base Course (Max. sized stone 4")	18"	18"	18"	12"	18"
Crushed Aggregate Base Course	4"	3"	3"	3"	4"
Hot Bituminous Pavement					
Total Thickness	3 1/4"	2 1/2"	2 1/2"		3"
Surface Course	1 1/2"	3/4"	3/4"		1 1/4"
Base Course	1 3/4"	1 3/4"	1 3/4"		1 3/4"

**B. Preparation.**

1. Before any clearing has started on the right of way, the center line and side lines of the new road shall be staked or flagged at fifty foot intervals.
2. Before grading is started, the entire right-of-way shall be cleared of all stumps, roots, brush, and other objectionable material. All ledge, large boulders, and tree stumps shall be removed from the right-of-way.
3. All organic materials shall be removed to a depth of two feet below the subgrade of the roadway. Rocks and boulders shall also be removed to a depth of two feet below the subgrade of the roadway. On soils which have been identified by the Town Engineer as not suitable for roadways, the subsoil shall be removed from the street site to a depth of two feet below the subgrade and replaced with material meeting the specifications for gravel aggregate sub-base below.
4. Side slopes shall be no steeper than a slope of three feet horizontal to one foot vertical, and shall be graded, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan.
5. All underground utilities shall be installed prior to paving to avoid cuts in the pavement. Building sewers and water service connections shall be installed to the edge of the right-of-way prior to paving.

**C. Bases and Pavement.**

**1. Bases.**

- a. The Aggregate Sub-base Course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a 3 inch square mesh sieve shall meet the following grading requirements:

<u>Sieve Designation</u>	<u>Percentage by Weight Passing Square Mesh Sieves</u>
1/4 inch	25-70%
No. 40	0-30%
No. 200	0-7%

Aggregate for the subbase shall contain no particles of rock exceeding four inches in any dimension.

- b. The Aggregate Base Course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a 3 inch square mesh sieve shall meet the following grading requirements:

<u>Sieve Designation</u>	<u>Percentage by Weight Passing Square Mesh Sieves</u>
1/2 inch	45-70%
1/4 inch	30-55%
No. 40	0-20%
No. 200	0-5%

Aggregate for the subbase shall contain no particles of rock exceeding four inches in any dimension.

2. **Pavement Joints.** Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat,



3. Curbs and Gutters.

- a. Street curbs and gutters shall be installed as required by the Board.
- b. Curbs shall be vertical except when sloped curbs are specifically allowed by the Board.

4. Pavements.

- a. Minimum standards for the base layer of pavement shall be the M.D.O.T. specifications for plant mix grade B with an aggregate size no more than 1 inch maximum.
- b. Minimum standards for the surface layer of pavement shall meet the M.D.O.T. specifications for plant mix grade C with an aggregate size no more than 3/4 inch maximum.

**12.4. Storm Water Management Design Standards**

- A. Adequate provision shall be made for disposal of all storm water generated within the subdivision, and any drained ground water through a management system of swales, culverts, underdrain, and storm drains. The storm water management system shall be designed to conduct storm water flows to existing watercourses or storm drains.
  - 1. Where a subdivision is traversed by a stream, river, or surface water drainageway, or where the Board feels that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channelling surface water within the subdivision and over other properties. This stormwater management system shall be designed by a Registered Professional Engineer.
  - 2. Drainage easements for existing water-courses or proposed drainage ways shall be provided and indicated on the plan at least thirty feet wide, conforming substantially with the lines of existing natural drainage.
  - 3. All components of the storm water management system shall be designed to limit peak discharge to predevelopment levels for every storm between the 2-year and the 25-year, 24-hour duration, frequencies, based on rainfall data for Portland, Maine. When the subdivision discharges directly to a major water body, peak discharge may be increased from predevelopment levels provided downstream drainage structures are suitably sized.
  - 4. The minimum pipe size for any storm drainage pipe shall be twelve inches. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two feet. Pipe shall be bedded in a fine granular material, containing no stones larger than 3 inches, lumps of clay, or organic matter, reaching a minimum of six inches below the bottom of the pipe extending to six inches above the top of the pipe.
- B. The storm water management system shall be designed to accommodate upstream drainage, taking into account existing conditions and approved or planned developments not yet built and shall include a surplus design capacity factor of 25% for potential increases in upstream runoff.
- C. Downstream drainage requirements shall be studied to determine the effect of the proposed subdivision. The storm drainage shall not overload

**Town of Washington Subdivision Ordinance • 4/1/89 • Amended 3/31/01**

existing or future planned storm drainage systems downstream from the subdivision. The subdivider shall be responsible for financing any improvements to existing drainage systems required to handle the increased storm flows.

- D. Catch basins shall be installed where necessary and located at the curb line.
- E. Outlets shall be stabilized against soil erosion by stone riprap or other suitable materials to reduce storm water velocity. Wherever the storm drainage system is not within the right-of-way of a public road, perpetual easements shall be provided to the Town allowing maintenance and improvement of the system.
- F. Where soils require a subsurface drainage system, the drains shall be installed and maintained separately from the storm water drainage system.

**12.5. Storm Drainage Construction Standards.**

**A. Materials.**

1. Reinforced Concrete Pipe. Reinforced Concrete Pipe shall meet the requirements of ASTM Designation C-76 (AASHTO M 170). Pipe classes shall be required to meet the soil and traffic loads with a safety factor of 1.2 on the .01 inch crack strength with a Class B bedding. Joints shall be of the rubber gasket type meeting ASTM Designation C 443-70, or of an approved preformed plastic jointing material such as "Ramnek". Perforated Concrete Pipe shall conform to the requirements of AASHTO M 175 for the appropriate diameters.
2. Asbestos Cement Pipe. Asbestos Cement Pipe shall meet the requirements of ASTM Designation C-428 (AASHTO M 189). Pipe classes shall be required to meet the soil and traffic loads with a safety factor of 1.5 on the crushing strength. Joints shall be of the rubber gasket type meeting ASTM Designation D-1869-63, or of an approved preformed plastic sleeve type.
3. Corrugated Metal Pipe. Corrugated Metal Pipe shall be bituminous coated meeting the requirements of AASHTO Designation M 190 Type C for iron or steel pipe or AASHTO Designation M 196 for aluminum alloy pipe for sectional dimensions and type of bituminous coating. Pipe gauge shall be as required to meet the soil and traffic loads with a deflection of not more than 5%.
4. ABS Pipe. ABS (Acrylonitrile-butadiene-styrene) composite pipe and fittings shall conform to the requirements of AASHTO M 264 and AASHTO M 265. Perforated pipe shall conform to the requirements of AASHTO M 36, Type III.
5. Corrugated Plastic Pipe. Corrugated Plastic Pipe shall conform to the requirements of AASHTO M-252.
6. Manholes. Manholes shall be of precast concrete truncated cone section construction meeting the requirements of ASTM Designation C 478 or precast concrete manhole block construction meeting the requirements of ASTM Designation C 139, radial type. Bases may be cast in place 3,000 psi 28 day strength concrete or may be of precast concrete, placed on a compacted foundation of uniform density. Metal frames and traps shall be set in a full mortar bed and with tops shall conform to the requirements of AASHTO M 103 for carbon steel castings, AASHTO M 105, Class 30 for gray iron castings or AASHTO M 183 (ASTM A 283, Grade B or better) for structural steel.

7. Catch Basins. Catch Basins shall be of precast concrete truncated cone section construction meeting the requirements of ASTM Designation C 478 or precast concrete manhole block construction meeting the requirements of ASTM Designation C 139, radial type. Castings shall be square cast iron sized for the particular inlet condition with the gratings perpendicular to the curb line. Bases may be cast in place 3,000 psi 28 day strength concrete or may be of precast concrete, placed on a compacted foundation of uniform density. Metal frames and traps shall be set in a full mortar bed and with tops shall conform to the requirements of AASHTO M 103 for carbon steel castings, AASHTO M 105, Class 30 for gray iron castings or AASHTO M 183 (ASTM A 283, Grade B or better) for structural steel.
- B. Drain inlet alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvilinear drain is obtained in writing from the Board, after consultation with the Municipal Engineer.
- C. Manholes shall be provided at all changes in vertical or horizontal alignment and at all junctions. On straight runs, manholes shall be placed at a maximum of 400 foot intervals.
- D. Upon completion each catch basin or manhole shall be cleaned of all accumulation of silt, debris or foreign matter and shall be kept clean until final acceptance.

**12.6. Additional Improvements and Requirements.**

- A. Erosion Control. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.
- B. Cleanup. Following road construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire road right-of-way. If onsite disposal of the stumps and debris is proposed, the site shall be indicated on the Plan, and be suitably covered with fill and topsoil, limed, fertilized, and seeded.
- C. Road Names, Signs and Lighting. Roads which join and are in alignment with roads of abutting or neighboring properties shall bear the same name. Names of new roads shall not duplicate, nor bear phonetic resemblance to the names of existing roads within the Municipality, and shall be subject to the approval of the Board. No road name shall be the common given name of a person. The developer shall reimburse the Municipality for the costs of installing road name, traffic safety and control signs. Road lighting shall be installed as approved by the Board.

- 12.7. **Certification of Construction.** Upon completion of road construction a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the Municipal Officers at the expense of the applicant, certifying that the proposed way meets or exceeds the design and construction requirements of the final plan as submitted and approved by the Town of Washington Planning Board.

**ARTICLE XIII – PERFORMANCE GUARANTEES**

**13.1. Types of Guarantees.** With submittal of the application for Final Plan approval, the subdivider shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs:

- A. Either a certified check payable to the Town or a savings account or certificate of deposit naming the Town as owner, for the establishment of an escrow account;
- B. A performance bond payable to the Town issued by a surety company, approved by the Municipal Officers;
- C. An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision, from which the Town may draw if construction is inadequate, approved by the Municipal Officers; or
- D. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed.

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

**13.2. Contents of Guarantee.** The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and a date after which the developer will be in default and the Town shall have access to the funds to finish construction.

