

2018

Town of Glenburn Maine Ordinances

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ANIMAL CONTROL ORDINANCE

TOWN OF GLENBURN, MAINE

An ordinance to protect the life, health, property and public peace of the Inhabitants of the Town of Glenburn by establishing the position of Animal Control Officer and by establishing local regulations dealing with animal control.

The Town of Glenburn hereby ordains that there shall be an animal control program covering the entire area of the town with provisions as follows.

1. ANIMAL CONTROL OFFICER

- A. **APPOINTMENT.** The Town Council shall appoint one, and may appoint more than one, Animal Control Officer pursuant to 7 MRSA Sec. 3452-A. Appointments under this section shall be for one year terms, or less, with termination to coincide with the end of the Town's fiscal year.
- B. **DUTIES.** The Animal Control Officer shall perform all duties required by 7 MRSA Sec. 3452-A, and shall enforce all provisions of this ordinance.
- C. **REPORTS.** The Animal Control Officer shall submit to the Town Manager a monthly log of all activities performed including the date, time on/time off, elapsed time, description of activity including location etc. and the number of miles traveled. This report shall serve both as an activity report and an expense voucher to back up payment to the Animal Control Officer.
- D. **NOTIFICATION.** The Animal Control Officer shall notify the Municipal Clerk within 24 hours after impounding any dog. Such notice shall include a detailed description of the dog and the circumstances of its finding.
- E. **COMPENSATION.** The Animal Control Officer shall receive an annual stipend payable in four quarterly installments. In addition, the Animal Control Officer shall be paid an hourly rate and an expense reimbursement for mileage traveled in a personal vehicle. The stipend, hourly rate and mileage rate shall be determined by the Town Manager within the guidelines of the annual budget. The Animal Control Officer shall not be entitled to a mileage reimbursement for any animal control activities performed with a municipally owned vehicle nor shall the Animal Control Officer be entitled to an hourly rate for any animal control activities performed while on duty with the County or municipal police force. Normally, municipal vehicles will not be used for transporting animals to and from the animal shelter.

- 2. **IMPOUNDMENT.** The Municipal Officers shall designate the shelter to which dogs picked up within the Town of Glenburn shall be taken under 7 MRSA Sec. 3456 or under provisions of this ordinance. The designated shelter shall have the approval of the Commissioner of Agriculture. The Municipal Officers shall develop an agreement with the owner of the designated shelter outlining the full financial arrangements and procedural matters concerning the use of such shelter as the Town of Glenburn's impoundment facility. The agreement shall expire at the end of the municipal fiscal year but may be renewed if so desired by both parties. The Town of Glenburn will not be responsible for any fees incurred at any shelter other than the one so designated.

impounded in the shelter designated by the Dogs found running at large in violation of 7 MRSA Sec 3455 shall be taken up and Municipal Officers, and there confined in a humane manner for a period of not less than 8 days, unless earlier claimed by their owner, except that when dogs are found running at large and theft ownership is known, such dogs need not be impounded, but the Animal Control Officer may institute proceedings to enjoin such violation in accordance with Section 7 of this ordinance.

The owner shall be entitled to resume possession of any impounded dog within the abovementioned 8 day period upon the payment of impoundment fees as set forth herein.

After the legal detention period for any particular dog has passed, and if the animal has not been claimed by its owner, the Animal Control Officer may transfer ownership to some person deemed to be a responsible and suitable owner who will agree to comply with the provisions of this ordinance. The sale price, if any, thus received shall turned over to the Municipal Treasurer for receipt into the proper revenue account. If the Animal Control Officer has not found a new owner, he shall see that the dog is disposed of in a humane manner.

3. IMPOUNDMENT FEES.* Any animal impounded hereunder may be reclaimed by the owner during regular shelter hours only upon payment of the following fees:

- A. Payment of an impoundment fee of \$20.00* for each dog, except that on the second and subsequent impoundments of the same dog in any six month period the fee shall be \$30.00*. A treasurer's receipt showing that the impoundment fee has been paid at the municipal office must be presented to the shelter operator before any dog can be released.
- B. Payment of the board fee in the amount of \$5.00* per day to be paid to the shelter operator.
- C. Payment of the cost of any shots which the dog may have received while impounded to be paid to the shelter operator.
- D. Presentation to the shelter operator of a valid dog license for the impounded dog.

* The Town of Glenburn Fees Ordinance supersedes any and all fees quoted in this ordinance.

4. WHEN DOGS MAY BE KILLED. If any dangerous, fierce, or vicious dog cannot be safely taken up and impounded, such dog may be slain by the Animal Control Officer.
5. BARKING OR HOWLING DOGS. Repealed Effective 06/24/89
6. DOMESTIC LIVESTOCK AND FOWL. Domestic livestock and fowl shall be restrained so as to prevent their entering any public way unless under complete control of the owner or to prevent their unauthorized entering onto any private property. When such domestic livestock and fowl are found to be in violation of this section, the Animal Control Officer may give written notice of such violation to the owner of such domestic livestock or fowl. "Owner" means any person or persons, firm, association or corporation owning, keeping, or harboring such domestic livestock or fowl. If within 60 days of the issuance of the abovementioned written notice, the owner again fails to keep his domestic livestock or fowl in compliance with this ordinance, the Animal Control Officer may institute proceedings to enjoin such violation in accordance with Section 7 of this ordinance.
7. PENALTY. Any person who fails to comply with the provisions of this ordinance shall be punished by a fine of not less than \$50.00 nor more than \$100.00, plus reasonable attorney's fees and costs, recoverable in a civil action in Maine District Court. The Town of Glenburn or

any appropriate officer may institute proceedings to enjoin violations of this ordinance y fines imposed under this ordinance shall inure to the Town of Glenburn

8. SEVERABILITY. If any portion of this ordinance is held to be unconstitutional or invalid, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions thereof.
9. REPEAL OP EXISTING ORDINANCE. Upon the effective date of this ordinance, the ordinance entitled “Dog Control Ordinance” as adopted March 12, 1981, shall be repealed.

ORDINANCE HISTORY:

ADOPTED 06/12/76

AMENDED 04/12/81

AMENDED 10/12/85

AMENDED 12/21/85

AMENDED 05/25/89

11/08/07: 3. Impoundment Fees Asterisk added to reflect that the Town of Glenburn Fees Ordinance supersedes any and all fees quoted in this ordinance.

ORDINANCE ESTABLISHING BOARD OF APPEALS

WHEREAS, it is the desire of the Town of Glenburn to provide a high level of professionalism in handling appeals from various sources;

WHEREAS, there are currently in existence several distinct boards to hear appeals from varying sources;

WHEREAS, the work load of each board is very light, resulting in very little practice and experience in the appeal procedure;

WHEREAS, one single board could normally handle all appeals by meeting once a month; and

WHEREAS, such monthly meetings would provide sufficient practice and experience to keep that board in a constant state of familiarity with the appeal process;

NOW, THEREFORE, The Town of Glenburn hereby ordains that this ordinance entitled "Ordinance Establishing Board of Appeals" be enacted.

1. ESTABLISHMENT Pursuant to 30-A, M.R.S.A. § 2691, there is hereby created a Board of Appeals which shall be governed by said 30-A, M.R.S.A. § 2691. Upon the effective date of this ordinance the previously appointed Board of Appeals, Fair Hearing Authority, and Board of Assessment Review shall each terminate.
2. ORGANIZATION The Board shall consist of five regular members and one associate member who shall serve staggered three year terms, except that upon the initial appointments two regular members shall be appointed with terms to expire on June 30, 1988, two regular members shall be appointed with terms to expire on June 30, 1987, one regular member shall be appointed with term to expire on June 30, 1986, and the associate member shall be appointed with term to expire on June 30, 1988. The members shall be appointed by the Municipal Officers pursuant to Section 3.04 of the Glenburn Charter. When there is a permanent vacancy, the Municipal Officers shall within 60 days of its occurrence appoint a person to serve for the unexpired portion of the term. A vacancy shall occur upon the resignation or death of any member, or when a member ceases to be a voting resident of the Town, or when a member fails to attend three (3) consecutive regular meetings, or fails to attend at least 75% of all meetings during the preceding twelve (12) month period. When a vacancy occurs, the Chairperson of the board shall immediately so advise the Municipal Officers in writing. The Board may recommend to the Municipal Officers that the attendance provision be waived for cause in which case no vacancy will then exist until the Municipal Officers disapprove the recommendation. The associate member may attend all meetings of the Board and participate in its proceedings, but may vote only when designated by the Chairperson to sit for a member.
3. MEETING DATES The Board shall meet on the first Tuesday of each month at the Glenburn Municipal Building starting at 7:00 p.m. except that the Chairperson shall call special meetings at such times as the legislation governing the matter to be appealed requires a hearing before said regular meeting date. In the event that no appeals are scheduled for a regular meeting, the Chairperson may cancel that meeting.
4. SUBMISSION OF REQUEST FOR HEARING All requests for hearings before the Board shall be submitted to the Town Manager, on standard forms available from the Town

Office, no later than fourteen days prior to the next scheduled meeting of the Board except that requests for hearings regarding the Shoreland Zoning Ordinance shall be submitted no later than thirty days prior to the next scheduled meeting of the Board. This requirement shall be waived only for those matters which do not require publication.

5. PUBLICATION Except for appeals requiring consideration in executive session, such as matters emanating from the General Assistance program, the Chairperson shall have notice of all hearings to come before the Board published in one or more newspapers of general circulation in the Town at least seven days prior to the hearings and shall also post notice of such hearings at the posting places within the town at which town meeting and election notices are normally posted at least seven days prior to the hearings.
6. JURISDICTION The Board shall assert jurisdiction over any matter which is specifically delegated to it by the Charter of the Town of Glenburn; any ordinance properly adopted by a Glenburn Town Meeting; or any ordinance or set of rules and/or regulations properly adopted by the Glenburn Town Council; Such jurisdiction shall include but not be limited to the following:
 - A. The herein created Board of Appeals shall be designated as the Board of Assessment Review in accordance with 30-A, M.R.S.A. § 2526(6)(E) and Section 5.22 of the Charter of the Town of Glenburn.
 - B. The herein created Board of Appeals shall be designated as the Board of Appeals referenced in Section X(1) of the Zoning Ordinance of the Town of Glenburn, Maine.
 - C. The herein created Board of Appeals shall be designated as the Board of Appeals referenced in Section 16(A)(2) of the Shoreland Zoning Ordinance for the Town of Glenburn, Maine.
 - D. The herein created Board of Appeals shall be designated as the Board of Appeals referenced in the Building Code Ordinance of the Town of Glenburn, Maine.
 - E. The herein created Board of Appeals shall be designated as the Fair Hearing Authority required by the General Assistance Rules and Regulations of the Town of Glenburn.
 - F. The herein created Board of Appeals shall be designated as the body to hear appeals of decisions made by the Local Plumbing Inspector as referenced in § 2100.1 of the Maine Subsurface Waste Water Disposal Rules.

ORDINANCE HISTORY

ADOPTED: 11/21/85

AMENDED: 01/16/88

AMENDED: 10/19/89

AMENDED: 05/27/93

AMENDED: 07/18/96

BUILDING CODE ORDINANCE

Section 1. Effective July 1, 2012, the Town of Glenburn must enforce the Maine Uniform Building and Energy Code ("Code") as required by 10 M.R.S. § 9724(1) and 25 M.R.S. § 2373.

Section 2. This Ordinance and the Code shall be administered and enforced by the Code Enforcement Officer who shall be responsible for the issuance of building permits and certificates of occupancy. The Code Enforcement Officer shall be responsible for inspecting all construction for compliance with the Code as may be revised from time to time by the State of Maine pursuant to State law.

Section 3. Pursuant to 25 M.R.S. § 2357-A, no building may be occupied until the building official has given a certificate of occupancy for compliance with the Code.

Section 4. The owner, at the owner's sole expense, may elect to comply with the Code through inspections that comply with the Code and reports by third-party inspectors certified pursuant to 10 M.R.S. § 9723 submitted to the Town's Code Enforcement Officer. The building owner shall be responsible for contractual arrangements with a duly certified third-party inspector. The Code Enforcement Officer may issue the certificate of occupancy for a building upon receipt of an inspection report by a certified third-party inspector. The Town of Glenburn and the Code Enforcement Officer have no obligation to review a report from a third-party inspector for accuracy prior to issuing the certificate of occupancy.

Section 5. An appeal from any order issued by the Code Enforcement Officer pursuant to this Ordinance or the Code, or from the Code Enforcement Officer's refusal to issue a building permit or a certificate of occupancy may be taken to the Board of Appeals in accordance with the administrative appeal provisions of the Land Use Ordinance.

Section 6. Any violation of this Ordinance, the Code, or any applicable statutory provision may be enforced by the Code Enforcement Officer pursuant to 30-A M.R.S. § 4452 or any other applicable ordinance or statute.

Section 7. The Town Council may establish fees for the administration of this Code pursuant to the Town of Glenburn Fee Ordinance.

Section 8. In addition to the issuance of a building permit, no construction of a building or structure shall be commenced until a permit has been obtained from the Code Enforcement Officer certifying that the proposed building or structure and the contemplated use thereof is in compliance with all other ordinances of the Town of Glenburn, including but not limited to zoning, shoreland zoning, or land use ordinances.

Section 9. The existing Building Code Ordinance adopted on October 31, 1991, as last amended on December 23, 2009, is hereby repealed.

Section 10. Pursuant to Section 3.10(c) of the Town Charter, the foregoing amendments to this Ordinance shall become effective at the expiration of thirty (30) days after adoption.

Transition Clause: Any construction project commenced under the third party inspection process repealed hereby shall not be subject to the foregoing amendments and shall continue to be governed by the repealed provisions.

BUILDING CODE ORDINANCE HISTORY:

ADOPTED: 12/18/86, Effective 01/18/87

REPEALED: 06/11/87

ADOPTED: 6/11/87, Emergency Ordinance with numerous abrogated versions through 05/31/90

ADOPTED: 08/09/90, effective 09/09/90 Regular Building Code Ordinance superseding Emergency Ordinance

AMENDED: 10/31/91, Effective 11/30/91

AMENDED: 05/14/92, Effective 06/15/92

AMENDED: 12/09/93 Effective 01/09/94

AMENDED: 12/23/09 to reflect amendment approved 5/20/04-Use of Municipal Fee Schedule for Building Permits, Section 210 of this ordinance

REPEALED: 07/01/12 Existing Building Code Ordinance adopted 10/31/91 as last amended 12/23/09

ADOPTED: 07/01/12, Effective 07/31/12 retroactive to 07/01/12 pursuant to the Maine Uniform Building and Energy Code as required by 10 M.R.S. §9724 (1) and 25 M.R.S. §2373

AMENDED: 11/20/14, effective 12/20/14 Changes to Section 2 (Reaffirmation 11/19/15), Section 4, Section 5, Section 6, Section 8, and Section 10, and Transition Clause added.

CABLE TELEVISION ORDINANCE

Pursuant to 30 MRSA, Section 2158(2), THE TOWN OF GLENBURN, MAINE, acting by and through its Municipal Officers, HEREBY ORDAINS this Cable Television Ordinance.

SECTION 1 - PURPOSE

The purpose of this ordinance is to authorize the Municipal Officers to control the franchising and regulation of any CATV within the boundaries of the Town of Glenburn including its construction, operation and maintenance in, along, upon, across, over and under the streets, alleys, public ways and public areas now laid out or dedicated, and all future extensions thereof and additions thereto, including poles, wires, cables, underground conduits, manholes, conductors and fixtures necessary for the maintenance and operation of the CATV.

SECTION 2- DEFINITIONS

“CATS” shall mean any community antenna television system or facility that, in whole or in part, receives directly or indirectly, over the air, and amplifies or otherwise modifies signals transmitting programs broadcast by one or more television or radio stations, or originates its own signal or signals produced through any of its community access channels and distributes such signals by wire or cable to subscribing members of the public who pay for such services, but such term shall not include any such facility that serves only the residents of one or more apartment dwellings under common ownership, control or management.

“Cable Television Company” shall mean any person, firm, or corporation owning, controlling, operating, managing, or leasing a CATS’ system within the Town of Glenburn sometimes hereinafter referred to as “The Company.”

“Town” shall mean the Town of Glenburn, organized and existing under the laws of the State of Maine and the area within its territorial limits.

SECTION 3 - GENERAL REQUIREMENTS

Any cable television system shall be constructed and operated in accordance with Federal Communications Commission regulations.

No cable television company may abandon service or any portion thereof without having given six months’ prior written notice to the Town and to any other town which may be affected by the abandonment and having received the written consent of the Municipal Officers. Any cable television company which violates this paragraph shall be subject to a fine of \$50.00 a day, for each day that the violation continues.

Cable television systems, as a condition of franchise, shall be operated in such a manner as to provide a safe, adequate, and reliable service to subscribers. The Town shall be entitled to injunctive relief in addition to any other remedies available by law to protect any rights conferred upon the Town by this ordinance or State Law. (30 MRSA, Section 2158).

Cable television systems located in accordance with this ordinance, implementing regulations, and franchises are not considered defects in public ways.

SECTION 4- FRANCHISE REQUIRED

No person, firm, or corporation shall install, maintain, or operate within the Town or place or maintain along the Town's public ways or other public areas, any Cable television system and appurtenances, or parts thereof, unless a franchise authorizing the use of said public ways or other public areas has first been obtained pursuant to the provisions of this ordinance and unless said franchise is in full force and effect.

SECTION 5 - DETERMINATION OF PUBLIC NEEDS

In order to determine special local needs or interests, the Municipal Officers shall, prior to the issuance of a request for proposals from one or more cable television operators, hold a public hearing for the purpose of determining any special local needs or interests regarding cable television. Notice of the public hearing shall be published in the same manner as for town meetings at least 7 days prior to the hearing. During the two week period following the public hearing, the public may submit written comments on the proposed request for proposals.

SECTION 6- REQUEST FOR PROPOSALS

Subsequent to the close of the public hearing, the Municipal Officers may issue their request for proposals. Applications shall be in a format prescribed by the Municipal Officers and shall be submitted in accordance with the provisions of Section 7.

SECTION 7 - SUBMISSION OF APPLICATIONS

Applicants for a franchise shall pay a non-refundable filing fee to the Town of \$175.00 (one hundred seventy-five dollars) to defray the cost of public notice, advertising, and other expenses incurred in acting upon applications.

The application shall be filed with the Town Clerk and shall contain such information as the Municipal Officers may require, including but not limited to:

- a. a construction schedule;
- b. a written commitment to timely service;
- c. a general description of the applicant's proposed operation;
- d. the restoration of property;
- e. a schedule of proposed charges;
- f. a statement detailing its business or corporate organization; and
- g. a statement detailing the prior operational experience of the applicant in cable television systems and microwave services.

Upon filing, any franchise applications and related documents shall be open for inspection by the public during regular municipal office hours. The Municipal Officers shall insure that the public is given reasonable notice of the availability of the documents.

SECTION 8 - FRANCHISE AGREEMENTS OR CONTRACTS

Before authorizing the issuance of any franchise agreement, the Municipal Officers shall review the applicant's character, financial and technical qualifications, and the adequacy and feasibility

of its qualifications to operate a CATV system within the Town, and shall conduct a public hearing thereon after having giving at least seven days advertised notice of such public hearing.

The Municipal Officers may contract on such terms and conditions and impose such fees as its Municipal Officers determine to be in the best interests of the municipality and its residents., including the grant of exclusive or nonexclusive franchises for a period not to exceed fifteen (15) years for the placing and maintenance of cable television systems and appurtenances, or parts thereof, along public ways and including contracts with cable television companies which receive the services of television signal transmissions offered by any public utilities using public ways for such transmission. Each franchise shall contain the following provisions:

- (a) area or areas to be served;
- (b) a line extension policy;
- (c) a provision for renewal, the term of which shall not exceed fifteen (15) years;
- (d) procedures for the investigation and resolution of complaints by the cable television company;
- (e) procedures for revoking the franchise or contract by the Municipal Officers for good and sufficient cause after due notice to the cable television company and a public hearing thereon with the right of appeal to the Maine Superior Court under rule 80-B of the Maine Rules of Civil Procedure; and
- (f) such other terms and conditions which are in the best interests of the municipality.

SECTION 9- PERFORMANCE BOND & INSURANCE COVERAGE

Upon the execution of any such franchise contract the Cable Television Company shall file a surety company performance bond in an amount not less than \$25,000.00 conditioned upon the faithful performance of said contract and full compliance with any laws, ordinances, regulations governing said franchise, including cost of dismantling the system, and also evidence of such public liability, copyright infringement and other insurance coverage as the Municipal Officers may require. When the Cable Television Company has completed its proposed system as set forth in its proposal, and is in compliance with its franchise agreement, the Municipal Officers shall permit The Company to cancel said bond except for an amount to cover cost of dismantling the system.

SECTION 1.0 - EFFECTIVE DATE

Pursuant to 30 MRSA, Section 2158(2), this ordinance shall become effective immediately upon adoption by the Municipal Officers.

SECTION 11 - REPEAL OF CONFLICTING ORDINANCES

The “Community Antenna Television System Ordinance” of the Town of Glenburn, adopted on March 28, 1985 is hereby repealed in its entirety.

ORDINANCE HISTORY:

ADOPTED: 03/10/88

EFFECTIVE: 04/10/88

TOWN OF GLENBURN CABLE TELEVISION RATE REGULATION ORDINANCE

ARTICLE 1: GENERAL

1.1 Short Title

This Ordinance shall be known as the “Glenburn Cable Television Rate Regulation Ordinance” and will be referred to herein as “this Ordinance.”

1.2 Purpose

The purpose of this Ordinance is to implement the authority conferred on cable television franchising authorities to regulate Basic Service Rates and Charges.

1.3 Authority

This Ordinance is enacted pursuant to the Cable Television and Consumer Protection and Competition Act of 1992, as amended; pursuant to regulations adopted by the Federal Communications Commission (“FCC”), including but not limited to the “FCC Rate Regulations” as defined herein; and pursuant to 30-A M.R.S.A. Section 3001, as amended.

1.4 Validity and Severability

The invalidity of any section or provision of this Ordinance shall not affect the validity of any other section or provisions of the Ordinance.

1.5 Effective Date

This ordinance shall become effective immediately upon its approval by the municipal officers.

ARTICLE 2: DEFINITIONS

2.1 Basic Service Rates and Charges:

Basic Service Tier rates and the charges for related equipment, installation and services which, pursuant to federal laws and regulations, may be regulated by franchising authorities.

2.2 Basic Service Tier:

That tier of cable television service which contains, at a minimum, all local broadcast signals and the public, educational and governmental channels required by the franchise agreement. Provided that the contents of this tier meet this definition, the Cable Operator may, in its sole discretion, determine what (if any) additional service will be provided as part of this tier.

2.3 Benchmark Approach:

That theory of rate regulation which sets rates based upon “benchmarks” established by the FCC.

2.4 Cable Operator:

Any cable television system operating within the Town of Glenburn.

2.5 Cost-of-service Approach:

That theory of rate regulation, to be initiated only by the Cable Operator, which allows the Cable Operator to charge rates in excess of the FCC benchmark rates upon a showing that the cost of providing cable service exceeds the benchmark rate.

2.6 FCC: The Federal Communications Commission.

2.7 FCC Rate Regulations:

Report and Order, In the Matter of Implementation of Sections of Cable Television Consumer Protection and Competition Act of 1992: Rate Regulation, MM Docket 92-266, FCC 93-177 (released May 3, 1993), as amended.

2.8 Franchising Authority:

The Town of Glenburn, acting pursuant to its authority under federal, state, and local laws and regulations to authorize and oversee the provision of cable television service in Glenburn.

ARTICLE 3: RATE SETTING PROCEDURES

3.1 Cable Operator Submission

Within 30 days of the date of the notice from the Franchising Authority to the Cable Operator, the Cable Operator shall file its rate justification with the Franchising Authority.

3.2 Franchising Authority Response

The Franchising Authority shall make a decision on the rate request within 30 days after the Cable Operator submits its rate justification. The rates proposed by the Cable Operator shall automatically take effect after that 30 day period unless the Franchising Authority issues a statement that it needs additional time to make its decision.

If the Franchising Authority decides that it needs longer than the initial 30-day period to consider the rate request, it may issue a statement to that effect. Such statement may provide for up to 90 additional days to review a rate request based upon a benchmark approach and up to 150 additional days to review a rate request based upon a cost of service approach.

If the Franchising Authority cannot reach a decision by the end of the extended period set forth in the preceding paragraph, the rates proposed by the Cable Operator shall go into effect, subject to refund. If the Franchising Authority intends to seek refunds, it shall issue an Order to the Cable Operator prior to expiration of the time period for response, notifying the Cable Operator to keep accurate records with respect to rates.

3.3 Public Hearing Required

A public hearing shall be held in connection with every rate setting proceeding. At least 10 days prior to the hearing date, the Town Clerk shall publish a notice of the hearing in a news paper of general circulation in the Town of Glenburn. The notice shall identify the name of the Cable Operator, indicate that a rate change has been requested, and identify the time and place of the public hearing.

3.4 Proprietary Information

The Franchising Authority may require the Cable Operator to furnish proprietary information in connection with any rate setting proceeding.

3.5 Calculation of Rates and Refunds

In setting Basic Tier Rates and Charges, and in setting any refunds, the Franchising Authority shall be governed by the FCC Rate Regulations as amended. The FCC Rate Regulations shall govern notwithstanding any different or inconsistent provisions in the Franchise Agreement.

3.6 Decision of Franchising Authority

The Franchising Authority shall issue a written rate decision with appropriate findings and conclusions if the Franchising Authority:

- a. disapproves, in whole or in part, the initial rate schedule or a proposed rate increase; or
- b. approves the initial rate or proposed rate increase over the objection of an interested party.

Public notice must be given of any such written decision, which shall include release of the text of the written decision to the public.

No written decision shall be required to approve an unopposed existing or proposed rate.

3.7 Appeals

The FCC shall have exclusive jurisdiction to hear appeals challenging whether the Franchising Authority's decision is consistent with the 1992 Cable Act or any applicable FCC rules. Any participant in a Franchising Authority's rate regulation proceeding may appeal the Franchising Authority's decision on such grounds to the FCC within 30 days of release of the public notice required under Article 3.6 of this Ordinance.

Appeals on grounds other than those stated in the preceding paragraph shall be made to Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

ARTICLE 4: EXECUTION OF DOCUMENTS

4.1 Authority conferred

The Town Manager, or the Manager's designee, is authorized to execute on behalf of the Town and file with the FCC such certifications, forms or other instruments as are now or may hereafter be required by the FCC Rate Regulations in order to enable the Town to regulate Basic Service Rates and Charges.

ARTICLE 5: AMENDMENT

This Ordinance may be amended by the Municipal Officers following public hearing.

ARTICLE 6: FEDERAL LAW PRE-EXEMPTION

To the extent that any provision of this Ordinance is inconsistent with federal law or regulations now in effect or which may be later adopted, federal law shall govern.

The Town of Glenburn hereby ordains this ordinance.

ORDINANCE HISTORY:

ADOPTED: 01/20/94

CEMETERY ORDINANCE FOR THE TOWN OF GLENBURN, MAINE

Title and Purpose: The Town of Glenburn hereby ordains that this ordinance entitled “Cemetery Ordinance for the Town of Glenburn, Maine” be enacted. The purpose of this ordinance is to establish a set of rules and regulations governing the operation of the municipally owned Lakeview, Birch Grove, and Pleasant View cemeteries (“the Cemeteries”) and to assist in the maintenance of these lands as peaceful and beautiful areas and as reverent symbols of respect for the deceased.

I. ORGANIZATION

A. SUPERINTENDENT OF CEMETERIES

1. Appointment. The Town Council shall appoint a Superintendent of Cemeteries for three year terms. Each term shall commence at the beginning of the Town’s fiscal year. The Town Manager may serve as the Superintendent of Cemeteries if so appointed by the Town Council.
2. Responsibility. If the Superintendent is the Town Manager, the Superintendent shall be directly responsible to the Town Council. If the Superintendent is other than the Town Manager, the Superintendent shall be responsible to the Town Manager.
3. Duties. The Superintendent shall be responsible for overseeing all aspects of cemetery management within the Town of Glenburn.

B. SEXTONS

1. Appointment. The Sexton(s) shall be appointed by the Town Council for (a) three year term(s). Each term shall commence at the beginning of the Town’s fiscal year. The appointments shall be made from a list of nominees provided by the Cemetery Committee. However, if the Town Council feels that the best interests of the Town would be so served, they may make the appointments from outside the nomination list provided by the Cemetery Committee.
2. Responsibility. The Sexton(s) shall be directly responsible to the Superintendent.
3. Duties. The Sextons shall prepare and keep updated plot maps of each cemetery; supervise all interments, including opening and closing of each grave site; supervise removal of bodies from graves; and prepare an accounting of all cemetery activities for inclusion in the annual town report.

C. CEMETERY COMMITTEE

1. Appointment. The Town Council shall appoint a five member Cemetery Committee. The term of each member shall be for 3 years or until the member’s successor is appointed and qualified except that the transition appointments (Ordinance amendment to change from one year to three year terms) beginning July 1, 1994 shall be as follows: Two for three years; two for two years; and one for one year. Each term shall commence at the beginning of the Town’s fiscal year.

2. Responsibility. The Cemetery Committee is directly responsible to the Superintendent.
3. Duties. The Cemetery Committee shall monitor all aspects of the management of the municipal cemeteries and shall advise the Superintendent of needed improvements; nominate Sexton(s) each year for appointment by the Town Council (These nominations may be made from members of the Committee); and shall submit to the Town Manager, at the appropriate time, a recommended annual budget for the operation of the cemeteries.
4. Meetings. The Cemetery Committee shall hold four regular meetings each year. These meetings shall be held on the third Tuesday of April, June, August, & October. The time of the meetings shall be established by the Committee. The Committee may hold such additional meetings as are necessary.
5. Officers. The Cemetery Committee shall elect a Chairman and a Secretary at the first regular meeting of each fiscal year.

II. FINANCIAL MATTERS

It is intended that the Town support the maintenance of the cemeteries through a combination of tax revenues and the interest on the Trust Fund. As long as the combination is sufficient to maintain the Cemeteries in a reasonable state of attractiveness, all lots in the Cemeteries will be maintained at the same level using the combination of funds. In the event that at some future time, the voters do not allow sufficient tax revenue to be raised or appropriated to properly care for the Cemeteries, then the interest from the Trust fund shall be used to maintain only the lots designated as perpetual care. Only if the interest exceeds the amount necessary to maintain the perpetual care lots for the full year may the excess be used for other Cemetery maintenance.

Nothing in this ordinance is to be construed to prohibit the establishment of special trust funds for purposes other than those outlined herein.

A. BUDGET

Upon the call of the Town Manager, the Cemetery Committee shall annually prepare a recommended budget for the operation of the Cemeteries within the Town for the following fiscal year. If the Superintendent is not the Town Manager, the Superintendent shall assist the Committee in the preparation of the budget recommendation. The Town Manager shall use the budget recommendations as a guide in the preparation of the cemetery appropriation portion of the budget to be recommended to the Town Council for eventual consideration by the Town Meeting. The Town Manager shall also include in the budget recommendation an estimated revenue and the amount of interest projected to be earned during the current fiscal year by the Trust Fund described in Section H.D. of this ordinance. At the beginning of the new fiscal year for which the budget is being prepared, all interest actually earned by said trust during the previous fiscal year shall be receipted into the General Fund as revenue for the new fiscal year. As long as a Town Meeting appropriation and the resulting expenditures for cemetery operation exceed the amount of interest earned on the trust, it shall be considered that the interest money has been spent on the cemeteries.

B. SALE OF GRAVESITES

The Town will sell cemetery lots, at prices stated in Section II. C. 1. of this ordinance, to both residents and non-residents of Glenburn. A resident is defined to be a person living within the Town of Glenburn at the time of the purchase of the lot. A non-resident is defined to be a non-resident of Glenburn but with immediate family members previously buried in Glenburn cemeteries. The Town shall issue a certificate of ownership of the lot(s) along with a map showing the location of such lot(s) within 30 days of receipt of payment for said lot(s). If problems arise which must be resolved before the certificate can be issued, the abovementioned 30-day time period may be extended. In such case, the Town shall give written notice to the purchaser of the gravesite(s) within the 30-day period, stating the specific reasons for the delay and the expected date of delivery of the certificate.

C. FEES, CHARGES, AND PAYMENTS*

1. Sale of gravesites. The sale price of each single cemetery gravesite shall be \$50.00* for residents and \$200.00* for non-residents.
2. Charges for opening and closing gravesites. There shall be a charge of \$500.00* for opening and closing a grave for full burial and \$200.00 for cremation from April 15 to October 30. The fee for opening and closing a grave from November 1 to April 14 will be determined by the Sexton and approved by the Superintendent. Sodding and seeding of the mound will be done for an additional charge, to be paid in advance. The payment of all charges related to the opening and closing of graves shall be made directly to the Sextons by the funeral directors or others requesting the service. The Sextons shall submit to the Town Manager complete reports of all graves opened and closed during the fiscal year ending June 30 and all amounts received for so doing. Such reports shall be made no later than 10 days following the close of the fiscal year.
3. Private sales of lots once lots are purchased from the Town shall not occur without the approval of the Town. Lots shall only be sold at the price that they were originally purchased. Sellers of lots must provide the Town with a copy of the proposed signed Bill of Sale so that the Town can approve the sale and record the new owners for Town records.

*The Town of Glenburn Fees Ordinance supersedes all fees quoted in this ordinance.

D. TRUST FUND

A special Trust Fund shall be established by the Town Treasurer who shall maintain an accurate accounting thereof. The Treasurer shall see that a detailed report of the Trust Fund is published in the annual report for the fiscal year ending June 30, 1985 and every fifth year thereafter. The Trust Fund shall consist of three subsections, namely:

1. The sale price of gravesites. The proceeds from the sale of gravesites received subsequent to the adoption of this ordinance shall be deposited in Part I of the Trust Fund. The Treasurer shall be required to show in the account only the cumulative total of receipts, and not the individual amounts or names of persons purchasing such gravesites. The sale of gravesites by the Town is strictly a real estate transaction and in no way is the sale to be

construed to imply that the Town has assumed any obligation for the future upkeep of such site.

2. The principal amount received for establishing perpetual care. The Treasurer shall maintain the complete listing of perpetual care lots. The listing shall include the name of the person's perpetual care, the principal amount of the donation, and, as soon as proper maps are available, the map numbers of the lots involved. The listing shall include all perpetual care lots existing at the effective date of this ordinance plus all lots for which perpetual care donations are received subsequent to such effective date. A lot (single burial site) may be designated as a perpetual care lot upon receipt of a donation of at least \$200.00. The Town Council may accept these perpetual care donations on behalf of the Inhabitants of the Town of Glenburn.
3. The cumulative total of donations for the maintenance of cemeteries received subsequent to the effective date of this ordinance and for which the donor has not requested special trust fund status. The Treasurer shall be required to show in the account only the cumulative total of such donations, and not the individual amounts or names of such donors.
4. The Town will ensure that there will always be perpetual care on the perpetual care lots on Memorial Day, the Fourth of July, and Labor Day.

III. RECORDS AND MAPS

- A. The Superintendent shall see that a record system is established to provide up to date records of interments, lot owners, and trust funds along with up to date plot maps. These records and maps shall be protected within a fireproof vault except when in use.
- B. Family Burial Grounds

When a person or persons appropriate for a burying ground a piece of land, it must be recorded in the registry of deeds of the same county and by the clerk of the town where it is situated and substantially marked or be kept fenced. Family Burial Grounds shall be for family members only, not the general public, and shall not exceed ten (10) lots.

IV. GROUNDS MAINTENANCE

1. All lots within each cemetery shall be mowed and trimmed during the summer season as required. The Superintendent of Cemeteries shall insure that adequate contractual agreements are in force to provide for sequential maintenance. Additional grounds maintenance and improvements such as gates, fencing, grading, soils for roadways, and lot renovations, and posting of signs shall be accomplished by direction of the Superintendent within the limits of available budget considerations and as recommended by the Cemetery Committee.
2. In no case shall the maintenance, repair, or replacement of any memorial, tomb, or marker be construed as grounds maintenance. Special approval of the Town Council will be required for expenditure of funds for such purposes.

3. Lot owners may perform individual work on their own property only upon approval of the Sexton(s) or the Superintendent. They may also arrange for such care by paying an amount as determined by the Sexton(s).
4. On and after the effective date of this ordinance no lot or grave site shall be partially or fully enclosed by a fence, rail, curb, hedge, trees, or shrubs, and no burial plot shall be raised to a level higher than the surrounding plot levels. No stones shall be allowed on gravesites. Corner and foot markers shall be installed at ground level with at least one (1) to two (2) inches of stone underneath them.
5. Roadway and land areas between lots shall be contoured as required to provide for adequate surface drainage.
6. The cemetery grounds maintenance will include trimming of trees and shrubs. No individual beds of shrubbery or flowers shall be permitted on the grounds. No shrubs or trees will be planted on individual or family plots.
7. The Sexton shall have the right to remove all floral designs, receptacles, flowers, weeds, trees, shrubs, plants, herbage of any kind from the cemetery when in the opinion of the Sexton they become unsightly, dangerous, detrimental, or diseased, or when they do not conform to the standard maintained in the cemetery.
8. Waste receptacles shall be placed in each cemetery to encourage the elimination of grounds clutter.

V. INTERMENTS AND REMOVALS

A. INTERMENTS

1. The Sextons shall insure that all State laws with respect to burials are complied with.
2. The lot owner or funeral director shall designate the location of the grave on each plot. Any change in location made after the opening has begun shall be at the expense of the lot owner.
3. All interments shall be restricted to members of the family that has reserved such lot. Written permission of the lot owner must accompany all requests for permits to bury persons not members of the immediate family.
4. No burial will be permitted without a vault of concrete, steel, or other durable material approved by the Sexton.
5. An additional charge may be assessed for service on Saturday, Sunday, or legal holidays.
6. A 36 hour notice shall be given the Sexton for the opening and preparation of the grave prior to interment unless religious or other conviction demands earlier burial.
7. Interment shall be scheduled from 8:00 a.m. to 4:00 p.m., Monday through Friday. Other times may be specially scheduled with the Sexton(s).

B. REMOVAL

1. Removal of bodies from graves will be made only under the direction of the Sexton(s) in accordance with the Statutes of the State of Maine. Charges for removal will be made in accordance with the difficulty of the work.
2. Graves will not be opened for inspection except for official investigations.
3. Any markers or monuments designating the location of an interment shall be removed under the supervision of the Sexton at the time of disinterment.