**13.3. Escrow Account.** A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the subdivider, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the subdivider unless the municipality has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the subdivider and the amount withdrawn to complete the required improvements.

**13.4. Performance Bond.** A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the subdivider, and the procedures for collection by the municipality. The bond documents shall specifically reference the subdivision for which approval is sought.

**13.5. Letter of Credit.** An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan.

**13.6. Conditional Agreement.** The Board, at its discretion may provide for the subdivider to enter into a binding agreement with the municipality in lieu of the other financial performance guarantees. Such an agreement shall provide for approval of the Final Plan on the condition that up to four lots may be sold or built upon until either:

- A. It is certified by the Board, or its agent, that all of the required improvements have been installed in accordance with these regulations and the regulations of the appropriate utilities; or
- B. A performance guarantee, acceptable to the municipality, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed.

Notice of the the agreement and any conditions shall be on the Final Plan which is recorded at the Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guarantees contained in Section 13.8.

- 13.7. Phasing of Development.** The Board may approve plans to develop a major subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision road which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.
- 13.8. Release of guarantee.** Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction, in part upon the report of the Consulting Engineer and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.
- 13.9. Default.** If, upon inspection, the Consulting Engineer finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he shall so report in writing to the Code Enforcement Officer, the Municipal Officers, the Board, and the subdivider or builder. The Municipal Officers shall take any steps necessary to preserve the Town's rights.
- 13.10. Improvements Guaranteed.** Performance guarantees shall be tendered for all improvements required by Section 11.6 of these regulations and for the construction of the roads.

**ARTICLE XIV - WAIVERS**

- 14.1. Where the Board makes written findings of fact** that there are special circumstances of a particular lot proposed to be subdivided, it may waive portions of the submission requirements or the standards, unless otherwise indicated in the regulations, to permit a more practical and economical development, provided the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, the Districting Ordinance, or these regulations, and provided the criteria of the State Subdivision Law are met.
- 14.2. Where the Board makes written findings of fact** that due to special circumstances of a particular lot proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed subdivision, it may waive the requirement for such improvements, subject to appropriate conditions.
- 14.3. In granting waivers to any of these regulations** in accordance with Sections 14.1 and 14.2, the Board shall require such conditions as will assure the objectives of these regulations are met.
- 14.4. Waviers to be shown on Final Plan.** When the Board grants a waiver to any of the standards of these regulations, the Final Plan shall indicate the waivers granted and the date on which they were granted.

**ARTICLE XV – APPEALS**

- 15.1** An aggrieved party may appeal any decision of the Board under these regulations to the Town of Washington Board of Appeals within thirty (30) days.
- 15.2** An appeal may be taken from any decision of the Board of Appeals to the Superior Court within thirty (30) days after the decision, as provided by 30A M.R.S.A. Section 2691(G)(3), as the same may be amended from time to time.

## PUBLIC NOTICE

To Judson Buttermann, constable of the town of Washington, in the County of Knox. Greeting: In the name of the State of Maine, you are hereby required to notify and warn the voters of the town of Washington that the municipal officers of said town will meet at the Bryant Room of the Gibbs Library, 40 Old Union Road, Washington on Wednesday, the 15 day of June, 2016 at 7PM and then and there consider the enactment of the following ordinance:

### An Ordinance Relating to Traffic Control

#### **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 WASHINGTON 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 signatures of the municipal officers. 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

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 (MaineDOT) "Rules and Regulations Restricting Heavy Loads on Closed Ways" dated December 31, 1996 and amended



on March 4, 1998. and is hereby incorporated as part of this Ordinance, are exempt from this Ordinance. In addition, any vehicle delivering home heating fuel and operating in accordance with a permit issued by the MaineDOT under 29-A M.R.S.A. § 2395 (4) and, when necessary during a period of drought emergency declared by the governor, any vehicle transporting well-drilling equipment for the purpose of drilling a replacement well or for improving an existing well on property where that well is no longer supplying sufficient water for residential or agricultural purpose and operating in accordance with a permit issued by the MaineDOT under 29-A M.R.S.A. § 2395 (4-A).

### **Section 5. Permits**

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; and
- (c) 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 applicant's 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 municipal officers or their duly authorized designee [such as road commissioner, code enforcement officer or law enforcement officer].

### **Section 7. Penalties**

Any violation of this 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**

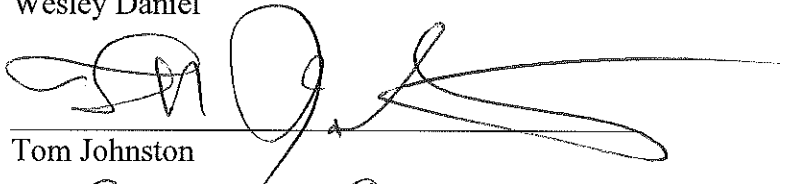
In the event any portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect. This Ordinance shall take effect immediately upon enactment by the municipal officers at any properly noticed meeting.

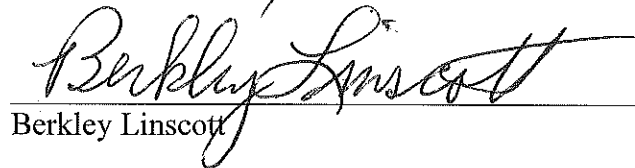
## An Ordinance Relating to Traffic Control

The public will be given an opportunity to be heard prior to the consideration of the above ordinance by the Board of Selectmen.

Given under our hands this 15 day of June, 2016

  
Wesley Daniel

  
Tom Johnston

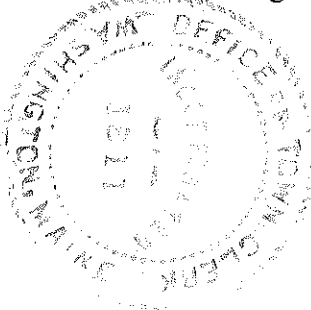
  
Berkley Linscott

Municipal Officers of Washington, Maine

Attest:

  
Ann Dean, Town Clerk

Town of Washington



MUNICIPALITY OF WASHINGTON, MAINE

ORDINANCE

EXEMPTING ELIGIBLE ACTIVE DUTY MILITARY PERSONNEL  
FROM VEHICLE EXCISE TAX

SECTION 1. Authority. This ordinance is enacted pursuant to 36 M.R.S.A. §1483-A which expressly authorizes such ordinances.

SECTION 2. Excise tax exemption; qualifications. Vehicles owned by a resident of Washington who is on active duty serving in the United States Armed Forces and who is either permanently stationed at a military or naval post, station or base outside this State or deployed for military service for a period of more than 180 days and who desires to register that resident's vehicle(s) in this State are hereby exempted from the annual excise tax imposed pursuant to 36 M.R.S.A. §1482.

- a. To apply for this exemption, the resident must present to the municipal excise tax collector certification from the commander of the resident's post, station or base, or from the commander's designated agent, that the resident is permanently stationed at that post, station or base or is deployed for military service for a period of more than 180 days.
- b. For purposes of this section, "United States Armed Forces" includes the National Guard and the Reserves of the United States Armed Forces.
- c. For purposes of this section, "deployed for military service" has the same meaning as in 26 M.R.S.A. §814(1)(A).
- d. For purposes of this section, "vehicle" has the same meaning as in 36 M.R.S.A. §1481(5) and does not include any snowmobiles as defined in 12 M.R.S.A. §13001.

SECTION 3. Effective date; duration. This ordinance shall take effect immediately upon enactment and shall remain in effect unless and until it or 36 M.R.S.A. §1483-A is repealed.

"Attest. A True copy of an ordinance entitled EXEMPTING ELIGIBLE ACTIVE DUTY MILITARY PERSONNEL FROM VEHICLE EXCISE TAX, as certified to me by the municipal officers of the Town of Washington, Maine, and adopted by the town meeting on the 29<sup>th</sup> day of March 2013."

Date: MARCH 30, 2013 Signature *Ann Dean*  
Ann Dean, Town Clerk

## Washington Land Use Ordinance Proposals - 7/20/2015

ARTICLE XIV - ARRAYSSection 3. Exempt Arrays

6. Single wind energy conversion units for private use no more than 80 feet high.

Section 10. Wind Energy Conversion Arrays (WECA)1. Setbacks:

All parts of the WECA shall be setback from all property lines a distance equal to the height of the wind-system structure measured from the ground to the system's highest point plus the required minimum setback of the district in which it is located.

2. Height:

Each WECA unit shall have a maximum height of 80 feet in all districts as measured from the ground level to the system's highest point except for the Rural/Commercial, Farm and Forest, and Planned Development districts where the maximum height shall be 140 feet as measured from the ground level to the system's highest point.

3. Noise:

The WECA shall not exceed 45 dBA as measured at the property line in all districts except for the Rural/Commercial, Farm and Forest, and Planned Development districts, where the WECS shall not exceed 55 dBA as measured at the property line.

A WECA may exceed 65 dBA in the Rural/Commercial, Farm and Forest, and Planned Development districts and 55 dBA in all other districts during short-term events such as severe wind storms.

4. Shadow Flicker and Blade Reflection

The WECA shall be designed and sited so that alternating changes in light intensity caused by the movement of wind turbine blades casting shadows on the ground or a stationary object (shadow flicker), and/or blade reflection will not fall on any occupied building on a non-participating landowner's property plus an additional 100 foot boundary surrounding the

exterior of the occupied building, the entire outdoor public area surrounding schools, churches and public buildings, and public roads with a posted speed limit greater than 25 mph (shadow flicker receptor).

The shadow flicker or reflection shall not exceed 10 hours per year for any given shadow flicker receptor.

#### 5. Avian and Bat Protection

All WECA site plan applications shall include an Avian and Bat Protection Plan to be approved by the Planning Board.

#### 6. Design Standards:

- a. The minimum distance between the ground and any wind-turbine blades of a WECA unit shall be 25 feet as measured at the lowest arc of the blades.
- b. All units in a WECA shall be equipped with both manual and automatic over-speed controls.
- c. The WECA shall be designed and installed such that public access via step bolts or a ladder is prevented on each unit for a minimum of 12 feet above the ground.
- d. The WECA units shall be a non-reflective color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporates non-reflective surfaces to minimize any visual disruptions.
- e. No WECA unit shall be lighted unless required by the FAA.
- f. No WECA unit shall be roof-mounted.

#### Section 11. Antenna Arrays (AA)

##### 1. Setbacks:

All parts of the AA shall be setback from all property lines a distance equal to the required minimum setback of the district in which it is located plus ten (10) feet for each 100,000 square feet or fraction thereof of array surface area.

##### 2. Height:

A ground- or pole-mounted AA shall have a maximum height of 20 feet in all districts as measured from the ground level to the

system's highest point at full tilt except for the Rural/Commercial, Farm and Forest, and Planned Development districts where the maximum height shall be 40 feet as measured from the ground level to the system's highest point at full tilt.

3. Roof Load:

The weight of any AA proposed to be roof mounted on any structure must be calculated and a determination must be made by a registered engineer that the load rating of the underlying structure can accommodate the additional weight.

4. Lot Coverage:

The surface area of a ground- or pole-mounted system, regardless of the mounted angle or the parabolic antenna shape, shall be calculated as part of the overall lot coverage.

5. Design Standards:

- a. AA installations shall not obstruct solar access to neighboring properties.
- b. Placement of AAs on roofs shall not extend horizontally past the roofline.
- c. The AA structure shall be a non-reflective color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporates non-reflective surfaces to minimize any visual disruptions.

**ARTICLE XV - DEFINITIONS**

**Section 2. Definitions**

ANTENNA ARRAY (AA): a set of 2 or more antennas whose signals are combined or processed in order to achieve improved performance over that of a single antenna. An antenna array is often called a 'phased array'. This definition does not include arrays regulated by the Washington Wireless Telecommunication Facility Ordinance.

WIND ENERGY CONVERSION ARRAY (WECA): A grouping of devices sometimes called "wind turbines", more correctly termed "aerofoil-powered generators", that converts kinetic energy from the wind, a solar-generated force, into electrical power. A WECA is sometimes called a "Wind Farm".





# **TOWN OF WASHINGTON, MAINE**

## **WIRELESS TELECOMMUNICATIONS FACILITIES ORDINANCE**

**ADOPTED**

**26 MARCH 2004**

**AMENDED**

**30 MARCH 2007**

This is to certify that this ordinance was adopted by majority vote at the Annual Town Election held March 26, 2004 at the Bryant Community Room and amended by majority vote at the Annual Town Election held March 30, 2007 at the Bryant Community Room

---

Cyndie Bourgeois, Town Clerk



# **TOWN OF WASHINGTON, MAINE WIRELESS TELECOMMUNICATIONS FACILITIES (WTF) ORDINANCE**

## **ARTICLE I – TITLE AND PURPOSE**

### **§ 1. TITLE**

This ordinance shall be known and cited as the “Town of Washington, Maine Wireless Telecommunications Facilities (WTF) Ordinance”, hereinafter referred to as “this Ordinance.”

### **§ 2. PURPOSE**

The purpose of this Ordinance is to establish predictable and balanced regulations and to provide a process and a set of standards for the construction of wireless telecommunication facilities within the Town of Washington in order to:

- A. Implement a municipal policy concerning the provision of wireless telecommunications services, and the appropriate siting of their facilities;
- B. Establish clear guidelines, standards and time frames for the exercise of municipal authority to regulate wireless telecommunication facilities in order to avoid potential damage to adjacent properties;
- C. Encourage the provision of advanced wireless telecommunication facilities to the largest number of businesses, institutions and residents of Washington;
- D. Encourage competition in wireless telecommunications services;
- E. Permit and manage reasonable access for wireless telecommunications on a competitively neutral basis;
- F. Ensure that all wireless telecommunication carriers providing facilities or services within Washington comply with the ordinances of the Town;
- G. Ensure that Washington can continue to fairly and responsibly protect the public health, safety and welfare;
- H. Encourage the co-location of wireless telecommunication facilities in order to maximize the use of approved or pre-existing sites within the coverage area;
- I. Minimize adverse impact on the Town’s aesthetic resources and to protect the scenic, historic, environmental, natural resources, and visual character of the community;
- J. Enable Washington to discharge its public trust consistent with rapidly evolving federal and state regulatory policies, industry competition and technological development; and
- K. Further the goals and policies of the Comprehensive Plan, while promoting orderly development of the Town with minimal impacts on existing uses.

## **ARTICLE II – ACTIVITIES EXEMPT FROM THIS ORDINANCE**

The following are exempt from the provisions of this Ordinance:

- A. Amateur (Ham) radio stations licensed by the FCC or wireless telecommunication facilities used for the transmission and receipt of wireless computer networks, with a maximum tower height, including antenna, of seventy-five (75) feet above ground level. Amateur (Ham) radio facilities shall be exempt from all fees listed in this Ordinance when co-locating on a tower of any height.
- B. Parabolic antennas and residential antennas or towers that are an accessory to a residential dwelling unit for personal or non-commercial use.
- C. Maintenance, upgrade, or repair of an existing WTF and its equipment, provided that there is no change in the height or any other dimension of the facility.
- D. Temporary wireless telecommunications facilities for emergency communications by public officials.
- E. Facilities completely enclosed in existing structures at the time of enactment of this Ordinance.
- G. Governmental services are exempt from all fees contained herein, but are subject to the rest of this ordinance.

## ARTICLE III – DEFINITIONS & REFERENCES

### § 1. CONSTRUCTION OF LANGUAGE

In general, all words and terms used in this Ordinance shall have their customary dictionary meanings. More specifically, certain words and terms shall be described below.

### § 2. REFERENCES TO THE TOWN

All references in this Ordinance to “Town,” “the Town,” “the Town of Washington,” and to any board, official or officer, unless clearly defined otherwise, shall be construed to be references to The Town of Washington, Maine, an incorporated municipality in the County of Knox, State of Maine and its municipal boards, officials and officers.

### § 3. REFERENCES TO OTHER DOCUMENTS

All references in this Ordinance to any document, chapter, handbook, or other external reference, shall be construed to be references to said documents and their successor documents, as they may be amended or replaced from time to time by other materials.

### § 4. DEFINITIONS

Terms used in this Ordinance shall have the following meaning:

**Abandonment** means a WTF that is not listed as having a license in the FCC Database or is out of operation for a continuous period of twelve (12) months or more.

**Accessory Use** means uses clearly incidental and subordinate to a principal use and located on the same lot as the principal use. Such uses are not implied by this Ordinance and must be permitted when necessary under the Town’s other ordinances.

**Amateur (Ham) radio stations** means radio telecommunications services and facilities licensed by the FCC as such.

**Antenna** means any system of poles, panels, rods, reflecting discs or similar devices used for transmission or reception of radio or electromagnetic frequency signals.

**Average tree canopy height** is the average height of trees with dominate or co-dominate crown positions.

**Camouflaged wireless telecommunication facilities** are disguised, hidden, or part of a proposed structure or placed within an existing structure.

**Co-location** means the use of a wireless telecommunications facility by more than one wireless telecommunications provider.

**Commercial use** means a for-profit operation, even if that operation loses money.

**Designated Scenic Resource** means that specific location, view, or corridor, as identified as a scenic resource in the municipally adopted comprehensive plan or by a State or federal agency, that consists of:

1. a three dimensional area extending out from a particular viewpoint on a public way or within a public recreational area, focusing on a single object, such as a mountain, resulting in a narrow corridor, or a group of objects, such as a downtown skyline or mountain range, resulting in a panoramic view corridor; or
2. lateral terrain features such as valley sides or woodland as observed to either side of the observer, constraining the view into a narrow or particular field, as seen from a viewpoint on a public way or within a public recreational area.

**Dwelling:**\* any building or structure or portion thereof designed or used for residential purposes.

- A. **SINGLE-FAMILY DETACHED DWELLING:** a structure containing only one dwelling unit for occupation by not more than one family. The term shall include multi-sectional modular homes, but shall not be deemed to include manufactured housing units or older mobile homes.
- B. **SINGLE-FAMILY ATTACHED DWELLING:** a building containing single family dwelling units each with two or more fire separation walls, or one fire separation wall in the case of a dwelling unit at the end of a group of attached units; which have no dwelling units above or below them; and which have no common hallways. Single family attached dwellings are permitted as part of clustered residential developments or in any district which allows multifamily dwellings.
- C. **TWO-FAMILY DWELLING:** a building used for residential occupancy by two families living independently of each other.

---

\* Amended 3/30/2007.

- D. **MULTI-FAMILY DWELLING:** a building containing three or more dwelling units, such buildings being designed for residential use and occupancy by three or more families living independently of one another, with the number of families not exceeding the number of dwelling units. The term also includes commercial space as the principal use.

**Dwelling Unit:**\* a room or group of rooms designed and equipped exclusively for use as living quarters for one family, including provisions for living, sleeping, cooking, and eating. The term shall include seasonal dwellings (designed for occupancy for less than three months), but shall not include motor homes or recreational vehicles, nor shall it include hotel or motel rooms or suites, rooming house rooms, or similar accommodations. Living areas shall mean actual enclosed space suitable for year-round occupancy and shall not include porches, patios and similar areas whether or not enclosed.

**Ecologically Sensitive Areas** means wetlands, swamps, wildlife habitat areas delineated by the Dept. of Inland Fisheries and Wildlife (IF&W), prime agricultural areas, areas with steep slopes, areas with poorly drained soils, and flood plain areas (subject to a 100 year flood). Also to include Protected Natural Resources. Ecologically sensitive areas shall specifically include all areas within the Conservation District, as defined in Article VII, Section 1 of the *Town of Washington Land Use Ordinance*.