VI. STONES AND MONUMENTS

1. The owner of any lot shall have the right to erect thereon any proper stone or monument. It is desirable that the Sexton be consulted before ordering monumental work to insure harmony with other stones in the cemetery.
2. No headstone, monument or other superstructure shall be erected until a suitable foundation is laid. Foundations shall not be constructed within the actual grave space except where the grave liner is of a permanent type of sufficient strength to support the weight. Foundation depth will normally be at least four (4) feet deep. Cremations shall be at least two (2) feet deep and do not need to be in a vault.
3. The setting of monuments, stones and markers, including foot markers, and the transportation of all tools, materials, etc. within the cemetery grounds shall be subject to the supervision and control of the Sexton. No monument, stone, or marker, including foot markers, may be installed until the location of such monument, stone, or marker has been marked out and approved by the Sexton. Installations must be in the presence of the Sexton. Any monuments, stones, and markers, including foot markers, that are not installed according to the provision of this ordinance shall be reset to meet the provision of this ordinance within 72 hours of the initial setting.

Failure of the contractor or individual to reset the monument, stone, and markers, including foot markers, in accordance with the provisions of this ordinance will result in the contractor or individual being barred from installing any other monuments, stones, and markers, including foot markers, at any cemeteries in the Town of Glenburn until the monuments, stones, and markers, including foot markers, are installed to the satisfaction of the Cemetery Sexton or the Superintendent of Cemeteries.

A monument company must notify the Cemetery Sexton by filling out a request to install a monument, stone, or marker application at least 72 hours in advance of the placement and installation of monuments, stones, and markers.

A monument company shall disclose if they are an LLC and provide proof of liability insurance at the time of the submission of the application.

A monument company shall also be required to sign a form indicating that the monument, stone, or marker has been installed in accordance with the Town of Glenburn Cemetery Ordinance and that failure to install the monuments, stone, or marker in accordance with the Town of Glenburn Cemetery Ordinance will require the stone, marker, or monument to be

reset until it meets the standards contained in the Town of Glenburn Cemetery Ordinance and may subject the company to fines and penalties.

4. Stone work or monumental work once placed on its foundation shall not be removed without the knowledge and consent of the Sexton. (See "Removal" above)

VII. PUBLIC HOURS

The cemeteries shall be open to the public from sunrise to sunset each day.

VIII. PROHIBITED ACTIVITIES

1. Firearms, bows and arrows, sling-shots, air rifles, or other offensive weapons shall not be allowed within the confines of any municipal cemeteries except when part of a military ceremony.
2. Joy riding of any sort, including but not limited to bicycles, motorcycles, snowmobiles, all terrain vehicles, and horseback, shall not be allowed within any municipal cemetery.
3. Unauthorized presence of any persons or vehicles within any of the cemeteries covered by this ordinance between sunset and sunrise shall not be allowed. In accordance with 17-A M.R.S. §402(1)(E), a person commits criminal trespass (a Class E crime) if that person enters or remains in a cemetery between one-half hour after sunset and one-half hour before sunrise, unless authorized by the Town.
4. Conduct unbecoming to a sacred place shall not be allowed.
5. Glass bottles and alcoholic beverages are not allowed and shall not be placed on monuments and graves.

IX. PENALTIES

Any person who violates any provision of this ordinance where no specific penalty is imposed by the Laws of the State of Maine shall be punished by a fine of not less than \$50.00 and not more than \$500.00, plus reasonable attorney fees and costs, recoverable in a civil action in Maine District Court. The Town of Glenburn or any appropriate officer may institute proceedings to enjoin such violations. Any fines collected shall inure to Town of Glenburn. The Town Council may authorize the expenditure of such fines for the repair of damages done in the cemeteries but in no case may such fines be used for routine repair and maintenance. Any monies received from such fines which are not expended during any fiscal year shall be carried over to subsequent fiscal years in a special fund.

X. SEVERABILITY

If any portion of this ordinance is held to be unconstitutional, or invalid, this will not affect the remaining provisions of the ordinance.

XI. REPEAL OF CONFLICTING ORDINANCE

The ordinance entitled "Ordinance Establishing Cemetery Association", adopted by the Glenburn Town Council on August 25, 1983 and the "Regulations of Glenburn Cemeteries", as

amended, which were adopted in accordance with the terms of the Ordinance are hereby repealed.

ORDINANCE HISTORY

Adopted: 6/12/76

Amended: 01/15/80

Amended: 09/24/81

Amended: 09/24/83

Amended: 03/03/85

Amended: 10/05/92

Amended: 05/27/93

Amended: 12/09/93

Amended: 05/19/16, effective 06/19/16

Amended: 08/11/16, effective 09/10/16

Pursuant to Section 3.10 (c) of the Town Charter, this Ordinance will become effective at the expiration of 30 days after adoption.

CODE OF ETHICS

WHEREAS, The Town of Glenburn desires that the Public Trust be upheld by all of its Boards and Committees;

WHEREAS, The Public Trust is maintained only when all members of Boards and Committees conduct themselves at all times in a manner which is above reproach;

WHEREAS, The Public Trust is maintained only when all Boards and Committees conduct their business in a dignified and competent manner; and

WHEREAS, The Town of Glenburn believes that these standards can be best achieved by the adoption of a Code of Ethics to be adhered to by all members of Glenburn's Boards and Committees;

NOW, THEREFORE; The Town of Glenburn hereby ordains that this Code of Ethics be enacted as a municipal ordinance.

A. PERSONAL INVOLVEMENT No person serving on a Board or Committee shall receive payment from public monies for services rendered to the Town unless such payment is:

- (1) A Board or Committee member stipend authorized by the Town Charter.
- (2) A Board or Committee member stipend approved in the Municipal Budget.
- (3) For a Town Council approved work agreement by a Board or Committee member except that the Town Council may not approve a work agreement for one of its own members.

B. CONDUCT OF MEETINGS All meetings of Boards and Committees shall be held in properly posted public sessions except when lawfully authorized to be held in executive session. No meeting may go into executive session without first convening in public session. The meeting may then go into executive session only upon affirmative vote of the Board or Committee with the precise nature of the business of the executive session having been included in the motion.

C. DECORUM AT MEETING All meetings shall start promptly at the designated time. Members are expected to be present at that time. Members are expected to wear clean and neat attire at all meetings. Minutes of previous meetings should be distributed to all members prior to the meeting date so that the matter of adoption of the minutes can be accomplished rapidly. Agendas of all meetings should be properly prepared and posted and should be adhered to during the meeting. Unnecessary extraneous conversation should not occur. The Chairman shall maintain tight control of the meeting and see that all scheduled business is handled in a prompt and courteous manner. All decisions shall be made by vote of the Board or Committee and individual members shall base their vote on an impartial, unbiased analysis of the available facts and data.

D. CONFLICT OF INTEREST Members of Boards and Committees shall at all times avoid getting themselves into conflict of interest situations and shall constantly endeavor to avoid getting into situations which might be interpreted by the public as conflicts of interest. Members will refrain from privately advising citizens on any matter which may later come before the Board or Committee on which he serves other than to refer the citizens to the proper ordinances or other procedural documentation. Members shall not enter into any agreement, specific or implied, on any matter which may later come before the Board or Committee on which he serves, if any member has personal business which must come before the Board or Committee,

he shall announce that there is a conflict of interest and shall remove himself from the table and he shall not vote on the matter.

E. APPOINTMENT Nominees for appointment to Board or Committee shall sign a statement on the appointment form that they have read and understand this ordinance and that they are willing to abide by its content.

F. VIOLATION Violation of intent or content of this ordinance may be cause for dismissal, after notice and hearing by the appointing authority.

C REPEAL OF CONFLICTING ORDINANCES The ordinance entitled “Code of Ethics”, adopted on September 12, 1985 and with an effective date of October 12, 1985, is hereby repealed.

ORDINANCE HISTORY

ADOPTED: 09/12/85

AMENDED: 12/21/85

TOWN OF GLENBURN ORDINANCE REGULATING CONDUCT IN PUBLIC PARKS

The Town of Glenburn hereby ordains this Ordinance which shall be known and may be cited as the “Town of Glenburn Ordinance Regulating Conduct in Public Parks.”

Section 1: Definitions

- (1) “Town” means the Town of Glenburn.
- (2) All references to time in this Ordinance shall mean Eastern Standard Time or Eastern Daylight Time, whichever may then be in effect by virtue of 1 MRSA Sec. 151.
- (3) “Public” means any member of the general public except that in the case of the Lakeside Landing Recreation Area, the term “Public” shall be limited to
 - (a) Persons having a residence in the Town of Glenburn and their guests. For purposes of this Ordinance, the term “residence” is that place in which a person’s habitation is fixed, or
 - (b) Persons not having a residence in the Town of Glenburn but who own taxable real estate within the Town of Glenburn and their guests.
- (4) “Vehicle” means any wheeled conveyance whether motor powered, animal drawn, or self-propelled. The term shall include, but not be limited to, any trailer in tow, automobile, truck, wagon, snowmobile, motor bike, motorcycle, all terrain vehicle (ATV), or trail bike of any size, kind, or description. Exception is made for baby carriages, bicycles, handicapped conveyances, and for vehicles being used in the maintenance and operation of Town Parks.
- (5) “Park” shall mean the areas within the boundaries of the following Town of Glenburn owned recreational properties and facilities:

Lakeside Landing Recreation Area

The entire area acquired by the Town of Glenburn on May 26, 1989 by deed recorded in the Penobscot County Registry of Deeds in Volume 4448, Page 292, exclusive of any out-transfers by the Town of Glenburn subsequent to the date of acquisition.

Elementary School Recreation Area-also known as Smith Field Complex

A portion of the land acquired by the Town of Glenburn on August 21, 1975 by deed recorded in the Penobscot County Registry of Deeds in Volume 2577, Page 230, such portion being that developed under Project No. 23-00403 of the State of Maine, Bureau of Parks & Recreation, Land & Water Conservation Fund. The area is divided into two parts:

Part A is under the jurisdiction of the Town of Glenburn and is comprised of the baseball field, the softball field, the soccer field, and the jogging and nature trails. Part A is located on the 23.11 acre parcel of land shown on the Division Plan dated April 29, 2009 prepared by Richard N. Perry, Sr.

Part B is under the jurisdiction of the Glenburn School Department and is comprised of the school playground area and the picnic area. Part B is located on the 10.73 acre “School

Parcel” shown on the Division Plan. The School Parcel also encompasses the lawn areas, the school parking areas, the wastewater disposal area, the old playground area north of the school, and those areas of the school building which can be used for recreational purposes.

Cookson Lot Recreational Fields

The recreational fields that are accessed via Nadia Drive.

Butler Park

The basketball court located in front of the Glenburn Town Office.

West Side Recreation Area

The entire area acquired by the Town of Glenburn from the Estate of Leona B. Buzzell on February 5, 1997 by deed recorded in the Penobscot County Registry of Deeds in Volume 6320, Page 142.

Section 2: Parks and Recreation Director

There is hereby created the position of Parks and Recreation Director who shall have the powers and duties enumerated in this ordinance. The Parks and Recreation Director shall be appointed for an indefinite term by the Town Manager. Compensation and benefits of the Parks and Recreation Director, if any, shall be as determined in the adopted municipal budget in accounts set up for this purpose.

Section 3: Park Property

Except as may be necessitated by reason of construction activities or maintenance activities under the supervision and control of the Parks and Recreation Director, or forest management activities and harvesting under the supervision and control of the Parks and Recreation Director and with the approval of the Town Council, no person in a Park shall:

(1) Disfiguration or Removal of Park Property

Willfully mark, deface, disfigure, injure, tamper with, or displace or remove, any building, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines, or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, playground equipment, facilities or Park property or appurtenances whatever, either real or personal;

(2) Removal or Disruption of Natural Resources

Dig or remove any sand, soil, rock, stones, timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency;

(3) Damage to Plant Life

Damage, cut, carve, transplant or remove any tree, shrub or plant or injure the bark, or pick the flowers or seeds, of any tree, shrub or plant. Nor shall any person attach a rope, wire, or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area; or

(4) Erection of Structures

Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon, or across such lands, except on special written permit issued by the Parks and Recreation Director, duly authorized by the Town Council.

Section 4: Sanitation

In order to minimize as much as possible conditions which might be detrimental to the health of visitors or to the environment, no person in a Park shall:

(1) Pollution of Waters

Throw, discharge or otherwise place or caused to be placed in the waters or any fountain, pool, pond, stream or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

(2) Refuse and Trash

Bring in and dump, deposit or leave in a park any solid waste, special waste, hazardous waste, waste oil, construction and demolition debris, land clearing debris, septage waste, wood waste, yard waste, or any other type of waste. This includes but is not limited to bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, household trash, or other type of solid waste. Any solid waste generated within the park, such as but not limited to empty containers and wrappers from a picnic, shall not be disposed of or placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, except in the proper receptacles where these are provided. Where receptacles are not so provided, all such solid waste shall be carried away from the park by the person responsible for such presence, and properly disposed of elsewhere.

(3) Animal Waste

Fail to immediately remove and lawfully dispose of any feces left in any park by a dog, horse, or other animal owned by such person or under his/her control. This regulation shall not apply to a dog or other animal accompanying any handicapped person who, by reason of his/her handicap, is physically unable to comply with the requirements of this Ordinance.

Section 5: Traffic

(1) Motor Vehicles

(a) State Motor Vehicle Laws

All persons shall comply with all applicable provisions of the State of Maine Motor Vehicle Laws with regard to equipment and operations of vehicles together with such regulations as are contained in this and other Town of Glenburn Ordinances.

(b) Traffic Signs

All persons shall comply with all traffic signs indicating speed, direction, caution, stopping, or parking, and all others posted for proper traffic control and for safeguarding life and the property.

(c) Operation of Vehicles

No person shall drive any vehicle, excepting bicycles, on or in any area except public ways, public easements, and park roads or parking areas, or such other areas as may, on occasion, be specifically designated as temporary parking areas by the Parks and Recreation Director. Excepting bicycles, only vehicles properly licensed and registered for operation on public ways and operated by persons properly licensed to operate said vehicle shall be permitted in any Park area. Snowmobiles are allowed on marked trails only.

(2) Parking

(a) Designated Areas

No person in a Park shall park a vehicle in other than an established or designated parking area, and such use shall be in accordance with directions posted thereat and with the instructions of any attendant who may be present.

(i) Vehicles with trailers for boats; Parking in upper parking lot

i. Lot on Right as you enter the park

(ii) Passenger Vehicles; Parking in lower lot

i. Lot on Left after the "S" turn in the road

(iii) Handicap Vehicles; Parking on L, by picnic pavilion, at the end of road by boat launch, vehicles in this area must have a handicap plate or placard

(iv) Special Event Parking; vehicles associated with a special event need to park in the upper parking lot first (Lot on R as you enter the park) as to not to hinder general public use as much as possible, these vehicles need to display the special event parking permit.

(b) Night Parking

No person in a Park shall leave a vehicle standing or parked at night within any Park between one-half hour after sunset and 6 AM except as allowed in Section 6(3) of this ordinance.

(c) Parking Spaces for Handicapped Persons

No persons shall park a vehicle in a parking space clearly marked as a handicapped parking space unless the vehicle bears a special registration plate, or prominently bears a placard issued under 29-A MRSA. § 521 or 523, as amended, or a similar plate or placard issued by another state. The Parks and Recreation Director is hereby authorized to designate and mark handicapped parking spaces in any park of the Town of Glenburn.

(3) Bicycles

(a) Confined to Roads

No person in a Park shall ride a bicycle on other than a vehicle road or path designated for that purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trail or any area reserved for pedestrian use. No vehicles of any type, bicycles included, shall be allowed on the nature trail behind the Glenburn Elementary School and the West Glenburn Park Trail. This subsection shall not apply to wheelchairs or other vehicles needed for the transport of the handicapped.

(b) Operation

Persons on bicycles shall keep to the right-hand side of the road or path as close to the edge of the traveled way as conditions permit. Bicycles shall be kept in a single file when two or more are operating as a group. Bicyclists shall at all times operate their machines with reasonable regard to the safety of others, signal all turns, pass to the left of any vehicle they are overtaking, and pass to the right of any vehicle they are meeting.

(c) Designated Racks

No person in a Park shall leave a bicycle at a place other than a bicycle rack when such is provided and there is space available.

(4) Winter Use

No person shall launch or recover any snowmobile or ATV in any area of any Park except that such vehicles may be launched and recovered from the boat ramp area at Lakeside Landing for use on the lake. Once launched, such vehicles shall not be operated in any other area of the Park nor shall such vehicles be operated on any designated skating area on the lake adjacent to the Park.

(5) Snowmobiles

No person shall operate a snowmobile in a Park except on designated and marked trails.

Section 6: Recreational Activities

(1) Bathing and Swimming

(a) Designated Areas

No person shall swim, bathe, or wade in the waters of any fountain, pond, pool, stream or other body of water in any park or any tributary, stream, storm sewer, or drain flowing into such waters, except in areas specifically provided for swimming or bathing, and in compliance with this Ordinance and any regulations as promulgated by the Parks and Recreation Director. The Parks and Recreation Director may prohibit swimming or bathing in any area upon finding such use of the water would be dangerous or otherwise inadvisable.

(b) Animals

1. All animals brought into any Town Park shall be under the owner's control at all times so as to not interfere with the enjoyment of the outdoor facility by other members of the public. No animal shall be off a leash at any time at any Town Park. Leashes shall be no longer than eight (8) feet. Owners shall pick up after their animals.

2. Animals are not allowed in the swim area in Pushaw Lake located inside of the buoys or on the sand beach portion of Lakeside Landing at any time.

3. The restrictions in this subsection shall not apply to service animals.

(2) Camping

No person shall set up tents, shacks, or any other temporary shelter in a Park for the purpose of overnight camping. Nor, after closing hours, shall any person leave in a Park any movable structure or special vehicle that could be used for shelter or housing, including but not limited to house trailers, motor homes, camp trailers, and tents. The Parks and Recreation Director may waive this prohibition for organized groups.

(3) Watercraft and Other Vehicle Launching

No person shall leave any vehicle on the boat ramp, its access, or its turn-around for any longer than necessary to unload or load watercraft, snowmobiles, or ATVs. Notwithstanding the hours of operation provision in Section 9(1) of this ordinance, the boat ramp may be utilized for its launching and recovering watercraft, snowmobiles, and ATVs at any time.

Section 7: Prohibitions

In order to promote peace and tranquility for visitors to our parks and to minimize the possibility of harm to visitors and the Park themselves, the following items and activities are prohibited:

(1) Alcoholic Beverages

Alcoholic beverages in any form are prohibited in Parks of the Town of Glenburn.

(2) Fires

No person shall kindle, build, maintain, or use a fire except in areas designated for such purposes. Nor shall any person drop, throw, or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco, or other flammable material within any Park area.

(3) Fireworks

No person shall discharge any type of fireworks in any Park at any time.

(4) Closed Areas

No person shall enter into any area posted as “Closed to the Public” or use any area in violation of posted notices.

(5) Smoking & Tobacco Products

Smoking and tobacco products are prohibited in all Parks, beaches, and recreation fields.

(6) Glass Containers

Glass containers of any type are prohibited in public Parks of the Town of Glenburn.

Section 8: Merchandising, Advertising, and Signs

(1) Vending and Peddling

Except for concessionaires licensed by and acting under the general control and supervision of the Parks and Recreation Director and duly authorized by the Town Council, no person in a Park shall expose or offer for sale any article or thing nor shall any person place or station any stand, cart, or vehicle for the transportation, sale, or display of any such article or thing.

(2) Advertising

Except in conjunction with supervised activities under the general control and supervision of the Parks and Recreation Director and duly authorized by the Town Council, no person in a Park shall pronounce, advertise, or call to the public attention in any way any article or service for sale or hire.

(3) Signs

Except in conjunction with supervised activities under the general control and supervision of the Parks and Recreation Director, no person in a Park shall paste, glue, tack, or otherwise post any sign, placard, advertisement, or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any Town owned lands or roads within a park. Exception from the prohibitions of this subsection is made for the posting of such notices as may be required by this Ordinance.

Section 9: Park Operating Policy

(1) Hours

Except as provided in Sections 6(3) and 9(2) of this ordinance, all Parks, as defined herein, shall be open to the public every day of the year from 6 AM to one-half hour after sunset. The Parks and Recreation Director shall cause notices of the opening and closing hours to be posted in each individual Park for public information purposes.

(2) Closed Areas

Any section or part of any Park may be declared closed to the public by the Parks and Recreation Director at any time for any interval of time, either temporarily or at regularly stated intervals (daily or otherwise).

(3) Entry Prohibited

Except with the written permission of the Parks and Recreation Director, no person shall enter, pass through, or remain in any Park, or the closed area of any park, except during the hours and times which such Parks, or portions thereof, are open to the public as provided in this section.

(4) Lakeside Landing Recreation Area - Use Restricted

(a) Qualifications for Use

For purposes of promoting and protecting the public health, welfare, and safety, and for purposes of protecting the property of the Town of Glenburn at Lakeside Landing, use of

the Lakeside Landing Recreation Area shall be restricted to those whom have the appropriate "Park Use" Permit affixed to their windshields and are in good standing (meaning their permit isn't on a revoked list).

(b) Permit Required

Admission to the Lakeside Landing Recreation area shall be by permit only. A new permit is required each calendar year. A citizen may purchase one permit per vehicle registered in their name.

(i) Residents and Non-Resident Taxpayers

Glenburn residents and non-resident Glenburn taxpayers may obtain an annual permit from the Town Office at a cost of \$2.00. Such permit shall be affixed to the vehicle's windshield. Permits shall expire on December 31 of each year.

(ii) Guests of Residents and Non-Resident Taxpayers

Glenburn residents and non-resident Glenburn taxpayers may obtain a seven-day temporary permit for a guest's vehicle from the Town Office at a cost of \$2.00.

Such temporary permit shall be displayed on the vehicle's dashboard so as to be clearly visible through the windshield. The temporary permit must be signed for and picked up by the resident or non-resident taxpayer host. The permit must contain the visitor's vehicle registration number, the host's vehicle registration number, and the host's park permit number.

(iii) Non-Residents & Seasonal Renters

Non-residents and seasonal renters may obtain an annual permit from the Glenburn Town Office at a cost of \$30.00. Such permit shall be affixed to the vehicle's windshield. Permits shall expire on December 31 of each year.

(5) Waivers by Parks and Recreation Director

The Parks and Recreation Director may waive provisions of this ordinance in order to facilitate the activities of Glenburn based organized groups, and Non Glenburn based 501(c)(3) non-profit organizations approved by the Parks and Recreation Director, provided that such waiver will not have an adverse impact on the recreation area and will not create conditions which would be a nuisance to nearby residents. The intent of this section is to allow authorized groups to carry out such activities as camping overnight, gathering wood for campfires, and gathering nature samples. Glenburn based organized groups and Non Glenburn based 501(c)(3) non-profit organizations will be required to fill out and submit to the Glenburn Parks and Recreation Director an application for a special activity permit at least four (4) weeks in advance of the scheduled date of the activity. If approved, the Parks and Recreation Director will issue an activity specific Special Activity Permit at a cost of \$50.00 for each Special Activity Permit issued. The Special Activity Permit that is issued shall include a section that includes the day or dates of the event, any setup/clean up or extra dates needed, and whether the application has been approved. Attendees at the event will be required to place a copy of that section of the permit application on the front right hand side

dash of the vehicle to serve as a parking permit for Lakeside Landing for the duration of that approved event.

(6) Public Notification

The Parks and Recreation Director shall post a notice in each Park that indicates a complete copy of the Town of Glenburn Ordinance Regulating Conduct in Public Parks may be obtained at the Glenburn Town Office during regularly scheduled business hours and on the Town's website at www.glenburn.org

Section 10: Enforcement

(1) Enforcement Authority

The Penobscot County Sheriff's Office shall diligently enforce violations of Section 5 of this Ordinance. The Animal Control Officer of the Town of Glenburn shall enforce the provisions of the ordinance related to domestic animals. The Parks and Recreation Director may enforce the remaining provisions of the Ordinance.

(2) Improper Vehicles

The following procedure shall be used with respect to violations of Section 5(2) and Section 9 of this Ordinance:

- (a) The enforcing officer may issue a citation for any violation.
- (b) In addition to the penalties provided for in this Ordinance, any vehicles parked in violation of Section 5(2) or Section 9 of this Ordinance may be towed to a suitable garage or storage space and impounded therein until all towing and storage fees are paid. The removal and storage of a vehicle pursuant to this Ordinance, and the payment of the fees herein, shall in no way prevent or limit enforcement of any provision of this Ordinance.
- (c) When any vehicle is towed pursuant to this Ordinance, the following procedure shall be followed:
 - (1) Notice shall be sent to the registered owner of the vehicle by regular first-class mail, postage pre-paid, within 24 hours following the tow.
 - (2) The Notice shall contain the following information: registration number and brief description of the vehicle; name and address of person or company who performed the tow; location where the vehicle is stored; the provisions of the Ordinance which were violated and led to the tow; and the towing fee and any storage fee.
- (d) Before the owner of such vehicle, or their representative, may remove the vehicle from the possession of the person towing or storing it, they shall;
 - (1) Furnish satisfactory evidence of their identity and of their ownership of said vehicle to the person having possession of the vehicle.

(2) Pay to the person having possession of said vehicle reasonable charges for the towing and storage of said vehicle.

(3) Sign a receipt for said vehicle.

Section 11: Penalties

1. Fees: Any person, firm, or corporation found guilty of violating any provision of this Ordinance shall be fined in an amount not exceeding \$100.00 except that violations of Section 5(2)(c) will result in a fine not exceeding \$200.00. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. Persons charged with violating any provision of this Ordinance may waive court action by payment of a fee of \$50.00 (\$100.00 in the case of violation of Section 5(2)(c)) within ten (10) days after receiving notice of such violation. Any such waiver and payment of fee shall be processed through the Town Treasurer or Deputy Treasurer.
2. Revoking Park Use Permit: The Town of Glenburn retains the right to revoke any park use permit at any time. The Town manager, upon receipt & review of law enforcement reports may, after making reasonable attempts to contact the individual, immediately revoke a permit.

Section 12: Separability

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 provision shall be deemed a separate, distinct independent provision and such holding shall not affect the validity of the remaining portions hereof.

ORDINANCE HISTORY:

Enacted 10/14/93, effective 11/13/93

Revised 11/16/00

Amended 11/03/11 Section 9 (5) Lakeside Landing Recreation Area, (a) & (b) deleted, and Section 10 (2) amended, effective date 01/01/12

Amended 05/19/16, effective 06/18/16

Amended 10/06/16, effective 11/05/16 Section 9 (5)Waivers by Parks and Recreation Director

Amended 05/18/17, effective 06/17/17—Section 5(2)(a); Section 9(4)(a) Section 9(4)(b); Section 9(5); & Section 11

ORDINANCE REGULATING THE DISPOSAL OF WASTES GENERATED IN
THE TOWN OF GLENBURN

Whereas, it is the responsibility of the municipality to provide for the health and welfare of its Inhabitants;

Whereas, it is the responsibility of the municipality to provide an adequate system for the disposal of hazardous wastes, septic sludge wastes, domestic and commercial solid waste, brush and discarded lumber, metal goods, and demolition debris; and

Whereas; the municipality desires that the aforementioned wastes be disposed of in land areas outside of Glenburn, so far as possible:

The Town of Glenburn hereby ordains that this ordinance entitled "Ordinance Regulating the Disposal of Wastes Generated in the Town of Glenburn" shall be enacted as follows:

A. ADMINISTRATIVE PROCEDURES

1. Town Disposal Site

- a. The town shall maintain a site for the disposal of trash suitable for burning, white goods and metal wastes, and demolition debris solely for such materials generated within the Town.
- b. The existing landfill area will be closed to any dumping of household refuse on the effective date of the curbside pickup contract.

2. Authorization to contract for Disposal of Wastes

- a. The Municipal Officers are hereby authorized to enter into yearly or multi-yearly contracts for curb side pickup, septic sludge disposal sites, and for disposal of other wastes outside the land areas of Glenburn. When practical, contracts shall be awarded by the open bid process.

3. Authorization for Municipal officers to Develop regulations

- a. The Municipal Officers shall incorporate all pertinent provisions of the contracts into a set of regulations which shall be followed by the residents of the town. These regulations shall be disseminated to all residents.

B. PROHIBITED ACTIVITIES

1. The long term storage or disposal of hazardous wastes within the Town is prohibited. Each person or enterprise dealing with or creating hazardous wastes will privately contract for the removal of said wastes to an authorized facility.
2. The storage of junk, as defined in the State Statutes, shall be prohibited on private property if in public view.
3. Household wastes (litter) shall not be in public view except when properly deposited at curbside for pickup.

C. ENFORCEMENT

The Code Enforcement Officer shall enforce this ordinance and any regulations developed under this

ordinance. If he finds any person in violation, he shall notify that person in writing, ordering the necessary corrective action. All costs of corrective action will be borne by the person or firm in violation thereof.

D. PENALTY

Any violation of this ordinance or any regulations developed under this ordinance constitutes a nuisance. The Code Enforcement Officer with the approval of the municipal officers shall institute any and all legal and equitable actions, including seeking injunctions and fines, which he deems necessary for enforcement. Any person who willfully violates any provision of this ordinance or the regulations thereof shall be subject to a fine of up to \$1,000.00 for each act of noncompliance. Any fines collected under this section shall inure to the town.

E. SEVERABILITY

If any portion of this ordinance is held to be unconstitutional, or invalid, this will not affect the remaining provisions of such ordinance.

F. REPEAL OF CONFLICTING ORDINANCES

The ordinance entitled "Ordinance Regulating the Disposal of Wastes Within the Town of Glenburn, Maine" with an effective date of October 25, 1981 is hereby repealed in its entirety.

G. EFFECTIVE DATE

This ordinance shall become effective upon the automatic repeal date of the emergency ordinance of the same title adopted August 1, 1985.

ORDINANCE HISTORY

ADOPTED: 10/1/85

TOWN OF GLENBURN FEES ORDINANCE

The Town of Glenburn hereby ordains that the following ordinance be enacted.

Section 1. Purpose

The purpose of this Ordinance is to create a mechanism for the Establishment of various fees to be charged by the Town of Glenburn.

Section 2. Fee Schedule

The fees to be charged by the Town of Glenburn shall be as set forth in a fee schedule to be adopted, or amended from time to time, by order of the Glenburn Town Council. A copy of the fee schedule shall be available from the Town Clerk.

Section 3. Applicability

This Ordinance, and any fee schedule adopted or amended Pursuant to this Ordinance, shall supersede any fees called for under any other ordinance of the Town of Glenburn, and shall apply to any applications, proceedings, permits, licenses, requests, or other matters that require payment of a fee after the date of adoption of the Ordinance.

(Adopted 5/20/04)

(Rev. 12/01/04)

(Rev. 11/08/07)

(Rev. 12/20/07)

Fee Schedule Amendments:

(Amended 05/20/10) Building Permit Fees-Fee for telecommunication towers added.

(Amended 11/18/10) Rental of Municipal Building Meeting Room-Waiver of fee for use to non profit and public service agencies.

(Amended 04/07/11) Office Fees Photocopies per page (single side) changed to \$0.25.
Added: Upon request, any resident may receive one free copy of any and all materials associated with a Public Hearing or vote.

(Amended 10/06/11) Construction/Demolition Site Permit Fees- Added: *Limit one punch card (Six loads, one card per year) per resident/taxpayer per year regardless of the number of properties that are owned by the resident/taxpayer.

(Amended 01/01/12) Lakeside Landing All fees repealed.

(Amended 01/12/12) Office Fees Copies of video tapes deleted. Copy of DVD (fee \$5.00) added

(Amended 03/07/13) Office Fees Deleted: Photocopies per page (single side) \$0.25
Added: Email received (per page/sheet) \$2.00
Added: Color photocopies per page (single side) \$0.75
Added: Black & white photocopies per page (single side) \$0.25

(Amended 10/09/14) Recreation Program Fees This entire section was added.
Planning Board/Code Enforcement Added: All Planning Board and Code Enforcement fees are non-refundable.
Planning Board/Code Enforcement Added: No Building Permit fee shall exceed \$400.00.

- Office Fees Added: Copy or scan & electronic transfer (email) of public documents (per page/sheet) \$2.00
- (Amended 11/20/14) Building Permit Fees
Added section Building Permit Fees for Third Party Inspected Structures
Added section Building Permit Fees for CED Inspected Structures with fee changes
Changed fee for structures less than 200 sq. ft. in Shoreland Zone
Changed Certificate of Occupancy (if required) to no fee
- (Amended 02/26/15) Mobile Home Parks New or Expanded
Added: Mobile Home Park Yearly License Renewal Fee \$50.00
- (Amended 03/12/15) Building Permit Fees Waiver of building permits for fire related rebuilding
Plumbing Permits (External & Internal) Waiver of plumbing permit fees for fire related rebuilding (State of Maine fees must be collected)
- (Amended 11/05/15) Subdivision Fees: Wording amended only. No fees were changed.
Office Fees: Voter registration list and fee deleted. Voter registration disk and fee also deleted.
- (Amended 04/21/16) Recreation Program Fees
- (Amended 06/16/16) Notary Fees and Black & White Photocopies per page (single side)
- (Amended 03/23/17) Recreation Program Fees
- (Amended 06/29/17) Added: Lakeside Landing Park Permit Fees

TOWN OF GLENBURN MUNICIPAL SCHEDULE OF FEES

PLANNING BOARD/CODE ENFORCEMENT

All Planning Board and Code Enforcement Fees are Non-refundable

SUBDIVISION FEES:

Application Fee.....\$250.00
Lot/Dwelling Unit Fee.....\$250.00 Per lot or dwelling unit
Public Hearing(s).....all costs borne by applicant

MOBILE HOME PARKS NEW OR EXPANDED:

Mobile Home Park Fees.....Same as Subdivision Fees
Mobile Home Park Yearly License Renewal Fee.....\$50.00

BUILDING PERMIT FEES:

Structures of less than 200 sq. ft. *outside the Shoreland Zone* require a no-fee permit.

Structures of less than 200 sq. ft. within Shoreland Zoning.....20¢ sq. ft.
Example: 150 ft. structure (must be back 100' from high water mark).....\$30.00

In the event of a fire, all building permit fees may be waived by the Town Treasurer, if the owner applies for a building permit to rebuild the structure within 12 months from the date of loss.

Building Permit Fees for Third Party Inspected Structures

Residential/Commercial, Unfinished (*Third Party Inspected*)..... 10¢ sq. ft.

Example: Garage, private or commercial...non-habitable
Foundation...non-habitable
Breezeway between house & garage...non-habitable
Warehouse...non-habitable

Residential/Commercial, Finished (*Third Party Inspected*)..... 20¢ sq. ft.
(Finished = a habitable area)

Example: Single family or multi-unit dwelling...habitable
Warehouse Office Area...habitable
Daylight Basement.....habitable
Garage with living space over (rated sheetrock).....habitable

All Third Party Inspected Structures. No Building Permit fee shall exceed \$400.00

Building Permit Fees for CEO Inspected Structures

Residential/Commercial, Unfinished (*CEO Inspected*).....20¢ sq. ft.

Example: Garage, private or commercial...non-habitable
Foundation...non-habitable

Breezeway between house & garage....non-habitable	
Warehouse....non-habitable	
Residential/Commercial, Finished (<i>CEO Inspected</i>).....	30¢ sq. ft.
(Finished = a habitable area)	
Example: Single family or multi-unit dwelling....habitable	
Warehouse Office Area....habitable	
Daylight Basement.....habitable	
Garage with living space over (rated sheetrock).....	habitable
Telecommunication Towers.....	\$2.00 per ft. by height
Fee for Driveway Entrance Permits (off Local Roads).....	\$20.00
PENALTIES for starting work without a permit:	
<i>Applies to new construction and renovations of over 300 sq. ft.</i>	
First Offense.....	Double permit fee
Each Additional Offense.....	Triple permit fee
Demolition Fee (applies to structures over 300 sq. ft.).....	\$20.00
Supplemental Plumbing Inspections.....	\$50.00
<i>Plus \$20.00 each for repeat inspections and “no shows.”</i>	
Plumbing Permits (External & Internal).....	Minimum fee as
established by State plus \$20.00 for each repeat and “no-show” inspection.	
In the event of fire, all <u>Town of Glenburn plumbing permit fees</u> may be waived by the Town	
Treasurer, if the owner applies for a plumbing permit within 12 months from the date of loss.	
The Town of Glenburn <u>must collect all State of Maine plumbing permit fees</u> and forward those	
fees to the State of Maine in accordance with the Town of Glenburn’s generally accepted	
accounting practices.	
Flood Hazard Development Permits.....	\$50.00
<i>Provides for minimum of two inspections with elevation verification, administrative time</i>	
<i>and travel.</i>	
Board of Appeals.....	\$100.00
<i>Plus \$15.00 per Board member who attends any site visit. (Five members are on the Board). The</i>	
<i>appellant is responsible for cost of all required advertisements/public notices.</i>	
Items Requiring Planning Board Review/Approval.....	\$100.00
<i>Plus \$15.00 per Board member who attends any site visit. (Seven members are on the Board).</i>	
<i>The appellant is responsible for cost of all required advertisements/public notices.</i>	
Land Use Permits.....	\$50.00**

***Plus \$30.00, if land in question is within a Shoreland Zone and not requiring a Flood Hazard Development Permit or Planning Board Review.*

Certificate of Occupancy (if required) No fee

CONSTRUCTION/DEMOLITION SITE PERMIT FEES:

Resident/Taxpayer Punch Card (Six loads, one card per year)..... \$10.00 each

**Limit one punch card (Six loads, one card per year) per resident/taxpayer per year regardless of the number of properties that are owned by the resident/taxpayer.*

Single Use Cards (each — after punch card is used up)..... \$5.00

Large Loads (Greater capacity than full sized pick-up)..... \$350.00 each

Additional fee- Certification by CEO.....\$35.00

CEMETERY FEES:

Sale of Lot per grave (Resident)..... \$200.00

Sale of Lot per grave (non-resident)..... \$500.00

Perpetual Care per grave \$200.00

LAKESIDE LANDING PARK PERMIT FEES:

All permits are valid from January 1st to December 31st of each year.

Residents & Glenburn taxpayers.....\$2.00

Guests of residents and taxpayers (temporary 7-day permit).....\$2.00

Non-residents.....\$30.00

Special Events.....\$50.00

RECREATION PROGRAM FEES:

Field Hockey 5-8th \$45.00

Soccer PreK-1st \$25.00

Soccer 2-6th \$30.00

Flag Football K-2.....\$25.00

Rec Basketball PreK-1st \$25.00

Rec Basketball 2-6th \$30.00

Travel Basketball 3-4th \$50.00

Travel Basketball 5-8th \$60.00

Cheering 3-6th..... \$25.00 Game Squad
 Cheering 3-6th..... \$25.00 Competition Squad
 Pre-K Baseball Ages 3-4\$25.00
 Adult Basketball 18+.....\$1.00 per night or \$15.00 season pass

Exercises Classes 18+.....\$5.00 per session if paid ahead with drop-in fees \$8.00 per class

Hermon Mountain Ski 5-adultMountain Fees
 Hermon Mountain Ski Bus20.00 per 4 week session=\$5.00 per trip

Ticket program(s)-Selling tickets to activities/parks (Funtown/Splashtown Combo Pass, etc.), Parks & Rec makes 50¢ per sale. This amount is regulated by MPRA and cannot be changed by the Town.