**Equipment Shelter or base receiver station,** is an enclosed structure, shed, or box at or near the base of the mount within which equipment for wireless telecommunication facilities are housed.

**Expansion** means the addition of antennas, towers, or other devices to an existing structure or any enlargement of that structure.

**FAA** means the Federal Aviation Administration, or its lawful successor.

**FCC** means the Federal Communications Commission, or its lawful successor.

**Fall Zone** is the area on the ground from the base of a WTF that forms a circle with a radius equal to 125% of the height of the facility, including any antennas or other appurtenances.

**Guyed Tower** is a tower that is tied to the ground or other surface by diagonal cables for lateral support.

**Height** means the vertical measurement from a point on the ground at the mean finish grade adjoining the foundation.

**Historic or Archaeological Resources** means resources that are:

1. Listed individually in the National Register of Historic Places or eligible for listing on the National Register; or
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district; or
3. Individually listed on a state inventory of historic places in states with historic preservation programs approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by Secretary of the Interior through the Maine Historic Preservation Commission; or
5. Areas identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as an historic or archaeological resource and any areas identified in the municipality's comprehensive plan, which have been listed or are eligible to be listed on the National Register of Historic Places.

**Lattice Tower** refers to a type of mount that is self-supporting with multiple legs and cross-bracing of structural steel.

**Licensed Carrier** is a company authorized by the FCC to construct and operate a commercial mobile radio services system.

**Mast** is a pole that resembles a street light standard or telephone pole.

**Mean Finished Grade** is calculated by averaging the highest and lowest finished grade around the building or structure, to the highest point of the tower, building, or structure. The highest point shall exclude farm building components, flagpoles, chimneys, ventilators, skylights, domes, water towers, bell towers, church spires, processing towers, tanks, bulkheads, or other accessory building features usually erected at a height greater than the main roofs of buildings.

**Monopole** is a type of mount, normally thicker than a mast, that is self-supporting with a single shaft of concrete, steel, or wood, which is designed for the placement of antennas or arrays along the shaft.

---

\*Amended 3/30/2007.

**Mount** is the structure or surface upon which antennas are mounted. Antennas may be mounted on the roof of a building (roof-mounted), on the side of a building (side-mounted), mounted on the ground (ground-mounted), or mounted on a structure other than a building (structure-mounted.)

**Parabolic Antenna** (also known as a **satellite dish antenna**) means an antenna which is bowl-shaped, designed for the reception and/or transmission of electromagnetic radiation signals in a specific directional pattern.

**Principal Use** means the use other than one which is wholly incidental or accessory to another use on the same premises.

**Residential Dwelling Unit:**\* a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes, but not recreational vehicles.

**Site Search Ring Analysis Report** means the standard industry report of an analysis of the potential sites within an identified circular broadcast area of service.

**Temporary Wireless Telecommunications Facility** means any tower, pole, antenna, etc., designed for use while a permanent wireless facility is under construction, or for a limited-time special event or conference for a maximum of 90 days per year use.

**Tower** means any structure, whether free standing or in association with a permanent structure, used primarily for the support of one or more antennas. The term includes radio and television towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and similar structures.

**Tower height** means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure, even if said highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the mean finished grade of the facility site. If the support structure is on a sloped grade, then the average height between the highest and lowest grades shall be used in calculating the antenna height.

**Wireless Telecommunications** includes any personal wireless service defined in the Federal Telecommunications Act of 1996. This Act includes, but is not limited to, FCC licensed commercial wireless telecommunications services, cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging and unlicensed wireless services, common carrier wireless exchange access services, and wireless computer networking or internet access.

**Wireless Telecommunications Facility (WTF)** includes all equipment (including any repeaters and towers) with which wireless services telecommunications are broadcast and/or received.

## **ARTICLE IV – AUTHORITY, APPLICABILITY & ADMINISTRATION**

### **§ 1. AUTHORITY**

This ordinance is adopted pursuant to Home Rule provisions of the Maine Revised Statutes, 30-A M.R.S.A. Section 3001, *et. seq.*

### **§ 2. ADMINISTRATION**

- A. The Planning Board shall administer all requests under this Ordinance except for co-location and temporary permits.
- B. The Code Enforcement Officer shall administer requests for co-location and temporary permits and enforce this Ordinance.

### **§ 3. EFFECTIVE DATE**

The effective date of this Ordinance shall be the date of adoption by voters at a Town Meeting scheduled for this purpose.

### **§ 4. PERMIT REQUIRED**

No person shall place, construct, erect, expand, co-locate, or modify a WTF without an approved permit from the Town of Washington.

- A. Any conditional use and building permits required by Washington's Land Use Ordinance must be obtained prior to making an application for a new WTF under this Ordinance.
  - 1. The Planning Board may accept application and fee separately for both Conditional Use and WTF approval and schedule consideration of both for the same date, taking up Conditional Use first.

---

\*Amended 3/30/2007.

2. If the Planning Board finds the wireless telecommunications use does not meet the standards for Conditional Use, the application and fee submitted for WTF approval shall be returned to the applicant.
- B. New facilities must meet all of the requirements of this Ordinance as specified; the burden of proof shall rest with the applicant.
- C. Expansion or co-location permits may be obtained from the Code Enforcement Officer following the standards of Article V, Section 4 (B) and Section 8 (B); the burden of proof shall rest with the applicant.
- D. A temporary WTF that will be in operation for a maximum period of ninety (90) days annually may operate under a permit obtained from and signed by the Code Enforcement Officer provided the information required in Article V, Section 4 (A) (1), (2), and (3) and any other information required by the Code Enforcement Officer is supplied in writing prior to seeking a Temporary Wireless Service Facility Permit.

#### **§ 5. ACCESSORY USES NOT INCLUDED**

A permit granted under this Ordinance does not imply permission for any accessory uses.

### **ARTICLE V – APPLICATION REVIEW**

#### **§ 1. PREAPPLICATION MEETINGS**

An application form shall be secured from the Code Enforcement Officer who shall explain the ordinance provisions, and detail the exact submissions and requirements for application.

#### **§ 2. APPLICATION APPROVAL PROCESS**

Applicants seeking approval for facilities under this Ordinance shall file an application with the Code Enforcement Officer.

#### **§ 3. APPLICATION FEE**

A nonrefundable initial application fee payable to the *Town of Washington, Maine* must be submitted with the application. No application review may begin without the payment of this fee. Any additional fees for reviews and plans required by the Planning Board are the responsibility of the applicant.

- A. For new facilities, a fee of five dollars (\$5.00) per foot or fraction thereof of height from the ground for each proposed tower.
- B. For expansion or co-location on existing facilities, a fee of \$50 for each additional application.

#### **§ 4. SPECIFIC SUBMISSION REQUIREMENTS**

Applications for WTF permits must be made on the form provided herein attached to the Washington Basic Application Form and include the following, at the applicant's expense:

##### **A. NEW FACILITIES**

1. The name, address, and telephone number of the applicant and any co-applicants, as well as their agents. Corporations must list any local as well as national offices, addresses and telephone numbers and the names of contact persons.
2. Documentation of the applicant's right, title or interest in the property where the facility is to be sited.
- 2A.\* No WTF tower shall be constructed within 1,000 feet of any dwelling, dwelling unit, or residential dwelling unit unless a waiver, signed and notarized, from each and every owner of such dwelling, dwelling unit, or residential dwelling unit within 1,000 feet of the proposed WTF tower location stating there is no objection to the construction of the proposed WTF tower is obtained and submitted with the application.
3. The Tax Map and Lot Number and the Washington 911 Address of the parcel.
4. A copy of the FCC license for the facility or a signed statement from the owner of the facility attesting that the facility complies with current FCC regulations.
5. A site plan:
  - a. Prepared and certified by a professional engineer registered in Maine indicating
    - i. the location, type, and height of the proposed facility;
    - ii. loading/antenna capacity;

---

\*Amended 3/30/2007.

- iii. on-site and abutting off-site land uses;
    - iv. means of access;
    - v. setbacks from property lines;
    - vi. identification of sites, buildings, structures or objects significant in American history, architecture, archaeology, engineering, or culture that are listed or are eligible to be listed in the National Register of Historic Places (see 16 USC 470w(5); 36 CFR 60 and 800);
    - vii. identification of areas in the Washington Conservation or Shoreland Districts, as well as any other wetlands, or known wildlife habitat areas on the site or adjacent to site on abutting lots; and
    - viii. all applicable American National Standards Institute (ANSI) technical and structural codes.
  - b. The Board also may require an independent review of the site plan by a professional engineer or independent consultant at the applicant's expense.
6. Location map and elevation drawings of the proposed facility and any other proposed structures showing height above ground level, color, and identifying structural materials.
  7. Photo simulations of the proposed facility. Each photo should be labeled with line of sight, elevation, and the date taken. Photos must demonstrate the color and method of screening of the proposed facility.
  8. A United States Geological Survey 7.5 minute topographic map showing the current location of all structures and wireless telecommunication facilities above 100 feet in height from ground level, except antennas located on roof tops, within a 5 (five) mile radius of the proposed facility. This requirement may be met by submitting information from the FCC Tower Registration Database current within thirty days prior to the date the application is filed.
  9. Certification by a professional engineer registered in Maine that the proposed facility meets industry standards and satisfies all Federal, state, and local building code requirements. Certificates of compliance with ANSI Standards included with prefabricated towers may be submitted as an alternative.
  10. A boundary survey for the project area performed by a land surveyor licensed by the State of Maine.
  11. Any site search ring analysis reports should be included.
  12. Evidence that the applicant has made diligent good faith efforts to negotiate co-location on an existing facility, building, or structure, and has been denied access.
  13. Evidence demonstrating that no existing co-location, building, site, or structure can accommodate the applicant's proposed facility, the evidence for which may consist of any one or more of the following:
    - a. Evidence that no existing facilities are located within the targeted market coverage area as required to meet the applicant's engineering requirements,
    - b. Evidence that existing facilities do not have sufficient height or cannot be increased in height at a reasonable cost to meet the applicant's engineering requirements,
    - c. Evidence that existing facilities do not have sufficient structural strength to support applicant's proposed antenna and related equipment. Specifically:
      - i. Planned, necessary equipment would exceed the structural capacity of the existing facility, considering the existing and planned use of those facilities, and these existing facilities cannot be reinforced to accommodate the new equipment.
      - ii. The applicant's proposed antenna or equipment would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna or equipment on the existing facility would cause interference with the applicant's proposed antenna.
      - iii. Existing or approved facilities do not have space on which planned equipment can be placed so it can function effectively.
  14. Any information of relevance to a determination whether co-location is feasible under the design configuration most accommodating to co-location.
  15. A landscaping plan indicating:
    - a. the proposed placement of the facility on the site;



- b. location of existing structures, trees, and other significant site features;
  - c. protections for any ecologically sensitive areas within the boundary of the facility;
  - d. the type and location of plants proposed to screen the facility;
  - e. the method of fencing, the color of the structure; and
  - f. the proposed lighting if any.
- 16. A narrative discussing any scenic resource, if applicable.
- 17. A form of guarantee approved by the Planning Board to pay for the costs of removal of the facility if it is abandoned.
- 18. A written description of how the proposed facility fits into the applicant's telecommunications network. This submission requirement does not require disclosure of confidential business information.
- 19. A balloon test, or other comparable test, illustrating the proposed height and location of a WTF, may be required at applicant expense. Adequate notice to the public of the test shall be given by the applicant.
- 20. Contract with a wireless service assuring that any tower to be permitted is to be put to use within one year.
- 21. The names and mailing addresses of all property owners within one thousand (1,000) feet of the proposed facility.
- 22. The number of antennas to be located on the WTF.
- 23. Copy of current liability insurance policy.
- B. **EXPANSION OR CO-LOCATION ON EXISTING FACILITIES**
  - 1. The name, address, and telephone number of the applicant and any co-applicants, as well as their agents. Corporations must list any local as well as national offices, addresses and telephone numbers and the names of contact persons.
  - 2. Documentation of the applicant's right, title or interest in the property where the facility is to be sited.
  - 3. The Tax Map and Lot Number and the Washington 911 Address of the parcel.
  - 4. A copy of the FCC license for the facility or a signed statement from the owner of the facility attesting that the facility complies with current FCC regulations.
  - 5. A copy of the signed contract with the owner of the facility guaranteeing the co-locator agrees to abide by the owner's permit conditions.
  - 6. The number of additional antennas to be located on the WTF.

## **§ 5. NOTICE OF COMPLETE APPLICATION**

- A. Upon receipt of an application and initial fee, the Code Enforcement Officer (CEO) shall provide the applicant with a dated receipt.
- B. For applications for new facilities
  - 1. The CEO shall review the application and forward it within fourteen (14) working days along with 10 copies of the application provided by the applicant to the five members of the Planning Board and two alternates, one to be retained by the Code Enforcement Officer, one to the Selectmen, and one for public inspection together with his opinion regarding the completeness of the application.
  - 2. Within forty (40) working days of receipt of an application from the CEO, the Planning Board shall review the application and determine if it meets the submission requirements.
  - 3. Within fourteen (14) days of determination, the Planning Board shall notify the applicant in writing if the application meets the submission requirements, or, if not, shall notify the applicant in writing, specifying any additional materials or information still required.
- C. For applications for expansion or co-location on existing facilities
  - 1. The CEO shall review the application within fourteen (14) working days.
  - 2. If the application is found to be complete, the Code Enforcement Officer shall notify the applicant in writing.

3. If the application is found to be incomplete, the Code Enforcement Officer shall notify the applicant in writing, specifying the additional materials or information still required.

#### **§ 6. PUBLIC HEARING**

- A. All complete applications under this Ordinance for new facilities shall require a public hearing.
- B. A public hearing on the proposed activity shall be conducted within forty-five (45) days of the date of the determination letter from the Planning Board, as specified in Article V, Section 5(B)(3), above, in accordance with the procedures in Title 30-A, M.R.S.A., Section 2691(3)A-F or as amended.
- C. Notice of the public hearing shall be advertised by the Planning Board at least 10 days in advance in a local newspaper and posted in other places used for public notices, at the expense of the applicant. The notice shall contain a clear and concise statement of the matter to be addressed.

#### **§ 7. NOTICE TO ABUTTERS**

At least 10 days before the public hearing, the Planning Board shall mail a certified notice to land owners within 1,000 feet of any boundary of the property for which application is being made at the cost of the applicant. Said land owners shall be persons listed on Town tax records

#### **§ 8 DECISION ON THE APPLICATION**

- A. New facilities
  1. The Planning Board shall, within thirty days of the completion of the public hearing process or within such other time limit as may be mutually agreed to by the Planning Board and applicant, issue a decision denying, or granting approval, or granting approval on such terms or conditions as it may deem advisable to satisfy the criteria of this Ordinance.
    - a. In all instances, the burden of proof shall be upon the applicant.
    - b. The Planning Board shall make a written finding regarding the applicant's Financial and Technical ability to satisfy the criteria of this Ordinance and conditions of any permit.
  2. Upon approval of the permit a majority of the Board shall sign all copies of the final site plan.
    - a. The original shall be recorded by the applicant with the Knox County Registry of Deeds.
    - b. One copy shall be retained by or filed with:
      - i. the applicant;
      - ii. the Planning Board;
      - iii. the Tax Assessor; and
      - iv. the Code Enforcement Officer.
    - c. The Planning Board shall maintain a permanent record of their action on the wireless service facility.
    - d. Within 90 calendar days of approval, the complete application, site plan, and Planning Board Decisions shall be recorded by and at the expense of the applicant with the Knox County Registry of Deeds and a certified copy returned to the Town.
    - e. Any application, site plan, and Planning Board Decisions not recorded within 90 days after approval, with the Knox County Registry of Deeds shall be null and void.
  3. Approval by the Planning Board of a personal wireless facility activity plan shall not constitute or be evidence of any legal acceptance by the Town of any road, easement, or other open space shown on such plan.
- B. Expansion or co-location on existing facilities
  1. The Code Enforcement Officer shall, within fifteen days of accepting a complete application, issue a written decision denying or granting approval of the proposed activity.
    - a. Within 90 calendar days of approval, the complete application and Code Enforcement Officer Decisions shall be recorded by and at the expense of the applicant with the Knox County Registry of Deeds and a certified copy returned to the Town.
    - b. Any application and decisions not recorded within 90 calendar days after approval, with the Knox County Registry of Deeds shall be null and void.

## **§ 9. OPERATION CONDITIONS AND LIMITATIONS**

- A. Before any activity begins, and as a condition of the permit, the applicant shall apply for and receive all applicable permits required by Town, state or federal regulations, laws or ordinances regulating such developments, including any Conditional Use Permit required by the Land Use Ordinance.
- B. Any violation of other permits necessary for operation that are noted in the permit granted under this ordinance shall be considered a violation.
- C. A signed statement stating that the owner of the wireless service facility agrees to the following standard conditions of approval:
  - 1. to respond in a timely, comprehensive manner to a request for information from a potential co-location applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;
  - 2. to negotiate in good faith for shared use of the wireless service facility by third parties;
  - 3. to allow shared use of the wireless service facility if an applicant agrees in writing to pay reasonable charges for co-location;
  - 4. to require no more than a reasonable charge for shared use, based on community rates and generally accepted accounting principles. This charge may include but is not limited to a pro rata share of the cost of:
    - a. site selection;
    - b. planning project administration;
    - c. land costs;
    - d. site design;
    - e. construction;
    - f. financing;
    - g. return on equity;
    - h. depreciation; and
    - i. all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference.

The amortization of the above costs by the facility owner shall be accomplished at a reasonable rate, over the useful life span of the facility.

- 5. to maintain the structures in good condition. Such maintenance shall include, but is not limited to, painting, structural integrity of the mount and security barrier, buffer areas, and landscaping.

## **§ 10. EXPIRATION OF APPROVAL**

Personal Wireless Facility Activity permits shall expire two years from the date of issuance unless the tower is substantially complete. If reasonable need can be shown, the Planning Board may extend this permit for up to one additional year at no extra cost.

## **§ 11. PLAN REVISIONS OR EXPANSIONS AFTER APPROVAL**

Plan revisions or expansions after approval shall be made as further provided for in Article VIII §5 of this Ordinance.

## **§ 12. EXPERT WITNESSES AND OPINIONS**

- A. In the event that the Planning Board or the Code Enforcement Officer requires expert opinions, advice or testimony during the course of reviewing the application, due diligence shall be used to obtain and utilize free services from governmental or non-profit sources.
- B. Should the Planning Board or the Code Enforcement Officer be unable to obtain and utilize such services, it shall require the applicant to pay for such services, after giving notice to the applicant of the name of the expert, the area of qualification of the expert, and the purpose for which the expert is required, and the approximate cost of the expert.
- C. The applicant shall be provided with an opportunity to meet with the Planning Board or the Code Enforcement Officer to arrange a schedule for payment of the costs.
- D. The applicant shall have the right to request a public hearing before the Appeals Board to determine if the experts, as noticed by the Planning Board or the Code Enforcement Officer, are necessary to a determination of

any issue properly before the Planning Board or the Code Enforcement Officer, and if the approximate costs of the expert are reasonable.

- E. The applicant shall request the hearing within 10 days of the meeting establishing the costs, or such time as is agreed to by the Planning Board or the Code Enforcement Officer and the applicant.
- F. It will be the applicant's burden to prove that the requested expert is unnecessary, or that the cost is excessive.

### **§ 13. TRANSFER OF PERMIT.**

Within thirty (30) days of the date of transfer, by sale, lease or otherwise, of a personal wireless facility or operation, the new owner or operator shall file notice of the transfer with the Town.