Summer camps by our dept\$40.00 per player per week – 2 weeks/Mon-Thurs
 Types - field hockey, soccer, basketball
 Grades 2-6th
 All pending volunteer staff & participation

Summer Rec Day Camp for Ages 5-12.....Non-refundable Deposit \$25.00
 Weekly Fee Resident\$125.00
 Weekly Non-Resident Fee\$135.00

Resident Daily Fee\$40.00 (minimum of 3 days)
 Non-resident Daily Fee.....\$45.00 (minimum of 3 days)

If residents pay the fees in full for the entire summer recreation/day camp by the Friday before the summer camp program starts, then for all 8 weeks=\$925.00 + \$25.00 deposit will equal \$950.00 instead of the \$1,025.00 resulting in a \$75.00 discount if all the fees are paid prior to the start of the program.

In non-residents pay the fees in full for the entire summer recreation/day camp by the Friday before the summer camp program starts, then for all 8 weeks=\$1,005.00 + \$25.00 deposit will equal \$1,030.00 instead of the \$1,105.00 resulting in a \$75.00 discount if all the fees are paid prior to the start of the program.

Late Fee.....\$10.00 after deadlines (if there is space available)

JR volunteer referee/score-table workers “Thank you” donation schedule in gift card form:

3-5 games=\$15.00	16-20 games=\$75.00
6-10 games=\$25.00	20+ games=\$100.00 (max to be given)
11-15 game=\$50.00	
Plus one snack/drink from concession per game.	

JR concession volunteers with parent donation schedule to be given in gift card form:

10-15 hrs=\$25.00
 16-20 hrs=\$50.00
 20+ hrs=\$75.00

All volunteers working at a game or recreation department sponsored event may also have one snack & drink per game or event.

Head coaches who take an online youth coach class in the sport they are interested in coaching and can show certification of passing the class and proof of payment may be reimbursed once per season.

Coach/Assistant Coaches: To encourage more volunteerism we will offer reimbursement of one player registration per rec team/sport season to an adult coaching if chosen after background check is run. Example: Basketball-if you coach two teams, one rec and one travel, your child can play for free on the rec team, and travel team registration will not be reimbursed; or if you have two children both playing on rec teams, one can play for free.

Adult Referees-\$20.00 per game (soccer/rec basketball)

Adult Score table Workers-\$15.00 per game

Adult Volleyball-\$1.00 per person per night

OFFICE FEES:

Copy of DVD..... \$5.00

Copy of Audio Cassette Tape.....\$5.00

Copy of Assessing Property Card..... \$2.00 each side

Copy of Reduced Property Map Page.....\$2.00 each side

Copy or scan & electronic transfer (email) of public documents (per Page/Sheet).....\$ 2.00

Commitment Book.....\$95.00

CD Taxes Database.....\$50.00

Facsimile Received (per Page/Sheet)\$ 2.00 each

*Notary Fee..... \$2.00 each signature

Email received (per page/sheet)..... \$2.00

Color photocopies per page (single side).....\$0.75

**Black & White Photocopies per page (single side)..... \$0.25

Upon request, any resident may receive one free copy of any and all materials associated with a Public Hearing or vote.

Returned Checks.....\$40.00

Genealogical Search\$20.00 per hour

*The Town will waive the cost of performing notarial acts associated with the residency declaration forms required by the school.

**The Town will waive the fee for photocopies for a copy of a tax bill when it is being used for the sole purpose of verifying Glenburn residency for the Glenburn School Department.

RENTAL OF MUNICIPAL BUILDING MEETING ROOM\$40.00 (Plus \$30 refundable deposit)
Except that the Town Council or Town Manager may waive the entire fee for a non profit or public service agency that provides services to the Inhabitants of the Town of Glenburn

ANIMAL CONTROL FEES:

Impoundment Fees.....**

**Payment of an impoundment fee of \$25 for each dog for first impoundment; \$50 for each dog for second impoundment; and \$75 for each dog for the third and subsequent impoundments. Payment of the impoundment fee shall be paid to the shelter operator who shall then forward the fee to the Town of Glenburn.

Cost of Board **

**As determined by the Bangor Humane Society for each day of impoundment from the date of impoundment.

Veterinarian Fees..... **

**Payment of the full cost of any shots and fees, which the animal may have received while impounded, to be paid to the shelter operator.

Dog License Fees..... **

** Per State Statute

FIRE DEPARTMENT ORDINANCE OF THE TOWN OF GLENBURN

WHEREAS, the Glenburn Volunteer Fire Department and Ambulance Service was organized as a Corporation under Title 13 M.R.S.A., Chapter 81 on September 30, 1968 with Certificate of Organization filed with the Office of the Secretary of State on November 14, 1968 and recorded in the Office of Secretary of State in Vol. 30, Page 9;

WHEREAS, Articles of Amendment of the Corporation 'Glenburn Volunteer Fire Department and Ambulance Service' were voted upon on May 14, 1980 and were filed with the Office of the Secretary of State on May 19, 1980 and there assigned File No. 30 - 9;

WHEREAS, such Articles of Amendment changed the name of the Corporation to 'Glenburn Volunteer Ambulance Service' and modified the original purposes of the Corporation by deleting those purposes related to fire protection, leaving the title and the purposes to apply only to an Ambulance Service, thus completely eliminating the Incorporated Fire Association as of May 14, 1980;

WHEREAS, the Glenburn Town Council created a Municipal Fire Department by adopting an 'Ordinance to Establish Municipal Fire Dept.' with an effective date of May 8, 1976, amended with effective date of June 12, 1976, and again with effective date of May 22, 1982;

WHEREAS, said ordinance charged the Municipal Fire Chief with all the Powers and Duties as provided for in Title 30-A M.R.S.A. Sect. 3153.' which Section authorizes the Fire Chief to employ all Municipal Firefighters;

WHEREAS, following the filing of the Articles of Amendment, the firefighters apparently believed that the Volunteer Association still existed and they continued to operate a Volunteer Fire Department under the 'Constitution and By-Laws of the 'Glenburn Volunteer Municipal Fire Department';

WHEREAS, such operations included the maintenance of a checking account, the raising of funds through various fund raising activities, the acceptance of a lump sum stipend from the Town of Glenburn for the 'Volunteers', the distribution of the stipend to individual 'Volunteers', and the expenditure of funds for various purposes including the purchase of fire fighting equipment.

WHEREAS, such operations continue to this day;

WHEREAS, the above facts strongly indicate that there exists some confusion as to the basic organization of the Glenburn Fire Department; and

WHEREAS, it is desired that the Glenburn Fire Department be clearly established as a Municipal Department with a specific organizational structure;

NOW THEREFORE, the Town of Glenburn hereby ordains this ordinance.

100 - TITLE, AUTHORITY, AND PURPOSE

110 Title

This ordinance shall be known as the Fire Department Ordinance of the Town of Glenburn.

120 Authority

This ordinance is adopted pursuant to the Maine Constitution, Article VII(1); Title 30-A M.R.S.A., Section 3001, as amended; the Charter of the Town of Glenburn, Maine, Sections 3.04(b) and 5.01(a); and Title 30-A M.R.S.A., Section 3152, as amended.

130 Purpose

The purpose of this Fire Department Ordinance shall be to clarify the scope of the Municipal Fire Department established by ordinance on May 8, 1976, with amendments on June 12, 1976 and May 22, 1982; to establish appointment procedures and to define the powers and duties of the Chief, other Officers, Municipal Firefighters, and Junior Firefighters; to define the procedures under which the Department shall operate; and to provide the maximum possible legal protection for the Chief, other Officers, Municipal Firefighters, and Junior Firefighters.

200 - ESTABLISHMENT, RESPONSIBILITIES, AND NON-DISCRIMINATION

210 Establishment

There is hereby established by this ordinance a Municipal Fire Department which shall be known as the Glenburn Fire Department.

220 Responsibilities

The Glenburn Fire Department shall provide fire protection to the inhabitants of the Town of Glenburn, and elsewhere as provided by mutual aid agreements, by maintaining a Municipal Fire Department for fire prevention and extinguishment and for handling other types of emergency situations in accordance with the terms of this ordinance. Unless otherwise specifically authorized by this ordinance, the Glenburn Fire Department shall be governed by the appropriate sections of Title 30-A M.R.S.A. Chapter 153, as amended, in carrying out these responsibilities.

230 Non-Discrimination

The Glenburn Fire Department shall be non-sectarian, non-partisan, and shall not discriminate against any race, creed, color, or sex.

300- PRIVILEGES AND IMMUNITIES

310 Privileges and Immunities

Members of the Municipal Fire Department shall enjoy the privileges and immunities provided by 14 M.R.S.A., Section 8101-8118, as amended, Maine Tort Claims Act. The Officers, Municipal Firefighters, and Junior Firefighters shall be covered by such of the Town of Glenburn's insurance coverage as applies to members of a municipal fire department.

400 - PERSONNEL

410 Membership

411 Positions

The Glenburn Fire Department shall consist of a Fire Chief, an Assistant Fire Chief, a Captain, Lieutenants equal in number to the number of in-service fire fighting vehicles in the Department, not more than 30 Municipal Firefighters, and not more than 15 Junior Firefighters.

412 Officers and Members

For the purposes of this ordinance, the Fire Chief, the Assistant Fire Chief, the Captain, and the Lieutenants shall be considered Officers. The Officers, the Municipal Firefighters, and the Junior Firefighters shall be considered members of the Glenburn Fire Department.

413 Qualifications

All members shall be at least 18 years of age except that Junior Firefighters must be at least 14 years of age and under the age of 18.

414 Status

All members of the Glenburn Fire Department shall be volunteers and provisions of the Fair Labor Standards Act, Section 553.100 et. seq. as such applies to volunteers shall be strictly complied with.

420 *FIRE CHIEF*

421 Appointment

a. Board of Review

When a Fire Chief appointment is pending, a five member Board of Review shall be established. The Board shall consist of a Glenburn Town Councilor chosen by the Town Council; the Chief from a Fire Department having a mutual aid agreement with Glenburn chosen by the Town Council; a Glenburn citizen not affiliated with the Town Council or the Glenburn Fire Department to be chosen by the Town Council; and two members of the Glenburn Fire Department to be elected by the Fire Department members.

b. Qualifications

The Board of Review shall evaluate all candidates who submitted resumes to the Town Manager.

In conducting the evaluation, the Board shall consider the applicant's:

- 1) Knowledge of Federal and State laws and Rules and Regulations pertaining to the Fire Service.
- 2) Quantity and quality of command experience.
- 3) Quantity and quality of administrative experience.
- 4) Ability and willingness to attend seminars and meetings in order to keep current with changes in fire department requirements.

After completing its evaluation, the Board of Review shall submit to the Town Manager a written list of the top three applicants arranged in order of the Board's preference.

c. Town Manager to Appoint

The Town Manager shall appoint the Fire Chief for an indefinite term, subject to confirmation by the Town Council. If the candidate chosen is not the first preference of the Board of Review, the Town Manager shall explain why in a written report to the Town Council. Following appointment, the Fire Chief will be sworn by the Town Clerk or other person authorized to administer oaths.

422 Vacancy

If, for any reason, the office of Fire Chief becomes vacant, the Town Manager shall appoint a replacement in accordance with the provisions of Section 421.

423 Powers and Duties

The Fire Chief shall be the head of the Fire Department and shall:

- a. Prepare and submit to the Town Manager monthly reports stating calls received, runs made, training sessions held, and other pertinent activities of the Fire Department;
- b. Prepare and submit to the Town Manager a summary of the year's activities for inclusion in the annual town report;
- c. Prepare and submit to the Town Manager an annual budget request covering proposed Fire Department activities and a recommended annual update of the Fire Department's portion of the Town's long term capital program;
- d. Maintain an up-to-date inventory of all equipment and be responsible for the maintenance and care of all equipment in the inventory;
- e. Prepare a list of permissible duties for junior members and shall submit such list to the Town Manager within 30 days of the enactment of this ordinance. Thereafter, the Fire Chief shall notify the Town Manager of any changes in the duty list within 5 days of the adoption of such changes;
- f. Maintain a complete record of all fires, fire investigations, inspections, personnel attending fires and training sessions, apparatus and equipment maintenance, costs and other information pertaining to the existence and operation of the Municipal Fire Department; and
- g. Maintain a current roster of all members, including name, current address, telephone number, social security number, and drivers license number and notify the Town Manager of any changes in the roster.

Except as otherwise provided by this ordinance, the Fire Chief shall have the powers and duties as provided in Title 30-A M.R.S.A., Section 3153, as amended.

The Fire Chief may delegate, in writing, any of the above duties to other members of the Fire Department, but the Fire Chief remains fully responsible for complying with this section.

424 Stipend

The Fire Chief shall receive a nominal quarterly stipend as established in the municipal budget.

425 Annual Review

The Town Manager shall evaluate the performance of the Fire Chief on or about July 1 of each year,

430 *ASSISTANT FIRE CHIEF*

431 Appointment

The Assistant Fire Chief shall be appointed by the Fire Chief and shall be sworn by the Town Clerk or other person authorized to administer oaths. The term of office shall be for three years with the appointment terminating on the last day of the municipal fiscal year. On the effective

date of this ordinance, the existing appointment of the Assistant Fire Chief, to expire on 6/30/91, shall be hereby ratified.

432 Vacancy

If, for any reason, the office of Assistant Fire Chief becomes vacant prior to the expiration of a three (3) year term, the Fire Chief shall appoint a replacement in accordance with the provisions of Section 431 except that the term shall be for the unexpired portion of the original appointment.

433 Powers and Duties

The Assistant Fire Chief shall assist the Fire Chief and shall perform the duties and assume the responsibilities of the Fire Chief in the absence of the Fire Chief.

434 Stipend

The Assistant Fire Chief shall receive a nominal quarterly stipend as established in the municipal budget.

440 *CAPTAIN*

441 Appointment

The Captain shall be appointed by the Fire Chief and shall be sworn by the Town Clerk or other person authorized to administer oaths. The term of office shall be for three years with the appointment terminating on the last day of the municipal fiscal year. On the effective date of this ordinance, the existing appointment of the Captain, to expire on 6/30/91, shall be hereby ratified.

442 Vacancy

If, for any reason, the office of Captain becomes vacant prior to the expiration of a three (3) year term, the Fire Chief shall appoint a replacement in accordance with the provisions of Section 441 except that the term shall be for the unexpired portion of the original appointment.

443 Powers and Duties

The Captain shall assist the Fire Chief and the Assistant Fire Chief and shall perform the duties and assume the responsibilities of the Fire Chief in the absence of the Fire Chief and the Assistant Fire Chief. The Captain shall coordinate all training programs within the Department.

444 Stipend

The Captain shall receive a nominal quarterly stipend as established in the municipal budget.

450 *LIEUTENANTS*

451 Appointment

The Lieutenants shall be appointed by the Fire Chief and shall be sworn by the Town Clerk or other person authorized to administer oaths. The term of office shall be for three years with the appointment terminating on the last day of the municipal fiscal year. On the effective date of this ordinance, the existing appointments of the Lieutenants, to expire on 6/30/91, shall be hereby ratified.

452 Vacancy

If, for any reason, the office of Lieutenant becomes vacant prior to the expiration of a three (3) year term, the Fire Chief shall appoint a replacement in accordance with the provisions of Section 451 except that the term shall be for the unexpired portion of the original appointment.

453 Powers and Duties

The Lieutenants shall be responsible for the proper maintenance and upkeep of the vehicle assigned to their care. They shall perform regular preventative maintenance procedures and shall regularly provide to the Fire Chief a written evaluation of the condition of the vehicle and its equipment.

454 Stipend

The Lieutenants shall receive a nominal quarterly stipend as established in the municipal budget.

460 *MUNICIPAL FIREFIGHTERS*

461 Appointment

Municipal Firefighters shall be appointed by the Fire Chief and shall serve at his pleasure.

462 Vacancy

The Fire Chief shall attempt to fill all vacancies as provided in Section 461 as soon as possible in order to keep the Fire Department at full strength.

463 Powers and Duties

The Municipal Firefighters shall have the duties and otherwise be controlled by the provisions of 30-A M.R.S.A., Section 3154 as may be amended from time to time.

464 Stipend

The Municipal Firefighters shall receive a nominal semi-annual stipend as established in the municipal budget.

470 *JUNIOR FIREFIGHTERS*

471 Appointment

Junior Firefighters shall be appointed by the Fire Chief and shall serve at his pleasure except that the appointment shall not extend beyond the member's 18th birthday.

472 Vacancy

The Fire Chief shall attempt to fill all vacancies as provided in Section 471 as soon as possible in order to keep the Fire Department at full strength.

473 Powers and Duties

Junior Firefighters may assist adult members of the department in the performance of those duties promulgated under Section 423(e) of this ordinance.

474 Stipend

The Junior Firefighters shall receive no stipend.

480 Removal

481 Fire Chief

The Town Manager may remove the Fire Chief from office at any time, for cause and after notice and hearing.

482 Other Officers, Municipal Firefighters, and Junior Firefighters

At any time that the well being of the Department would be furthered by his so doing, the Fire Chief may refuse to accept further volunteer services from any Officer, Municipal Firefighter, or Junior Firefighter.

500 - ADMINISTRATIVE PROCEDURES

510 Administrative Rules and Regulations

The Fire Chief shall prepare Administrative Rules and Regulations, and amendments thereto as needed, governing the operation of the Glenburn Fire Department. These Rules and Regulations shall be consistent with this ordinance and with Title 30-A M.R.S.A., Chapter 153, as amended. Copies of all such Administrative Rules and Regulations and any amendments thereto shall be filed with the Secretary to the Town Council.

520 Purchasing

521 Purchasing Authority

The Fire Chief shall be responsible for obtaining the goods and services necessary for the proper operation of the Fire Department within the limits of appropriations made for that purpose and within the time allocations stated in the approved budget.

522 Purchase Orders

The Fire Chief shall establish and maintain a purchase order system for the purchase of goods and services, in a manner agreeable to the Town's purchasing agent.

523 Approval

The Fire Chief shall approve all invoices for purchases made for the Fire Department before submitting them to the Town Manager for payment.

600 - MUTUAL AID AGREEMENTS

610 MutualAid

The Town Council is hereby authorized to enter into mutual aid agreements with other municipalities pursuant to Title 30-A M.R.S.A., Section 3156, as amended, for fire extinguishing purposes and pursuant to Title 30-A M.R.S.A. Sec. 3001, as amended, for other emergency purposes. The Town Council shall make its decision as to whether or not to enter into any such agreement after receiving a recommendation from the Fire Chief submitted through the Town Manager. All such existing agreements are hereby approved and ratified.

700 - ACCEPTANCE OF GIFTS

710 Acceptance of Gifts

Pursuant to Title 30-A M.R.S.A., Sections 5654 and 5655, as amended, gifts, whether conditional or unconditional, shall not be accepted by the Fire Department. If any person or organization desires to make such gift to the Department, the Fire Chief shall so notify the Town Manager who shall then bring the matter to the attention of the Town Council. The Town Council may then, if they feel that the town would benefit from such gift, place an article on an

annual or a special town meeting warrant asking the Inhabitants of the Town of Glenburn to vote on whether or not to accept such gift.

If at some future time the Charter of the Town of Glenburn is amended to so allow, then the Town Council or the Fire Chief, rather than the Inhabitants of the Town of Glenburn at a town meeting, may accept such gift.

800 - SEVERABILITY, EFFECTIVE DATE, AND SUPERSEDURE

810 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 of the ordinance.

820 Effective Date

This ordinance shall become effective on the 31st day following its adoption by the Town Council.

830 Supersedure of Conflicting Ordinances

This ordinance shall supersede any prior ordinance of the same nature. Known prior ordinances adopted by the Glenburn Town Council are: the 'Ordinance to Establish Municipal Fire Dept.' with an effective date of May 8, 1976; the 'Amendment to Ordinance to Establish Municipal Fire Dept.' with an effective date of June 12, 1976; and the amendment to the 'Ordinance to Establish Municipal Fire Department' with an effective date of May 22, 1982.

ORDINANCE HISTORY

ADOPTED: 04/08/76

AMENDED: 06/13/76

AMENDED: 04/22/82

AMENDED 03/23/89

AMENDED 03/07/91

AMENDED: 10/01/92

AMENDED: 03/31/94

FLOODPLAIN MANAGEMENT ORDINANCE
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ARTICLE I - PURPOSE AND ESTABLISHMENT

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

The areas of special flood hazard, Zones A, and AE, are identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study - Town of Glenburn, Maine, Penobscot County," dated August 16, 1993 with accompanying "Flood Insurance Rate Map" dated August 16, 1993, which are hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II - PERMIT REQUIRED

Before any construction or other development (as defined in Article XIII), including the placement of manufactured homes, begins within any 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 Glenburn, Maine.

ARTICLE III - APPLICATION FOR PERMIT

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

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

- D. A statement of the intended use of the structure and/or development;
- E. A statement of the cost of the development including all materials and labor;
- F. A statement as to the type of sewage system proposed;
- G. Specification of dimensions of the proposed structure and/or development;
- [Items H-K.2 apply only to new construction and substantial improvements.]
- H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), or to a locally established datum in Zone A only, of the:
 - 1. base flood at the proposed site of all new or substantially improved structures, which is determined:
 - a. in Zone AE, from data contained in the “Flood Insurance Study - Town of Glenburn, Maine,” as described in Article I; or,
 - b. in Zone A:
 - (1) from any base flood elevation data from federal, state, or other technical sources (such as FEMA’s Quick-2 model, FEMA 265/July 1995), including information obtained pursuant to Article VI.K. and VIII.D.;
 - (2) from the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a Professional Land Surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or, in the absence of all other data,
 - (3) to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.
 - 2. highest and lowest grades at the site adjacent to the walls of the proposed building;
 - 3. lowest floor, including basement; and whether or not such structures contain a basement; and,
 - 4. level, in the case of non-residential structures only, to which the structure will be floodproofed;
- I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article VI;
- J. A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate;
- K. The following certifications as required in Article VI by a registered professional engineer or architect:
 - 1. a Floodproofing Certificate (FEMA Form 8 1-65, 01/03, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article III.H.4.; Article VI.G.; and other applicable standards in Article VI;

2. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.L.2.a.;
3. a certified statement that bridges will meet the standards of Article VI.M.;
4. a certified statement that containment walls will meet the standards of Article VI.N.;

L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,

M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee for all minor development and for all new construction or substantial improvements shall be paid to the Town Treasurer in accordance with the Town's Fee Schedule, 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 need the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision to hire expert assistance may appeal that decision to the Board of Appeals.

ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Code Enforcement Officer shall:

- A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have been, or will be met;
- B. Utilize, in the review of all Flood Hazard Development Permit applications:
 1. the base flood and floodway data contained in the "Flood Insurance Study - Town of Glenburn, Maine," as described in Article I;
 2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.b.; Article VI.K.; and Article VIII.D., in order to administer Article VI of this Ordinance; and,
 3. when the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.1.b., the community shall submit that data to the Maine Floodplain Management Program in the State Planning Office.
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;

- D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;
- E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program in the State Planning Office prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;
- F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits based on the type of development:
 - 1. A two part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer or architect based on the Part I permit construction, “as built”, for verifying compliance with the elevation requirements of Article VI, paragraphs F, G, or H. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,
 - 2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Article VI.G.1.a.,b., and
 - c. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,
 - 3. A Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes, but is not limited to: accessory structures as provided for in Article VU., 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 decisions 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. The top of all well casings shall be terminated above the 100-year flood elevation.

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. On site waste disposal systems for new construction shall not be installed within the 100 year flood zone.

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.

Recreational Vehicles - Recreational Vehicles located within:

1. Zones A, and AE shall either:

- a. be on the site for fewer than 120 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 VT.H. 1.

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

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

K. Floodways

- 1. In Zone AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community’s “Flood Insurance Rate Map,” unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- 2. In Zones AE, and A riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article VI.K.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:
 - a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,
 - b. is consistent with the technical criteria contained in Chapter 5 entitled “Hydraulic Analyses,” Flood Insurance Study - Guidelines and Spec for Study Contractors, (FEMA 37/ January 1995, as amended).

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

1. Zones AE, and A shall:
 - a. have the containment wall elevated to at least one foot above the base flood elevation;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K.
0. Wharves, Piers and Docks - New construction or substantial improvement of wharves, piers, and docks are permitted in Zones AE, and A, in and over water and seaward of the mean high tide if the following requirements are met:
 1. wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and
 2. for commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

ARTICLE VII- CERTIFICATE OF COMPLIANCE

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

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

ARTICLE VIII- REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

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

- A. All such proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.
- C. Adequate drainage is provided so as to reduce exposure to flood hazards.

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

ARTICLE IX - APPEALS AND VARIANCES

A. Administrative Appeals.

- 1. The Board of Appeals of the Town of Glenburn 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 in the administration or enforcement of the provisions of this Ordinance.
- 2. Any appeal from an action of the Planning Board shall be in accordance with Town's Subdivision Ordinance.

B. Variance Applications.

- 1. 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.
2. 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.
 3. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
 - a. other criteria of Article IX and Article VI.K. are met; and,
 - b. 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.
 4. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:
 - a. the development meets the criteria of Article IX, paragraphs A. through D. above; and,
 - b. 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.
 5. Any applicant who meets the criteria of Article IX, paragraphs B.1 through B.4 shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:
 - a. 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;
 - b. such construction below the base flood level increases risks to life and property; and,
 - c. 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.

C. Appeal Procedure for Administrative Appeals.

1. An administrative 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. The appeal shall be on forms provided by the Code Enforcement Officer. Any appeal hereunder shall be a de novo appeal.
2. Upon being notified of an appeal, the Code Enforcement Officer shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from, along

with such other documentation as the officer deems appropriate. A copy of the transmittal to the Board shall also be sent to the appellant by U.S. mail.

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.

D. Procedure for Variance Applications.

1. Any application for a variance from the requirements of this Ordinance shall be filed with the Code Enforcement Officer on forms provided by the Officer.
2. Upon being notified of the variance application, the Code Enforcement Officer shall transmit the application to the Board of Appeals, along with relevant supporting documentation. A copy of the transmittal to the Board shall also be sent to the applicant by U.S. mail.
3. The Board of Appeals shall hold a public hearing on the variance application within thirty-five days of its receipt of the application.
4. The person filing the variance application shall have the burden of proof on all variance criteria.
5. The Board of Appeals shall decide all variance applications within thirty-five days after the close of the hearing, and shall issue a written decision on all variance applications, unless withdrawn by the applicant.
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.

E. Further Appeals.

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

ARTICLE X - ENFORCEMENT AND PENALTIES

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A MRSA § 4452.
- B. The penalties contained in Title 30-A MRSA § 4452 shall apply to any violation of this Ordinance.
- C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, shall submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of:

1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;
3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;
4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,
5. a clear statement that the declaration is being submitted pursuant to Section 13 16 of the National Flood Insurance Act of 1968, as amended.

ARTICLE XI- VALIDITY AND SEVERABILITY

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

ARTICLE XII- CONFLICT WITH OTHER ORDINANCES

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

ARTICLE XIII- DEFINITIONS

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

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

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

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

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

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

Building - see Structure.

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

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

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

Elevated Building - means a non-basement building.

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

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

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

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

Flood or Flooding - means:

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

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

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

Flood Insurance Study- see Flood Elevation Study.

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

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

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

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

Floodway - see Regulatory Floodway.

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

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

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

Historic Structure - means any structure that is:

Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the 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) 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 120 consecutive days.

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

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

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

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

Sea Level (MSL)".

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

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.

Repetitive Loss — A building covered by a contract for flood insurance that has incurred flood related damages on two occasions during a ten year time period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25 percent of the market value of the building at the time of each such flood event.

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. 90488, as amended), including but not limited to the "Floodplain Management Ordinance" adopted by the Town of Glenburn on October 28, 1993 with effective date of November 28, 1993.

Ordinance History:

Resolution Adopted: 05/28/75

Ordinance Adopted: 05/26/77

Ordinance Superseded: 05/07/87

Ordinance Superseded: 04/04/91

Ordinance Superseded: 01/28/93, effective 11/28/93

Ordinance Superseded 07/19/07, effective 08/18/07

60.3 (d) Rev. 4/05

Land Use Ordinance of the Town of Glenburn, Maine

Adopted November 6, 2012

Effective December 6, 2012

As Amended 6/15/16, Effective 7/15/16

Land Use Ordinance of the Town of Glenburn, Maine

Adopted November 6, 2012

Effective December 6, 2012

As Amended 6/15/16, Effective 7/15/16

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The Town of Glenburn hereby ordains that the following ordinance be enacted

SECTION I: GENERAL PROVISIONS

A. TITLE

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

B. AUTHORITY

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII of the Maine Constitution, Title 30-A, Section 3001 and Title 30-A, Section 4352 of the Maine Revised Statutes Annotated.

C. PURPOSES

The purposes of the Ordinance are as follows:

1. **COMPREHENSIVE PLAN IMPLEMENTATION:** To implement the policies and recommendations of the Glenburn Comprehensive Plan;
2. **PROTECTION OF THE GENERAL WELFARE:** To assure the comfort, convenience, safety, health and welfare of the present and future inhabitants of the Town of Glenburn;
3. **PRESERVATION OF THE TOWN CHARACTER:** To preserve and protect the character of Glenburn by dividing the Town into districts according to the use of land and buildings and the intensity of such uses;
4. **PROTECTION OF THE ENVIRONMENT:** To protect and enhance the natural, cultural, and historic resources of the Town from unacceptable adverse impacts and to integrate new development harmoniously into the Town's natural environment;
5. **PROMOTION OF COMMUNITY DEVELOPMENT:** To promote the development of an economically sound and stable community;
6. **REDUCTION OF TRAFFIC CONGESTION:** To lessen the danger and congestion of traffic on roads and highways, limit excessive numbers of intersections, driveways, and other friction points, minimize hazards, and insure the continued usefulness of all elements of the existing transportation systems for their planned function;
7. **BALANCING OF PROPERTY RIGHTS:** To protect property rights and values

Land Use Ordinance of the Town of Glenburn, Maine

SECTION I: GENERAL PROVISIONS (Cont.)

C. PURPOSES (Cont.)

by balancing the rights of landowners to use their land with the corresponding rights of abutting and neighboring landowners to enjoy their property without undue disturbance from abutting or neighboring uses;

8. **REDUCTION OF FISCAL IMPACT:** To provide a means of evaluating development proposals to determine their fiscal impacts on the municipality's ability to provide and improve necessary public facilities and services; and
9. **ESTABLISHMENT OF PROCEDURES/STANDARDS:** To establish procedures whereby the Town Officials may review the developments regulated by this Ordinance by providing fair and reasonable standards for evaluating such developments; to provide a public hearing process through which interested persons may raise questions and receive answers regarding how such developments may affect them; and to provide procedures whereby aggrieved parties may appeal decisions made under this Ordinance.

D. APPLICABILITY

This Ordinance shall apply to all land areas within the Town of Glenburn. This ordinance does not apply to the shoreland zones of the Town of Glenburn. All buildings or structures thereafter constructed, reconstructed, altered, enlarged, or moved, and the uses of buildings and land, including the division of land, shall be in conformity with the provisions of this Ordinance. No existing or future building, structure, or land area shall be used for any purpose or in any manner except as provided in this Ordinance.

E. CONFLICT WITH OTHER ORDINANCES

Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted rule, regulation or ordinance, that imposing the most restrictive or higher standards shall govern.

F. SEVERABILITY

In the event that any section, subsection, or any provision of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection, or other portion of this Ordinance; to this end, the provisions of this Ordinance are hereby declared to be severable.

G. AMENDMENTS

1. **INITIATION**

Land Use Ordinance of the Town of Glenburn, Maine

SECTION I: GENERAL PROVISIONS (Cont.)

G. AMENDMENTS (Cont.)

An amendment to this Ordinance may be initiated by one of the following:

- a. The Planning Board provided a majority of the Board has so voted.
- b. Request of the Town Council to the Planning Board.
- c. Written petition pursuant to Article VIII of the Town Charter.
- d. Request of the Owner to the Town Council or Planning Board.

2. HEARINGS

All proposed amendments shall be referred to the Planning Board for its review and recommendation. The Planning Board shall hold a public hearing on any proposed amendment in accordance with Title 30-A MRSA, Section 4352. Within 30 days of conducting a public hearing on a proposed amendment, the Planning Board shall, by majority vote, make a written recommendation to the Town Council.

AMENDMENTS TO ZONING MAP

The Planning Board shall not recommend a proposed amendment to the Zoning Map without making written findings of fact that:

- a. The proposed amendment would be consistent with: the standards of the District boundaries in effect at the time; the Comprehensive Plan; and the purpose, intent, and provisions of this Ordinance; and
- b. The proposed amendment will satisfy a demonstrated need in the community and will have no undue adverse impact on existing uses or resources; or that a new District designation is more appropriate for the protection and management of existing uses and resources within the affected area. The Planning Board shall not act upon a proposed amendment for a change in District boundaries unless notice is first given to all owners of land abutting or located within 1000 feet of the parcel for which a change in boundaries is sought. The Planning Board may require, as a part of any petition for a change in District boundaries, that the petitioner submit the names and addresses of all such surrounding landowners as well as notify all registered voters.

3. MAJORITY VOTE

Land Use Ordinance of the Town of Glenburn, Maine

SECTION I: GENERAL PROVISIONS (Cont.)

G. AMENDMENTS (Cont.)

After receiving the recommendation of the Planning Board, the Town Council may submit the proposed amendment(s) to the Annual Town Meeting or a Special Town Meeting, either for consideration at the open Meeting or by secret ballot pursuant to 30-A MRSA, Section 2528. The amendment(s) may be adopted by a majority vote of those voters voting on the matter.

H. ANNUAL ADMINSTRATIVE REVIEW

The Code Enforcement Officer, Planning Board, and Board of Appeals each shall report annually to the Town Manager and the Town Council on their respective experience with the administration of this Ordinance during the previous year. Their reports to the Manager and Town Council shall include any recommended amendments they may have that would:

1. Enhance their ability to more effectively meet their respective administrative responsibilities under this Ordinance;
2. Enhance the implementation of the purposes of this Ordinance contained in subsection C, paragraphs 1 through 9, above.

I. EFFECTIVE DATE

Pursuant to Section 3.10(c) of the Town Charter, the effective date of this Ordinance shall be 30 days after its adoption at the Annual Town Meeting or Special Town Meeting. A copy of this Ordinance, certified by the Town Clerk, shall be filed with the Town Clerk and the Penobscot County Registry of Deeds.

J. REPEAL OF PRIOR ORDINANCE

The “Zoning Ordinance of the Town of Glenburn, Maine” adopted October 19, 1987, as amended, shall be repealed upon the effective date of this Ordinance. Provided, however, that the Official Zoning Map (Revised 04-1-06) shall not be repealed with respect to the Shoreland Zoning Districts depicted thereon, and shall continue to constitute the Official Shoreland Zoning Map under the “Shoreland Zoning Ordinance for the Municipality of Glenburn, Maine.” The adoption of this Ordinance, however, shall not affect nor prevent any pending or future prosecution of, or action to abate, any violation of this Ordinance repealed by this Section. It is further the intention and direction of this Section that if this Ordinance is held to be invalid or void in its entirety by a court of competent jurisdiction, then the Ordinance repealed by this Section shall be automatically revived.

SECTION II: NON-CONFORMING STRUCTURES, USES AND LOTS

A. BURDEN OF PROOF

The burden of establishing that any non-conforming structure, use, or lot is a lawfully existing non-conforming structure, use or lot as defined in this Ordinance, shall, in all instances, be upon the owner of such non-conforming structure, use, or lot and not upon the Town of Glenburn.

B. CONVERSION TO CONFORMANCE ENCOURAGED

Owners of all existing non-conforming structures and uses shall be encouraged to convert such existing non-conforming structures and uses to conformance whenever possible and shall be required to convert to conforming status as required by this Ordinance.

C. CONTINUANCE

The lawful use of any building, structure, or parcels of land, which is made non-conforming by reason of the enactment of this Ordinance, or which shall be made non-conforming by reason of a subsequent amendment, may be continued, subject to the following provisions:

1. EXISTING NON-CONFORMING USES OF LAND

Continuance of lawful non-conforming uses of land shall be subject to the following provisions:

- a. An existing non-conforming use shall not be enlarged or increased, nor extended to occupy a greater area of land, than that occupied at the effective date of this Ordinance, or any amendment thereto that made the use non-conforming, by more than 50%. The owner of said non-conforming use may acquire additional land to accommodate the allowable expansion;
- b. If any non-conforming use of land ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use of land shall conform to the regulations specified by this Ordinance for the district in which such land is located; and
- c. A non-conforming use may be moved within the boundaries of the lot provided that the Planning Board finds that the change in location on the lot is appropriate in regards to:
 - (1) Location and character;
 - (2) Fencing and screening;
 - (3) Landscaping, topography, and natural features;

SECTION II: NON-CONFORMING STRUCTURES, USES AND LOTS

C. CONTINUANCE (Cont)

- (4) Traffic and access;
- (5) Signs and lighting; and
- (6) Potential nuisance.

2. EXISTING NON-CONFORMING STRUCTURES

Continuance of lawful non-conforming structures shall be subject to the following provisions:

- a. No such structure shall be enlarged or altered in any way that increases its non-conformity;
- b. Should any structure, exclusive of the foundation, be destroyed, or damaged by any means, exclusive of the planned demolition, said structure may be rebuilt on the existing foundation to the dimensions of the structure which was destroyed provided rebuilding is begun within one year; and
- c. A non-conforming structure may be moved within a lot in a manner which would decrease its non-conformity in terms of setback requirements, provided that the Planning Board finds that the change in location is appropriate in regards to:
 - (1) Location and character;
 - (2) Fencing and screening;
 - (3) Landscaping, topography, and natural features;
 - (4) Traffic and access;
 - (5) Signs and lighting; and
 - (6) Potential nuisance.

3. EXISTING NON-CONFORMING USE OF STRUCTURES

Continuance of non-conforming structures shall be subject to the following provisions:

- a. No existing structure devoted to a non-conforming use as of the effective date of this Ordinance, or any amendment thereto that made the use non-conforming, shall be enlarged or extended by more than 50%. Provided, however, that any such enlargement or extension of the structure shall comply with all applicable dimensional requirements of Section V.B.;
- b. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of the

Land Use Ordinance of the Town of Glenburn, Maine

SECTION II: NON-CONFORMING STRUCTURES, USES AND LOTS

C. CONTINUANCE (Cont)

adoption or amendment of this Ordinance, but no such uses shall be extended to occupy any land outside such building;

- c. Any non-conforming use of a structure or premises may be changed to another non-conforming use provided that the Planning Board shall find that the proposed use is more consistent with the District's purpose than the existing non-conforming use, at no time shall a use be permitted which is less conforming nor revert back to the previous non- conforming use;
- d. If a non-conforming use of a structure or premises is superseded by a permitted use, the non-conforming use shall not thereafter be resumed;
- e. If any such non-conforming use of a structure ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such structure shall comply with standards specified by this Ordinance for the district in which such structure is located; and
- f. A structure housing an existing non-conforming use may be moved, within the lot, in a manner which would be a more appropriate location, provided that the Planning Board finds that the change in location is appropriate in regards to:
 - (1) Location and character;
 - (2) Fencing and screening;
 - (3) Landscaping, topography, and natural features;
 - (4) Traffic and access;
 - (5) Signs and lighting; and
 - (6) Potential nuisances.

4. CONSTRUCTION BEGUN PRIOR TO ORDINANCE

This Ordinance shall not require any change in the plans, construction, size, or designated use for any building, structure, or part thereof for which a completed application for a local permit has been made, provided application has been subject to substantive review, or a permit that has been issued and upon which construction has been lawfully commenced prior to the adoption or amendment of the Ordinance. Such construction shall start within one year after the issuance of the permit.

D. NON-CONFORMING LOTS OF RECORD

- 1. A single lot of record which, at the effective date of adoption or amendment of this ordinance, does not meet the area or dimensional requirement, or both, of this

SECTION II: NON-CONFORMING STRUCTURES, USES AND LOTS

D. NON-CONFORMING LOTS OF RECORD (Cont.)

ordinance, may be built upon, without the need for a variance, provided that such lot is not contiguous with any other lot in the same ownership, and that all other provisions of this ordinance and state law shall be met. No division of the lot shall be made which reduces any dimension or area below the requirements of this ordinance. Variance of setback or other requirements involving area or dimensions shall be obtained only by action of the Board of Appeals.

2. If two (2) or more contiguous lots of record are in the same ownership on or after the effective date of adoption or amendment of this ordinance, and if all or part of the lots do not meet the area or dimensional requirements, or both, of this ordinance, the lands involved shall be considered to be a single lot for the purposes of this ordinance, and may be built upon provided that all other provisions of this ordinance shall be met. Variance of setback or other requirements involving area or dimensions shall be obtained only by action of the Board of Appeals. No division of the lot shall be made which reduces any dimension or area below the requirements of this ordinance. This provision shall not apply to municipally approved subdivision lots created after September 22, 1971 under previous land use standards and which are recorded at the Registry of Deeds.
3. On or after the effective date of adoption or amendment of this ordinance, no lot shall be created and conveyed which does not meet or exceed the area and dimensional requirements of this ordinance, except for conveyance to an abutting owner, in which case the provisions of Subsection (2) above shall apply.
4. Contiguous non-conforming lots of record, which at the effective date of adoption or amendment of this ordinance are the site of permitted principal structures, shall be considered single lots of record, even if they subsequently come under the same ownership. Contiguous, non-conforming lots of record, which, at the effective date of adoption or amendment of this ordinance, are vacant or are the site of permitted accessory structures, shall conform to the provisions of this ordinance.

E. TRANSFER OF OWNERSHIP

Ownership of land and structures which remain lawful but become non-conforming by the adoption or amendment of the Ordinance may be transferred and the new owner may continue the non-conforming use or structure subject to the provisions of this Ordinance.

SECTION III: ESTABLISHMENT OF DISTRICTS

A. DISTRICTS ESTABLISHED

For the purposes of this Ordinance, the Town of Glenburn is hereby divided into the following districts.

Growth Areas:

Village District
Residential/Commercial District
Industrial District

Rural Areas:

Rural District

B. STANDARDS ESTABLISHING DISTRICTS AND DISTRICT DESCRIPTIONS

1. VILLAGE DISTRICT (VD)

a. PURPOSE

The purpose of the Village District is to reinforce the “village concept” by providing an area of the community where higher density development can occur. This development is to include: commercial, institutional, recreational, single and multi-family residential structures, and mobile home parks.

b. AREAS INCLUDED

The location of the Village District is shown on the “Official Zoning Map of the Town of Glenburn”.

2. RESIDENTIAL/COMMERCIAL DISTRICT (RCD)

a. PURPOSE

The purpose of the Residential/Commercial District is to provide developable land which is accessible to transportation corridors. This area is intended to accommodate: retail, warehousing, wholesale, service related businesses and residential uses in order to provide an area within the community for both residential and business development.

Land Use Ordinance of the Town of Glenburn, Maine

SECTION III: ESTABLISHMENT OF DISTRICTS (Cont.)

**B. STANDARDS ESTABLISHING DISTRICTS AND DISTRICT DESCRIPTIONS
(Cont.)**

b. AREAS INCLUDED

The location of the Residential/Commercial District is shown on the “Official Zoning Map of the Town of Glenburn”.

3. INDUSTRIAL DISTRICT (ID)

a. PURPOSE

The purpose of the Industrial District is to provide an area in the community for various scale industrial development, appropriately situated to accommodate that development.

b. AREAS INCLUDED

The location of the Industrial District is shown on the “Official Zoning Map of the Town of Glenburn”.

4. RURAL DISTRICT (RD)

a. PURPOSE

The purpose of the Rural District is to maintain the rural character of Glenburn with the allowance and encouragement of natural resource based industries such as agriculture, commercial forestry, tree farms, timber harvesting, crop raisings, mineral extraction, recreational uses and low density residential development.

b. AREAS INCLUDED

The location of the Rural District is shown on the “Official Zoning Map of the Town of Glenburn”.

C. OFFICIAL ZONING MAP

Districts established by this Ordinance are bounded and defined as shown on the “Official Zoning Map” of the Town of Glenburn dated March 22, 2011, which map is hereby made a part of this Ordinance.

The official copy of the map, as may be amended from time to time, shall be that map

Land Use Ordinance of the Town of Glenburn, Maine

SECTION III: ESTABLISHMENT OF DISTRICTS (Cont.)

C. OFFICIAL ZONING MAP (Cont.)

which bears the certification that it is true and correct, signed by the Chairman of the Planning Board and attested by the Town Clerk, and on file in the office of the Town Clerk.

D. INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to boundary lines of Districts as shown on the "Official Zoning Map of the Town of Glenburn", the following rules of interpretation shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, public utilities or right of ways shall be construed as following such center lines;
2. Boundaries indicated as being approximately following shorelines of any lake or pond shall be construed as following the normal high water mark;
3. Boundaries indicated as being the extension of centerlines of streets shall be construed to be the extension of such centerlines;
4. Boundaries indicated as approximately following the centerlines of streams, rivers or other continuous flowing watercourses shall be construed as following the channel center line of such watercourses;
5. Boundaries indicated as being parallel to or extension of features listed above shall be so construed. Distances not specifically indicated on the official map shall be determined by the scale of the map;
6. Where physical or cultural features existing on the ground are at variance with those shown on the official map, or in other circumstances where uncertainty exists with respect to the location of a boundary, the Planning Board shall interpret the district boundaries.

E. DIVISION OF LOTS BY DISTRICT BOUNDARIES

In the event that a District boundary line divides a lot or parcel of land of the same ownership of record, at the time such line is established by adoption or subsequent amendment of this Ordinance, the Planning Board, after written findings of fact finds that such extensions will not create unreasonable adverse impacts on the existing uses of the adjacent properties, may:

1. When that portion of the lot which is located in the more restrictive District is

Land Use Ordinance of the Town of Glenburn, Maine

SECTION III: ESTABLISHMENT OF DISTRICTS (Cont.)

E. DIVISION OF LOTS BY DISTRICT BOUNDARIES (Cont.)

greater than ten (10) acres, extend the regulations applicable to the less restrictive portion into no more than twenty (20) percent of the more restrictive portion.

2. When that portion of the lot which is located in the more restrictive District is less than ten (10) acres, extend the regulations applicable to the less restrictive portion into no more than fifty (50) percent of the more restrictive portion.
3. When that portion of the lot which is located in the more restrictive District is equal to that which is located in the less restrictive District, extend the regulations applicable to the less restrictive portion to the entire more restrictive portion.

SECTION IV: SCHEDULE OF USES

A. ACTIVITIES DESCRIBED

A matrix listing the uses permitted in the various Districts, under this Ordinance begins on page 4.3.

The various land uses contained in the matrix are organized according to the following seven (7) activity classifications:

1. Resource Management Activities
2. Resource Extraction Activities
3. Residential Activities
4. Institutional Activities
5. Commercial Activities
6. Industrial Activities
7. Transportation Activities

B. SYMBOLS USED IN SCHEDULE OF USES

The following symbols contained in the Schedule of Uses have the following meanings:

1. DISTRICT SYMBOLS

SYMBOL	DESCRIPTION
VD	Village District
RCD	Residential/Commercial District
ID	Industrial District
RD	Rural District

2. PERMIT SYMBOLS

SYMBOL	DESCRIPTION
Y	Uses Allowed Without a Permit
N	Uses Prohibited Within District
C	Use Requires a Code Enforcement Permit
P	Use Requires a Planning Board Permit

SECTION IV: SCHEDULE OF USES (Cont.)

C. USES SUBSTANTIALLY SIMILAR TO PERMITTED USES MAY BE PERMITTED

1. **USES ALLOWED WITHOUT A PERMIT:** Uses substantially similar to those allowed without a permit, but that are not listed in the Schedule of Uses, may be permitted upon a finding by the Code Enforcement Officer that such use is substantially similar to uses listed in the Schedule.
2. **USES REQUIRING A CODE ENFORCEMENT OFFICER PERMIT:** Uses substantially similar to those requiring a Code Enforcement Officer Permit, but which are not listed in the Schedule of Uses, may be permitted upon a finding by the Code Enforcement Officer that such use is substantially similar to uses listed in the Schedule.
3. **USES REQUIRING A PLANNING BOARD PERMIT:** Uses substantially similar to those requiring a Planning Board Permit, but which are not listed in the Schedule of Uses, may be permitted upon a finding by the Planning Board that such use is substantially similar to uses listed in the Schedule.

D. USES SUBSTANTIALLY SIMILAR TO PROHIBITED USES ARE PROHIBITED.

Uses substantially similar to any uses listed as a Prohibited Use in the Schedule of Uses shall be prohibited.

E. COMPLIANCE WITH PERFORMANCE STANDARDS REQUIRED

All uses permitted must occur and be maintained in compliance with the applicable requirements and performance standards contained in Section V.

Land Use Ordinance of the Town of Glenburn, Maine

SECTION IV: SCHEDULE OF USES (Cont.)

F. SCHEDULE OF USES

Activities				
1. RESOURCE MANAGEMENT	VD	RCD	ID	RD
a) Wildlife/fishery mgmt practices;	Y	Y	Y	Y
b) Emergency operations conducted for the public health, safety, or general welfare, such as resource protection, law enforcement, and search and rescue operations;	Y	Y	Y	Y
c) Surveying and other resource analysis;	Y	Y	Y	Y
d) Forest management activities <u>not including</u> timber harvesting, pesticide and fertilizer application;	Y	Y	Y	Y
e) Agricultural management activities, <u>not including</u> pesticide and fertilizer application;	Y	Y	Y	Y
f) Mineral exploration to discover or verify the existence of mineral deposits, including the removal of specimens or trace quantities, provided such exploration is accomplished by methods of hand sampling, including panning, hand test boring, diggings, and other non-mechanized methods which create minimal disturbance and take reasonable measures to restore the disturbed area to its original condition;	Y	Y	Y	Y
g) Non-commercial uses for scientific, educational, or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected by the district in which it is located;	Y	Y	Y	Y
h) Accessory uses and structures that are essential for the exercise of uses listed above.	C	C	C	C

Land Use Ordinance of the Town of Glenburn, Maine

SECTION IV: SCHEDULE OF USES (Cont.)

Activities				
2. RESOURCE EXTRACTION	VD	RCD	ID	RD
a) Commercial timber harvesting;	Y	Y	Y	Y
b) Production of commercial agricultural products;	Y	Y	Y	Y
c) Mineral extraction for road purposes only, affecting an area of less than 2 acres in size;	Y	Y	Y	Y
d) Mineral extraction operations for any purpose affecting an area 2 acres or greater in size;	P	P	P	P
e) Filling, grading, draining, dredging or alteration of water table or water level, not including individual wells;	P	P	P	P
f) Accessory use and structures that are essential for the exercise of uses listed above.	C	C	C	C

Land Use Ordinance of the Town of Glenburn, Maine

SECTION IV: SCHEDULE OF USES (Cont.)

Activities				
3. RESIDENTIAL	VD	RCD	ID	RD
a) Single-Family Detached Dwelling;	C	C	N	C
b) Single-Family Mobile Home, in Park;	C	N	N	C
c) Single-Family Mobile Home;	C	C	N	C
d) Multi-Family Dwelling: Two Unit or Duplex;	C	C	N	C
e) Multi-Family Dwelling: 3 or more families, including apartments;	P	N	N	P
f) Mobile Home Park;	P	N	N	P
g) Nursing Home/Boarding Care;	P	P	N	P1
h) Home Occupations;	P	C	N	P
i) In-Law Apartment	C	C	N	C
j) Accessory uses or structures that are essential for the exercises of uses listed above.	C	C	C	C

P1 - RD zone up to 5 residents

Land Use Ordinance of the Town of Glenburn, Maine

SECTION IV: SCHEDULE OF USES (Cont.)

Activities					
4. INSTITUTIONAL		VD	RCD	ID	RD
a) Hospital and Medical Clinic;		P	P	N	N
b) Government Facilities and Services;		C	C	C	C
c) Public Schools;		P	P	N	N
d) Private Schools;		P	P	N	P
e) Day Care Centers;		C1	C1	N	P
f) Churches;		C	C	N	P
g) Cemeteries;		P	P	N	P
h) Fraternal Orders and Service Clubs;		P	P	N	P
i) Post Secondary Education Facilities;		P	P	N	N
j) Municipal Fire Stations		C	C	P	P
k) Fish & Game/Recreation based facilities;		P	P	N	P
l) Accessory uses and structures that are essential for the exercise of uses listed above.		C	C	C	C

C1 - Over 12 children requires PB approval

Land Use Ordinance of the Town of Glenburn, Maine

SECTION IV: SCHEDULE OF USES (Cont.)

Activities				
5. COMMERCIAL	VD	RCD	ID	RD
a) Adult Entertainment;	N	P	N	N
b) Automobile Body Repair;	P	P	P	N
c) Automobile Recycling Facility;	N	P	P	N
d) Automobile Repair/Service;	P	P	P	N
e) Automobile Sales;	P	P	N	N
f) Automobile Supply Store;	P	P	P	N
g) Banks/Credit Unions;	P	P	N	N
h) Bar/Pub;	P	P	N	N
i) Beauty Shops;	P	P	N	N
j) Bed and Breakfast;	P	P	N	P
k) Campgrounds;	N	P	N	P
l) Clothing Store;	P	P	N	N
m) Florist Shop/Craft Shop;	P	P	N	P
n) Fuel Oil Sales;	P	P	P	N
o) Funeral Home;	P	P	N	N
p) Greenhouse;	P	P	P	P2
q) Grocery Store;	P	P	N	P2
r) Hardware Store;	P	P	N	N
s) Kennel, Commercial	N	P	N	N
t) Motel, Hotel and Inns, Maximum 10 rooms;	P	P	N	N
u) Motel, Hotel and Inns, More than 10 rooms;	N	P	N	N
v) Professional Offices;	P	P	P	N

P2 – Under 5,000 square feet

Land Use Ordinance of the Town of Glenburn, Maine

SECTION IV: SCHEDULE OF USES (Cont.)

Activities				
5. COMMERCIAL (cont.)	VD	RCD	ID	RD
w) Professional Office Complex;	P	P	P	N
x) Pharmacy;	P	P	N	N
y) Radio Station;	P	P	P	P
z) Restaurant;	P	P	N	P
aa) Recreation Vehicles Sales and Service;	P	P	N	N
bb) Redemption Center;	P	P	N	P
cc) Retail Establishments ;	P	P	N	N
dd) Sporting Cabins;	P	P	N	P
ee) Sporting Goods;	P	P	N	N
ff) Take Out Restaurant (No interior seating);	P	P	N	N
gg) Towers 195 feet and less than 195 feet tall	P	P	P	P
hh) Towers greater than 195 feet tall	N	P1	P1	P1
ii) Veterinary Clinic/Hospital;	P	P	N	P
jj) Video Rentals;	P	P	N	N
kk) Warehouse/Storage Facility;	N	P	P	N
ll) Accessory uses and structures that are essential for the exercise of uses listed above.	P	P	P	P

P1 - FAA Approval needed

Land Use Ordinance of the Town of Glenburn, Maine

SECTION IV: SCHEDULE OF USES (Cont.)

Activities				
6. INDUSTRIAL	VD	RCD	ID	RD
a) Automobile Graveyard;	N	N	P	N
b) Bulk Oil and Fuel Tank Storage in excess of 500 gallons except for on-site heating and cooking purposes;	P	P	P	P
c) Concrete Plant;	N	P	P	N
d) Disposal of Hazardous/Leachable Materials;	N	N	N	N
e) Disposal of Solid Waste other than agriculture;	N	N	N	N
f) Junkyard;	N	N	P	N
g) Light Manufacturing Assembly Plant;	N	P	P	N
h) Lumber Yard/Sawmill;	N	P	P	P
i) Pulp Mill;	N	N	N	N
j) Sewage Treatment Facility;	P	P	P	P
k) Transportation Facility and Terminal Yard;	N	P	P	N
l) Wholesale Business Facility;	N	P	P	N
m) Accessory uses and structures that are essential for the exercise of uses listed above.	P	P	P	P

Land Use Ordinance of the Town of Glenburn, Maine

SECTION IV: SCHEDULE OF USES (Cont.)

Activities					
7. TRANSPORTATION AND UTILITIES		VD	RCD	ID	RD
a) Airport terminal building and airport uses;		N	P	P	P
b) Land management roads and water crossings of minor flowing waters;		Y	Y	Y	Y
c) Land management roads and water crossings of standing waters and of major flowing waters;		P	P	P	P
d) Major utility facilities, such as transmission lines, water supply and sewage treatment facilities, but not including service drops;		P	P	P	P
e) Road construction projects, other than land management roads;		P	P	P	P
f) Road construction projects, other than land management roads, which are part of projects requiring Planning Board review;		P	P	P	P
g) Accessory uses and structures that are essential for the exercise of uses listed above.		P	P	P	P

SECTION V: LAND USE STANDARDS

SECTION USERS GUIDE: This section contains general performance standards with which all development proposals submitted for approval pursuant to this Ordinance must comply.

The purpose of the regulations contained in this section is to allow maximum utilization of land while insuring against adverse impacts on the environment, neighboring properties, and the public interest. This assurance is provided by separating the areas of the Town of Glenburn into districts and permitting specific land uses within each, provided that a use meets all the additional criteria specified in this Ordinance.

This regulatory approach has been termed "performance zoning" because it permits a use to be developed on a particular parcel only if the use on that parcel meets "performance" standards which have been enacted to insure against the use causing (or having the potential to cause) adverse impacts.

The following Land Use Standards shall govern all Land Use Permits issued by the Code Enforcement Officer and the Planning Board.

In reviewing applications submitted pursuant to this Ordinance, the Code Enforcement Officer or the Planning Board shall consider the following performance standards and make written findings that each applicable standard has been met prior to issuing final approval. In all instances, the burden of proof shall be upon the applicant.

A. GENERAL STANDARDS

1. ACCESS REQUIREMENTS

Access to public roads shall be strictly controlled in both location and design. Provision shall be made for adequate access to the development to safeguard against hazards to traffic and pedestrians in the road and within the development, to avoid traffic congestion on any road and to provide safe and convenient circulation on public roads.

Guidelines: Development shall employ the following guidelines to the extent possible in designing access points:

- a. Where a residential lot will front on two or more streets, access shall be to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

- b. All access points should be located so as to provide adequate sight distance for vehicular movement. Adequate sight distance means an unobstructed view of the road in each direction for at least one hundred (100) feet for every 10 MPH of speed limit. (E.g., for access to a 25 MPH road, an access point shall have a clear view of two hundred fifty (250) feet in each direction).
- c. Every effort shall be made to reduce the number of access points onto the public road. Measures to be taken may include shared driveways and frontage roads.
- d. All entry and exit points shall be kept free from visual obstructions higher than three (3) feet above street level for a distance of twenty-five feet (25) from the edge of the traveled way in order to provide visibility for entering and leaving vehicles.
- e. Driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by Title 23, Section 754, must conform to Title 23, Section 704 and any rules adopted under that section.

2. ADULT BUSINESS / ENTERTAINMENT

- a. No adult business/entertainment shall be in any location that is closer than five hundred (500) feet, measured in a straight line without regard to intervening structures or objects, to the nearest point on the boundary of any property which is owned or used by/for: any religious institutions, K-12 educational institutions, parks and playgrounds, libraries, day-care centers or residences.
- b. No materials or devises displaying or exhibiting sexual explicit activities shall be visible from the exterior of the building in which the adult business is located.

3. AGRICULTURAL MANAGEMENT ACTIVITIES

Agricultural practices shall be conducted in such a manner as to prevent soil erosion, sedimentation, and contamination or nutrient enrichment of surface waters. Phosphorous allocation is addressed through implementation of the Town of Glenburn Subdivision Regulations.

4. AIR POLLUTION

Air pollution control and abatement shall comply with applicable minimum Federal and State requirements.

5. BUFFERS

All non-residential development located within forty (40) feet of a residential structure must provide landscaped buffer strips in the form of evergreen, deciduous vegetation or fencing. The buffering shall be sufficient to minimize the impacts of expected uses such as exposed machinery, outdoor storage areas, vehicle loading and parking, mineral extraction and waste collection and disposal areas.

6. CAMPGROUNDS

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

- a. Camping areas shall contain a minimum of two thousand (2,000) square feet of suitable land, not including roads and driveways, for each recreational vehicle and trailer site and a minimum of one thousand (1,000) square feet of suitable land, not including roads and driveways, for tent sites except it shall be a minimum five thousand (5,000) square feet for all sites when within the Shoreland Zone.
- b. Campgrounds shall provide water and sewer systems, sanitation stations, and convenience facilities in accordance with the regulations set for by the Maine Department of Human Services and the Town of Glenburn.
- c. The area intended for placement of an RV, trailer, tent, or shelter, and utility and service buildings shall be set back a minimum of seventy-five (75) feet from the exterior lot lines of the camping area.
- d. All campgrounds shall be screened from adjacent land areas by a continuous landscaped area containing evergreen shrubs, trees, fences, walls, or any combination which forms an effective visual barrier of not less than six (6) feet high.
- e. No travel trailer, camper, self-contained vehicles, or similar vehicles shall be used as a permanent place or abode, dwelling, or business for indefinite periods of time. Continuous occupancy extending beyond six (6) months in any twelve (12) month period shall be presumed to be permanent occupancy. Occupancy from October 1st to April 30th for any individual or unit is allowed only if the campground can furnish sewer and water on site during this period.

7. CONFORMANCE WITH OTHER LAWS

All proposed development shall be in conformity with the provisions of all applicable local ordinances, rules and regulations, and State and Federal laws, rules and regulations.

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

8. CONSTRUCTION IN FLOOD HAZARD AREAS

When any part of a development is located in a Flood Hazard Area as identified by the Federal Emergency Management Agency, and locally adopted Floodplain Management Ordinance, the plan shall indicate that all principal structures on lots in the development shall be constructed with their lowest floor, including the basement, at least one foot above the one hundred (100)-year flood elevation.

9. CONVERSIONS

a. Conversions of existing structures into multi-family units, in Districts permitting multi-family dwellings, may be permitted provided that:

- (1) Off-street parking for two (2) vehicles per dwelling unit plus maneuvering space will be provided;
- (2) Approval of conversion plans by the fire, electrical and plumbing inspector(s) is required prior to issuance of a land use permit;
- (3) Each dwelling unit shall be at least three-hundred fifty (350) square feet in area for one (1) bedroom units plus one-hundred and fifty (150) square feet for each additional bedroom; and
- (4) Each dwelling unit shall have its own toilet and kitchen facilities and no dwelling unit will share these facilities with any other dwelling unit.
- (5) Each unit shall be provided with adequate rubbish disposal facilities.

b. Conversions of Mobile Home Parks

- (1) No lot or lots in a mobile home park may be sold or conveyed without:
 - (a) The prior approval of the Planning Board; and
- (2) The following conveyance is exempt from the conversion provisions of this section:
 - (a) Sale or conveyance of the mobile home park in its entirety to one entity, provided no change in use occurs.

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

10. DENSITY BONUS PROVISIONS

If a project is a planned development or cluster development, the minimum lot area per dwelling unit may be reduced by the amount shown below within all district designations. In no case shall lots served by subsurface sewage disposal systems be less than 20,000 square feet.

- a. A density bonus of ten (10) percent, if ten (10) percent to less than twenty-five (25) percent on the site shall be permanently preserved as open space;
- b. A density bonus of twenty (20) percent, if twenty-five (25) percent to less than forty (40) percent of the site shall be permanently preserved as open space;
- c. A density bonus of thirty (30) percent, if forty (40) percent or more of the site shall be permanently restricted as open space.

11. DUST, FUMES, VAPORS, GASES, ODORS, GLARE, AND EXPLOSIVE MATERIALS

- a. Emission of odors, dust, dirt, fly ash, fumes, vapors or gases which could damage: human health, animals, vegetation, or property, must comply with State and Federal standards.

12. EROSION AND SEDIMENTATION CONTROLS

The following measures relating to conservation, erosion, and sediment control shall be included where applicable as part of all projects submitted for review and approval under this Ordinance.

- a. The procedures outlined in the erosion and sedimentation control plan, prepared and submitted by the applicant, shall be implemented during the site preparation, construction, and clean-up stages; and
- b. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best management practices:
 - (1) Stripping of vegetation, soil removal and re-grading or other development shall be done in such a way as to minimize erosion;
 - (2) Development shall preserve outstanding natural features, keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff;
 - (3) The development shall not unreasonably increase the rate or volume

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

of surface water runoff from the proposed site;

- (4) Whenever feasible, natural vegetation shall be retained, protected and supplemented;
- (5) The disturbed area and the duration of exposure shall be kept to a practical minimum;
- (6) Disturbed soils shall be stabilized as quickly as practicable;
- (7) Temporary vegetation or mulching shall be used to protect disturbed areas during development;
- (8) Permanent (final) vegetation and mechanical erosion control measures in accordance with the provisions of the Department of Environmental Protection's Best Management Practices for Erosion and Sedimentation Control or the Maine Soil and Water Conservation Commission shall be installed as soon as practicable after construction ends;
- (9) Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, silt traps or other acceptable methods;
- (10) The top of the cut or the bottom of a fill section shall not be closer than ten (10) feet to an adjacent property, unless otherwise specified by the Planning Board;
- (11) During grading operations, methods of dust control shall be employed wherever practicable;
- (12) Whenever sedimentation is caused by stripping vegetation, re-grading or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as quickly as possible; and
- (13) Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.

(14)

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

13. GARAGE/YARD SALES:

A land use permit for a garage/yard sale shall be issued for a single sale or for a one-year period. The permit shall cover no more than three (3) separate sales during the period. Duration of any one sale shall not exceed three (3) days. No more than three (3) sales shall be held at the same location in any given year.

14. HOME OCCUPATIONS

- a. The purpose of the Home Occupation provision is to permit the conduct of those businesses that are compatible with the Districts in which they are allowed. Home occupations are limited to those uses which may be conducted within a residential dwelling without substantially changing the appearance or condition of the residence or accessory structure;
- b. Any home occupation or profession which is accessory to and compatible with a residential use may be permitted if:
 - (1) It is carried out in a dwelling unit or in a structure customarily accessory to a dwelling unit;
 - (2) It is conducted only by a member or members of the family residing in the dwelling unit; and/or not more than two employees;
 - (3) It does not materially injure the usefulness of the dwelling unit or accessory structure for normal residential purposes.
- c. All home occupations shall conform with the following conditions:
 - (1) The home occupation shall be carried on wholly within the dwelling or accessory structure;
 - (2) It is conducted only by a member or members of the family residing in the dwelling unit; and/or not more than two employees;
 - (3) Exterior signs shall be not greater than 2 square feet, no exterior storage of materials, and no other exterior indication of the home occupation or variation from the residential character of the principal building;
 - (4) Objectionable conditions such as noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare, or activity at unreasonable

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

hours, shall not be permitted;

- (5) 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;
- (6) In addition to the off-street parking provided to meet the normal requirements of the dwelling, adequate off-street parking shall be provided for the vehicles of the maximum number of users the home occupation may attract during peak operating hours;
- (7) The home occupation may utilize:
 - (a) Not more than forty percent (40%), but not to exceed 1,000 square feet, of the dwelling unit floor area, provided that for the purposes of this calculation, unfinished basement and attic spaces are not included;
 - (b) The total amount of allowable space, as determined above, can be located in a combination of one or more parts of the primary dwelling (including the basement) and/or one accessory structure as identified in the application.
 - (c) Unfinished attic spaces may be used for storage only, and are not to be counted as part of the area limitation in (a).
 - (d) Unfinished attic spaces to be used for storage only.
- (8) Home occupations which involve use or storage of hazardous or leachable materials in excess of normal residential use are not permitted.
- (9) The home occupation shall be allowed to be open to the public at times no earlier than 7 AM and no later than 7 PM. Additional hours for special circumstances must be approved by the Planning Board.

15. INDUSTRIAL PERFORMANCE STANDARDS

The following provisions shall apply to all permitted industrial uses:

a. Danger

No material which is dangerous due to explosion, extreme fire hazard,

SECTION V: LAND USE STANDARDS (Cont.)

B. GENERAL STANDARDS (Cont.)

chemical hazard or radioactivity shall be used, stored, manufactured, processed or assembled except in accordance with applicable State and Federal codes and regulations.

b. Vibration

With the exception of vibration necessarily involved in the construction or demolition of buildings, no vibration shall be transmitted outside the lot where it originates.

c. Wastes

No offensive wastes shall be discharged or dumped into any river, stream, watercourse, storm drain, pond, lake, or swamp. Industrial wastewater may be discharged to municipal sewers only and in such quantities and quality as to be compatible with existing municipal facilities.

d. Noise

Offensive noise shall not be transmitted beyond lot lines so as to cause disturbance to neighboring residential properties.

16. JUNKYARDS/GRAVEYARD/AUTOMOBILE RECYCLING

The following performance standards are required of all automobile graveyards, junkyards and automobile recycling businesses, whether new or existing.

- a. The site must be enclosed by a visual screen at least 6 feet in height and built in accordance with the requirements of Title 30-A MRSA, Section 3754-A(1)(A)(1)-(4), and any regulations of the Maine Department of Transportation;
- b. No vehicle shall be stored within any protected zone of any water body or inland wetland.
- c. No vehicle shall be stored within three hundred (300) feet of public or private well (excluding owners), school, church or public playground or public park;
- d. No vehicles shall be stored over a sand and gravel aquifer or aquifer recharge area as mapped by the Maine Geological Survey or by a licensed geologist;
- e. No vehicle shall be stored within a floodplain;

SECTION V: LAND USE STANDARDS (Cont.)

B. GENERAL STANDARDS (Cont.)

- f. Upon receiving a motor vehicle, the battery shall be removed, and the engine lubricant, transmission fluid, brake fluid and engine coolant (air conditioners included) shall be drained into watertight, covered containers and shall be recycled or disposed of according to all applicable Federal and State laws, rules and regulations regarding disposal of such waste material. No discharge of fluids from any motor vehicle shall be permitted into or onto the ground.
- g. No vehicle shall be closer than twenty (20) feet from a lot line.
- h. All vehicles, once stripped of valuable parts shall be crushed and removed from the lot to a metal recycler. Any vehicle remaining over one (1) year shall be considered as junk metal to be recycled.
- i. No more than four (4) tires per vehicle shall be allowed to be stored in the yard. Scrap tires shall not be allowed to accumulate into a scrap tire pile. All tires shall be disposed of in an appropriate facility and manner in accordance with State and Federal regulations.
- j. No open burning of salvage materials or junk shall be permitted on the premises. Waste fluids and unusable materials shall be disposed of in a duly licensed disposal facility.
- k. The Planning Board and/or Code Enforcement Officer may attach reasonable conditions to the permit covering the operation and use of the automobile graveyard, junkyard or automobile recycling business to ensure compliance with the foregoing standards, and any other applicable ordinances, laws or regulations.

17. LANDSCAPING

Non-residential development proposed within the Industrial and Residential/ Commercial districts shall be landscaped to the extent possible so as to maintain the aesthetic appearance of the property and preserve as much natural vegetation as possible on the site.

18. LIGHTING DESIGN STANDARDS

All exterior lighting shall be designed to minimize adverse impact on neighboring properties.

19. LOT SIZE, SETBACK AND COVERAGE REQUIREMENTS

See B. Dimensional Requirements in this Section.

SECTION V: LAND USE STANDARDS (Cont.)

B. GENERAL STANDARDS (Cont.)

20. MANUFACTURED HOUSING

- a. Intent: It is the intent of this Ordinance to provide a variety of housing alternatives to all economic levels within the community, while continuing to insure the minimum standards of health, safety and welfare of the community. To this end, this ordinance allows the siting of all types of manufactured housing within designated areas of the Town regardless of their construction date or compliance with all the standards of the Manufactured Housing Construction and Safety Standards adopted by the Department of Housing and Urban Development in 1976, as amended. The Town does hereby require however, that all manufactured housing sited within the Town of Glenburn meet certain minimum safety and design criteria.
- b. Minimum Safety Standards: All manufactured housing as defined in this Ordinance, regardless of date of manufacture, and sited within the Town of Glenburn after the effective date of this ordinance, shall meet or exceed the following minimum standards before a "Certificate of Occupancy" shall be issued by the Code Enforcement Officer in conformance with Section VI. J. of this Ordinance.
- c. HUD Approval Sufficient: All manufactured housing, as defined, constructed after July 1, 1976 and bearing the seal of the Department of Housing and Urban Development which certifies the manufactured home was built pursuant to the provisions of the Manufactured Housing Construction and Safety Standards, as amended, shall be deemed to have fulfilled the requirements of this section.
- d. Minimum Electrical Safety Standards: All manufactured housing shall meet the following minimum safety requirements for electrical installation and maintenance as provided for by the National Electrical Code as said code pertains to the following:
 - (1) 100 Ampere Entrance required;
 - (2) Copper wiring required;
 - (3) Two means of grounding required;
 - (4) Ground faulting receptacles required;

In addition, all electrical installations or modifications to existing manufactured housing shall be inspected and certified by an electrician licensed by the State of Maine or the Code Enforcement Officer if duly appointed as electrical inspector.

SECTION V: LAND USE STANDARDS (Cont.)

B. GENERAL STANDARDS (Cont.)

- e. Minimum Fire Prevention Standards: All manufactured housing shall meet the following minimum fire safety requirements as provided for by the National Electrical Code and the Manufactured Housing Construction and Safety Standards, as amended:
 - (1) All homes shall contain at least one operable fire extinguisher which is readily accessible at all times;
 - (2) All homes shall have at least one operable AC smoke detector and carbon monoxide detector centrally located within the home and one operable smoke detector in each of the bedrooms;
 - (3) The installation and maintenance of all heating systems including vents, chimneys, and encompassing secondary and tertiary as well as primary heating sources, shall meet the standards of NFPA 211 and NFPA 31 as applicable. In addition, no wood stove shall be used for heating purposes in a manufactured home in the Town of Glenburn without first being inspected and approved by the Glenburn Fire Department for safe installation;
 - (4) All automatic dryers, whether electric or gas, shall meet the venting requirements of the Manufactured Housing Construction and Safety Standards, as amended; and
 - (5) All manufactured housing shall meet the requirements of the Manufactured Housing Construction and Safety Standards, as amended, to wit, all manufactured homes shall provide for at least two means of egress from each bedroom, one of which must be directly to the outside of the home and may be accomplished by way of a window of suitable size which can be opened easily without tools, and two doors exiting directly to the outside of the home separated by distances as established by the standards.
- f. Minimum Plumbing Standards: All manufactured housing shall meet the minimum standards of the Manufactured Housing Construction and Safety Standards, as amended. All exterior plumbing and hook-ups to a disposal system shall comply with the Maine State Plumbing Code, as amended.
- g. Minimum Design Standards: All manufactured housing shall be sited and maintained in such a manner as to blend harmoniously with other residential structures in close proximity, to this end all manufactured housing located within the Town of Glenburn after the effective date of this ordinance shall:

SECTION V: LAND USE STANDARDS (Cont.)

B. GENERAL STANDARDS (Cont.)

- (1) Have and maintain external siding which is residential in appearance for the manufactured home as well as any additions thereto or accessory structures located on the same lot;
- (2) Be located on a permanent foundation at a minimum of a gravel pad. Pad must be 8" compacted and the manufactured home must be blocked at the blocking points, unless otherwise specified by a duly adopted building code.
- (3) Permanent skirting shall be installed within thirty (30) days of siting;
- (4) Provide a safe means of egress and ingress to and from the manufactured home including stairs with handrails when applicable.

21. MINERAL EXPLORATION AND EXTRACTION

The following requirements for mineral exploration and extraction activities, including the removal of topsoil, shall apply in all Districts:

- a. All exploration/extraction activities, including test pits and holes, shall be promptly capped, refilled, or secured by other equally effective measures so as to reasonably restore disturbed areas and to protect the public health and safety;
- b. No portion of any ground area disturbed by the extraction activity shall be closer than fifty (50) feet from a public roadway;
- c. Within two hundred fifty (250) feet of any water body, the extraction areas shall be protected from soil erosion by ditches, sedimentation basins, dikes, dams, or such other control devices which are effective in preventing sediments from being eroded or deposited into such water body;
- d. A natural vegetation screen of not less than fifty (50) feet in width shall be retained from any facility intended primarily for public use, excluding privately owned roads;
- e. If any mineral extraction operation located within seventy-five (75) feet of any property line or public roadway or facility intended primarily for public use, excluding privately owned roads, is to be terminated or suspended for a period of one year or more, the site shall be rehabilitated by grading the soil to a slope of 2 horizontal to 1 vertical, or flatter;

SECTION V: LAND USE STANDARDS (Cont.)

B. GENERAL STANDARDS (Cont.)

- f. Extraction operations (gravel pit, etc.,) shall not be permitted within one hundred (100) feet of any property line without a written agreement of consent between property owners;
- g. In no case shall a mineral extraction operation be conducted at times earlier than 7:00 A.M. nor later than 9:00 P.M.; and
- h. At no time shall any mineral extraction operation location be used for the storage or dumping of any substance, including but not limited to hazardous materials or petroleum products that could produce a harmful leachate, both during the extraction operation and following its termination.