- A. A statement of agreement and capacity to comply with the Town Personal Wireless Facility Permit must accompany the transfer.
- B. Failure to comply with this requirement shall be a violation of this Ordinance and may subject the violator to any penalty, or combination of penalties, that may be imposed under this Ordinance as required by Article VIII, §5.
- C. The new owner or operator shall provide the Planning Board the information as required in Article V §3-A of this Ordinance.
- D. Proposed changes to the terms of the permit, including financial responsibility requirements, shall be considered a request for permit modification and be processed accordingly.
- E. The Planning Board shall hold a public hearing and provide an opportunity for public comment on any changes in the terms of the permit. Notice of that hearing shall be as specified in Article V §§5 and 6.

## **ARTICLE VI – MINIMUM DESIGN & PERFORMANCE STANDARDS**

### **§ 1. SITING LOCATIONS**

Notwithstanding any prohibitions in the Land Use Ordinance, wireless telecommunication facilities may be sited as Conditional uses in the Farm and Forest, Rural and Rural-Commercial Districts as defined by the Washington Land Use Ordinance and prohibited in all other districts.

### **§ 2. SITING PROHIBITIONS**

Wireless telecommunication facilities shall not be located in

- A. wetlands, floodplains or other water sensitive areas; or
- B. historically important or archaeologically sensitive areas; or
- C. natural habitat of endangered species or critical wildlife as defined by the State of Maine.
- D. the Village, Shoreland, or Conservation Districts of the Town as defined in the Town of Washington Land Use Ordinance; or
- E. areas where the proposed wireless service facility will have an unreasonable adverse impact upon designated scenic or historic resources within the Town, as identified either in the municipally adopted comprehensive plan, or by a State or federal agency. In determining the potential unreasonable adverse impact of the proposed facility upon the designated scenic or historic resources, the Planning Board shall consider the following factors:
  - 1. The extent to which the proposed wireless service facility is visible above the average tree canopy height, from the viewpoint(s) of the impacted designated scenic or historic resource;
  - 2. the type, number, height, and proximity of existing structures and features, and background features within the same line of sight as the proposed facility;
  - 3. the extent to which the proposed wireless service facility would be visible from the viewpoint(s);
  - 4. the amount of vegetative screening;
  - 5. the distance of the proposed facility from the viewpoint and the facility's location within the designated scenic resource; and
  - 6. the presence of reasonable alternatives that allow the facility to function consistently with its purpose.

### **§ 3. EXPANSION OR CO-LOCATION**

- A. Expansion or co-location Opportunities: Applicants seeking approval for siting of wireless telecommunication facilities shall first evaluate the suitability of existing structures or approved sites. Only after finding that there are no suitable existing structures or approved sites for expansion or co-location, shall a provider propose a new facility.
- B. Existing Structures: wireless telecommunication facilities can be located on existing structures, including but not limited to buildings, water towers, flag poles, telecommunication facilities, utility poles or towers, and related facilities, provided that such installation preserves the character and integrity of those structures.
- C. Burden of Proof: The applicant shall have the burden of proving that there are no expansion or co-location opportunities which are suitable for its WTF.
- D. Approval by the Code Enforcement Officer is required for any expansion or co-location on an existing wireless telecommunications facility.

### **§ 4. DIMENSIONAL STANDARDS**

Wireless telecommunication facilities must meet the following location and height standards:

- A. The height of the WTF shall not exceed one hundred ninety (190) feet;
- B. New wireless telecommunication facilities that are located on electric transmission and distribution towers, utility poles and similar existing utility structures, lattice towers, masts, and monopoles may be permitted to expand the height of those structures no more than twenty (20) feet. The maximum height of the total structure shall not exceed one hundred ninety (190) feet above mean finished grade.
- C. The twenty (20) foot expansion in height shall be permitted only once per structure;
- D. Wireless telecommunication facilities sited on other existing structures shall not increase the height of that structure by more than ten (10) feet, unless the facility is completely camouflaged (i.e. within a flagpole, steeple, or chimney);
- E. Ground-mounted wireless telecommunication facilities shall not be located closer than two-and-a-half (2.5) miles apart.

### **§ 5. CAMOUFLAGE**

- A. A new WTF must be constructed with materials and colors that match or blend with the surrounding natural or built environment, to the maximum extent practicable. Unless otherwise required, muted colors, earth tones, and subdued hues shall be used.
- B. All equipment shelters shall be surrounded by a year-round visual buffer of dense tree growth that extends continuously for a minimum distance of one hundred and fifty (150) feet from the mount, security barrier, or designated clear area for access to equipment, whichever is greatest.
  - 1. The buffer shall screen the facility in all directions.
  - 2. The required trees or shrubs may be existing on the property or installed as part of the proposed facility, or a combination of both.
  - 3. The Planning Board has authority to decrease, relocate or alter the required buffer based on site conditions.
  - 4. The vegetative buffer area shall be protected by a landscape easement or be within the area of the owner's lease.
  - 5. The easement or lease shall specify that trees within the buffer cannot be removed or topped, unless the trees are dead or dying and present a hazard to persons or property.

### **§ 6. LIGHTING, SIGNAGE, SECURITY, SETBACKS & ACCESS ROADS**

- A. A new WTF must be illuminated only as necessary to comply with FAA or other applicable state and federal requirements. Security lighting may be used as long as it is shielded to retain light within the boundaries of the site to the maximum extent practicable.
- B. No facility that would be classified as a hazard to air navigation, as defined by FAA regulations, is permitted.
- C. A security fence or wall not less than 8 (eight) feet in height from the finished grade, equipped with an anti-climbing device, shall be provided around the tower unless it is demonstrated that the tower or structure is access secure and not a safety hazard.
  - 1. Use of razor wire is not permitted.

2. Access to the tower shall be through a locked gate; however emergency personnel must be provided with the means to enter the area.
- D. Road access and fencing shall be designed to mitigate or prevent habitat fragmentation and disturbance.
- E. A single access roadway is permitted, which must be designed to harmonize with topographic and natural features of the site by minimizing filling, grading, excavation, or similar activities which result in unstable soil conditions and erosion.
  1. The access roadway shall follow the natural contour of the land and should not involve excessive grading or tree removal.
  2. Curvilinear roads shall be used as access roads to prevent direct line of sight from the town road access point to the tower site.
  3. Existing vegetation shall be maintained to the extent practical.
  4. All practical steps shall be taken to prevent a visible scar up or across a ridgeline.
- F. To ensure public safety, the minimum distance from the base of any ground-mount of a WTF to any property line, public road, habitable dwelling, business, institution, or public recreational area shall be at least the distance equal to the fall zone, as defined in Article III, Section 4, above.
- G. Signs shall be limited to those needed to identify the property and the owner and to warn of potential hazards.

#### **§ 7. ADDITIONAL STANDARDS FOR PERMIT**

The Board shall issue a permit for the siting of a WTF when the applicant demonstrates that, in addition to compliance with the standards of this article and the submission requirements of Article V of this Ordinance, the proposal meets the following standards:

- A. The surrounding topography of the proposed site and any topographical features have been employed to the extent practicable to screen the view of the proposed facility;
- B. The design of the proposed facility has the effect of reducing or eliminating visual obtrusiveness;
- C. The proposed facility fits harmoniously into the existing natural environment and avoids unreasonable adverse impacts on the existing scenic character of the surrounding area;
- D. Visual buffering of the proposed facility substantially eliminates view of the facility by abutting property owners;

#### **§ 8. PETROLEUM STORAGE**

No petroleum product shall be discharged on the site of any WTF .

- A. Spill prevention, control, and countermeasures plan shall be required.
- B. Petroleum Products Storage
  1. If any petroleum products or other materials with potential to contaminate groundwater are to be stored on the site, a Spill Prevention Control, and Countermeasures (SPCC) Plan shall be submitted. A SPCC Plan shall be developed in accordance with DEP regulations, *Section 5A of Chapter 378 Performance Standards for the Storage of Petroleum Products (CMR 378)*, and shall be submitted with the application and kept with the permit in the Town's records.
  2. Any petroleum products, highly flammable or explosive liquids, solids or gasses to be stored on site, shall be located in bulk, above ground, anchored tanks or containers, having a roofed, secondary containment system, adequate to contain 110% of the full contents of such container, for control of spills and leaks, and must be located at least 75 feet from any lot line, Town road or interior road.
  3. The use of underground tanks is strictly prohibited.
- C. Machinery Maintenance
  1. Crankcase oil, hydraulic fluids, and similar products shall not be changed, stored or disposed of within the excavation area, unless specifically covered in the SPCC Plan.
  2. Routine maintenance operations, such as refueling or oil changes, may be allowed for fixed equipment such as generators, provided that a secondary containment system in accordance with the SPCC Plan, adequate to contain 110% of the full contents of said equipment is installed.
- D. Any discharge or leak of petroleum product over a gallon shall be immediately reported to the Code Enforcement Officer and a report kept with the permit in the Town's records. All discharges or leaks of any size

shall be cleaned up promptly according to the spill containment and cleanup provisions of *CMR* 378, Section 5H.

- E. A copy of the Spill Prevention Control, and Countermeasures Plan shall be kept available on site at all times.
- F. The applicant shall demonstrate to the Planning Board's satisfaction their ability to implement the SPCC plan.
- G. In the event of leakage, the land owner is responsible for all costs related to cleanup of the site.

#### **§ 9. NOISE**

- A. Noise shall be required to be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness, or volume outside of the boundaries of the project.
- B. The maximum permissible sound pressure level of any continuous, regular or frequent source of sound shall be established by the time period and type of land use district as listed in Subsection C, below. Sound pressures shall be measured per Subsection D, below, at any lot line of the tax parcel that the project is located on, at a height of at least four feet above the ground surface. Both dB(A) and dB(C) scales shall be used, and a violation of either standard shall be deemed to constitute a violation of this Ordinance.