22. OFF-STREET PARKING

- a. Off-street parking, either by means of open air spaces or by garage space, in addition to being a permitted use, shall be considered as an accessory use when required or provided to serve conforming uses located in any District;
- b. Required off-street parking spaces shall be provided;
- c. The following minimum off-street parking requirements shall be provided and maintained in case of new construction, alterations and changes of use or as deemed appropriate by the Planning Board.
 - (1) Dwellings - Two (2) parking spaces for each dwelling unit;
 - (2) Transient Accommodations:
 - (a) Bed and Breakfast accommodations and motels, hotels, boarding houses, and inns with 10 rooms or less -- Two (2) parking spaces plus one space for each guest room; and
 - (b) Motels, hotels, boarding houses, and inns with more than 10 rooms -- One (1) parking space for each guest plus one (1) space for each three (3) employees;
 - (3) Schools -- Five (5) parking spaces for each classroom plus one (1) space for each four (4) employees;
 - (4) Hospitals (bed facilities only) -- One (1) parking space for every three (3) beds, plus one (1) for each employee based on the expected average employee occupancy;

SECTION V: LAND USE STANDARDS (Cont.)

B. GENERAL STANDARDS (Cont.)

- (5) Theaters, churches, and other public assembly places – One (1) parking space for every four (4) seats or for every one hundred (100) square feet or major fraction thereof of assemblage space if no fixed assets;
- (6) Retail Stores – One (1) parking space for every two hundred (200) square feet of retail area, plus one for every two employees, unless public parking is provided;
- (7) Restaurants, eating and drinking establishments – One (1) parking space for every four (4) seats, plus one (1) for every two (2) employees, unless public parking is provided;
- (8) Professional Offices and Public Buildings – One (1) parking space for every two hundred (200) square feet of gross leasable area, exclusive of cellar and bulk storage areas, unless public parking is provided;
- (9) Other Commercial Recreation Establishments (mini golf courses, etc.) - The number of spaces deemed appropriate by the Planning Board; and
- (10) Industrial – One (1) parking space for each 1.5 employees, based on the highest expected average employee occupancy, plus visitor and customer parking to meet the needs of specific operations.

23. OFF-STREET LOADING

Adequate off-street loading areas shall be provided for appropriate land uses. Loading areas cannot be included as parking spaces when meeting parking requirements.

24. OIL AND CHEMICAL STORAGE

- a. All storage of petroleum or liquid products shall be in conformance with the provisions of Title 38 MRSA, Section 561 et.seq., which among other things establishes a ten-year compliance schedule for the discontinuance and removal of non-conforming underground oil storage facilities and requires qualified personnel to oversee the removal of certain underground facilities; and compliance with any duly adopted building codes and ordinances of the Town of Glenburn.
- b. When applicable, the applicant shall have the burden of proof to assure the

SECTION V: LAND USE STANDARDS (Cont.)

B. GENERAL STANDARDS (Cont.)

Planning Board or Code Enforcement Officer that all provisions of the above statutes have been met before the issuance of any permits may take place.

25. PESTICIDE APPLICATION

Pesticide application in any of the Districts shall not require a permit provided such application is in conformance with applicable State and Federal statutes and regulations. Any pollutant introduced into soil on the site shall not exceed a concentration in the ground water that is greater than the guidelines established for it in the Safe Drinking Water Standard, EPA Health Advisory. Any violation of this standard shall be cause to order the immediate stop of the use or activity responsible for the contamination. The landowner shall be responsible for the cost of all remedial actions.

26. REFUSE DISPOSAL

- a. The applicant shall provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner.
- b. The impact of particular industrial or chemical wastes or by-products upon the sanitary facilities (in terms of volume, flammability or toxicity) shall be considered and the applicant may be required to dispose of such wastes elsewhere, in conformance with all applicable state and federal regulations. The applicant must specify the amount and exact nature of all industrial or chemical wastes to be generated by the proposed operation.

27. SEWAGE DISPOSAL

- a. Subsurface Sewage Disposal - No permit shall be issued for a project with subsurface sewage disposal unless:
 - (1) There is an area of suitable soils according to the Subsurface Waste Water Disposal rules of sufficient size to accommodate the proposed system;
 - (2) An acceptable plan to construct the absorption area is prepared in accordance with the Subsurface Waste Water Disposal Rules; and
 - (3) In lieu of (1) and (2) above, the applicant demonstrates that any deficiencies of the soil for purposes of sewage disposal can and will be overcome by a suitable engineering solution;

No development shall be permitted which utilizes, for on-site subsurface

SECTION V: LAND USE STANDARDS (Cont.)

B. GENERAL STANDARDS (Cont.)

sewage disposal purposes, any soil listed in the Soil Suitability Guide as having a very poor rating for the proposed use, unless the proposed sewage disposal system is approved under the Subsurface Waste Water Disposal Rules.

28. SIGNS

a. Conformance of Signs

No sign shall be hereafter erected, altered or maintained, within the limits of the Town of Glenburn, Maine except in conformance with the provisions of this section.

b. Signs Prohibited

No sign, whether new or existing, shall be permitted within the Town of Glenburn, Maine which causes a traffic sight, health or welfare hazard, or results in a nuisance, due to illumination, placement, display, or obstruction of existing signs.

c. Temporary Signs

The following temporary signs are permitted provide said signs conform to all standards of this section and all other municipal, federal and state ordinances, statutes and/or regulations:

(1) Temporary Signs Giving Notice

Signs of a temporary nature, such as political posters, advertisements or charitable functions, notices of meetings, other non-commercial signs of a similar nature, are permitted for a period not to exceed thirty (30) days, provided that the persons who posted the signs shall be responsible for their removal.

(2) Temporary Yard Sale Signs

Temporary yard sale signs are permitted provided they do not exceed the size standards of Subsection (e) and provided they are removed within 24 hours of the completion of the sale. Yard sales which extend for more than three (3) consecutive days are considered commercial use.

d. Sign Requirements

SECTION V: LAND USE STANDARDS (Cont.)

B. GENERAL STANDARDS (Cont.)

All signs within the limits of the Town of Glenburn shall meet the following requirements:

- (1) No sign shall project over a walkway or interfere in any way with the normal flow of foot or vehicular traffic. All free standing signs shall be set back a minimum of eight (8) feet from property lines in all Districts.
- (2) No sign shall contain, include, or be illuminated by flashing, blinking, intermittent, or moving lights;
- (3) No sign shall exceed twenty-five (25) feet in height;
- (4) Signs may be illuminated only by shielded, non-flashing lights so as to effectively prevent beams of light from being directed at neighboring residential properties or any portion of the main traveled way of a roadway, or is of such low intensity or brilliance as not to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with the operation thereof.
- (5) Roof signs shall not extend more than ten (10) feet above the roof line;
- (6) Signs in Industrial District. No more than two free standing signs per use. Signs may be double faced. No larger than 100 square feet in area and no higher than twenty-five (25) feet in height.
- (7) Signs in Village District will be submitted to and reviewed by the Planning Board for consistency determination and approval with District aesthetics.

e. Off Premise Signs

No off premise sign shall be erected or maintained in the Town of Glenburn except in conformity with the Title 23 MRSA, Sections 1901-1925, and The Maine Traveler Information Services Law. Off premises official business directional signs may be located in the Town of Glenburn in such a location and in such a manner as allowed under Title 23 MRSA, Sections 1901-1925 and under the rules and regulations of the Maine Department of Transportation.

SECTION V: LAND USE STANDARDS (Cont.)

B. GENERAL STANDARDS (Cont.)

f. Exempt Signs

The following signs are exempt from the provisions of this section except as otherwise provided for herein:

- (1) Traffic control signs, signals, and/or other devices regulating or enhancing public safety erected by a governmental body.

29. SITE CONDITIONS

- a. During construction, the site shall be maintained and left each day in a safe and sanitary manner, and any condition which could lead to personal injury or property damage shall be immediately corrected by the developer upon order of the Code Enforcement Officer or other authorized personnel. The developer shall make provision for disposal of oil and grease from equipment and the site area should be regularly treated to control dust from construction activity.
- b. Developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots and debris, and excess or scrap building materials shall be removed or destroyed immediately upon the request and to the satisfaction of the Code Enforcement Officer prior to issuing an occupancy permit; and
- c. No changes shall be made in the elevation or contour of the lot or site by the removal of earth to another lot or site other than as shown on an approved site plan. Minimal changes in elevations or contours necessitated by field conditions may be made only after approval by the Code Enforcement Officer.

30. 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, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and similar intensive land uses, shall require a soils report, prepared by a duly licensed individual as appropriate for the project.

31. TEMPORARY STORAGE

Portable or mobile trailers, vans, and similar vehicles or temporary buildings may be used for storage, only upon approval of the Code Enforcement Officer and only

SECTION V: LAND USE STANDARDS (Cont.)

B. GENERAL STANDARDS (Cont.)

for temporary period not to exceed six (6) months. Such approval may be granted by the Code Enforcement Officer and may be extended for successive periods of six (6) months each, if a finding can be made that the use:

- a. Does not diminish area requirements of set forth for the District in which it is located;
- b. There is a valid temporary need which cannot be met with the principal structure and that adequate economic hardship can be shown;
- c. The initial approval, or any renewal, of the use will not in any way be detrimental to the neighboring properties including aesthetic appearance;
- d. The use is not intended as a permanent or long-term use;
- e. The use is not intended to circumvent building area limitations for the District in which it is located or prolong the use of facilities that have been outgrown;
- f. Will be adequately screened from neighborhood properties and the street;
- g. Will not be used as or intended for advertising for on or off premise purposes; and
- h. Is not intended for retail sales.

The above provisions do not prohibit the use of such temporary facilities as construction or job site office or equipment storage facilities during construction provided that no advertising other than the contractors name shall be permitted and that such signs meet the sign requirements of this Ordinance.

32. TOPSOIL AND VEGETATION REMOVAL

- a. Topsoil shall be considered part of the development 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, cutting or trees to provide access to direct sunlight, existing vegetation shall be left intact to prevent soil erosion. The Planning Board shall require a developer to take measures to correct and prevent soil erosion in the proposed development.

33. TOWERS

SECTION V: LAND USE STANDARDS (Cont.)

B. GENERAL STANDARDS (Cont.)

No tower shall be hereinafter erected, altered or maintained, within the limits of the Town of Glenburn, Maine except in conformance with the provisions of this section. The Town may elect to require a surety prior to the construction of any tower.

a. Tower Requirements: All towers within the limits of the Town of Glenburn shall meet the following requirements:

- (1) Priority of Location: New wireless telecommunications facilities must be located according to the priorities listed below. The applicant shall demonstrate that a facility of a higher priority cannot reasonably accommodate the applicant's proposed facility.

Priority 1: Co-location on an existing wireless telecommunications facility or other existing structure within the Industrial District.

Priority 2: A new facility on public or private property in the Residential/Commercial District (RCD) or permitted as a commercial use.

Priority 3: A new facility on public or private property in the Village District (VD).

Priority 4: A new facility on public or private property in the Rural District (RD).

- (2) Siting on Municipal Property: If an applicant proposes to locate a new wireless telecommunications facility, or expand an existing facility on municipal property, the applicant must show the following:
 - (a) The proposed location complies with applicable municipal policies and ordinances.
 - (b) The proposed facility will not interfere with the intended purpose of the property.
 - (c) The applicant has adequate liability insurance and a lease agreement with the municipality that includes reasonable compensation for the use of the property and other provisions to safeguard the public rights and interests in the property.
- (3) Structural Standards: A new wireless telecommunications facility

SECTION V: LAND USE STANDARDS (Cont.)

B. GENERAL STANDARDS (Cont.)

must comply with the current Electronic Industries Association/ Telecommunications Industries Association (EIA/TIA) 222 Revision Standard entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."

- (4) Lighting: A new wireless telecommunications facility must be illuminated only as necessary to comply with FAA or other applicable state and federal requirements. However, security lighting may be used as long as it is shielded to be down directional to retain light within the boundaries of the site.
- (5) Color and Materials: A new wireless telecommunications facility 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.
- (6) Landscaping: A new wireless telecommunications facility shall be screened with native plants from the view of abutting property owners to the maximum extent possible and landscaped to conform with the surrounding area.
- (7) Fencing: A new telecommunications facility must be fenced to discourage trespass on the facility. As deemed appropriate by the Planning Board, sufficient anti-climbing measures and other security measures preventing access to the site shall be incorporated into the permit to reduce the potential for trespass and injury.
- (8) Visual impact: The proposed wireless telecommunications facility will have no unreasonable adverse impact upon scenic resources within the Town, as identified either in the municipally adopted comprehensive plan, or by a State or federal agency. The following submissions are required as a basis for the Planning Board to determine visual impact:
 - (a) A tree line elevation drawing depicting vegetation within two-hundred (200) feet of the proposed facility;
 - (b) Details regarding the type, number, height, and proximity of existing structures and features, and background features within the same line of sight as the proposed facility;
 - (c) Details or drawings indicating the extent to which the proposed

SECTION V: LAND USE STANDARDS (Cont.)

B. GENERAL STANDARDS (Cont.)

wireless telecommunications facility would be visible from the viewpoint(s) such as passing motorists;

- (d) A description of the amount and location of proposed vegetative screening;
 - (e) The distance of the proposed facility from scenic areas and scenic views the viewpoint and the facility's location within the designated scenic resource; and
 - (f) A narrative regarding the presence of reasonable alternatives that would allow the facility to function consistently with its purpose.
- (9) Setbacks: The center of the base of any proposed telecommunications tower must be setback a minimum of one hundred percent (100%) of the tower's height, or the required minimum setback of the district in which it is located, whichever is greater, from the property line of any abutting lot. No part of the tower structure, including anchors, guy wires, overhead lines, masts, etc., shall be located in the required minimum setback of the district in which it is located or in any required buffer area, both on the ground or in the air space above the ground. A tower's setback may be reduced by the Planning Board to allow the integration of a tower into an existing or proposed structure such as a church steeple, power line support device, water tank or other similar structure.
- (10) Historic and Archaeological properties: The proposed facility, to the greatest degree practicable, will have no unreasonable adverse impact upon a historic district, site or structure which may be listed on or eligible for listing on the National Register of Historic Places.
- b. Abandonment: A wireless telecommunications facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The CEO shall notify the owner of an abandoned facility in writing and order the removal of the facility within ninety (90) days of receipt of the written notice. The owner of the facility shall have thirty (30) days from the receipt of the notice to demonstrate to the CEO that the facility has not been abandoned. If the Owner fails to show that the facility is in active operation, the owner shall have sixty (60) days to remove the facility. If the facility is not removed within this time period, the municipality may remove the facility at the owner's

SECTION V: LAND USE STANDARDS (Cont.)

B. GENERAL STANDARDS (Cont.)

expense. The owner of the facility shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition, including the removal of roads, and reestablishment of vegetation. If a surety has been required by the Planning Board and given to the municipality for removal of the facility, the owner of the facility may apply to the Planning Board for release of the surety when the facility and related equipment are removed to the satisfaction of the Planning Board.

- c. Exempt Towers: The following towers are exempt from the provisions of this section:
 - (1) Emergency wireless telecommunications facilities.
 - (2) Amateur (ham) radio stations.
 - (3) Parabolic Antenna. Parabolic antennas less than seven (7) feet in diameter, that are an accessory use of the property.
 - (4) Maintenance or repair. Maintenance, repair or reconstruction of a wireless telecommunications facility and related equipment, provided that there is no change in the height or any other dimension of the facility.
 - (5) Temporary wireless telecommunications facilities.
 - (6) Antennas as a residential accessory use.

34. TRANSIENT ACCOMMODATIONS: "BED AND BREAKFAST"

"Bed and Breakfast" accommodations shall be permitted in the private, year round residence of the host family who live on the premises provided that:

- a. The maximum number of guests at any time is ten (10) persons;
- b. The maximum number of guestrooms is three (3);
- c. Breakfast is the only meal provided by the host family;
- d. One (1) sign not to exceed four (4) square feet is permitted on the premises;
and
- e. The "Bed and Breakfast" operation shall not have any adverse effect on the

SECTION V: LAND USE STANDARDS (Cont.)

B. GENERAL STANDARDS (Cont.)

neighbors.

35. TRANSIENT ACCOMMODATIONS: "MOTELS AND HOTELS"

"Motel and Hotel" accommodations include buildings where rooms are provided for compensation and may include accessories uses such as restaurants, lounges, gift shops, conference rooms, and recreational facilities such as swimming pools and game rooms.

36. TRANSIENT ACCOMMODATIONS: "RENTAL CABINS AND COTTAGES"

To insure the health, safety, and welfare of guests and the occupants of neighboring properties, the following requirements shall be met:

- a. Each cabin or cottage site shall meet the minimum lot size requirements of a single family detached dwelling in the applicable District;
- b. A minimum of two hundred (200) square feet of off street parking plus maneuvering space shall be provided for each cabin or cottage;
- c. Each cabin or cottage shall be set back a minimum of fifty (50) feet from the exterior lot lines;
- d. Each cabin or cottage shall be provided with a safe and adequate means of sewage, garbage and rubbish disposal, water supply and fire protection;
- e. Adequate storm water drainage shall be provided for each cabin or cottage 38.
- f. Each cabin or cottage site shall be appropriately landscaped.

37. UTILITY INSTALLATION

The installation of utilities such as electrical service, transmission lines and associated cables shall be installed underground as determined by the Planning Board so as to blend harmoniously with the adjacent land uses and district design.

38. FINANCIAL CAPACITY AND TECHNICAL ABILITY

For new commercial construction the applicant must provide evidence that the developer has the financial capacity and technical ability to carry out the project as proposed.

B. DIMENSIONAL REQUIREMENTS

All structures and uses shall conform to the following dimensional requirements:

Village District Dimensional Requirements	(VD) Village District
<hr/>	<hr/>
Minimum Lot Size*	1 Acre
Minimum Lot Size Per Dwelling Unit	1 Acre (For first dwelling unit) ¾ Acre (For second dwelling unit) ½ Acre (For each additional dwelling unit)
Minimum Road Frontage	100 Feet
Minimum Front Yard Setback From Edge of Road Right of Way or Fee Title (not edge of travelled way)	20' 10' (Accessory structures less than 150 square feet)
Minimum Side Yard Setback	20' 6' (Accessory structures less than 150 square feet)
Minimum Rear Yard Setback	20' 6' (Accessory structures less than 150 square feet)
Maximum Building Height	35'
Maximum Lot Coverage	75% (For non-residential or mixed uses)

* Planning Board may apply a density bonus to cluster developments in accordance with Section V.A.11.

SECTION V: LAND USE STANDARDS (Cont.)

C. DIMENSIONAL REQUIREMENTS (Cont.)

All structures and uses shall conform to the following dimensional requirements;

Residential/Commercial District Dimensional Requirements	(RCD) Residential/Commercial District
Minimum Lot Size* Per Dwelling Unit	1 ¾ Acres
Minimum Lot Size Per Commercial Structure	1 acre
Minimum Lot Size Mixed Use	2 acres
Minimum Road Frontage	100'
Minimum Front Yard Setback From Edge of Road Right of Way or Fee Title (not edge of travelled way)	30' 10' (Accessory structures less than 150 square feet)
Minimum Side Yard Setback	20' 6' (Accessory structures less than 150 square feet)
Minimum Rear Yard Setback	20' 6' (Accessory structures less than 150 square feet)
Maximum Building Height	35'
Maximum Lot Coverage	80% (For nonresidential uses)

* Planning Board may apply a density bonus to cluster developments in accordance with Section V.A.11.

SECTION V: LAND USE STANDARDS (Cont.)

C. DIMENSIONAL REQUIREMENTS (Cont.)

All structures and uses shall conform to the following dimensional requirements.

Industrial District Dimensional Requirements	(ID) Industrial District
Minimum Lot Size	2 Acres
Minimum Road Frontage	200'
Minimum Front Yard Setback From Edge of Road Right of Or Fee Title (not edge of travelled way)	30' 10' (Accessory structures less than 150 square feet)
Minimum Side Yard Setback	20' 6' (Accessory structures less than 150 square feet)
Minimum Rear Yard Setback	20' 6' (Accessory structures less than 150 square feet)
Maximum Building Height	35'
Maximum Lot Coverage	90%

Land Use Ordinance of the Town of Glenburn, Maine

SECTION V: LAND USE STANDARDS (Cont.)

C. DIMENSIONAL REQUIREMENTS (Cont.)

All structures and uses shall conform to the following dimensional requirements:

Rural District Dimensional Requirements	(RD) Rural District District
Minimum Lot Size*	1.75 acres
Minimum Lot Size Per Dwelling Unit	1.75 acres
Minimum Road Frontage	175' **
Minimum Front Yard Setback From Edge of Road Right of Way or Fee Title (not edge of travelled way)	20' 10' (Accessory structures less than 150 square feet)
Minimum Side Yard Setback	20' 6' (Accessory structures less than 150 square feet)
Minimum Rear Yard Setback	20' 10' (Accessory structures less than 150 square feet)
Maximum Building Height	35'
Maximum Lot Coverage	35%

* Must accommodate a one hundred fifty (150) foot square somewhere within its boundaries. * Planning Board may apply a density bonus to cluster developments in accordance with Section V.A.11.

** With the following exceptions:

SECTION V: LAND USE STANDARDS (Cont.)

C. DIMENSIONAL REQUIREMENTS (Cont.)

a. On cul-de-sacs the road frontage may be reduced to eighty feet (80'). The resulting lot must still be able to accommodate a one hundred fifty foot square (150).

b. On Town Ways and Public Easements, this road frontage may be reduced to fifty feet (50') provided that the resulting lot can accommodate two hundred feet square (200) exclusive of any rights-of-way, somewhere within its boundaries. On Privately Owned Roads, the deed for each lot shall either show ownership of the land underlying the Privately Owned Road in fee simple or it shall grant to the owner of such lot a right over such Privately Owned Road. In no case shall the Privately Owned Road or the right-of-way have a minimum width of less than fifty feet (50') for the entire portion of such right or Privately Owned Road beginning at a Town Way or a Public Easement and extending sufficiently far as to allow the lot to meet the one hundred seventy five feet (175) frontage requirements.

SECTION VI: ADMINISTRATION AND ENFORCEMENT

SECTION USERS GUIDE: This section contains provisions for the administration of this Ordinance including specific provisions for certificates of compliance, conditions of approval, and public hearings.

A. ADMINISTERING BODIES AND AGENTS

1. CODE ENFORCEMENT OFFICER

The Code Enforcement Officer shall approve or deny those applications on which the Officer is employed to act as provided in this Ordinance. Approval shall be granted only if the proposed use is in conformance with the provisions of this Ordinance.

2. PLANNING BOARD

The Glenburn Planning Board established by the “Glenburn Planning Board Ordinance” is hereby designated as the Planning Board for the purposes of this Ordinance.

The Planning Board shall approve, approve with conditions, or deny those applications on which it is empowered to act as stated in this Ordinance. Approval shall be granted only if the proposed use or structure is in conformance with the provisions of this Ordinance.

3. BOARD OF APPEALS

The Glenburn Board of Appeals established by the “Ordinance Establishing Board of Appeals” is hereby designated as the Board of Appeals for the purposes of this Ordinance.

B. APPROVAL REQUIRED

After the effective date of this Ordinance, no person shall engage in any activity requiring a permit under this Ordinance without first obtaining the approval of the Planning Board or Code Enforcement Officer, as provided herein.

C. APPLICATION REQUIRED

Applications for approval shall be submitted in writing, on forms provided, to the Code Enforcement Officer who shall oversee the permitting process and record keeping. The Code Enforcement Officer may require the submission of additional information deemed necessary to determine conformance with the provisions of this Ordinance.

D. CODE ENFORCEMENT OFFICER PERMIT

A permit issued by the Code Enforcement Officer shall be required before beginning or undertaking any of the following activities:

SECTION VI: ADMINISTRATION AND ENFORCEMENT (Cont.)

D. CODE ENFORCEMENT OFFICER PERMIT (Cont.)

1. ACTIVITIES REQUIRING PERMIT

- a. FLOOD HAZARD AREAS: All construction or earth moving activities or other improvements within the one hundred (100)-year flood plain designated on the Flood Insurance Rate Maps published by the Federal Emergency Management Agency.
- b. NEW CONSTRUCTION: New construction of buildings or structures.
- c. ALTERATION: Alteration of a building, structure, or land, or parts thereof, including, but not limited to:
 - (1) Interior renovations for change in use;
 - (2) Removal of interior walls to create new rooms;
 - (3) Enclosing open frame porch, for the creation of additional sleeping space or any activity which increases the existing amount of water used daily;
- d. PLACEMENT OF SIGNS: Placement of signs except temporary signs.
- e. MOVING OR DEMOLITION: All buildings or structures which are removed from or moved onto, or moved around within a lot, or demolished.
- f. CHANGE OR USE: The change of any premises from one category of land use to any other land use.
- g. SECTION IV: F. SCHEDULE OF USES. Any activity requiring a Land Use Permit in accordance with the Land Use Ordinance Schedule of Uses.

2. PROCEDURE

- a. APPLICATION: All applications for a Code Enforcement Officer Permit shall be submitted, with the appropriate fee(s), in writing to the Code Enforcement Officer on forms provided.
- b. SUBMISSIONS: All applications for a Code Enforcement Officer Permit shall be accompanied by a sketch plan, accurately drawn to scale and showing actual dimensions or distances, and showing:

SECTION VI: ADMINISTRATION AND ENFORCEMENT (Cont.)

D. CODE ENFORCEMENT OFFICER PERMIT (Cont.)

- (1) The actual shape and dimensions of the lot for which a permit is sought;
 - (2) The location and size of all buildings, structures, and other significant features currently existing on the lot, as well as all water bodies and wetlands within two hundred fifty feet (250') of the property lines;
 - (3) The location and building plans of new buildings, structures or portions thereof to be constructed. Plans to be submitted if deemed necessary by the Code Enforcement officer;
 - (4) The existing and intended use of each building or structure;
 - (5) Where applicable, the location of soil test pits, subsurface sewage disposal system, parking lots and driveways, signs, buffers, private wells; and
 - (6) Such other information as may be reasonable required by the Code Enforcement Officer to provide for the administration and enforcement of this Ordinance.
- c. **TO WHOM ISSUED:** No permit shall be issued except to the owner of record or the owner's authorized agent. Written proof of legal standing shall be required.
- d. **COMPLIANCE WITH LAND USE ORDINANCE:** All activities undertaken pursuant to a permit issued under this Section shall comply with all applicable provisions of this Ordinance.
- e. **DETERMINATION OF COMPLETENESS:** Within fifteen (15) days of the date of receipt of the required application, the Code Enforcement Officer shall notify the applicant in writing whether the application is complete. If the application is determined to be incomplete, the notice shall specify the additional material needed to make the application complete.
- f. **DEADLINE FOR DECISION:** The Code Enforcement Officer shall, within thirty (30) days after a determination that the application is complete: issue the permit, if all proposed construction and uses meet the provisions of the Ordinance, or deny the application. All decisions of the Code Enforcement Officer shall be in writing, and shall be mailed to the applicant.
- g. **COPIES:** One (1) copy of the application, with the permit or other written decision of the Code Enforcement Officer, shall be returned to the applicant,

SECTION VI: ADMINISTRATION AND ENFORCEMENT (Cont.)

D. CODE ENFORCEMENT OFFICER PERMIT (Cont.)

and one (1) copy, with a copy of the permit or written decision, shall be retained by the Code Enforcement Officer as a permanent public record.

- h. **POSTING:** The applicant shall cause any permit issued to be conspicuously posted on the lot on which the activity will occur at a location clearly visible from the street.
- i. **COMMENCEMENT AND COMPLETION OF WORK:** Construction and alteration activities on projects for which a permit has been granted under this Section shall commence within six (6) months of the date of issuance of the permit and shall be completed within eighteen (18) months of that date.

Activities which are not commenced or completed within the time limits provided above shall be subject to new application and the permit issued under this Section shall be considered void.

The deadlines may be extended for up to twelve (12) months by the Code Enforcement Officer, for good cause, if an application for an extension is submitted not later than thirty days prior to the expiration of the prior permit.

- j. **APPEALS:** Appeals from decisions of the Code Enforcement Officer may be taken pursuant to the provisions of this Ordinance.

E. PLANNING BOARD PERMIT REVIEW

The Planning Board shall review all applicable Land Use Permit applications pursuant to Section IV, F., Schedule of Uses.

- 1. **APPLICATION:** All applications for a Planning Board Permit shall be submitted, with applicable fee(s), in writing to the Code Enforcement Officer on forms provided.
- 2. **SUBMISSION:** All applications for a Planning Board Permit shall be accompanied by a sketch plan, accurately drawn to scale and showing actual dimensions or distances, and showing:
 - a. Map drawn to scale.
 - b. Name of applicant
 - c. Boundaries of the tract of land.

SECTION VI: ADMINISTRATION AND ENFORCEMENT (Cont.)

E. PLANNING BOARD PERMIT REVIEW (Cont.)

- d. Location of existing and proposed buildings and other structures, including use and proposed use thereof.
 - e. Location of buildings on abutting properties or within three hundred (300) feet of the property line of the proposed development.
 - f. Names, addresses, and map and lot numbers of abutting property owners
 - g. Location of existing public streets.
 - h. Location of proposed access drives to the lot from public streets.
 - i. Location and arrangement of proposed off-street parking and loading areas and their appurtenant drives and maneuvering areas.
 - j. Location of existing and proposed pedestrian walkways.
 - k. Location of existing and proposed utilities and easements therefore, including sanitary sewerage, water, and electricity.
 - l. Location of existing natural drainage ways and proposed storm drainage facilities, including dimensions of culverts, pipes etc.
 - m. Location, intensity, type, size and direction of all outdoor lighting.
 - n. Location and proposed use for areas proposed for outdoor recreation.
 - o. Location and type of existing and proposed fences, hedges, and trees of twelve (12) inch diameter and over measured from a point four and one-half (4.5) feet above ground level or filled surface level.
 - p. Contour lines at appropriate intervals to show the effect on the land of existing and proposed grades for areas proposed to be excavated or filled if deemed necessary by the Planning Board.
 - q. Location and size of signs and all permanent outdoor fixtures.
 - r. District classification.
 - s. Setback dimensions from property lines and center of road.
3. TO WHOM ISSUED: No permit shall be issued except to the owner of record or the

SECTION VI: ADMINISTRATION AND ENFORCEMENT (Cont.)

E. PLANNING BOARD PERMIT REVIEW (Cont.)

owner's authorized agent. Written proof of legal standing shall be required.

4. **COMPLIANCE WITH LAND USE ORDINANCE:** All activities under taken pursuant to a permit issued under this Section shall comply with all applicable provisions of this Ordinance.
5. **DETERMINATION OF COMPLETENESS:** Within 15 days of the date of receipt of the required application, the Code Enforcement Officer shall notify the applicant in writing whether the application is complete. If the application is determined to be incomplete, the notice shall specify the additional material needed to make the application complete. Once the Code Enforcement Officer determines that the application is complete, the Officer shall refer the application to the Planning Board.
6. **PUBLIC HEARING DEADLINE:** Within thirty (30) days after the referral of an application for a Land Use Permit by the Code Enforcement Officer, and before taking action thereon, the Planning Board shall hold a public hearing on the application. Provided, however, that if there is insufficient time between the date of referral and the next regular meeting of the Planning Board to accommodate the required notices, the public hearing shall be held at the next regular, or at the discretion of the Planning Board, special meeting of the Planning Board. Notice of the hearing shall be published in a local newspaper at least seven (7) days in advance of said hearing. A notice of said hearing shall be mailed to each landowner abutting the parcel involved. Land owners shall be considered to be those against whom property taxes are assessed. Failure of any land owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action of the Planning Board. Responsibility for such notification shall be assumed by the Code Enforcement Officer. The applicant shall bear all associated costs of advertisements and notifications. The purpose of the public hearing shall be to receive input from the general public relative to the applicable sections of the review standards. At the beginning of the public hearing, the Planning Board shall verify that the application is complete.

When a Planning Board review is required for home occupations under Section IV. Schedule of Uses, Activities, 3. Residential (h) Home Occupations of this ordinance, the Public Hearing may be waived upon the recommendation of the code enforcement officer and the Planning Board.

7. **PLANNING BOARD REVIEW AND ACTION:** Within thirty (30) days after the public hearing, in which the permit application is reviewed, the Planning Board shall approve, approve with modifications, or disapprove the application. The Board shall limit its review to the criteria and standards established within this Ordinance. The Board shall inform the applicant of its decision in writing, and in cases of disapproval

SECTION VI: ADMINISTRATION AND ENFORCEMENT (Cont.)

E. PLANNING BOARD PERMIT REVIEW (Cont.)

or approval with modifications, reasons for such action shall be stated. A copy of the Board's decision shall be retained on file with the Code Enforcement Officer. A Land Use Permit shall not be issued unless approval of the application has been granted.

8. **COPIES:** One (1) copy of the application, with the permit or other written decision of the Code Enforcement Officer, shall be returned to the applicant, and one (1) copy, with a copy of the permit or written decision, shall be retained by the Code Enforcement Officer as a permanent public record.
9. **POSTING:** The applicant shall cause any permit issued to be conspicuously posted on the lot on which the activity will occur at a location clearly visible from the street.
10. **COMMENCEMENT AND COMPLETION OF WORK:** Construction and alteration activities on projects for which a permit has been granted under this Section shall commence within six (6) months of the date of issuance of the permit and shall be completed within eighteen (18) months of that date.

Activities which are not commenced or completed within the time limits provided above shall be subject to new application and the permit issued under this Section shall be considered void.

The deadlines may be extended for up to twelve (12) months by the Code Enforcement Officer, for good cause, if an application for an extension is submitted not later than thirty (30) days prior to the expiration of the prior permit.

11. **APPEALS:** Appeals from decisions of the Planning Board may be taken pursuant to the provisions of this Ordinance.

F. OTHER PERMITS REQUIRED BEFORE APPROVAL

Applications for approval under this Ordinance will not be considered complete for processing until all other required local, state, and federal permits have been secured and evidence that they have been secured has been provided unless state or federal regulations require local approval first.

G. POSITIVE FINDINGS REQUIRED

Approval shall be granted by the Code Enforcement Officer or Planning Board, after receipt of a complete application, only upon a positive finding by the Code Enforcement Officer or Planning Board that the proposed use:

SECTION VI: ADMINISTRATION AND ENFORCEMENT (Cont.)

G. POSITIVE FINDINGS REQUIRED (Cont.)

1. Is a permitted use in the district in which it is proposed to be located;
2. Is in conformance with the applicable performance standards of Section V of this Ordinance;
3. Will not result in unsafe or unhealthful conditions;
4. Will not result in undue land, water or air pollution;
5. Will not result in undue erosion or sedimentation;
6. Will avoid problems associated with development in flood hazard areas;
7. Will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;
8. Will conserve significant natural, archaeological and historical resources;
9. Will not adversely impact public infrastructure; and
10. Be consistent with the long-range goals of the Comprehensive Plan, other adopted plans of the town, and the goals and purposes of the established districts.

H. VIOLATIONS

Violations of the terms and conditions of this Ordinance shall be corrected within 30 days of receipt of Notice of Violation, unless an extension of time is granted by the Code Enforcement Officer.

I. CERTIFICATE OF OCCUPANCY REQUIRED

After a building, structure, or part thereof has been erected, altered, enlarged, or moved, pursuant to approval under this Ordinance, a Certificate of Occupancy shall be obtained from the Code Enforcement Officer for the proposed use before the same may be occupied or used. A Certificate of Occupancy is required for all activities granted approval under the provisions of this Ordinance except for the following:

- a. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed two hundred (200) square feet.
- b. Decks not exceeding two hundred (200) square feet in area, that are not more than thirty (30) inches above grade at any point, are not attached to a dwelling, and do not serve an egress exit door.

SECTION VI: ADMINISTRATION AND ENFORCEMENT (Cont.)

I. CERTIFICATE OF OCCUPANCY REQUIRED (Cont.)

- c. Accessory structures not greater than 3,000 square feet in floor area, and not over two stories in height, the use of which is customarily accessory to and incidental to that of the dwelling(s) and which is located on the same lot.

J. ENFORCEMENT

1. NUISANCES

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

2. CODE ENFORCEMENT OFFICER

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

3. LEGAL ACTIONS

When the above does not result in the correction or abatement of the violation or nuisance condition, the Town Council, upon notice from the Code Enforcement Officer, 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 the Ordinance in the name of the municipality.

4. CIVIL PENALTY

Any person who violates any provision of this Ordinance shall be liable for civil penalties pursuant to Title 30-A MRSA, Section 4452(3). Each day the violation continues shall constitute a separate violation.

5. CONTRACTOR LIABILITY

Any contractor involved in any activity regulated by the provisions of this Ordinance may be held liable for violating this Ordinance if the necessary permits for said activity have not been obtained or if work performed by the contractor does not conform to all conditions of approval of the permit or the terms of this

SECTION VI: ADMINISTRATION AND ENFORCEMENT (Cont.)

J. ENFORCEMENT (Cont.)

Ordinance.

K. APPEALS-POWERS AND DUTIES OF BOARD OF APPEALS

1. ADMINISTRATIVE APPEALS

To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this Ordinance is not appealable to the Board of Appeals.

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

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

2. VARIANCES

The Board of Appeals may grant variances upon application, within the limitations set forth in this Ordinance and state law.

- a. Variances may be granted only from dimensional requirements including frontage, lot area, lot width, height, and setback requirements.

SECTION VI: ADMINISTRATION AND ENFORCEMENT (Cont.)

K. APPEALS-POWERS AND DUTIES OF BOARD OF APPEALS (Cont.)

- b. Variances shall not be granted for establishment of any use otherwise prohibited by this Ordinance.
- c. The Board shall not grant a variance unless it finds that:
 - (1) The proposed structure or use would meet the performance standards of this Ordinance except for the specific provision which has created the alleged undue hardship and from which relief is sought; and
 - (2) The strict application of the terms of this Ordinance would result in an undue hardship.

The term "undue hardship" shall mean all of the following:

- (a) The land in question cannot yield a reasonable return unless a variance is granted;
 - (b) That the need for a variance is due to the circumstances of the property and not to the general conditions in the neighborhood;
 - (c) That the granting of a variance will not alter the essential character of the locality; and
 - (d) That the hardship is not the result of action taken by the applicant or a prior owner.
- d. Notwithstanding Section 2(c) above, the Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The Board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The Board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure. For the purposes hereof, "disability" has the same meaning as a physical or mental disability under Title 5 MRSA, Section 4553-A.
 - e. Pursuant to Title 30-A MRSA, Section 4353(4-B), the Board may grant a setback variance to an owner of a single-family dwelling that is the primary

SECTION VI: ADMINISTRATION AND ENFORCEMENT (Cont.)

K. APPEALS-POWERS AND DUTIES OF BOARD OF APPEALS (Cont.)

year-round residence of the applicant, but only when strict application of the Land Use Ordinance to the applicant and the applicant's property would cause undue hardship. A variance under this section may not exceed twenty percent (20%) of a setback requirement and may not be granted if the variance would cause the area of the dwelling to exceed the maximum permissible lot coverage (if applicable). If the applicant has obtained the written consent of the affected abutting landowner(s), the twenty percent (20%) limitation may be exceeded, except for minimum setbacks from a wetland or water body required within shoreland zones by rules adopted pursuant to Title 38 MRSA, subchapter I, article 2-B. The term "undue hardship" for this subsection means:

- (1) The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- (2) The granting of a variance will not alter the essential character of the locality;
- (3) The hardship is not the result of action taken by the applicant or a prior owner;
- (4) The granting of the variance will not substantially reduce or impair the use of abutting property; and
- (5) That the granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

3. APPEAL PROCEDURE

a. Administrative Appeal or Variance Application

- (1) An administrative appeal may be taken to the Board of Appeals by an aggrieved party from any action of the Code Enforcement Officer or the Planning Board as set forth in Section VI.K.1 above. Such an appeal shall be taken within thirty (30) days of the date of the official action appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.
- (2) A variance application may be taken to the Board of Appeals seeking a variance authorized by Section VI.K.2 above.
- (3) Applications for an administrative appeal or a variance shall be made by filing with the Board of Appeals a written application, on forms

SECTION VI: ADMINISTRATION AND ENFORCEMENT (Cont.)

K. APPEALS-POWERS AND DUTIES OF BOARD OF APPEALS (Cont.)

provided, which includes:

- (a) A concise written statement indicating what relief is requested and why the appeal or variance should be granted.
 - (b) A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
- b. Upon receiving an application for an administrative appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the matters constituting the record of the decision appealed from. The applicant shall be responsible for transcribing any audio or video recording of the prior proceedings.
- c. Upon receiving an application for a variance, the Code Enforcement Officer shall transmit to the Board of Appeals all of the papers constituting the application.
- d. The Board of Appeals shall hold a public hearing on an administrative appeal or an application for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.
- e. Decision by Board of Appeals.
 - (1) A combination of three regular or associate members of the Board shall constitute a quorum for the purpose of deciding an administrative appeal or variance application.
 - (2) The person filing the administrative appeal or variance application shall have the burden of proof.
 - (3) The Board shall decide all administrative appeals and variance applications within thirty-five (35) days after the close of the hearing, and shall issue a written decision on all appeals. A vote granting the requested relief must include a majority vote of the Board members present and eligible to vote, provided that such a vote shall include at least two votes in favor of the requested relief.
 - (4) The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. Copies of written decisions of the Board of Appeals shall be mailed to the applicant and be given to the Planning Board, Code

SECTION VI: ADMINISTRATION AND ENFORCEMENT (Cont.)

K. APPEALS-POWERS AND DUTIES OF BOARD OF APPEALS (Cont.)

Enforcement Officer, and the Town Council.

4. APPEAL TO SUPERIOR COURT

Except as provided by Title 30-A MRSA, Section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure within forty-five (45) days from the date of the decision of the Board of Appeals.

5. RECONSIDERATION

Reconsideration. In accordance with Title 30-A MRSA, Section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, applicant, petitioner for reconsideration, Planning Board, Code Enforcement Officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

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

L. VARIANCES RECORDED

If the Board of Appeals grants a variance under this section, a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of the granting, shall be prepared in recordable form. Applicant is responsible for recording this certificate in the Penobscot County Registry of Deeds within 90 days of the date of the final written approval of the variance or the variance is void. A variance is not valid until recorded as provided in this section. The date of the final written approval shall be the date stated on the written approval.

M. FEE SCHEDULE

Land Use Ordinance of the Town of Glenburn, Maine

All applications fees for permit applications shall be paid to the Town of Glenburn in accordance with the fee schedule as established by the Glenburn Town Council. Fees shall be for the cost of processing the permits and shall not be refundable regardless of the final decision to issue or deny a permit. Advertising costs, technical or legal assistance and associated costs deemed necessary by the Town for the review of applications shall be the responsibility of the applicant.

SECTION VII: DEFINITIONS

A. CONSTRUCTION OF LANGUAGE

1. In this Ordinance, certain terms or words should be interpreted as follows:
 - a. The word "person" includes a firm, association, organization, partnership, trust, company, corporation, or other legal entity, as well as an individual;
 - b. The present tense includes the future tense, the singular number includes the plural and plural includes the singular;
 - c. The word "shall" is mandatory;
 - d. The word "may" is permitted;
 - e. The words "used" or "occupied" includes the words "intended", "designed", or "arranged to be used or occupied"; and
 - f. The word "dwelling" includes the word "residence".

In the case of any difference or meaning or implication between the text of this Ordinance and any map or illustration, the text shall control.

2. Terms not defined shall have the customary dictionary meaning.

B. DEFINITIONS

For the purposes of interpreting this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein.

Abutting: Having a common border with, or being separated from such common border by an alley, right-of-way or easement.

Access: A means of approach or entry to or exit from property.

Land Use Ordinance of the Town of Glenburn, Maine

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

Accessory Structure: See Structural Terms

Acre: A measure of land containing forty-three thousand, five hundred sixty (43,560) square feet.

Adult Entertainment: Any business in any use category, of which a substantial or significant portion consists of selling, renting, leasing, exhibiting, displaying, or otherwise dealing in materials or devices of any kind which are sexually explicit or appeal to prurient interest and which depict or describe sexual activities.

Aggrieved Person: A person whose interests are damaged or adversely affected by a decision, an action, or the failure to act by the Planning Board or Code Enforcement Officer.

Agricultural Activity: Land clearing, tilling, fertilizing, including spreading and disposal of animal manure and manure sludge, liming, planting, pesticide application, harvesting of cultivated crops, pasturing of livestock and other similar or related activities, but not the construction, creation or maintenance of land management roads.

Alteration: As applied to a building or structure, a change or rearrangement in the structural parts or in the means of egress; or an enlargement, whether by extending on a side or by increasing height; or in moving from one location or position to another.

Amateur (ham) Radio Stations: Amateur (ham) radio stations as licensed by the Federal communications Commission (FCC).

Antenna, Accessory Use: An antenna that is an accessory use to a residential dwelling unit.

Appeal: A means for obtaining review of a decision, determination, order or failure to act pursuant to the terms of this Ordinance as expressly authorized by this Ordinance.

Attic: That part of a building that is immediately below, and wholly or partly within, the roof framing.

Automobile Graveyard: A yard, field or other outdoor area used as a place of storage for three (3) or more unregistered or uninspected motor vehicles, as defined in Title 29-A MRSA, Section 101(42), or parts of the vehicles. The term also includes an area used for automobile dismantling, salvage and recycling operations. The term does not include an area used for any of the purposes specified in Title 30-A MRSA, Section 3752(1)(A)(1) through (8).

Automobile Recycling Facility: An automobile recycling business is a business which purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts, rebuilding or repairing salvage vehicles for resale. (See Title 30-A MRSA 3752)

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

Automobile Repair Service: 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 undercoating of automobiles.

Automobile Sales: A lot arranged, designed, or used for the storage and display for sale of any motor vehicle and where no repair work is done except minor incidental repair of automobiles or trailers displayed and sold on the premises.

Automobile Supply Store: An establishment engaged primarily in the retail sales of automobile goods, parts and accessories.

Basement: The substructure of a building that is partially or wholly below ground level which may or may not be used for living spaces.

Bed and Breakfast: Accommodations provided for compensation as a business in the private year-round residence of the host family, consisting of a maximum of three (3) guest rooms and ten (10) guests at any one time. Breakfast is the only meal, if any, to be provided for compensation.

Buffers: Units of land, together with specified types and amounts of planting thereon and any structures which may be required between land uses to eliminate or minimize conflicts between them.

Building: A roofed structure. See Structural Terms.

Building Front Line: Line parallel to the front lot line transecting that point in the building face which is closest to the front lot line. This face includes porches whether enclosed or unenclosed but does not include steps.

Campground: Any land area specifically designed and developed, containing two (2) or more individual campsites which accommodate that segment of the traveling public seeking temporary camping accommodations for tents, recreational vehicles and/or towed travel trailers for compensation. Accessory uses include camper services and facilities such as shower and laundry facilities, electricity, fresh water, propane and gas sales, ice, outlet for camping supplies and equipment, recreational services etc.

Certificate of Occupancy: Official certification that a premises conforms to provisions of the Land Use Ordinance (National Electric Code, Maine State Plumbing Code, American Disabilities Act, Life Safety 101 and NFPA 31) and may be used or occupied. Such a certificate is granted for new construction or for alteration or additions to existing structures. Unless such a certificate

Land Use Ordinance of the Town of Glenburn, Maine

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

is issued, a structure cannot be lawfully occupied.

Cluster Development: The development, according to an approved plan, of a large tract of land where three (3) or more buildings are constructed on lots smaller than normally required in the district where located, provided the overall density of the development of the tract does not exceed the density or requirements of the district; and land not built upon is permanently preserved as common "open space". The term also refers to a Planned Unit Development.

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

Day Care Center: A house or place in which a person or combination of persons maintains or otherwise carries out a regular program, for consideration, for any part of a day, providing care and protection for three (3) or more children under the age of sixteen (16) unrelated to the operator, not to include nursery schools, summer camps, formal public or private schools, and further defined by the Department of Human Services as follows:

Day Care Center: A Day Care Facility as defined in State statutes for thirteen (13) or more children on a regular basis; and

Day Care Home: A Day Care Facility as defined in State statutes for three (3) to twelve (12) children on a regular basis.

Developer: The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase.

District: A specified portion of the Town, delineated on the Official Zoning Map, within which certain regulations and requirements or various combinations thereof, apply under the provisions of this Ordinance.

Drainage: The removal of surface or ground water from land by drains, grading or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development, and includes the means necessary for water-supply preservation or alleviation of flooding.

Easement: Legally binding authorization by a property owner of the use by another and for a specified purpose of any designated part of his property.

Emergency Operations: Emergency operations shall include operations conducted for the public health, safety or general welfare, such as protection or resources from immediate

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

destruction or loss, law enforcement, and operations to rescue human beings and livestock from the threat of destruction or injury.

Emergency Wireless Telecommunications Facility: Temporary wireless communication facilities for emergency communications by public officials.

Enlargement or To Enlarge: An "enlargement" is an addition to an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use. To "enlarge" is to make an enlargement.

Essential Services: The construction, alteration, maintenance of gas, electrical, communication facilities, steam, fuel or water transmission or distribution systems, collection supply or disposal systems. Such systems include towers (with exception of cellular towers), poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories. These systems are exempt from definition of a structure.

Extension or To Extend: An increase in the amount of existing floor area used for an existing use within an existing building. To "extend" is to make an extension.

Family: Two (2) or more persons related by blood, marriage, adoption or guardianship, or not more than five (5) persons not so related occupying a dwelling unit and living as a single housekeeping unit; such a group to be distinguished from a group occupying a boarding house, lodging house, club, or fraternity, or hotel.

Fire Station: A building constructed for the purpose of housing municipal fire equipment and related items for fire protection and prevention.

Garage, Residential: An accessory building for parking or temporary storage of automobiles of residential occupants of the premises, or a part of the residence usually occupying the ground floor area of principal one-or-two family dwellings. Not more than one (1) space may regularly be used by the private passenger automobile or a person not resident on the premises.

Garage Sales/Yard Sales: Garage sales shall mean and include all sales entitled "garage sale", "lawn sale", "porch sale", "attic sale", "rummage sale", or "flea market" sale or any similar casual sale of tangible personal property which is advertised by any means or is made evident by articles being set out in a yard, porch, or garaged whereby the public at large is/can be made aware of such sale.

Grocery Store: A small neighborhood establishment retailing food and related commodities, as distinguished from a supermarket, defined as a "Major Retail Outlet".

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

Guest Room: A room in a hotel, motel, tourist home or "bed and breakfast" residence offered to the public for compensation in which no provision is made for cooking.

Home Occupation: A business, profession, occupation, or trade conducted for gain or support and located entirely within a residential building or a structural accessory thereto, which use is accessory, incidental and secondary to the use of the building for dwelling purposes, and does not change the residential character or appearance of such building.

Hospital: An institution providing health services, primarily for in-patients, and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

Hotel: An establishment that provides lodging and usually meals, entertainment and various personal services for the public.

Industry: Use of a premises for assembling, fabricating, finishing, manufacturing, packaging, or processing. These include but are not limited to assembly plants, laboratories, power plants, pumping stations and repair shops.

In-Law: A parent or grandparent, child or grandchild or individuals related by blood marriage or adoption.

In-Law Apartments: See "Structural Terms"

Inn: An establishment for lodging and entertaining of travelers.

Junkyard: A yard, field or other outside area used to store, dismantle or otherwise handle: (a) discarded, worn-out or junked plumbing, heating supplies, electronic or industrial equipment, household appliances or furniture; (b) discarded, scrap and junked lumber; and (c) old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and scrap iron, steel and other scrap ferrous and non-ferrous material.

Kennel, Commercial: Any place in or at which any number of dogs or cats are kept for the purpose of sale or in connection with boarding, care, training or breeding, for which a fee is charged.

Land Use Permit: A permit for proposed land use activity as defined in this Ordinance and issued by the Planning Board or Code Enforcement Officer in accordance with the provisions of this Ordinance.

Light Manufacturing: The fabrication or processing of materials into a finished product.

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

Fabrication relates to the stamping, cutting or otherwise shaping of the processed materials into objects/products. Light manufacturing does not include the refining or other initial processing of basic raw materials such as metal ore, lumber or rubber.

Loading Space: An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

Lot: A parcel of land undivided by any street or public road and occupied by, or designated to be developed for, one (1) building or principal use and the accessory buildings or uses incidental to such building, use or development, including such open spaces and yards as are designed, and arranged or required by this Ordinance for such building, use or development.

Lot Area: The area contained within the boundary lines of a lot.

Lot Coverage: That portion of a lot that is covered by buildings, structures or other improvements on the ground surface which are more impervious than the natural surface, such as paving driveways, etc.

Lot Corner: A lot abutting two or more streets at their intersection.

Lot Depth: The mean horizontal distance between the front and rear lot lines measured within the lot boundaries.

Lot Frontage: Lot width measured at the street lot line. When a lot has more than one street lot line, lot width shall be measured, and the minimum lot width required by the Ordinance shall be provided, on at least one street.

Lot Line: A line bounding a lot which divides one lot from another, or from a street or any other public or private space, as defined below:

Front Lot Line:	In the case of a lot abutting only one street, the street line separating such lot from such street; in the case of a double frontage lot, each street line separating such lot from a street shall be considered to be the front lot line, except where the rear yard requirement is greater than the front yard requirement in which case one of two opposing yards shall be a rear yard. In the case of a lot with no road frontage, the front lot line shall be considered to be the lot line in front of the building.
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Rear Lot Line:	That lot line which is parallel to and most distant from the front lot
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SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

line of the lot; in the case of an irregular, triangular, or gore-shaped lot, a line twenty (20) feet in length, entirely within the lot, parallel to and at the maximum possible distance from, the front lot line shall be considered to be the rear lot line. In the case of lots that have frontage on more than one road or street, the rear lot line shall be opposite the lot line along which the lot takes access to a street.

Side Lot Line: Any lot line other than a front or rear lot line.

Lot of Record: Any validly created lot described in a deed or shown on a plan recorded in the Penobscot County Registry of Deeds which, at the time of the recording of the deed or plan, complied with all applicable laws, ordinances, and regulations.

Lot Standards: The combination of controls that establishes the maximum size of a building and its location on the lot. Components of lot standards, also known as "space and bulk" regulations in size and height of building; location or exterior walls at all levels with respect to lot lines, streets and other buildings; building coverage; gross floor area of buildings in relation to lot area; open space (yard) requirements; and amount of lot area provided per dwelling unit.

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

For the purposes of this Ordinance, three (3) types of manufactured housing will be referred to:

1. **NEWER MOBILE HOME:** Those units constructed after June 15, 1976, that 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, that in the traveling mode are fourteen (14) body feet or more in width and are seven hundred fifty (750) or more square feet, and that 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 that meets all of the preceding requirements, except the size requirement, 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, Sections 5401, et seq.
2. **OLDER MOBILE HOMES:** Those units constructed before June 15, 1976, and not in compliance with the Manufactured Housing Construction and Safety Standards Act of

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

1974, which are constructed on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, but does not include those smaller units commonly called "travel trailers"; and

3. **MODULAR HOMES:** Those units which the manufacturer certifies are constructed in compliance with the Title 10 MRSA, chapter 951 and rules adopted under that chapter, meaning structures, transportable in one or more sections, that are not constructed on a permanent chassis and area designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained in the unit.

Marina: A business establishment having frontage on navigable water within the Town and providing for hire off-shore mooring or docking facilities for boats and accessory services and facilities such as: boat sales, rental and storage, marine supplies and equipment, marina engine and hull repairs, construction and outfitting for pleasure craft, fuel and oil, electricity, fresh water, ice, shower and laundry facilities and on-premise restaurant.

Medical Clinic: An office building used by members of the medical profession for the diagnosis and outpatient treatment of human ailments.

Mineral Extraction: The removal of sand, gravel, bedrock or soil from its natural site of geologic deposition or formation; the screening, sorting, crushing or other processing of any part of the geologic material so removed; the storage of sand, gravel, crushed stone, or soil in stock piles or other forms.

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

Motel: An establishment that provides lodging and parking and in which rooms are accessible from an outdoor parking area.

Motor Vehicle: Every vehicle that is self-propelled and designed for carrying persons or property or which is used for the transportation of persons.

Municipal Facilities: Buildings or land that is owned by a Public entity and operated under its supervision for a public purpose.

Non-Conforming Use: See USE TERMS

Normal Maintenance and Repair: Any work necessary to maintain an improvement or structure in its original or previously improved state or condition. Normal maintenance and repair shall not include reconstruction, change in design, change in structure, change in use, change in location, change size or capacity.

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

Owner: The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.

Parcel: The entire area of a tract of land before being divided by a development.

Parking Lot: An open area other than a street used for the parking of more than two automobiles and available for public use whether free, for compensation, or an accommodation for clients or customers.

Parking Space: A surfaced area, enclosed or unenclosed, sufficient in size to store one automobile together with a driveway connecting the parking space with a street, road or alley and permitting ingress and egress of that automobile without the necessity of moving any other automobile.

Performance Standard: A criterion established to control the use of land and structures. The purpose of performance standards is to provide detailed regulations and restrictions by means of minimum criteria which must be met by users in order to protect neighbors from adverse impacts of adjoining land uses and to protect the general health, safety and welfare of citizens of Glenburn.

Professional Office: An office of a professional such as an architect, accountant, dentist, doctor of medicine, lawyer, etc., but not including any manufacturing, commercial or industrial activity.

Radio Station: An establishment engaged primarily in the use of electromagnetic waves for the wireless transmission of electric impulses into which sound is converted for the purposes of entertainment, education, news or weather.

Restaurant: An establishment whose principal business is the sale of food and/or beverages to consumers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics:

1. Customers normally provided with an individual menu, are served their food and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; or
2. A cafeteria type operation where food and beverages generally are consumed within the restaurant building.

Retail Establishment: Any business, housed in a permanent structure, engaged primarily in the sale of goods and services to the ultimate consumer for direct consumption and/or use, but not for resale.

Road: A thoroughfare or way 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.

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

Private Road: A thoroughfare or way designated for private use and maintained by a property owner or group of property owners.

Public Road: A public thoroughfare, way, or easement permanently established and maintained by the Town of Glenburn or the State of Maine for the passage and use of the general public by motor vehicle. The term shall include town ways, state highways, and state aid highways as defined in Title 23 MRSA, Sections 53 and 3021.

Setback: The minimum horizontal distance between the front lot line, rear lot line, or side lot line of a lot and the nearest part of a building or structure. For the purposes of this definition, a structure shall not include a fence or retaining wall.

Sexually Explicit: The displaying or depiction of sex organs during actual or simulated sexual intercourse or sexual acts as defined in Title 17-A MRSA, Section 251.

Sign Items: Device, model, banner, pennant, insignia, flag, or other representation, which is used as, or is in the nature of an advertisement, announcement or direction.

Signs:

Free Standing: A sign supported by one or more uprights or braces permanently affixed into the ground.

Portable: A sign not designed or intended to be permanently affixed into the ground or to a structure.

Roof: A sign that is attached to a building and is displayed above the eaves of such building.

Temporary: A sign of a temporary nature, erected less than ninety (90) days, exemplified by the following: political poster, charitable signs, construction signs, carnival signs, garage sale signs, lawn sale signs, rummage sale signs, and all signs advertising sales of personal property, and for rent signs.

Wall: Any sign painted on, or attached parallel to, the wall surface of a building and projecting therefrom not more than six (6) inches.

Window: Any on-premise, non-temporary sign visible from the exterior of the building or structure which is permanently painted, attached, glued, or otherwise affixed to a window.

Area of a Sign: The exposed surface of the sign including all ornamentation,

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

embellishment, background, and symbols.

Sporting Cabin: A series of cottages or structures that provide lodging for the public typically associated with a sporting or nature activity.

Street Line: The outermost edge of a Public Road or Private Road that separates a lot from the Public Road or Private Road. (Note: the outermost edge of a Public Road means the outermost edge of the right of way or fee simple title interest of the Town or State in the Public Road, as opposed to the travelled portion (travel lanes, shoulders, and ditches) of the Public Road. The outermost edge of a Private Road means the outermost edge of the right of way in which the Private Road is located.

Structural Terms:

Building: Any structure, maintained, or intended for use as shelter or enclosure of persons, animals, goods or property of any kind. This term is inclusive of any use thereof. Where independent units with separate entrances are divided by walls, each unit is a building.

Building, Accessory:
A building which (1) is subordinate in area, extent and purpose to the principal building or use served, (2) is located on the same lot as the principal building or use served except as otherwise expressly authorized by the provisions of this Ordinance, and (3) is customarily incidental to the principal building or use. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

Building, Principal:
A building (structure) in which is conducted or in which is intended to be conducted, the main or primary use of the lot on which it is located.

Dwelling: A building or portion thereof, used exclusively for residential occupancy, including single-family, two-family and multiple family dwellings.

Dwelling Unit/Apartment:
A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family, including provisions for living, sleeping, cooking and eating.

Dwelling, Single Family Detached:
A dwelling designed for and occupied by not more than one (1) family and having no roof, wall or floor in common with any other dwelling unit. The

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

term shall include manufactured and prefabricated homes.

Dwelling, Two Family:

A detached or semi-detached building used for residential occupancy by two (2) families living independently of each other.

Dwelling, Multiple Family:

A building or portion thereof used for residential occupancy by three (3) or more families living independently of each other and doing their own cooking in the building, including apartments, group houses and row houses.

In-Law Apartment:

The portion of a home, with or without separate entrance, plumbing and cooking facilities which serves the purpose of providing living space to In-Laws of the people residing in the principal dwelling. A single structure containing two dwelling units may be created on a lot or on an existing lot of record if the following additional criteria are met:

- a. The two dwelling units are part of the same structure and share at least one contiguous wall;
- b. There is free accessibility between the living spaces of the two units through an interior doorway (access between the two units without the need to exit the structure);
- c. The smaller of the two dwelling units does not exceed 650 square feet in total floor area and has only one (1) bedroom;
- d. All setback requirements are met

Non-conforming Structure:

A structure which does not conform to the provisions of this ordinance.

Structure:

Anything constructed or erected, the use of which requires permanent location on, above or below the surface of the land, including a patio or deck. (See Essential Services)

Structure, Accessory:

A structure (including a building that does not exceed one hundred fifty (150) square feet) which (1) is subordinate to the principal building or use served, (2) is located on the same lot as the principal building or use served, and (3) is customarily incidental to the principal building or use served.

Land Use Ordinance of the Town of Glenburn, Maine

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

Temporary Wireless Telecommunications Facility: A temporary wireless communications facility that is in operation for a maximum period of one hundred (180) days.

Transient: A non-resident person residing within the Town of Glenburn less than thirty (30) days.

Tower: A building or structure typically higher than its diameter and high relative to its surroundings that may stand apart or be attached to a larger structure and that may be fully walled in or of skeleton framework. See Section 5 Land Use Performance Standards

Use: The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Accessory Use: A use subordinate to a permitted use located on the same lot, and customarily incidental to the permitted use.

Principal Use: The specific primary purpose for which land is used.

Conforming (Permitted) Use:
A use that may be lawfully established in a particular district, provided it conforms with all the requirements, standards and regulations of such district.

Non-Conforming Use:
A use which does not conform to the provisions of this Ordinance.

Open Space Use: A use that does not disturb the existing state of the land except to restore this land to a natural condition.

Variance: A relaxation of the terms of this Ordinance where such a variance would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary or undue hardship.

Warehouse and Storage Facility: A commercial structure for the storage of personal items merchandise or commodities, including bulk storage and bulk sales outlet.

Wholesale Business Establishment: Any business, housed in a permanent structure, engaged in the sale of goods in large amounts to retailers or jobbers, rather than directly to consumers.

Wireless Telecommunications Facilities: Any structure, antenna, tower, or other device which provides radio/television transmission, commercial mobile wireless services, unlicensed wireless

Land Use Ordinance of the Town of Glenburn, Maine

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

services, cellular phone services, specialized mobile radio communications (SMR), common carrier wireless exchange access services, personal communications service (PCS) or pager services.

Yard: The area of land on a lot not occupied by buildings.

Front Yard: The open, unoccupied space on the same lot with the principal building between the front lot line and the nearest part of any building or structure on the lot, and extending the entire width of the lot.

Rear Yard: The open, unoccupied space on the same lot with the principal building between a rear lot line and the nearest part of any building or structure on the lot, and extending the entire width of the lot.

Side Yard: The open, unoccupied space on the same lot with the principal building between a side lot line and the nearest part of any building or structure on the lot, extending from the front yard to the rear yard.

Adopted 11/06/12, effective 12/06/12 (Zoning Ordinance repealed and replaced with this ordinance)

Amended 06/10/15, effective 07/10/15 Section V. (6) Add Campgrounds; Section VI(I) a., b., & c.

Amended 06/15/16, effective 07/15/16 Section V. (A)(38) Add Financial Capacity& Technical Ability; Section VI, E.(2)(f) Add names, addresses, and map and lot numbers of abutting property owners; Section VI(E)(6) Public Hearing Deadline; Section VI(E)(6) Add paragraph two

The Town of Glenburn hereby ordains that the following ordinance be enacted:

**TOWN OF GLENBURN MORATORIUM
ORDINANCE ON RETAIL MARIJUANA ESTABLISHMENTS AND RETAIL MARIJUANA
STORES AND RETAIL MARIJUANA SOCIAL CLUBS**

WHEREAS, the “Marijuana Legalization Act,” has become law in Maine, codified in the Maine Revised Statutes in Title 7, chapter 417; and

WHEREAS, the Marijuana Legalization Act (hereinafter, “Act”) authorizes municipalities to regulate the number of retail marijuana stores and the location and operation of retail marijuana social clubs and retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, as those terms are defined in the Act, as well as providing the option to prohibit the operation of retail marijuana social clubs and retail marijuana establishments, including stores, cultivation facilities, manufacturing facilities, and testing facilities, within their jurisdiction; and

WHEREAS, the proposed Act will not limit the privileges or rights afforded by the Maine Medical Use of Marijuana Act (22 M.R.S.A. §§ 2421 – 2430-B) to qualifying patients, primary caregivers, or registered dispensaries, including cultivation facilities associated with any of those classifications; and

WHEREAS, the Town of Glenburn’s current ordinances do not include any regulations related to retail marijuana stores, retail marijuana establishments or retail marijuana social clubs under the proposed new Act; and

WHEREAS, the unregulated location and operation of retail marijuana establishments, retail marijuana stores and retail marijuana social clubs within the Town of Glenburn (hereinafter “the Town” raises legitimate and substantial questions about the impact of such establishments, stores and social clubs on the Town, including questions about the compatibility of retail marijuana establishments, retail marijuana stores and retail marijuana social clubs with existing uses and development in residential, commercial and industrial zoning districts; the potential adverse health and safety effects of retail marijuana establishments, retail marijuana stores and retail marijuana social clubs on the community if not properly regulated; the possibility of illicit sale and use of marijuana and marijuana products to minors and misuse of marijuana and marijuana products by those who would abuse the uses authorized under the Act; potential criminal activity associated with the cultivation, manufacturing, sale and use of marijuana and marijuana products for non-medicinal purposes and the potential increased burden on Town public safety resources, including the Fire Department and contracted services provided by the Penobscot County Sheriff’s Office; and the adequacy of the Town’s roads and infrastructure to accommodate the additional traffic and/or population that may result from the presence of retail marijuana establishments, retail marijuana stores, or retail marijuana social clubs; and

WHEREAS, the possible effect of the location and operation of retail marijuana establishments and/or retail marijuana stores and/or retail marijuana social clubs within the Town has potentially serious implications for the health, safety and welfare of the Town and its residents; and

WHEREAS, the Town needs time to review the Act and to review its own ordinances to determine the implications of future proposed retail marijuana establishments and/or retail marijuana stores and/or retail marijuana social clubs to develop reasonable ordinances governing the location and operations of such establishments and stores and social clubs to address the concerns cited above; and

WHEREAS, the Town's current ordinances are insufficient to prevent serious public harm that could be caused by the unregulated development of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs and other uses authorized by the Act, thereby necessitating a moratorium; and

WHEREAS, the Town Council, Town administration, and the Planning Board, with the professional advice and assistance of subject matter experts as deemed necessary, shall study the Town's current ordinances to determine the land use and other regulatory implications of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs and consider what locations, if any, and conditions of approval, if any, might be appropriate for such uses; and

WHEREAS, a moratorium is necessary to prevent an overburdening of public facilities that is reasonably foreseeable as the result of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs and other uses authorized by the Act, being located in the Town; and

WHEREAS, it is anticipated that such a study, review, and development of recommended ordinance changes will take at least one hundred and eighty (180) days from the date the Town enacts this Moratorium Ordinance on retail marijuana establishments and retail marijuana stores and retail marijuana social Clubs;

NOW, THEREFORE, be it ordained by the Glenburn Town Council that the following Moratorium Ordinance on retail marijuana establishments and retail marijuana stores and retail marijuana social clubs be, and hereby is, enacted, and, in furtherance thereof, the Glenburn Town Council does hereby declare a moratorium on the location, operation or licensing of any retail marijuana social clubs and any retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, within the Town of Glenburn.

This Moratorium Ordinance shall take effect at the expiration of 30 days after adoption, but shall be applicable as of December 15, 2016, as expressly provided below. The moratorium shall remain in effect for one hundred and eighty (180) days from the date of applicability of this Ordinance, unless extended, repealed, or modified by the Town Council, for the express purpose of drafting an amendment or amendments to the Town's current ordinances to protect the public

from health and safety risks including, but not limited to, compatibility of retail marijuana establishments, retail marijuana stores and retail marijuana social clubs with existing and permitted uses in residential, commercial and industrial zoning districts; the correlation of retail marijuana establishments, retail marijuana stores and retail marijuana social clubs with medical marijuana cultivation facilities and dispensaries, all as defined in the Act; the potential adverse health and safety effects of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs on the community if not properly regulated; the possibility of illicit sale and use of marijuana and marijuana products to minors and misuse of marijuana and marijuana products by those who would abuse the uses authorized under the new law; criminal activity associated with the cultivation, manufacturing, sale and use of marijuana and marijuana products for non-medicinal purposes and the potential increased burden on the public safety agencies serving the Town in responding to the same; and the adequacy of the Town's infrastructure to accommodate the additional traffic and/or population that may result from the presence of retail marijuana establishments or retail marijuana stores or retail marijuana social clubs in the Municipality.

BE IT FURTHER ORDAINED, that this Ordinance shall apply to retail marijuana stores and retail marijuana social clubs and retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, as those terms are defined by the Act, codified at 7 M.R.S.A. §§ 2442 (36), (38), (39), (40) (41), that may be proposed to be located within the Municipality on or after the December 15, 2016 applicability date of this Ordinance; and

BE IT FURTHER ORDAINED, that notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, this Ordinance, when enacted, shall govern any proposed retail marijuana establishments or retail marijuana stores or retail marijuana social clubs for which an application for a building permit, Certificate of Occupancy, site plan or any other required approval has not been submitted to and granted final approval by the Code Enforcement Officer, Planning Board or other Town official or board prior to the applicability date of this Ordinance; and

BE IT FURTHER ORDAINED, that no person or organization shall develop or operate a retail marijuana establishment or retail marijuana store or retail marijuana social club within the Town on or after the effective date of this Ordinance without complying with whatever ordinance amendment or amendments the Town may enact as a result of this Moratorium Ordinance; and

BE IT FURTHER ORDAINED, that during the time this Moratorium Ordinance is in effect, no officer, official, employee, office, administrative board or agency of the Town of Glenburn shall accept, process, approve, deny, or in any other way act upon any application for a license, building permit or any other type of land use approval or permit and/or any other permits or licenses related to a retail marijuana establishment or retail marijuana stores or retail marijuana social club; and

BE IT FURTHER ORDAINED, that those provisions of the Town's ordinances that are inconsistent or conflicting with the provisions of this Ordinance, are hereby repealed to the

extent that they are applicable for the duration of the moratorium hereby ordained, and as it may be extended as permitted by law, but not otherwise; and

BE IT FURTHER ORDAINED, that if retail marijuana establishments or retail marijuana stores or retail marijuana social clubs are established in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance, and the Town shall be entitled to all rights available to it in law and equity, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney's fees and costs in prosecuting any such violations; and

BE IT FURTHER ORDAINED, that should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

Adopted 01/12/17, effective 02/11/17, applicable as of 12/15/16

Ordinance Prohibiting Retail Marijuana Establishments and Retail Marijuana Social Clubs in the Municipality of Glenburn, ME

The Town of Glenburn hereby ordains that this Ordinance Prohibiting Retail Marijuana Establishments and Retail Marijuana Social Clubs in the Municipality of Glenburn, ME be enacted.

Section 1. Authority

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

Section 2. Definitions

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

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

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

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

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

Section 4. Effective date; duration

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

Section 5. Penalties

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

*Adopted 04/05/18, effective 05/05/18 Town Charter Sec. 3-10 Ordinances in General, (c) Effective Date: Except as otherwise provided in this charter, every adopted ordinance shall become effective at the expiration of 30 days after adoption or at any later date specified therein.

MOBILE HOME PARK ORDINANCE
of the
TOWN OF GLENBURN

100 Purpose and Scope

110 **Purpose**

The purpose of this mobile home park ordinance is to promote the orderly development of mobile home parks; to insure the health, safety, and general welfare of the residents of the parks; to encourage the most appropriate use of land within the Town; and to maintain and protect property values within the Town of Glenburn.

120 **Scope**

This ordinance is composed of Sections 100 through 948 and Appendices A through F. The Appendices are an integral part of this ordinance.

200 Authority, Administration, and Enforcement

210 **Authority**

211 This ordinance is adopted pursuant to and consistent with the Home Rule Powers as provided for in Article 8, Pt. 2, Sec. I of the Maine Constitution, and Title 30-A, M.R.S.A., Section 3001, and Section 3.04(h) of the Glenburn Charter.

212 This ordinance shall be known and cited as the ‘Mobile Home Park Ordinance of the Town of Glenburn’.

220 **Administration**

221 Except where otherwise provided, the provisions of this ordinance shall be administered by the Code Enforcement Officer of the Town of Glenburn.

222 No person shall construct, develop, establish, or expand a mobile home park without having first received Final Plat Plan approval from the Planning Board and a Mobile Home Park Construction permit from the Code Enforcement Officer.

223 No person shall operate a mobile home park unless that person holds a valid mobile home park operating license issued by the Glenburn Code Enforcement Officer in compliance with the provisions of Appendix F of this ordinance.

224 This ordinance shall apply to all land in the Town of Glenburn. Mobile Home Parks shall be allowed, however, only in those districts, and subject to the conditions as specified by the provisions of the “Zoning Ordinance of the Town of Glenburn” and the “Shoreland Zoning Ordinance for the Town of Glenburn”, as amended.

230 **Enforcement**

231 The Municipal Officers or their duly authorized representative, upon a finding that any provision of this ordinance or the condition(s) of a permit issued under this ordinance is

being violated, are authorized to institute legal proceedings to enjoin violations of this ordinance.

- 232 A person who violates the provisions of this ordinance or the condition(s) of a permit shall be guilty of a civil violation punishable as provided in 30-A M.R.S.A., Section 4452.

300 Waiver and Modification of these Regulations

- 310 Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with this ordinance, or where there are special circumstances of a particular plan, it may waive any provisions of this ordinance provided that such waiver will not have the effect of nullifying the purpose of this ordinance, the Comprehensive Plan, the Shoreland Zoning Ordinance, the Zoning Ordinance, or any other ordinance of the Town of Glenburn.
- 320 In granting any waiver, the Planning Board shall require such conditions as will substantially secure the objectives of the requirements so waived. Such waiver shall not in any way jeopardize the health, welfare, or safety of the community. The Planning Board shall enter into its records the reasons for granting any waiver and any conditions which it has required.

400 Validity, Effective Date, Conflict of Ordinance, and Filing

- 410 Should any section, subsection or other provision of this ordinance be held or become invalid or void, by virtue of any decision of any court of competent jurisdiction, or by virtue of any controlling federal, state, or other law, then only such section, subsection or other provision which is specifically mentioned in such decision of court, or which is specifically controlled by such federal, state, or other law, shall be affected, and the remaining portions of this ordinance shall continue to be valid and remain in full force and effect.
- 420 This Ordinance shall become effective on the 31st day following its adoption by the Glenburn Town Council.
- 430 This ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, by-law, permit, or provision of law except that mobile home parks need not also undergo review under the Glenburn Subdivision Ordinance. Where this ordinance conflicts with any municipal, State, or Federal ordinance, statute, rule regulation, or other provision of law, the more stringent provision shall apply.
- 440 A copy of this ordinance shall be filed with the Town Clerk and shall be accessible to any member of the public.

500 Amendments

- 510 This ordinance may be amended by the Glenburn Town Council in compliance with the procedures established in Section 3.10 of the Glenburn Charter. A copy of all amendments shall be filed with the Town Clerk.

600 Appeals

610 If the Planning Board disapproves an application or grants approval with any provisions that are objectionable to the applicant or any abutting landowner or any aggrieved party, or when it is claimed that the provisions of the ordinance do not apply, or that the true intent and meaning of the ordinance has been misconstrued or wrongfully interpreted, the applicant, an abutting landowner, or aggrieved party may appeal the decision to the Glenburn Board of Appeals within thirty (30) days from the Planning Board's final decision in accordance with the Town of Glenburn's Ordinance Establishing Board of Appeals and with Title 30-A, M.R.S.A. Section 2691. Any appeals from the granting or denying of a license under Appendix F of this ordinance shall proceed in accordance with the provisions of Section 25 of said Appendix F.