- C. The Sound Pressure Limits Measured in Decibels are as follows:

	6 am to 6 pm		6 pm to 6 am	
	dB(A)	dB(C)	dB(A)	dB(C)
Rural-Commercial District	60	72	50	62
All Other Districts	55	67	45	57

- D. Noise shall be measured with a sound level meter meeting the standards of the American National Standards Institute (ANSI S1.4-1961) "American Standard Specification for General Purpose Sound Level Meters." The instrument shall be set to the appropriate weight response scales and the meter to the slow response. Measurements shall be conducted in accordance with ANSI S1.2-1962 "American Standard Method for the Physical Measurement of Sound."
- E. A WTF is exempt from these noise standards during construction, repair, or replacement, operation of a back-up power generator at any time during a power failure, and testing of a back-up generator between 6 a.m. and 6 p.m.

#### **§10. MONITORING**

- A. The WTF owner shall provide the CEO with copies of current FCC licenses, renewals, and copies of any reports filed with the FCC when changes occur.
- B. The WTF owner shall arrange for a licensed professional structural engineer or professional tower service/installation company to conduct inspections of the tower's structural integrity and safety.
  - 1. Towers shall be inspected every five years at the owner's expense.
  - 2. A report of the inspection results shall be submitted to the CEO and the Planning Board.
  - 3. Modification of existing facilities which include changes to dimension or antenna number or type may require a new structural inspection at the Board's discretion.

#### **§11. ABANDONMENT OR DISCONTINUATION OF USE**

A WTF that is not listed as having a license in the FCC Database or is out of operation for a continuous period of twelve (12) months or more shall be considered abandoned.

- A. At least thirty (30) days prior to the time that the tower owner plans to abandon or discontinue use of a WTF, said owner must notify the CEO by certified mail.
- B. If the CEO considers a WTF abandoned, the CEO shall notify the owner of an abandoned WTF by certified mail in writing and order the removal of the WTF within one hundred eighty (180) days of receipt of the written notice. The owner of the WTF shall have forty (40) days from the date of the written notice to demonstrate to the CEO that the WTF has not been abandoned.
- C. If the Owner fails to show that the WTF is actively being operated, the WTF owner shall have one hundred eighty (180) days from the date of the notice required by §13-B, above, to remove the WTF.

#### **§14. REMOVAL**

- A. Any WTF, or upper portion thereof, that ceases to operate must be removed at the expense of the permit holder within one hundred eighty (180) days from the date of the notice required by §11-B, above.

- B. Removal shall include, but not be limited to, antennas, mounts, equipment shelters, and security barriers. Waste materials must be properly disposed of at an offsite location.
- C. The site of the WTF must be restored to its pre-construction condition. The owner of the WTF shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition, including the removal of roads, and re-establishment of vegetation.
- D. The permit holder or land owner may apply for a change of use permit that will allow the existing facilities, not including towers, to be retained for future use.
- E. If the permit holder fails to remove a WTF in accordance with the provisions of this section, the Board of Selectmen of the Town of Washington and/or their representatives shall have the authority to enter the property and dismantle the WTF at the permit holder's expense.

## **ARTICLE VII – PERFORMANCE GUARANTEES**

### **§ 1. GUARANTEE FOR REMOVAL**

At the time of approval of a permit application, and prior to initiating construction of any WTF within the Town of Washington, the applicant must guarantee the costs for the removal of the WTF .

- A. The amount of the guarantee shall be equal to the estimated removal cost, provided by the applicant and certified by a professional civil engineer licensed in Maine or a professional tower construction company.
- B. The owner of the facility shall provide the Planning Board with a revised removal cost estimate and structural evaluation prepared by a professional civil engineer licensed in Maine or a professional tower construction company every five (5) years from the date of the Planning Board's approval of the site plan.
- C. If the cost has increased more than fifteen (15) percent, then the owner of the facility shall provide additional security in the amount of the increase. The applicant may also request adjustments in the guarantee.

### **§ 2. TYPES AND CONTENTS OF GUARANTEE**

One of the following performance guarantees chosen by the applicant shall be provided with submittal of the application.

#### **A. Interest-Bearing Escrow Account**

A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the Town, direct deposit into a savings account, or purchase of a certificate of deposit.

- 1. For any account opened by the permit holder, the Town shall be named as owner or co-owner, and consent of the Town shall be required for a withdrawal.
- 2. Any interest earned on the escrow account shall be returned to the WTF owner unless the Town has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the developer and the amount withdrawn to complete the required work.

#### **B. Performance Bond**

A performance bond shall detail the conditions of the bond, the method for release of the entire bond or portions of the bond to the Town, and the procedures for collection by the municipality. The bond documents shall specifically reference the wireless service facility for which approval is sought.

#### **C. Irrevocable Letter of Credit**

An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the removal of the wireless service facility and may not be used for any other project or loan.

The conditions and amount of the performance guarantee shall be determined by the Planning Board with the advice of the Town Selectmen, and/or Town Attorney, expenses paid for by the applicant.

### **§ 3. RELEASE OF GUARANTEE**

Prior to the release of any part of the performance guarantee, the Planning Board shall determine to its satisfaction, that the removal meets or exceeds the design requirements for which the release is requested.

### **§ 4. DEFAULT**

If upon inspection, the CEO or other inspecting official finds that any of the required removal has not been performed in accordance with the approved plans and specifications, he shall report in writing to the Municipal Officers, the Planning Board, and the permit holder and guarantor. The permit holder shall have 30 days, unless otherwise specified by the CEO, to



remedy any insufficiency noted. Thereafter, the Municipal Officers shall take any steps necessary to enforce the guarantee and remedy the insufficiencies.

## **ARTICLE VIII – SITE PLAN AMENDMENTS, APPEALS AND ENFORCEMENT**

### **§ 1. SITE PLAN AMENDMENTS AFTER APPROVAL**

No changes, erasures, or modifications shall be made in a Final Site Plan after approval has been given by the Planning Board unless the plan is first resubmitted and any modifications are approved.

- A. The applicant is not required to go through the complete review process of an amendment to an existing WTF, unless, in the judgment of the Planning Board the amendment substantially alters the character of the original activity, or unless the change constitutes a new or additional facility.
- B. If an amended Final Plan is recorded without complying with this requirement, it shall be null and void.
- C. The Planning Board shall record a revocation of a previous recorded document in the Knox County Registry of Deeds.

### **§ 2. APPEALS AND VARIANCES**

#### **A. Administrative Appeals**

1. Any person aggrieved by an action of the Planning Board or Code Enforcement Officer pursuant to this Ordinance may file a request for appeal in writing within 30 days of the granting or denial of approval from the Planning Board or Code Enforcement Officer.
  - a. The request of appeal shall state the exact portions of the decision that are being appealed, and the legal grounds for appeal.
  - b. The appellant shall file this request for appeal with the Town Clerk, who shall issue a dated receipt and forward the Appeal to the Chairman of the Board of Appeals. After receiving the appeal from the Clerk, the Chairman of the Board of Appeals shall, within 14 days notify the applicant in writing that either the request for appeal is complete or, if the request for appeal is incomplete, the specific additional material needed to make a complete request for appeal, and the time frame in which to make it complete, which shall not be less than fourteen (14) days.
  - c. The fee to accompany a completed request for administrative appeals shall be twenty-five dollars (\$25.00) cash, checks, money orders or bank drafts which shall be made payable to the *Town of Washington, Maine*. The applicant shall be required to cover the costs of advertising, postal notification and dissemination of information for the appeals hearing.
  - d. No activity may be started under a permit granted herein that is the subject of an appeal.
2. The Board of Appeals shall, upon determination that the Request for Appeal by an aggrieved party is complete and after public notice, hear appeals from determinations of the Planning Board in the administration of this Ordinance within 30 days of such request.
  - a. The Appeals Board shall cause notice of the date, time and place of said hearing, the location of the proposed wireless service facility and the issues raised in the appeal, to be given in writing to the appellant, permit holder and/or applicant and published in a newspaper of general circulation in the Town at least two times. The date of the first such publication shall be at least 10 days prior to the hearing.
  - b. The Board of Appeals shall also cause written notice by mail or hand delivery of the hearing be given to the appellant, permit holder and/or applicant, the Selectmen, the Planning Board, the Code Enforcement Officer, and all property owners within 1,000 feet of the boundaries of the proposed wireless service facility at least 14 days prior to the date of the hearing at the cost of the appellant.
  - c. Notice shall be posted in such public places as a notice of a Town Meeting.
  - d. Upon request, the applicant at their expense must supply a copy of the request for appeal to any of the owners of properties so mentioned.
  - e. The applicant shall be required to cover the costs of advertising, postal notification and dissemination of information for the appeals hearing.
3. If such appeal is not made within the stated time, the decision of the Planning Board shall be final.

4. Following such hearing, the Board of Appeals shall have the power to interpret this Ordinance and may affirm, modify, vacate or remand the decision of the Planning Board.
  - a. The Board of Appeals shall review the Planning Board's conclusions of law, including findings of fact, for support by competent evidence in the record, and other legal issues relevant to the appeal.
  - b. The appeal shall not be a de novo hearing, except in the case of an appeal from a *Stop Work Order* or other action by the Code Enforcement Officer.
  - c. The Board of Appeals shall render a decision in writing to the appellant and/or applicant, Planning Board Chairman, Code Enforcement Officer, and the Selectmen within 30 days of the appeal hearing.
  - d. The Appeals Board decision shall be registered at the Knox County Registry of Deeds and a certified copy returned to the Town at the applicants expense within 30 days of the date the decision becomes final.