700 Non-Conforming Mobile Home Parks

710 Non-Conforming Mobile Home Parks

- 711 The use of a mobile home park or part thereof existing at the effective date of this ordinance, or amendments thereto, and not in conformance with the provisions of such ordinance or amendment is a non-conforming mobile home park.
- 712 Non-conforming mobile home parks which were lawful at the time of adoption of this ordinance, or subsequent amendments thereto, may continue to be used provided the Mobile Home park owner complies with the provisions of Appendix F of this ordinance.
- 713 Expansion of a non-conforming mobile home park shall be permitted provided however that the expanded portion of the non-conforming mobile home park shall be governed by this ordinance.

800 Definitions

810 Words and terms not defined in Section 820 shall have their customary dictionary meanings.

820 The following words and terms, for the purpose of this ordinance, shall be defined as follows:

821 Definitions

1. Accessory Structure A detached, subordinate structure, the use of which is clearly incidental and related to that of the principal structure or use of the land, and which is located on the same lot as that of the principal structure or use.
2. Aquifer A porous formation of ice-contact and glacial outwash sand and gravel or fractured bedrock that contains significant recoverable quantities of water which is likely to provide drinking water supplies.
3. Centralized Private Sewer System A subsurface wastewater system not located on any mobile home lot which disposes of the waste of more than one individual mobile home and which meets all requirements of the Maine State Plumbing Code and of the Department of Human Services.

4. Code Enforcement Officer The Code Enforcement Officer appointed in compliance with 38 M.R.S.A., Section 441 and Section 4.04(6) of the Glenburn Charter shall be the Code Enforcement Officer referenced in this ordinance.
5. Developed Portion The Developed Portion of a park means any part of the parcel to be developed which:
 - a. is contained within a mobile home lot;
 - b. is cleared of any natural vegetation for purposes of development;
 - c. contains any structure, roadways, septic disposal systems, or wells; or
 - d. has any use in conjunction with the park other than as a natural buffer zone or natural parkland for residents.
6. Major Mobile Home Park A mobile home park which is not a minor mobile home park.
7. Minor Mobile Home Park A mobile home park with fewer than five (5) lots and which does not involve the construction or reconstruction of a street.
8. Mobile Home
 - a. A structure transportable in one or more sections which is 12 body feet or more in width, 32 body feet or more in length, built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, and electrical systems contained therein, or
 - b. 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 therein; except that the term shall include any structure which meets all the requirements of this paragraph, 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.
9. Mobile Home Lot That area within a mobile home park shown as a lot on the mobile home park plan that provides facilities for long term occupancy of a mobile home and is designed for the exclusive use of its occupants.

10. Mobile Home Park A parcel or adjoining parcels of land, under unified ownership, which has been planned and improved for the placement of three or more mobile homes per parcel for non transient use.
11. Mobile Home Stand/Pad That part of an individual lot that has been reserved for the placement of a mobile home.
12. Person Any individual, group of individuals, firm, corporation, association, partnership or private or public entity, including a district, county, city, town or other governmental unit or agent thereof; and, in the case of a corporation, any individual having active and general supervision of the properties of such corporation.
13. Planning Board The Glenburn Planning Board as established by the Glenburn Planning Board ordinance.
14. Recharge Area The surface area directly overlying sand and gravel formations that provide direct replenishment of ground water in sand and gravel and fractured bedrock aquifers. The term does not include areas overlying formations that have been identified as unsaturated and are not contiguous with saturated formations.
15. Stream A waterway with clearly defined banks and with a scoured, mineral bottom.

900 Procedures for Mobile Home Park Review

910 Introduction

Whenever the creation or expansion of any mobile home park is proposed in the Town of Glenburn, the developer or duly authorized agent shall apply for approval of such proposed mobile home park in accordance with the procedures set forth in Section 920 (Sketch Plan Review Phase), 930 (Preliminary Plan Phase), and 940 (Final Plan Phase). The applicant shall provide copies of submitted materials for the Applicant, the Planning Board, the Assessor, the Code Enforcement Officer, and the Town Manager.

920 Sketch Plan Review Phase (Pre application Proposal)

921 The purpose of the Sketch Plan Review Phase is for the Planning Board to understand what is being proposed and for the Board to inform the developer of the requirements of the State Mobile Home Laws, the subdivision review criteria as contained in 30-A M.R.S.A., Sec. 4404, of this Glenburn Mobile Home Park Ordinance, and of any other known applicable laws, ordinances, or regulations.

922 Submission of Pre application Proposal

The developer shall submit the pre application proposal to the Code Enforcement Officer at least 14 days prior to the regularly scheduled Planning Board meeting at which the proposal will be first heard. The Code Enforcement Officer shall place the proposal on the Planning Board agenda. The developer or authorized agent shall be present at the Planning Board meeting to officially file the pre application proposal with

the Board and to discuss the proposal with them. The pre application proposal shall consist of a sketch plan and written supporting data.

1. The sketch plan shall consist of an outline of the proposed mobile home park, drawn on a map and showing the proposed layout of streets, lots, and other features in relation to existing conditions which may be of assistance to the Planning Board in making its determinations. The sketch plan may be a free hand pencil sketch.
2. The supporting data shall be prepared on forms provided by the Town Office and shall include:
 - a. The name, address, and telephone number of the applicant;
 - b. Identification of the parcel by tax map and lot numbers;
 - c. A description of any known existing covenants or easements;
 - d. The zoning of the parcel;
 - e. Outline of the proposed mobile home park drawn on a medium intensity soils map to be provided by the town;
 - f. Listing of soil suitability for each intended use for each soil type in the proposed mobile home park - to be taken from "Soil Suitability Guide for Land Use Planning in Maine", latest edition, published by the Cooperative Extension Service, University of Maine at Orono;
 - g. Information about available community facilities and utilities on or near the site;
 - h. Information describing the mobile home park proposal including the number of mobile home lots and typical lot width and depth;
 - i. Information regarding proposed sewer and water service and road construction; and
 - j. Identification of any proposed non-residential areas.
3. The Code Enforcement Officer shall, within 7 days of the submission, review the of any pre application proposal and shall notify the applicant and the Planning Board, in writing, deficiencies. The applicant may submit the required corrections to the Code Enforcement Officer prior to the meeting or to the Planning Board during the meeting.
4. Upon submission, the Code Enforcement Officer shall send notification of such submission, by mail, to the Superintendent of Schools, to the Glenburn Fire Chief, and to all owners of property of which any part lies within 1,000 feet of the proposed mobile home park.

923 Planning Board Meeting with Developer

During this Planning Board meeting, with the developer or agent present, the Planning Board shall:

1. Informally review with the developer the developer's ideas for use of the land.

2. Review with the applicant the procedures for mobile home park review and approval that are specified in this ordinance.
3. Discuss any apparent potential problems associated with the mobile home park.
4. Arrange for on-site inspection of the mobile home park site with the developer or agent and a majority of the Planning Board to be present. Unless a waiver of inspection has been voted by the Board, the sketch plan phase of the review process shall not be considered complete until such inspection has been made.

At this meeting no binding commitments shall be made between the developer and the Planning Board. Review and action upon the pre application proposal under this section shall not constitute a pending application for the purposes of 1 M.R.S.A., Section 302.

924 Construction Prohibited

Subsequent to the submission of the sketch plan, no utility installations, ditching, grading, construction or reconstruction of streets, grading of land or lots, and no construction of buildings shall be done on any part of the mobile home park until the Final Plat Plan of the mobile home park has been approved and endorsed by the Planning Board and the Final Plat Plan recorded by the developer in the Penobscot County Registry of Deeds. Any violation of this section shall be enforced in accordance with Section 231 of this ordinance.

925 Planning Board Action on Pre application Proposal

After having made an on site inspection and within 35 days of its first review of the sketch plan and supplementary data, the Planning Board shall:

1. Classify the mobile home park as a major or a minor mobile home park;
2. Vote on whether or not to waive the requirement for submission of a Preliminary Plan if the mobile home park is a minor mobile home park; and
3. Within 10 days of taking such action, notify the developer in writing of such action.

930 Preliminary Plan Phase

931 The purpose of the Preliminary Plan Phase is to give the Planning Board an opportunity to review the developer's proposal while it is in the planning stage and to make such recommendations to the developer as seem appropriate based on state and local laws and regulations. The intent is that most major issues relative to the design of the mobile home park will be identified and resolved prior to the submission of the final plan.

932 Application

1. Within six months after the classification of the sketch plan by the Planning Board, the developer may submit an application for the consideration of the Preliminary Plan. The developer shall submit the Preliminary Plan to the Code Enforcement Officer at least 14 days prior to the Planning Board meeting at which the developer wishes the Preliminary Plan considered. The Preliminary Plan shall substantially conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Board. Failure to submit an application within the required six month period shall require re-submission of the Sketch Plan to the Planning Board for reclassification.

2. The application shall consist of the Preliminary Plat Plan and the supporting data as defined in Appendix C (Preliminary Plan Submissions) of this ordinance. Each listed item of supporting data must be included unless the Planning Board has specifically voted to waive the item upon request of the applicant. Any waiver so voted must conform with Section 300 of this ordinance.
3. The Code Enforcement Officer shall, within 7 days of the submission, review the preliminary plan and shall notify the applicant and the Planning Board, in writing, of any deficiencies. The applicant may submit the required corrections to the Code Enforcement Officer prior to the meeting or to the Planning Board during the meeting.
4. The developer shall pay a non-refundable Preliminary Plan fee of \$25.00* plus \$5.00* per lot for all lots in the mobile home park. The application for consideration of the Preliminary Plan shall be accompanied by a copy of the Glenburn Treasurer's receipt issued at the town office when the fee was paid.
5. The developer, or duly authorized representative, shall attend the meeting of the Planning Board, at which the Preliminary Plan is submitted, to explain and discuss the Preliminary Plan.
6. At the time of submission of the Preliminary Plan, the Planning Board shall issue a dated receipt to the developer. The time of submission of the Preliminary Plan shall be the date of the regular meeting of the Planning Board at which the application for Preliminary Plan consideration, and the required fee, have been filed with the Planning Board by the developer or duly authorized representative in person.

933 Planning Board Update of Map

Prior to their next regular meeting following the submission of the Preliminary Plan, the Planning Board shall cause the mobile home park to be temporarily drawn on the Town's master subdivision map in accordance with Appendix E of this ordinance.

934 On-Site Inspection

Prior to taking action on the Preliminary Plan and after the developer has placed temporary markers in conformance with Appendix C, Section 13(5), the Planning Board shall make a second on-site inspection of the parcel to be developed as a mobile home park.

935 Planning Board Action on Preliminary Plan

1. Within 35 days of the date of the written receipt, the Planning Board shall review the Preliminary Plan and shall take action to determine either that:
 - a. The application is a complete application with the exception of the submission of the Final Plat Plan and the written information required in Column B of Appendix D of this ordinance; or
 - b. The application is a complete application with the exception of the submission of the Final Plat Plan, the written information required in Column B of Appendix D of this ordinance, and certain other specific materials. The Planning Board shall list all of the specific additional materials that must be submitted along with the Final Plat Plan to make the application complete. Submission of the Final Flat Plan without the written

information required in Column B of Appendix I) and the specific additional materials listed by the Planning Board shall be grounds for disapproval of the application for mobile home park approval.

- c. The application is not a complete application because of a number of apparent deficiencies with the proposal. The Planning Board shall indicate in writing the specific nature of these deficiencies.
2. Upon determining that the Preliminary Plan application is complete, (a or b above), the Planning Board shall state in writing:
 - a. Specific changes which it will require in the Final Plan.
 - b. The character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived in compliance with Section 300 of this ordinance.
3. If the Planning Board determines that the application is not complete because of a number of apparent deficiencies with the proposal, it shall so notify the applicant within 10 days of the time it makes its determination. Within 70 days of such determination, the applicant may submit the materials required to correct the deficiencies. The applicant shall so notify the Town Office at least 10 days prior to the Planning Board meeting so that the submission of additional materials can be put on the agenda of the meeting. Failure to submit the materials within the required 70 days shall require resubmission of the Sketch Plan to the Planning Board for reclassification. Within 35 days of the submission by the developer of materials required to correct the deficiencies, the Planning Board shall again review the Preliminary Plan in accordance with Section 935 of this ordinance. This process may be repeated until the Planning Board determines that the application is a complete application (a or b above).
4. Within 10 days of making its determinations in items 1 and 2 above, the Planning Board shall notify the developer in writing of its determinations.
5. The determination that a Preliminary Mobile Home Park Plan is complete shall not constitute approval of the Final Plan but only that the Planning Board has received the information that it needs to begin a full evaluation of the proposal. Prior to the approval of the Final Mobile Home Park Plan, the Planning Board may require additional changes as a result of further study of the mobile home park in final form or as a result of new information obtained at a public hearing.
6. Failure of the Planning Board to act within the required time limit shall indicate acceptance of the completed Preliminary Plan application.
7. An application found to be complete under this section shall not constitute a pending application for the purposes of I M.R.S.A., Sec. 302.

940 Final Plan Phase

- 941 The purpose of the Final Plan Phase is to thoroughly review the proposed mobile home park plan to see that it meets all of the requirements of State mobile home park law, this ordinance, and any other applicable laws, regulations, or ordinances.

942 Application

1. Within 6 months of the date of the Planning Board's determination that the Preliminary Plan is a complete plan, or if the Preliminary Plan requirement for a minor mobile home park has been waived, within 6 months of the Planning Board's vote to waive the requirement, the developer may submit the Final Plan. The developer shall submit the Final Plan to the Code Enforcement Officer at least 14 days prior to the Planning Board meeting at which the Final Plan will be considered. The Final Plan shall substantially conform to the Preliminary Plan plus any recommendations made by the Planning Board. Failure to submit the Final Plan within the designated time period shall require resubmission of the Preliminary Plan if such was required or of the sketch plan if the Preliminary Plan was not required.
 2. The Code Enforcement Officer shall, within 7 days of the submission, review the Final Plan and accompanying written data and shall notify the applicant and the Planning Board, in writing, of any deficiencies. The applicant may submit the required corrections to the Code Enforcement Officer prior to the meeting or to the Planning Board during the meeting except that any deficiencies on the Final Plan must have been corrected on the Plan prior to the meeting.
 3. The developer shall pay a non-refundable Final Plan fee in accordance with the schedule below. The Final Plan shall be accompanied by a copy of the Glenburn Treasurer's receipt issued at the town office when the fee was paid.
 - a. \$5.00* per lot for all lots in a major mobile home park; or
 - b. \$5.00* per lot for all lots in a minor mobile home park if submission of a preliminary plan is required.
 - c. \$25.00* plus \$10.00* per lot if the mobile home park is a minor mobile home park and the submission of the preliminary plan has been waived.
- *The Town of Glenburn Fees Ordinance and Fee Schedule supersedes any and all fees in this ordinance.
4. The developer, or duly authorized representative, shall attend the meeting of the Planning Board to discuss the Final Plan.
 5. The Final Plan shall include all of the items listed in Appendix D (Final Plan Submissions) of this ordinance. Each item listed shall be included unless specifically waived by vote of the Planning Board at the request of the developer. The Planning Board shall not waive the performance guarantee requirement. Any waiver so voted must conform with Section 300 of this ordinance.

943 Planning Board Determination

During the meeting at which the Final Plan is submitted, the Planning Board shall determine whether or not the Final Plan is complete in accordance with Section 942(5).

1. If the Planning Board determines that the Final Plan is complete, then the Board shall issue a dated receipt to the developer. The Board may then begin its full evaluation of the proposed mobile home park.

2. If the Planning Board determines that the Final Plan is not complete in accordance with Section 942(5), it shall give to the applicant a dated receipt stating that the Final Plan has been received but that it is not complete. The receipt shall be accompanied by a written listing of the specific materials that are needed to make the Final Plan complete. Within 70 days of such determination, the applicant may again submit the Final Plan application in accordance with section 942. Failure to submit the materials within the required 70 days shall require resubmission of the Sketch Plan to the Planning Board for reclassification. This process may be repeated until the Planning Board determines that the Final Plan is complete.

944 Public Hearing

The Planning Board shall hold a public hearing on the proposed mobile home park. Such hearing shall be held within 30 days of the issuance of the dated receipt for the complete Final Plan. The Planning Board shall advertise the public hearing in a newspaper of general circulation in Glenburn at least two times, the date of the first publication to be at least 7 days prior to the hearing. The Planning Board shall notify the applicant in writing of the date, time, and place of such hearing. The Planning Board shall also mail a notice of said hearing to all owners of property of which any part lies within 1,000 feet of the proposed mobile home park.

The purpose of the public hearing shall be for the Planning Board to receive testimony from the public relative to any municipal or state ordinance, standard, or regulation which is applicable to the proposed mobile home park and the relationship of the mobile home park to the ordinance, standard, or regulation.

945 Planning Board Review and Action on Final Plan

1. Within 30 days of the public hearing held in compliance with Section 944 or within such other time limit as may be mutually agreed to by the Planning Board and the developer, the Planning Board shall review the application and:
 - a. Deny approval of the proposed mobile home park; or
 - b. Grant approval of the proposed mobile home park; or
 - c. Grant approval on such terms and conditions as it may deem advisable to satisfy the criteria contained in this ordinance and to preserve the public's health, safety and general welfare.
2. In arriving at its decision, the Planning Board shall make written findings of fact establishing that:
 - a. The proposed mobile home park does or does not meet each of the General Requirements and Design Standards contained in Appendix A of this ordinance;
 - b. The proposed mobile home park does or does not meet each of the requirements set forth in 30-A M.R.S.A., Section 4404. When reviewing the requirements set down in Section 4404, the Planning Board shall substitute the words 'mobile home park' for the word 'subdivision' and the word 'developer' for the word 'subdivider', wherever those words appear.

- c. If applicable, the performance guarantee submitted to insure completion of required mobile home park improvements does or does not meet the requirements of Appendix B of this ordinance; and

The Planning Board shall maintain a permanent record of their action on the Final Plan. Such record shall include: the action itself; any terms or conditions imposed and the reasons for such imposition; and, if approval is denied, the reasons for such denial.

In all instances, the burden of proof shall be upon the developer. The Planning Board, with the consent of the developer, may engage the services of outside consultants to aid them in the review or evaluation of the proposed mobile home park. The cost of such consultant services shall be borne by the developer. Refusal of the developer to consent shall be grounds for denial of the mobile home park approval. In no instance shall the Planning Board or its members, the municipality, or any of its officers or officials be held liable for expenses or other costs which may be incurred by a developer in meeting the requirements of this ordinance.

3. Upon approval of the plan, a majority of the Board members shall sign and date both transparencies and shall write any conditions of approval on both transparencies. One signed transparency shall be returned to the developer for filing with the Registry of Deeds and one signed transparency shall be retained by the Planning Board.
4. No changes, erasures, modifications, or revisions shall be made in any mobile home park plan after approval has been given by the Planning Board and endorsed, in writing on the plan, unless the plan is first re-submitted to the Planning Board and the Board approves the modifications. In the event that any such mobile home park plan is recorded without complying with this requirement, the Planning Board shall file an amended plan at the Registry of Deeds stating that the original plan is null and void and the reasons therefore.

946 Planning Board Update of Map

Upon recording of the Final Plat Plan in the Registry of Deeds, the Planning Board shall cause the mobile home park to be recorded on the master subdivision map in accordance with Appendix E.

947 Developer's Post Approval Responsibilities

1. The developer shall file the signed mobile home park plan at the Penobscot County Registry of Deeds within 60 days of the date of approval. Any plan not filed within 60 days will be considered null and void. If the mobile home park plan is recorded after the deadline, the Planning Board shall file an amended mobile home park plan stating that the original is null and void.

948 Construction Permit

Upon receipt of evidence from the developer that the Final Plat Plan has been recorded at the Registry of Deeds, the Code Enforcement Officer shall issue a Mobile Home Park Construction Permit. If substantial construction is not initiated within 2 years, the permit expires and the applicant must reapply to the Code Enforcement Officer for another permit. If construction is not completed within 5 years from the issuance of the permit under which construction is started, no further construction may take place until the Planning Board has

again reviewed the project and granted approval for continuation. This continuation review shall be based on the criteria in effect at the time of the review.

The requirements of this section may be waived, if appropriate, under the conditions specified in sections 310 and 320.

APPENDIX A

General Requirements and Design Standards

Appendix A contains the general requirements and design standards referred to in Section 945 (1)(a) of this ordinance.

Before granting final approval of a mobile home park plan, the Planning Board shall determine that the proposed mobile home park is in conformance with each of the following items.

10 Conformity with Other Laws and Regulations

The proposed mobile home park shall be in conformity with each of the following:

1. The Comprehensive Plan of the Town of Glenburn, as amended.
2. The latest amendments of all Zoning Ordinances and Building Codes of the Town of Glenburn.
3. The latest revision of the Rules of the Department of Professional and Financial Regulation, Rules and Regulations Relating to Mobile Home Parks.
4. The Mandatory Shoreland Zoning Act of the State of Maine, 38 M.R.S.A. Section 435 et seq., if applicable, and the Glenburn Shoreland Zoning Ordinance.
5. The Natural Resources Protection Act of the State of Maine, 38 M.R.S.A. Section 480-A et seq., if applicable.
6. The Site Location of Development Act of the State of Maine, 38 M.R.S.A. Section 481 et seq., if applicable.
7. The Flood Hazard Ordinance of the Town of Glenburn, if applicable.
8. The Glenburn Road Ordinance, if applicable.
9. The Farmland Adjacency Act of the State of Maine, 7 M.R.S.A. Section 52 et seq., if applicable.
10. Any other Federal, State and local codes, ordinances, laws and regulations known to be in effect at the time of the mobile home park review.
11. The applicant shall have obtained or applied for all applicable permits from other governmental offices including the Army Corps of Engineers, the Department of Environmental Protection, and the Maine Manufactured Housing Board.

If the proposed mobile home park or certain aspects of it require the approval of other Governmental agencies, then each review may be conducted simultaneously. However, each review will be conducted independently, and the Planning Board may deny approval of the

mobile home park even though the other agency has granted an approval. An example of this would be a large mobile home park requiring approval of the Board of Environmental Protection under the Site Location Act, 38 M.R.S.A., Sec 482.

20 Lot Size, Layout, and Stand/Pad Construction

21. Lot layout should be planned so as to meet the following requirements.

1. Each individual mobile home lot shall be designed so that a mobile home located thereon will be connected to a municipal sewer or a centralized private sewer system and shall contain a minimum of (12,000) square feet, exclusive of roads.
2. Each individual mobile home lot in a mobile home park not connected to a municipal sewer or a centralized private sewer system shall contain a minimum of 20,000 square feet.
3. Each mobile home lot shall be at least 75 feet in width in its narrowest place and shall be at least 100 feet in depth in its shortest depth.
4. The lot arrangement shall be such that in locating a mobile home in compliance with the laws and ordinances of the Town of Glenburn and the State of Maine there will be no foreseeable difficulties for reasons of topography or other conditions.
5. Corner lots should be designed so as to provide a desirable mobile home site and to allow for adequate structure setback from each street even if this requires that the corner lots be larger than the interior lots.
6. The lot arrangement shall be such that there is adequate maneuvering room for placing manufactured home on stands, considering the home sizes likely to be located on the lots in the foreseeable future.

22. Setback Requirements

1. Park Boundaries

- a. Any Mobile Home Park whose total generated wastewater is less than 2,000 gallons per day shall have the outermost boundary of the developed portion of said park no closer than 300 feet from the outermost boundary of the Shoreland Zone of the Town of Glenburn and 300 feet from the actual boundary of any aquifer or recharge area.
- b. Any Mobile Home Park whose total generated wastewater is equal to or greater than 2,000 gallons per day shall have the outermost boundary of the developed portion of said park no closer than 500 feet from the outermost boundary of the Shoreland Zone of Glenburn and 500 feet from the actual boundary of any aquifer or recharge area.
- c. It shall be the responsibility of the developer to establish that the proposed park is the requisite distance from the outermost boundary of the Shoreland Zone or the actual boundary of any aquifer or recharge area through the use of a qualified professional geologist or soil scientist.

- d. The location of any expansion of an existing mobile home park within the Town of Glenburn shall require compliance with this section.

2. Mobile Homes

- a. No mobile home shall be located less than 10 feet from the side and rear lot lines of any individual mobile home lot and there shall be a minimum side and end clearance of 22 feet between adjacent mobile homes.
- b. No mobile home shall be located closer than 10 feet to the right-of-way line of a public way or a privately owned road.

23. Mobile Home Stand/Pad

Each mobile home lot in a mobile home park shall be provided with a stand/pad of suitable construction as to prevent heaving, shifting or settling due to frost action such as standards contained in the State of Maine Manufactured Home Installation Standards.

30 Character of the Land

31 General Character

Land to be used for mobile home lots shall be of such character that it can be used safely for location of a mobile home without danger to health or peril from fire, flood, or other menace. Mobile home lots shall not contain land within the 100 year floodplain, land containing floodplain soils, or land created by diverting a watercourse.

32 Open Space Provisions

The Planning Board may require that a proposed mobile home park design include a landscape plan that will show the preservation of existing trees, the replacement of trees and vegetation, graded contours, streams, and the preservation of scenic, historic, or environmentally desirable areas.

33 Buffer Strip

The Planning Board may require a buffer strip, such as natural vegetation providing a dense visual barrier at all times, when the proposed subdivision will be located adjacent to a use where separation is desirable.

40 Drainage Improvements

41 Removal of spring and surface water

The developer may be required by the Planning Board to carry away by piping systems, catch basins, or open ditches any spring, surface, or storm water that may exist either previous to, or as a result of the development of the mobile home park. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.

42 Drainage structure to accommodate potential development upstream

Culverts and other drainage facilities shall be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside the mobile home park.

43 Responsibility for Down Stream Drainage

If requested by the Planning Board, the developer's engineer shall study the effect of the proposed mobile home park on the existing down-stream drainage facilities outside the area of the mobile home park. Where it is anticipated that the additional run-off incident to the development of the mobile home park will overload an existing down-stream drainage facility during a storm with recurrence interval of twenty five years, the Planning Board shall notify the Town Council of such potential condition. In such case the Planning Board shall not approve the mobile home park until provision has been made by the developer for the improvement of said condition.

44 Drainage Easements

The Planning Board may require that easements for drainage be turned over to the Town.

45 Basement Drainage

Basement Drainage- If any lots are being created to accommodate structures with basements, the developer shall show that the basement can be drained by gravity to the ground surface, or storm sewers, if they are required to be installed, or that the seasonal high water table is below the lowest level of the basement.

50 Street Standards

51 Layout of streets

All streets in a mobile home park, whether intended to be dedicated to the town as town ways or to be maintained as privately owned roads, shall be planned so as to meet the following standards:

1. The proposed streets shall conform, as far as practical, to the adopted Comprehensive Plan of the Town of Glenburn.
2. All streets in the mobile home park shall be designed so as to provide safe vehicular travel and to discourage movement of through traffic.
3. Intersections of streets shall be at angles as close to ninety degrees as possible. In no case shall two streets intersect at an angle of less than sixty degrees.
4. A distance of at least 150 feet shall be maintained between centerlines of offset intersecting streets.
5. The Planning Board shall require that the layout of lots and roads in a mobile home park be designed so as to minimize dangerous access points from the mobile home park onto heavily traveled roads.

52 Design and Construction Standards

Any streets in a mobile home park planned with a right of way of 50 feet or more shall be designed and constructed in accordance with the street standards in Section 52 of the Glenburn Subdivision Ordinance. All other streets in a mobile home park shall be built according to acceptable engineering standards and with a professional engineer's seal. At a minimum, they shall be designed and constructed to meet the following standards.

1. Streets
 - a. Minimum thickness of material after compaction*

Street Materials

Minimum Requirements

Aggregate sub-base coarse

12" (1)

(Max sized stone 4")

Crushed aggregate base course

3" (1)

*The 12" aggregate sub-base is in most instances not acceptable for municipal streets. If your long range plan is to have your park streets accepted as public ways, you should check with your municipality. Most municipalities require at least 18" aggregate sub-base.

- b. Before clearing has started on a park street, the center and side lines of the new street shall be staked or flagged at fifty foot intervals.
- c. Before grading is started, the entire park Street shall be cleared of all stumps, roots, brush, and other objectionable material. All ledge, large boulders and tree stumps shall be removed from the park street.
- d. All organic materials shall be removed to a depth of two feet below the subgrade of the street. 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 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.
- e. Except in a ledge cut, side slope shall be no steeper than a slope of three feet horizontal to one foot vertical, and shall be graded, loamed, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan. When a cut results in exposed ledge, a side slope no steeper than four feet vertical to one foot horizontal is permitted.
- f. The aggregate sub-base course shall be sand or gravel of hard durable particles free from vegetation 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.

Sieve Designation

Percentage by Weight Passing

Square Mesh Sieves

1/4 inch

25%-70%

No. 40

0%-30%

No. 200

0%-7%

- g. Aggregate for the sub-base shall contain no particles of rock exceeding four inches in any dimension.
- h. 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:

Sieve Designation	Percentage by Weight Passing
Square Mesh Sieves	

1/2 inch	45%-70%
1/4 inch	30%-55%
No. 40	0%-20%
No. 200	0%-5%

- i. Aggregate for the base shall contain no particles of rock exceeding two inches in any dimension.
- j. Pavement joints. Where pavement is used and joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even, vertical joint.
- k. Pavements. If pavement is used, minimal standards for the base layer or pavement shall be the MDOT specifications for plant mix grade B with an aggregate size no more than 1 inch maximum. Minimal standards for the surface layer of pavement shall meet the MDOT specifications for plant mix grade C with an aggregate size no more than 3/4 inch maximum.

2. Intersections

- a. Grades of all streets shall conform to the terrain so that cut and fill are minimized.
- b. Where park streets intersect with public roads, sight distances, as measured along the public way which traffic will be entering shall be based upon the posted speed limit and conform to the following:

Posted Speed Limit (MPH) 25 30 35 40 45 50 55

Sight Distance (Feet) 250 300 350 400 450 500 550

- c. 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 at the stop line of park street, with the height of the eye 3 1/2 feet, to the top of an object 4 1/2 feet above the pavement.
- d. When necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation to achieve the required visibility.

3. General

- a. Mobile home park streets shall be posted for 15 MPH speed limits.
- b. All streets shall be provided with adequate drainage facilities to provide for the removal of storm water to prevent flooding on the pavement and erosion of adjacent surfaces. The subgrade shall be shaped to prevent erosion, and any ditches shall extend below the level of the gravel. There shall be at least a 1 % longitudinal grade to all streets and ditches.
- c. The maximum grade of any Street shall be 8% and shall not exceed 2% within 75 feet of any intersection.

- d. There shall be adequate provision for access by fire trucks and other safety vehicles including turn-arounds for fire trucks if deemed necessary by the Glenburn Fire Chief. All mobile home rights of way street plans shall be submitted for comment to the Glenburn Fire Chief prior to approval by the Planning Board.
- e. All mobile home park streets shall be at least 23 feet in width.

53 Utilities in Streets

Whenever possible, underground utilities shall be placed behind the homes if paving of streets is contemplated. If paving is contemplated, and if underground utilities are planned in any right of way, they shall be installed in the right of way outside of the area of proposed paving (except for driveway paving) or shall be installed prior to paving, along with underground service connections to the property line of each lot within the mobile home park, to avoid cuts in the pavement.

54 Illumination of Park Streets

Mobile home park streets and sidewalks shall be illuminated to provide for safe vehicular and pedestrian movement during dark hours.

55 Off Street Parking

1. Each mobile home in a mobile home park shall be furnished with space for off-street parking for two (2) automobiles configured in such a way that when vehicles are parked, no portion of the vehicle shall extend into the street.
2. If off-street parking is not provided on each lot it shall be provided at a distance of not more than two hundred (200) feet from the mobile home it intends to serve.
3. Two hundred square feet shall be considered the minimum area of one off-street parking space.

56 Sidewalks

Sidewalks shall be provided and maintained between locations where pedestrian traffic is concentrated and is not separated from automobile traffic.

60 Off-site Improvements

Private roads, public easements, and discontinued Town and County ways which will serve as a major access to the proposed mobile home park shall be widened and improved by the developer to the standards required by the Glenburn Subdivision Ordinance from the parcel to be developed to an existing Town way or other public highway. This requirement does not include private roads created by the mobile home park developer as an access road to the mobile home park to the extent they fall within the parcel to be developed. Such improvements, including right of way acquisitions, shall be completed at the developer's expense and shall be subject to the same performance guarantees as are other improvements.

70 Utilities

71 Water Supply

1. An accessible, adequate, safe, and potable supply of water shall be provided in each mobile home park.

2. Where a public supply of water of satisfactory quantity, quality, and pressure is available, connection shall be made thereto and its supply used exclusively.
3. When a public water supply is not available, a private water supply shall be developed and used subject to approval by the local plumbing inspector and the Department of Human Services.
4. The water supply shall be capable of delivering a minimum of 200 gallons per day to each mobile home with a minimum of 30 pounds per square inch pressure at all times.
5. All elements of the water system shall be designed and constructed in a manner that underground or surface contamination shall not reach the water supply.
6. All elements of the water system shall be designed and constructed to prevent freezing and heaving.

72 Sewage Disposal

1. All water carried sewage shall be disposed of by means of one of the following or a combination thereof:
 - a. Any mobile home park located within 500 feet of an existing public sewer shall connect to that existing public sewer if the municipal system has the capacity to accept the volume of sewage to be produced by the mobile home park.
 - b. Each mobile home lot in a mobile home park shall be served by a centralized private sewer system approved by the Department of Human Services. If this option is used, final approval of the Mobile Home Park Final Plan shall not be given until an alternate system has been sited and designed.
 - c. Each mobile home lot in a mobile home park shall be served by an individual subsurface sewage system meeting the requirements of the State Plumbing Code. If this option is used, then on any lot which contains less than 1 acre or has road frontage of less than 150 feet, the size of the disposal bed shall be increased by at least 10% over the minimum size required by the State Plumbing Code.
 - d. All parts of all subsurface wastewater disposal systems shall be set back at least 20' from any exterior boundary line of the park.
2. All subsurface waste water disposal systems shall be constructed in the locations shown on the Mobile Home Park Final Plan.

73 Electrical Distribution System

Every mobile home park and each lot within a mobile home park shall be served by an electrical wiring system which shall be installed and maintained in accordance with all applicable State of Maine laws and local codes and regulations governing such systems. The electrical supply to each mobile home shall have a power shut off. The shut off shall be marked with the lot number. Both the shut off and the lot number shall be clearly visible from the road. The shut off and access to it from the road shall at all times be kept free from obstructions so as to allow easy access by emergency services personnel.

74 Supply and Storage

1. Natural gas and liquefied petroleum gas systems shall comply with all applicable codes and regulations. Installation of systems shall be subject to inspection and approval by the Code Enforcement Officer of the Town of Glenburn.
2. All fuel oil supply systems shall be constructed and installed in accordance with all applicable codes and regulations. Installation of the system shall be subject to inspection and approval of the Code Enforcement Officer.
3. All above ground fuel storage containers shall be screened in such a way that they are not visible from outside the lot on which they are installed.

80 Outside Services

81 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.

82 Fire Protection and Safety

1. The mobile home park shall be subject to any and all existing and future state and local fire prevention regulations.
2. Each lot shall be legibly marked for identification in accordance with the Town of Glenburn's road numbering system, and shall be easily accessible to emergency vehicles (permitting fire apparatus to approach within 100 feet).
3. An easily accessible supply of water for use by the Fire Department shall be provided in all mobile home parks planned or developed for 5 lots or more. It shall be provided at the developer's expense and shall be subject to the same performance guarantees as are other improvements. The park operator shall not allow any mobile homes to be brought into the park and the Code Enforcement Officer shall not issue an occupancy certificate under the Glenburn Building Code until such time as the fire protection water supply is in place and certified as operational by the Glenburn Fire Department. The water supply requirement may be met by one of the following:
 - a. Providing storage for a minimum of 1,000 gallons of water at each of as many locations as are required to insure that no mobile home lot is more than 750 feet, road distance, from at least one such water supply. This requirement may be met by a holding tank, a low boy tank, or other suitable storage container modified to meet Fire Department specifications. Each container shall be installed in such a manner that it will not freeze under the most severe weather conditions.
 - b. Installing a dry hydrant at a pond, stream, or other reliable water source located within the park or located outside the park not more than 1,000 feet from an entrance or exit to the park. If the source of water is outside of the park, any necessary easements will be acquired by the developer. The dry hydrant must be installed in accordance with Fire Department specifications. It will have a minimum 8 inch main laid from the water source to the hydrant. The hydrant must be certified by a Professional Engineer as meeting ISO requirements.

- c. Providing another type of water supply system approved by the Glenburn Fire Chief.

90 Relationship of Mobile Home Park to Community Services

The proposed mobile home park shall be reviewed by the Board with respect to its effect upon existing services and facilities. This review shall include but not be limited to:

1. Schools, including transportation.
2. Road maintenance and snow removal.
3. Vehicle traffic flow patterns.
4. Police and fire protection.
5. Solid Waste disposal.
6. Septic sludge disposal.
7. Recreational facilities.

Upon final approval of the Mobile Home Park application, the Planning Board shall notify the Town Council, in writing, of the projected impact of the mobile home park upon existing services and facilities. The Planning Board shall also notify the School Committee, in writing, of the proposed impact of the mobile home park on the schools, including transportation.

APPENDIX B

Improvement Guarantees

10 Improvement Guarantees Required

At the time of submission of a Final Plan, the developer shall provide the Town with improvement guarantees if roads are to be constructed to Town road standards, if fire safety or drainage improvements are planned, or if other similar improvements are planned which the Planning Board, by vote, determines require an improvement guarantee. Such improvement guarantees shall be in the form of one or more of the guarantee options listed in Section 80 of this appendix in amounts and for durations defined in Section 40 of this appendix.

20 Procedure

The developer shall file an improvement guarantee with the Planning Board as part of the Final Plan submission. The Planning Board, with the advice of the Town Council, shall determine whether the form, amount and duration of the improvement guarantee are sufficient. The Planning Board shall not grant final approval of the mobile home park until it has determined that a sufficient improvement guarantee has been filed. The burden of providing improvement guarantees in compliance with this ordinance shall at all times remain with the developer.

30 Time Limits

31 Completion Deadline

All required improvements within a mobile home park shall be completed within 2 years of the date of final mobile home park approval,

32 Extension

The Town Council may extend the completion deadline for two additional years at one year increments only where the developer presents substantial reason for doing so. No request for extension shall be considered until at least 6 months prior to the original or extended completion deadline. Before extending the initial deadline or the initial extension, the Council shall require that the improvement guarantee be extended in duration to cover the extended period of time plus an additional 8 month period. Before extending the initial deadline, or the initial extension, the Council shall review the form and amount of the improvement guarantee to make certain it remains adequate and shall require any necessary adjustments.