B. Variances

1. The Board of Appeals may, upon written application and hearing as outlined in Article V §§5 and 6 of this Ordinance grant a variance from the strict application of the dimensional requirements of this Ordinance, including lot sizes, setbacks, site distances, lot coverage by structures, sign requirements, and parking requirements only if the requirement of this Ordinance would result in undue hardship to the applicant, as defined below.
2. The fee to accompany request for variance shall be twenty-five dollars (\$25.00) cash, checks, money orders or bank drafts which shall be made payable to the *Town of Washington, Maine*. The applicant shall be required to cover the costs of advertising, postal notification and dissemination of information for the appeals hearing.
3. In order to find an undue hardship the Board of Appeals must find all of the following to grant a variance:
  - a. That the land in question cannot yield a reasonable return unless a variance is granted; and
  - b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and
  - c. That the granting of the 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.
4. Following the public hearing, as outlined in Article V §§5 and 6 of this Ordinance, the Board of Appeals shall render a decision to grant or deny a variance in writing to the applicant, the Planning Board, and selectmen, within 30 days of the appeal hearing.

C. Appeal to Superior Court

Any aggrieved party having proper standing may appeal any decision of the Appeals Board under this Ordinance to the Superior Court of Knox County, within 45 days of a written decision in accordance with Maine State Law.

### § 3. VIOLATIONS

Any operation that is in violation of other approvals covering the same operation shall be deemed in violation of approvals granted under this Ordinance. All other approvals are necessary for approvals under this Ordinance to be valid.

### § 4. ENFORCEMENT

- A. The Code Enforcement Officer of the Town, shall enforce this Ordinance and the Selectmen of the Town are authorized to institute legal proceedings to enjoin violations of this Ordinance.
- B. If the Code Enforcement Officer finds that any provision of this Ordinance is being violated, he shall notify by certified mail, return receipt requested, the property owner and such other person as may be responsible for the violations, indicating the nature of the violations, ordering the action necessary to correct it, the date by which it must be corrected, and their rights of appeal. The Board of Selectmen, shall institute, in the name of the Town, any and all actions, legal and equitable, that may be appropriate or necessary for the enforcement of the provisions of this Ordinance.
- C. If the Code Enforcement Officer finds violation of any provision of this Ordinance or failure to comply with any order, permit, approval, condition or other final decision or action of the Planning Board that constitutes a substantial and immediate danger to the health, safety or welfare of any person(s), or property or environment of the Town, the Town may initiate immediate injunction proceedings to abate or correct such violations.

- D. In any action to enforce any provision of this Ordinance where the Town prevails, the Town shall be awarded reasonable attorney fees, expert witness fees, and costs unless the court finds that special circumstances make the award of these fees and costs unjust. If the defendant is the prevailing party, the defendant may be awarded reasonable attorney fees, expert witness fees, and costs provided by court rule.

## **§ 5. PENALTIES**

- A. Any person, firm or corporation, being the owner or having control or use of any personal wireless facility in violation of any of the provisions of this Ordinance or terms or conditions of any order, permit or approval or final decision of the Planning Board shall be subject to a civil penalty due and payable to the *Town of Washington, Maine* of not less than one hundred dollars (\$100.00) for each day said violation exists and not more than twenty-five hundred dollars (\$2,500.00) for each day said violation exists. If the same person has been convicted of a violation of this Ordinance within the previous two years, the maximum penalty is five thousand dollars (\$5,000.00) for each day said violation exists.
- B. In setting the penalties, the Court shall consider but is not limited to the following:
1. Prior violations by the same person;
  2. The degree of environmental damage that can not be abated or corrected;
  3. The extent to which the violation continued following an order to stop;
  4. The extent to which the Town contributed to the violation by providing incorrect information or failing to take timely action; and
  5. Whether penalties have been imposed by another governmental agency for the same incident(s).
- C. Payment of any penalty shall be made within thirty (30) days of notice of decision in cash or by certified check drawn on a recognized financial institution, made payable to the *Town of Washington, Maine* in an amount equal to the full amount of the penalty.
- D. If the maximum penalty amount of Article VIII §3-A of this Ordinance is held void or invalid it is the intent of the Town that provisions of Title 30-A, M.R.S.A. Section 4452 be given full force and effect and that the maximum penalty amounts authorized by such provision apply to violations of any order, permit, approval or final decision of the Planning Board, or any provision of this Ordinance.

## **ARTICLE IX – SEVERABILITY & CONFLICT**

### **§ 1. SEVERABILITY**

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

### **§ 2. CONFLICT WITH OTHER ORDINANCES**

Whenever a provision of this Ordinance conflicts with or is inconsistent with any other Town of Washington ordinance or standard, the more restrictive provision shall apply.

## **ARTICLE X – AMENDMENT OF THIS ORDINANCE**

All proposed amendments to this Ordinance shall be voted on by the voters of the Town at a Town Meeting, a majority vote being required for adoption.

## **ARTICLE XI – OTHER PROVISIONS**

### **§ 1. PUBLIC ACCESS TO INFORMATION**

Except as expressly made confidential by law, the Planning Board shall make all documents and records available to the public in accordance with the Maine Freedom of Access Law (1 MRSA §401 et seq.).

- A. The Planning Board shall also keep confidential those documents which may remain confidential pursuant to the Maine Freedom of Access Law.
- B. The Planning Board shall make determinations on confidentiality and any person aggrieved by such determination may appeal to a court in accordance with State Law.
- C. The Planning Board shall withhold disclosure of such information pending a final judicial determination on any claim of confidentiality.

- D. A policy for inspecting and copying documents may be established by the Planning Board, including, but not limited to, a reasonable charge for copying costs.

## **§ 2 RIGHT OF ENTRY ONTO LAND**

The CEO shall have the right of entry onto any WTF site for inspection at reasonable times and with reasonable written advance notice to the WTF owner clearly stating the reason(s) entry is requested.

OFFICIAL USE ONLY

File Name: \_\_\_\_\_

Permit # \_\_\_\_\_

Map/Lot # \_\_\_\_\_

# TOWN OF WASHINGTON

## WIRELESS TELECOMMUNICATION FACILITY ATTACHMENT

Applicant Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Applicant Address: \_\_\_\_\_

*This form must be attached to a completed BASIC BUILDING AND/OR USE PERMIT APPLICATION form for establishment, co-location or expansion of wireless telecommunications facilities.*

*No Permit Application may be considered until the appropriate fee is paid.*

*Additional fees may be required to cover the costs of review, public notices, expert opinions, etc.*

Type of Facility	<input type="checkbox"/> New	<input type="checkbox"/> Co-location on Existing Facility	<input type="checkbox"/> Expansion of Existing Facility	<input type="checkbox"/> Temporary (less than 90 days)
Height of	<input type="checkbox"/> New	<input type="checkbox"/> Existing	Tower: _____ feet	If existing, number of Antennas located on Facility: _____
If expansion, additional Height proposed: _____ feet			Number of new Antennas to be located on Facility: _____	

**→ ALL APPLICATIONS MUST HAVE THE FOLLOWING ATTACHED**

Right, Title & Interest Proof:	<input type="checkbox"/> Deed(s)	<input type="checkbox"/> Covenant(s)	<input type="checkbox"/> Easement(s)	<input type="checkbox"/> Right(s) of Way	<input type="checkbox"/> Mortgage(s)	<input type="checkbox"/> Lien(s)
<input type="checkbox"/> List of Co-Applicants, Agents and Corporate Contacts with Names, Addresses and Telephone Numbers						

**→ ALL APPLICATIONS FOR NEW, CO-LOCATION, EXPANSION or TRANSFER MUST HAVE THE FOLLOWING ATTACHED (in addition to above)**

<input type="checkbox"/> Copy of FCC License or	<input type="checkbox"/> Signed Statement of FCC Compliance	<input type="checkbox"/> Co-Locator Contract agreeing to abide by permit conditions, if applicable.
---	---	---

**→ ALL APPLICATIONS FOR NEW FACILITIES MUST HAVE THE FOLLOWING ATTACHED (in addition to above)**

Have you attached the required Site Plan? <input type="checkbox"/> No <input type="checkbox"/> Yes → Attached: <input type="checkbox"/> Site Plan		<i>See check list for required features of Site Plan</i>	
Copies of All Other Applicable Federal, State, or Town Permits or Pending Applications		<input type="checkbox"/> Other: _____	
<input type="checkbox"/> Town Conditional Use Permit		<input type="checkbox"/> Other: _____	
<input type="checkbox"/> Performance Guarantee Documents Attached → Type:		<input type="checkbox"/> Escrow Account <input type="checkbox"/> Performance Bond <input type="checkbox"/> Irrevocable Letter of Credit	
Other Required Attachments → <input type="checkbox"/> Landscaping Plan <input type="checkbox"/> Evidence of co-location efforts or non-existence <input type="checkbox"/> Photo Simulations			
<input type="checkbox"/> Standards Compliance Certification <input type="checkbox"/> Published Notice of Application <input type="checkbox"/> Network Description <input type="checkbox"/> Scenic Resources Narrative			
<input type="checkbox"/> Signed Statement of Co-location Policy <input type="checkbox"/> Contract for Service use <input type="checkbox"/> List of Property Owners within 1,000'			
<input type="checkbox"/> Location of Facilities within 5 miles <input type="checkbox"/> Signed and Notarized Waivers of All Property Owners of Dwelling Units within 1,000'			
<i>The Planning Board may require additional information</i>			

Required Maps →	<input type="checkbox"/> Location Map	<input type="checkbox"/> Boundary Survey
-----------------	---------------------------------------	--

Additional Submissions that may be required →	<input type="checkbox"/> Site Search Ring Analysis	<input type="checkbox"/> Balloon Test
---	--	---------------------------------------

*I certify that I have read the WTF Ordinance and to the best of my knowledge, all of the information on this application is true and correct and that all uses and development permitted by the Town shall be in compliance with all Town of Washington Ordinances.*

APPLICANT SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
*Please sign in blue ink*

*You may appeal any action to the Washington Board of Appeals within 30 days of the decision.*

OFFICIAL USE ONLY	Date Received:	Fee Paid: <input type="checkbox"/> No <input type="checkbox"/> Yes	Amount:	Received by:
<input type="checkbox"/> Reviewed by CEO	<input type="checkbox"/> Approved by WPB	<input type="checkbox"/> Denied by WPB		
→ Permit#:		→ Reason:		
WPB CHAIR SIGNATURE: _____				DATE: _____