33 Dead ends

The developer may delay the construction of the dead end portion of any road for up to 5 years from the date of approval of the Mobile Home Final Plan provided that the developer files a separate improvement guarantee in the amount of 150% of the cost of construction of the dead end, such cost being certified by a registered engineer. In the interim time, the developer shall provide and maintain a temporary turnaround suitable for turning emergency vehicles.

40 Amount and Duration of Improvement Guarantee

41 Amount

The developer shall submit a report prepared by a registered Professional Engineer stating the estimated cost of completion of all improvements for which performance guarantees are required. These improvements shall include the construction of new streets, upgrading existing streets, construction of storm drainage systems and other planned improvements. The amount of the improvement guarantee shall be 125% of the estimated cost of completion or upgrading.

42 Duration

The duration of the performance guarantee shall be for a period of at least 2 years and 8 months. In the event an extension is granted, the Council shall require the duration of the performance guarantee to be extended for at least 8 months beyond the termination of the new time limit.

43 Reduction of Guarantee

No improvement guarantee shall be reduced in value until all required improvements are satisfactorily completed.

50 Inspection and Certification

- 51 During construction of the required improvements, the Road Commissioner shall cause regular inspections to be conducted to insure that the construction complies with specifications. The developer shall cooperate with the Road Commissioner as these inspections are carried out.

- 52 Upon completion of the improvements, the developer shall file the following with the road commissioner.
1. A sworn certification from the developer's registered professional engineer that all required improvements are completed in strict compliance with all applicable construction standards and the approved mobile home park plan, and that the engineer knows of no defects from any cause, in the improvements.
 2. A sworn statement from the developer that the improvements are free and clear of any encumbrance or lien; and that the developer knows of no defects from any cause, in the improvements.
- 53 Upon completion of the improvements and upon receipt of the materials listed in Section 52 above, the Road Commissioner shall report on same to the Town Council within 15 days of receipt of such materials.
- 54 If the Town Council determines that the improvements have been satisfactorily completed, they shall so certify and shall notify the developer and the Planning Board in writing. If the Town Council determines that the improvements have not been satisfactorily completed, they shall list the defects and shall so notify the developer and the Planning Board. If the deadline for completion has not passed, the developer may make the required improvements and resubmit the documentation required in Section 52.

60 Incomplete or Unsatisfactory Work

If the Town Council determines that the required improvements have not been satisfactorily completed according to the accepted mobile home park plan within the agreed upon time, they shall inform the developer in writing of the Town's intent to exercise its rights against the improvement guarantee unless the developer meets all requirements within 30 days. At the expiration of the 30 days, the Council shall exercise any and all such rights. If the Performance Bond, Letter of Credit, or Cash Escrow options were chosen, the Council shall then cause the incomplete or unsatisfactory work to be completed and to be paid for from the improvement guarantee assets. Any guarantee assets unused in the completion of the unsatisfactory or incomplete work shall be returned to the developer. If the Conditional Agreement option was chosen, the Council shall then cause the Planning Board to prepare, sign, and record in the Penobscot County Registry of Deeds an amended mobile home park plan stating that the original plan is null and void.

70 Release of Guarantee

As soon as the Town Council has certified that the improvements are satisfactorily completed the Council shall release the previously required improvement guarantee.

80 Improvement Guarantee Options

The improvement guarantee options referenced in Section 10 of this appendix are:

81 Performance Bond

A performance bond from a surety bonding company authorized to do business in the State of Maine. The bond shall be payable to the Town of Glenburn.

82 Letter of Credit

An irrevocable letter of credit from a bank or other reputable institution satisfactory to the Planning Board and in a form satisfactory to the Board. The letter of credit shall be deposited with the Town Council and shall certify the following:

1. That the creditor does guarantee funds in the amount and for the duration of time set forth in Section 40 of this appendix; and
2. That, in case of failure on the part of the developer to satisfactorily complete the specified improvements within the required time period, the creditor shall pay to the Town of Glenburn immediately, and without further action, such funds as are necessary to finance the proper completion of the required improvements, up to the credit limit stated in the letter.

83 Cash Escrow

A cash escrow account. The developer shall submit to the Planning Board:

1. Evidence that cash has been deposited in an escrow account at a bank or other reputable institution acceptable to the Planning Board.
2. An escrow agreement acceptable to the Planning Board. The agreement shall provide that in case of failure on the part of the developer to satisfactorily complete the specified improvements within the required time period, the escrow agent shall pay to the Town of Glenburn immediately, and without further action, such funds as are necessary to finance the proper completion of the required improvements, up to the amount of the escrow account.

84 Conditional Agreement

Under this improvement guarantee option, the developer shall enter into a conditional agreement with the municipality, endorsed in writing on the Final Plat Plan. The conditional agreement shall provide that the Planning Board may approve the Final Plan on the condition that no lot in the mobile home park may be rented and no permit shall be issued for construction or placement of any structure on any lot on any street in the mobile home park until it shall have been certified, in the manner set forth in Section 50 of this appendix, that all improvements have been satisfactorily completed within the agreed upon time.

APPENDIX C

Preliminary Plan Submissions

Appendix C contains a complete listing of the materials required by Section 932(2) of this ordinance.

10 Submissions

Five copies of the Preliminary mobile home park Plat Plan and supporting data shall be submitted. They may be either printed or reproduced on paper. The Preliminary Plat Plan shall not be less than 17" x 11" and not more than 48" x 36" and shall be drawn to a scale not

greater than one inch equals 100 feet and not less than one inch equals 400 feet. The Preliminary Nat Plan and supporting data shall include the following information:

Col. (A). An “X” in Column (A) indicates that the information must eventually be shown on the Final Plat Plan.

Col. (B). An “X” in column (B) indicates that the information must be shown on the Preliminary Plat Plan.

Col (C) An “X” in column (C) indicates written supporting data which must be submitted with the Preliminary Plat Plan.

11 Information about the Applicant

(A) (B) (C)

Final Prelim Written

Plan Plan Plan

X X X 1. Name of owner of record of the parcel to be developed as a mobile home park.

X X X 2. Maine of applicant (If other than owner).

X 3. Statement that corporation is licensed to do business in Maine and a copy of the Secretary of State’s Registration if the applicant is a corporation.

X 4. Name of applicant’s authorized representative, if any.

X X X 5. Name, address, and number of registered professional engineer or land surveyor who prepared the plan.

X 6. Address to which all correspondence from the Planning Board should be sent.

X 7. Statement of the interest the applicant has in the parcel to be developed as a mobile home park (option, land purchase contract, record ownership, etc).

X 8. Statement of any interest which the applicant has in any parcel abutting the parcel to be subdivided.

X 9. Statement of whether or not the preliminary plan covers the entire contiguous holdings of the applicant

12. Information on Parcel to be developed

(A) (B) (C)

Final Prelim Written

Plan Plan Plan

1. Property description.

X (a) Deed description.

X X X (b) Volume and Page from Registry of Deeds.

X X (c) Tax map and lot numbers from Glenburn Assessor

- | | | |
|---|---|--|
| | X | (d) All known existing easements and covenants. |
| | X | 2. Map survey of the entire tract to be developed, certified by a Registered Land Surveyor, tied to established reference points, and stating the number of acres in the parcel. |
| X | X | 3. Map survey of the portion of the tract to be developed, certified by a registered land surveyor, tied to established reference points, and stating the number of acres occupied by lots, roads, and other areas. |
| X | X | 4. A soils report prepared by a Maine Licensed Site Evaluator, identifying soil types and location of soil test areas. Evidence of soil suitability according to the Maine Plumbing Code shall be presented if subsurface sewage disposal is proposed. There shall be at least one suitable soil test per sewage disposal unit if subsurface sewage disposal is proposed. The location of the suitable soil tests shall be shown on the Preliminary Plat Plan. |
| X | X | 5. Names of all property owners abutting the parcel to be developed and on the opposite side of the road from the parcel to be developed. |
| X | X | 6. Current zoning of the parcel and any zoning district boundaries affecting the mobile home park. |

13. Information on mobile home park

(A) (B) (C)

Final	Prelim	Written
Plan	Plan	Data

- | | | | |
|---|---|---|---|
| X | X | X | 1. Proposed name of mobile home park and name of municipality. |
| X | X | X | 2. Number of lots and lot sizes. |
| X | X | | 3. Date, north point, graphic map scale. |
| X | X | | 4. The location, bearing, and length of every lot line. All lots shall be numbered sequentially beginning with 1. Even numbered lots shall be on one side of any street, odd numbers on the other side. |
| | X | | 5. Location of temporary markers adequate to enable the Board to locate readily and appraise the basic layout in the field. |
| X | X | X | 6. Location of all parcels to be dedicated to public use, the conditions of such dedication, and the location of all natural features or site elements to be preserved. |
| X | X | | 7. Plans or lighting, utility placement, buffer strips, and natural features to be retained. |

- | | | |
|---|---|--|
| X | X | 8. A site location map, showing the relation of the proposed mobile home park appropriate for the area shown. |
| | X | 9. Location and size of any existing culverts and drains on the property. |
| X | X | 10. Location, suggested names, and widths of existing and proposed streets, highways, easements, parks, and other open spaces. |
| | X | 11. Contour lines at intervals of not more than 10 feet unless otherwise specified by the Planning Board Board. If the Planning Board requests contour lines at intervals of less than 10 feet on all or part of the parcel to be subdivided, such request shall state the specific purposes for which such detail is needed. |
| | X | 12. Storm drainage plan indicating the approximate location and size of proposed ditches, culverts, storm sewers and means of water disposal. |
| X | X | X 13 .Location of and details concerning fire protection water supply facilities. |
| | X | 14. If the application covers only a part of the developer's entire holding, a map of the entire tract, drawn at a scale of one inch equals not more than 500 feet, showing an outline of area to be developed with its proposed streets and an indication of the probable future street system in the remaining portion of the tract. The part of the developer's holding submitted shall be considered in light of the entire holding. |
| X | X | X 15. If this application is a revision or an amendment to an existing mobile home park plan, a statement to that effect including the name of the prior mobile home park and its recording numbers at the Registry of Deeds. |

APPENDIX D

Final Plan Submissions

Appendix D is a complete listing of the materials required by Section 942(5) of this ordinance.

10 Final Plan Submissions

The Final Plan shall Consist of the Final Plat Plan and five copies of all other items (including maps, drawings, and written information) necessary to complete the submission.

The Final Plat Plan shall consist of two original transparencies of one or more maps or drawings in a size not less than 17" x 11" and not greater than 48" x 36" drawn to a scale not greater than 1 inch equals 100 feet and not less than 1 inch equals 400 feet, and oriented so the north direction is the same on all sheets. Shown on the Final Nat Plan shall be all

applicable items marked “X” in Column A of Appendix C and in Column A of Appendix D of this ordinance.

The other items necessary to complete the submission shall include all items shown in Column C of Appendix C and all items in Column B of Appendix D of this ordinance.

11. Information to be Submitted

Col. (A). An “X” in Column A indicates information which must be shown on the Final Plat Plan.

Col. (B). An “X” in Column B indicates written information which must accompany the plan.

(A) (B)

Final Written

Plan Data

- | | | |
|---|---|--|
| X | | a. <u>Registered Land Surveyor or Engineer</u> The name, registration number, seal, and signature of the land surveyor and/or engineer who prepared the plan. |
| X | X | b. <u>Street Plan View</u> The names and lines, lengths of all straight lines, the deflection of angles, radii, length of curves, and central angles of all curves, and tangent distances and bearings. The name, registration number, seal and signature of the land surveyor and/or engineer who prepared the road plans shall be on all sheets of the Street Plan View, the Street Profiles, and the Street Cross Sections. |
| X | | c. <u>Street Profiles</u> Profiles of centerlines of proposed new streets. The profile shall show the grade of the existing ground and the final grade of completed pavement. The horizontal scale shall be one inch equals 50 feet and the vertical scale shall be one inch equals 5 feet unless otherwise specified by the Planning Board. |
| X | | d. <u>Street Cross Sections</u> Cross sections at 50 foot horizontal intervals of proposed new streets plotted at a scale of one inch equals 5 feet vertical and one inch equals 10 feet horizontal. |
| X | | e. <u>A completed form HHE-200</u> prepared by a Maine Licensed Site Evaluator shall be submitted for each proposed subsurface wastewater disposal system. The location of each system shall be shown on the Final Plan. |
| X | | f. <u>Permanent Reference Monuments</u> The location of permanent monuments and/or pins set at all lot corners. |
| X | | g. <u>Improvement Guarantee</u> Where applicable, an improvement guarantee to |

secure completion of all public improvements required by the Planning Board, and written evidence that the Town Council is satisfied with the legal sufficiency of such guarantee.

- X h. Conditional Agreement If the conditional agreement performance guarantee option was chosen, the statement, “No lot in the mobile home park may be rented and no permit may be issued for construction of any structure on any lot on any street in the mobile home park until it has been certified by the Town Council that all required improvements, including road construction, have been satisfactorily completed.”

- X i. Hydrological Study For all major mobile home parks in which any lot contains less than one acre or has road frontage of less than fifty feet, certification by a Registered Civil Engineer or a Registered Geologist that the proposed mobile home park, alone or in conjunction with other existing activities, will not adversely affect the quality or quantity of ground water.

- X j. Recording Deadline The statement “this mobile home park plan will become null and void if not recorded in the Penobscot County Registry of Deeds within 60 days of final approval.”

- X k. Approval Space Suitable space to record on the approved plan the date and conditions of approval, if any. This space shall be similar to the following example:

THIS IS TO CERTIFY THAT AFTER REVIEWING THE MOBILE HOME PARK SHOWN BY THIS PLAN AND CONSIDERING EACH OF THE CRITERIA SET FORTH IN THE MOBILE HOME PARK ORDINANCE OF THE TOWN OF GLENBURN, THE UNDERSIGNED HAVING MADE FINDINGS OF FACT ESTABLISHING THAT THE PROPOSED MOBILE HOME PARK MEETS ALL OF THE CRITERIA SET FORTH THEREIN, AND THEREFORE THE MOBILE HOME PARK IS APPROVED.

GLENBURN PLANNING BOARD:

Date: _____

Conditions: _____

APPENDIX E

Master Subdivision Map

Upon submission of a preliminary plan, the Planning Board will cause the proposed mobile home park to be temporarily marked on the master subdivision map. Included in this temporary drawing will be an outline of the proposed mobile home park together with its street system and

an indication of the probable street system of the remaining portion of the developer's entire holding.

Upon recording a final mobile home park plan in the Registry of Deeds, the Planning Board will cause that mobile home park to be permanently drawn on the master subdivision map.

APPENDIX F

Operation and Licensing of Mobile Home Parks

This appendix contains the regulations pertaining to the Mobile Home Park Operating License referenced in Section 223 of this ordinance.

10 Operation

11. All mobile home parks and mobile home park expansions constructed, developed, or established after the effective date of this ordinance and approved under the terms of this ordinance shall be operated thereafter in accordance with the criteria in Appendices A and F of this ordinance.
12. All mobile home parks and mobile home park expansions constructed, developed, or established before the effective date of this ordinance shall comply with applicable Glenburn ordinances and with State law, including the Rules and Regulations Relating to Mobile Home parks published by the Department of Professional and Financial Regulation. However, such pre-existing parks and expansions need not comply with any portion of this Mobile Home Park Ordinance except for those provisions contained in Appendix F.
13. Mobile home park owners shall be responsible for notifying the Code Enforcement Officer of any connections or disconnections of utilities to each mobile home. The sewage hookup shall not be made until the Local Plumbing Inspector has issued a hookup permit.
14. Accessory structures for which a building permit is required by the Glenburn Building Code Ordinance shall not be established upon a mobile home lot without a building permit from the Code Enforcement Officer.
15. Prior to placing a mobile home in any mobile home park in the Town of Glenburn, the prospective tenant shall obtain a Building Permit from the Code Enforcement Officer and a Plumbing Permit from the Local Plumbing Inspector. A mobile home shall not be occupied for more than 96 hours without the mobile home owner obtaining a Certificate of Occupancy from the Code Enforcement Officer.
16. Mobile home park owners shall maintain a register containing the names and lot numbers of mobile home park occupants. The register shall be available for inspection by state and local authorities upon request during normal business hours or by appointment.
17. Mobile home park owners shall notify the Glenburn Code Enforcement Officer and/or Local Plumbing Inspector prior to allowing any mobile home to be brought into their mobile home park. A minimum fine of \$100.00 per day or the combined costs of the

Building Permit and the Plumbing Permit, whichever is greater, shall be imposed on all mobile home park owners who allow the installment of a mobile home within their park without the tenant's copies of the paid Building Permit and the paid Plumbing Permit issued by the Code Enforcement Officer and the Local Plumbing Inspector.

18. Mobile home park owners shall require all individual mobile homes located in the park to be equipped with skirting or other type of enclosure.
19. Mobile home park owners shall require all mobile homes located in the park to be anchored in accordance with the manufacturer's anchoring standards or State of Maine standards.

20 Licensing

21. It shall be unlawful to operate a mobile home park, including a nonconforming mobile home park, within the boundaries of the Town of Glenburn without first obtaining a license from the Glenburn Code Enforcement Officer. Parks existing as of the date of enactment of this ordinance shall be licensed for the number of existing mobile home sites within the park which are available for lease.
22. Mobile home park licenses shall be issued as of July 1 each year and shall remain in effect until June 30 the following year. Licenses issued following July 1 of any year shall remain in effect to June 30 the following year. The license fee for each year or part of a year is \$50.00*.
23. Mobile home park operating licenses shall be issued to mobile home parks constructed or expanded after the effective date of this ordinance only upon a showing that the park as constructed or as expanded, and as operated, complies with all provisions of this ordinance. Licenses shall be issued to mobile home parks constructed or expanded before the effective date of this ordinance upon a showing that the park as operated complies with all of the relevant criteria in Appendix F of this ordinance and can be operated without detriment to the health and safety of park residents and the general public.
24. Applications for a mobile home park operator's license shall be submitted in writing to the Code Enforcement Officer by May 1 of each year. Upon receipt of the application and the license fee, the Code Enforcement Officer shall inspect the subject premises, shall notify abutting property owners and park residents, shall notify the Town Council, and shall consult with the Fire Chief, the Health Officer, the Plumbing Inspector, and the Assessor before granting or denying a permit.
25. Appeals from the granting or denying of any license may be made to the Glenburn Board of Appeals within 30 days of the date of decision by any interested party including the park owners or operator, abutters, residents of the park, or any other person who claims a particular injury from the construction or operation of the park.
26. It shall be the duty of the Code Enforcement Officer to enforce the provisions of Appendix F of this ordinance. If the Code Enforcement Officer finds that a license cannot be issued according to the criteria in Section 23 above, the nature of the problem and the action necessary to correct it shall be put in writing and forwarded to the applicant. Conditional licenses may be issued for reasonable time periods sufficient to

correct the problems noted. Licenses may be revoked, or the other enforcement actions in this Section may be taken, if violations of Appendix F, and Appendix A where applicable, occur during the term of a license.

27. When the action(s) in Section 26 do not result in the correction of the problems noted, and the license lapses, the municipal officers or their duly authorized representative, upon notice from the Code Enforcement Officer, are authorized to institute legal proceedings seeking injunctions and/or the imposition of fines in accordance with Title 30-A M.R.S.A. Sec. 4506. The municipal officers or their duly authorized representative are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of Appendix F, or Appendix A where applicable, and recovering fines without court action.

28. In any and all enforcement action under this Appendix F, municipal officials shall take the residency rights of park residents into account and shall close all or any portion of a mobile home park to residents only as a last resort.

*The Town of Glenburn Fees Ordinance and Fee Schedule supersedes any and all fees quoted in this ordinance.

ORDINANCE HISTORY:

Adopted: 12/08/94; Effective Date: 01/08/95

01/06/11: Section 932-Application and Section 942-Application-Asterisk added to reflect that the Town of Glenburn Fees Ordinance supersedes any and all fees quoted in this ordinance.

02/26/15 Section 20-Licensing (22)-Asterisk added to reflect that the Town of Glenburn Fees Ordinance and Fee Schedule supersedes any and all fees quoted in this ordinance.

11/17/16, effective 12/17/16 Appendix F #15, #17, and #22.

NAMING OF PUBLIC FACILITIES POLICY

The authority for naming all public facilities under the jurisdiction of the Town of Glenburn shall rest with the Glenburn Town Council, however nothing in this policy is meant to restrict the ability of the Inhabitants of Glenburn to name public facilities at a duly called Town Meeting that is held in accordance with the Charter of the Town of Glenburn and the laws of the State of Maine.

A. Current Public Facilities

The following public facilities shall be named as indicated:

1. The town office shall be known as the Glenburn Municipal Building.
2. The fire station shall be known as the Glenburn Public Safety Building.
3. The superintendent's office shall be known as the Glenburn Superintendent's Office.
4. The elementary school shall be known as the Glenburn Elementary School.
5. The library shall be known as the Glenburn Public Library.

B. New Public Facilities

New public facilities will be named in accordance with Section C. of this ordinance. For facilities which are newly constructed or which receive major renovation, a plaque shall be created bearing the name of the public facility, Town of Glenburn Council member names, architect, contractor, date of erection, and other pertinent information. The plaque shall be placed prominently in the facility.

C. Public Facility Names

1. In naming new public facilities, changing the names of the public facilities listed in Section A above, or naming components of these public facilities, names shall be selected using the following criteria:
 - a. If a new name is to be that of an individual, that individual must have:
 1. Been a prominent Glenburn resident with a history of distinguished service to the Glenburn community.
 2. Been deceased for a period of at least ten years to allow a comparative historical perspective to develop.
 - b. If the new name is to be that of a geographic locale, the proposed name must be placed before the town council by vote of a committee comprised of the town manager, one town councilor, and one resident of Glenburn.

Adopted by the Glenburn Town Council November 2, 2006

Michael Crooker, Secretary to the Town Council

ESTABLISHMENT OF THE GLENBURN
PARKS AND RECREATION DEPARTMENT ORDINANCE

I. PARKS AND RECREATION DEPARTMENT

A. Department Created

Pursuant to the Maine Constitution, Article VIII, Part Second; 30-A MRSA Sec. 3001; and Section 3.04(b) of the Glenburn Charter, the Town of Glenburn hereby establishes the Parks and Recreation Department.

B. Functions of the Parks and Recreation Department

The Parks and Recreation Department will have the following functions:

1. To Plan, Operate, and Maintain All Municipal Parks

To plan, operate, and maintain all municipal parks while preserving the symmetry and beauty of such parks with special emphasis on increasing safety therein.

2. To organize and supervise a Municipal Recreation Program

To promote, organize and supervise a comprehensive municipal recreation program and administer the same in the interest of the entire community.

3. To conduct Cultural and Social Activities

To conduct municipal recreational, cultural, or social activity that will employ the leisure time of the citizens in a wholesome and constructive manner.

4. Assume Maine Bureau of Parks & Recreation Project obligations

a. The Parks and Recreation Department will supersede and assume all responsibilities required of the Glenburn Recreation Board and the Parks and Recreation Advisory Committee under the State of Maine, Bureau of Parks & Recreation, Land & Water Conservation Fund Project 23-0043 - namely the recreation area behind the Glenburn School,

b. The Parks and Recreation Department shall comply with the terms of the Memorandum of Understanding developed under said Project #23-0043 and as adopted by the Glenburn School Committee and the Glenburn Recreation Committee, with any subsequent amendments.

II. PARKS AND RECREATION ADVISORY COMMITTEE

A. Committee Established

There is hereby authorized and established a Parks and Recreation Advisory Committee to consist of five regular members and two associate members. One member of the Town Council will serve as an ex-officio member of the Advisory Committee.

B. Functions of the Parks and Recreation Advisory Committee. The functions of the Committee are to:

1. Hold regular monthly meetings for the purpose of advising the Parks and Recreation Director with respect to all phases of the recreational program of the Parks and Recreation Department. This advice will consist of developing and recommending changes, additions and/or revisions to

Department procedures that do not circumvent the administrative responsibilities of the Parks and Recreation Director and Town Manager.

2. Create and appoint members to various subcommittees as needed to deal with specific issues affecting the Parks and Recreation Department programs. Members of the sub-committees may be, but do not need to be, members of the Advisory Committee.

C. Method of Appointment, Term of Office, and Filling of Vacancies

1. Method of Appointment

Members of the Committee will be appointed by the Town Council to serve terms of three years or until a successor is duly appointed. Any vacancy created on the committee shall be filled by the Town Council for the remainder of the term. The ex-officio Town Council member shall be appointed annually by the Chairperson of the Council. All Committee members must be residents of the Town of Glenburn.

2. Term of Office

Members will serve three year terms.

3. Filling of Vacancies

When there is a permanent vacancy, the Town Council will, within 60 days of its occurrence or as soon as administratively practical, appoint a person to serve for the unexpired portion of the term. A vacancy shall occur upon the resignation or death of any member, when a member ceases to be a voting resident of the Town, when a member fails to attend and is absent from three (3) consecutive regular meetings of the Parks and Recreation Advisory Committee without being excused, or when a member is convicted of a crime/offense that is reasonably related to the member's ability to serve on the Parks and Recreation Advisory Committee. Given that the Parks & Recreation Department primarily serves children, the conviction of a crime/offense of moral turpitude shall be deemed to be reasonably related to the member's ability to serve on the committee. When a vacancy occurs, the Chairperson of the Committee will immediately so advise the Town Council via the Town Manager in writing.

D. Organization and Rules

1. The Committee will elect a Chairperson, a Deputy Chairperson, and a Secretary from among its members and shall create and fill such other offices as it may determine necessary. The term of all offices will be one year with eligibility for re-election. Elections will take place during the first meeting in July of each calendar year.
2. The associate members are expected to attend all meetings of the Committee and participate in its proceedings. However, the associate members may vote only when designated by the Chairperson to substitute for a regular member who is unable to act because of absence, conflict of interest, physical incapacity, or any other reason satisfactory to the Chairperson.
3. The Committee will hold one regular meeting each month on a date to be established by the Committee. The Chairperson may call special meetings as needed. All meetings will be advertised, tape recorded, public, and televised on the Town's cable channel. The inability or failure to record or televise a meeting shall not invalidate the meeting.
4. No meeting of the Committee will be held without a quorum of three.
5. The Secretary will keep written minutes of each committee meeting that will include but not limited to discussions, votes, resolutions, transactions, and correspondence. All records shall be deemed public records under 1 M.R.S.A., Section 402, and may be inspected at reasonable times.

III. PARKS AND RECREATION DIRECTOR.

A. Position Established.

There is hereby authorized and established the position of Parks and Recreation Director. This position will be included in the Personnel Classification and Compensation Plan for the Town of Glenburn. The Parks and Recreation Director will be appointed by the Town Manager on the basis of merit and fitness alone, subject to the confirmation of the Town Council

B. Duties of the Director.

The Parks and Recreation Director will:

1. Report to the Town Manager and administer all policies and procedures of the Parks and Recreation Department.
2. Prepare annually, upon the request of the Town Manager, a recommended budget for the operation of the Department for the following fiscal year. The Town Manager shall use this recommendation as a guide in developing overall Town budget recommendations to the Town Council.
3. Manage the Department's budget as finally approved by the Town Meeting. In no case may the Department's budget appropriation be over expended. Transfers between sub account appropriations may be made only upon approval of the Municipal Officers.
4. Make an annual report and recommendation to the Town Council regarding the need, if any, for new recreational facilities in the Town of Glenburn, to include capital development, redevelopment, and maintenance needs with respect to existing facilities.
5. Prepare annually a report of all of the Department's activities for inclusion in the town's annual report. Submit a report to the Town Manager, before the first Council meeting of each month, as to the activities of the Department for the preceding month.
6. Perform such other duties as may be prescribed by the Town Manager or any applicable state or local laws and ordinances.

ORDINANCE HISTORY

Adopted 5/21/98

Revised 03/31/05 by Town Council vote, Section II, A. Committee Established. Change from one associate member to two associate members

Amended February 27, 2014 by Town Council vote, effective March 27, 2014 (For amendments see "Ordinance Amending The Establishment of the Glenburn Parks and Recreation Department Ordinance" filed with ordinance permanent records)

Pursuant to Section 3.10(c) of the Town Charter, this Ordinance will become effective at the expiration of 30 days after adoption.

GLENBURN PLANNING BOARD ORDINANCE

1. Establishment. Pursuant to M.R.S.A. Const. Art. VIII-A and 30 M.R.S.A. 1917, the Town of Glenburn hereby ordains that the Glenburn Planning Board be established.

2. Appointment

A. Board members shall be appointed by the Municipal Officers and sworn by the Clerk or other person authorized to administer oaths.

B. The Board shall consist of 5 members and 2 associate members.

C. The term of each member shall be for 3 years or until the member's successor is appointed and qualified except that the initial appointments made under this ordinance shall be as follows: two regular members, 3 years; two regular members and one associate member, 2 years; one regular member and one associate member, one year. Each term shall commence at the beginning of the Town's fiscal year.

D. A vacancy shall exist whenever:

a. A member dies

b. A member resigns from the Board

c. A member ceases to be a voting resident of the Town

d. A member is removed from the Board by the Municipal Officers

e. A member is not appointed to the Board by the Municipal Officers at the commencement of a new term

E. When there is a vacancy, the Municipal Officers shall within 60 days of its occurrence appoint a person to serve for the unexpired term.

F. A Municipal Officer may not be a member or associate member.

G. The Municipal Officers may remove any member of the Planning Board for any one of the following reasons:

a. Failure by any member of the Board to attend three (3) consecutive regular meetings;

b. Failure of any member to attend at least 75% of all meetings during the preceding twelve (12) month period;

c. For cause.

Removal based on either a. or b. above shall not require notice and hearing and shall only require a majority vote of the Municipal Officers. The Planning Board may recommend to the Municipal Officers in writing against removal pursuant to a. or b. above whenever it finds that the absences of the member subject to removal are excusable.

Removal based on c. above shall require notice and hearing to the member affected and shall be by unanimous vote of the Municipal Officers.

3. Organization and Rules.

- A. At their first meeting of each fiscal year, 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 one 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 vote only when he has been designated by the Chairman to sit for a member.
- D. Any question of whether a member shall be disqualified 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 Board shall hold its regular monthly meeting on the second Tuesday of each month. The Chairman may call special meetings when necessary.
- F. No meeting of the Board shall be held without a quorum consisting of three members or associate members authorized to vote.
- G. The Board shall adopt rules for transaction of its business.
- H. The secretary shall keep a record of its resolutions, votes, 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 30 M.R.S.A. S 4961.
- B. The Board shall perform such duties and exercise such powers as are provided by Glenburn ordinance and the laws of the State of Maine.
- C. The Board shall, upon the call of the Town Manager, annually prepare a recommended budget for the operation of the Planning Board for the following year. The Town Manager shall use the budget recommendations as a guide in his preparation of the Planning & Zoning portion of the budget to be recommended to the Town Council for eventual consideration by the Town Meeting.
- D. The Board may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose.
- E. The Board shall each year prepare a report of all of its activities for Inclusion in the town's annual report. Included in the report shall be a listing by name of land use permits Issued, subdivisions approved, and other activities of the Board.

5. Effective Date

The effective date of this ordinance shall be July 1, 1986.

6. Repeal of Conflicting Ordinances

The ordinance entitled “ESTABLISHMENT OF GLENBURN PLANNING BOARD ORDINANCE” adopted on December 20, 1982 and the December 8, 1983 amendment thereto are hereby repealed.

ORDINANCE HISTORY

ADOPTED: 12/20/82

AMENDED: 12/08/83

AMENDED: 07/01/86

PLANNING BOARD REGULATIONS

Pursuant to Section 3G of the Glenburn Planning Board Ordinance, the following rules for transaction of business are hereby adopted.

A. AGENDA AND MINUTES

1. Agendas for all meetings shall be developed by the Planning Board Chairman in conjunction with the Code Enforcement Officer. Office staff will assist with typing, mailing, and posting. Copies of the agenda will be distributed to the Planning Board members and will be posted in conspicuous locations about town. Such posting will be accomplished at least seven days before the meeting.
2. Action taken by vote of the Planning Board during regular or special meetings will normally be limited to prior stated agenda items. To accomplish this end, applications for Planning Board review must be submitted to the Code Enforcement Officer at least 14 days prior to the meeting at which the application will be considered.
3. The Secretary will prepare minutes of each regular and special Planning Board meeting. Copies of the minutes shall be mailed to each Planning Board member, the Code Enforcement Officer, and the Town Office no later than the Friday prior to the meeting. Office staff will assist with the typing and mailing if the draft is submitted in sufficient time.

B. GENERAL CONDUCT AT PLANNING BOARD MEETINGS

1. All meetings will be called to order promptly at the scheduled time.
2. All Planning Board members including alternates are expected to attend all meetings. It shall be the responsibility of the Planning Board Assistant to notify the members and alternate members of any regular or special meetings.
3. During Planning Board review of land use applications, the Chairman shall at all times maintain strict control of the meeting. It shall be at the discretion of the Chairman whether a podium is desired for the meeting. The Chairman shall follow the following procedure in reviewing applications.
 - a. The Chairman will allow the applicant or his representative to present information concerning the proposal.
 - b. The Chairman will then allow comments in favor of the proposal to be made by any interested parties.
 - c. The Chairman will then allow comments against the proposal to be made by any interested parties.
 - d. The Chairman will then allow comments of inquiry about the proposal to be made by any interested parties.
 - e. The Chairman will then allow comments from Town Officials.
 - f. The Chairman will then allow the applicant to respond to any previous comments.
 - g. The Chairman will then close discussion.

- h. The Planning Board will then proceed with the review of the application.
- 4. After the review is complete, the Board will vote on the application. The Secretary will record the affirmative or negative vote of each member.

C. ISSUANCE OF PERMIT

Following receipt of the minutes of the meeting, the CEO shall prepare the Land Use Permit. The Code Enforcement Officer is hereby authorized to sign in behalf of the Planning Board on the permit.

D. RECORD KEEPING

1. The Secretary shall be responsible for the maintenance of complete Planning Board Records. Original records will be kept in proper files in the vault in the town office.
2. The types of records to be kept will include but will not be limited to the following:
 - a. Official minutes of all Planning Board meetings, special workshops, on—site inspections, and any other gathering of the Board members.
 - b. Case records of all permit applications reviewed by the Board under the zoning or land use ordinances. A case record will be opened for each permit application submitted. The case record will contain the application, a record of pertinent discussion of the case, a record of any conditions imposed and reasons therefore, final action on the case, and a copy of the permit issued. The case record will contain any other pertinent information. All documents related to a particular case will be kept in one or more file folders bearing the case number, the name of the applicant, and the tax map and lot numbers of the parcel of land involved.
 - c. Case records of all subdivisions. A case record will be opened for each subdivision application submitted. The case record will contain all documentation relating to the particular subdivision. The case record will be given a case number, the name of the applicant, the name of the subdivision, and the tax map and lot numbers of the parcel being subdivided.

ADOPTED BY PLANNING BOARD VOTE ON 07/08/86

AMENDED BY PLANNING BOARD VOTE ON 03

The Town of Glenburn hereby ordains that the following ordinance be enacted.

GLENBURN RECYCLING COMMITTEE ORDINANCE

1. Establishment.

Pursuant to Maine Constitution VIII Part Second Municipal Home Rule and Title 30-A M.R.S. §3001, the Town of Glenburn hereby establishes the Glenburn Recycling Committee.

2. Type of Committee.

The Committee shall be an Advisory Committee.

3. Appointments

- A. Applicants to the Recycling Committee must submit an application and may be interviewed by the Municipal Officers in accordance with the Town Council's Appointment Procedure Policy.
- B. Committee members appointed by the Municipal Officers shall be sworn in by the Clerk or another person authorized to administer oaths.
- C. The Committee shall consist of 5 regular members.
- D. The term of each member shall be for 3 years or until the member's successor is appointed and qualified, except that the initial appointments made under this ordinance shall be as follows: two regular members, 3 years; two regular members 2 years; one regular member, one year. Each term shall commence at the beginning of the Town's fiscal year, (July 1st).

4. Vacancies

A vacancy shall exist whenever:

- A. A member dies.
- B. A member resigns from the committee.
- C. A member ceases to be a voting resident of the Town.
- D. A member is removed from the committee by the Municipal Officers.

When there is a vacancy, the Municipal Officers shall within 60 days of its occurrence attempt to appoint a person to serve for the remainder of the unexpired term.

5. Removals

The Municipal Officers may remove any member of the Recycling Committee for any one of the following reasons:

- a. Failure by any member of the Committee to attend three (3) consecutive regular meetings.
- b. Failure of any member to attend at least 75% of all meetings during the preceding twelve (12) month period.
- c. If a committee member is in bad standing with the committee, the committee may vote by simple majority to recommend to the Town Council the removal for cause of such member.
- d. For cause.

Removal based on either a. or b. above shall not require notice and hearing and shall only require a majority vote of the Municipal Officers. The Recycling Committee may recommend to the Municipal Officers in writing against removal pursuant to a. or b. above whenever it finds that the absences of the member subject to removal are excusable.

Removal based on either c. or d. above shall require notice and hearing to the member affected and shall be by a majority vote of the Municipal Officers.

6. Mission

The mission of the Glenburn Recycling Committee is to advise the Council and educate the public on matters related to recycling.

7. Objectives

- A. Monitor curbside recycling program.
- B. Assist in coordinating recycling events.
- C. Help plan and staff exhibits at appropriate events to promote recycling.
- D. Help investigate and make recommendations for implementation of other recycling opportunities in the community.
- E. Actively work with area schools and organizations to help develop environmentally sound programs for students and adults.
- F. Help develop educational programs and flyers and assist in the creation of educational articles to be published in local newspapers, community fliers and other public service announcements.

8. Organization and Rules.

- A. At their first meeting of each fiscal year, the committee shall elect a Chairperson, Vice Chairperson 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 one year with eligibility for re-election.
- B. When the Chairperson is unable to act because of interest, physical incapacity, absence or any other reason satisfactory to the committee, the Vice Chairperson shall perform the duties of the Chairperson in his/her absence.

- C. The committee shall establish its own regular meeting schedule. The committee shall attempt to meet at least six times annually. The Chairperson may call special meetings when necessary.
- D. Agendas for the meetings will be developed by an employee of the town in consultation with the Chairperson, if necessary.
- E. No meeting of the committee shall be held without a quorum consisting of three members authorized to vote.
- F. The Secretary shall keep a record of its resolutions, votes, transactions, correspondence, findings and determinations. All records shall be deemed public and may be inspected at reasonable times.

9. Effective Date

The effective date of this ordinance shall be at the expiration of 30 days after adoption.

Adopted December 13, 2012, effective January 12, 2013

ROAD NUMBERING ORDINANCE

The Town of Glenburn hereby ordains that this Road Numbering Ordinance be enacted.

SECTION 1. PURPOSE

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

SECTION 2. AUTHORITY

This ordinance is adopted pursuant to and consistent with the Municipal Home Rule Powers as provided for in Article VIII, Part 2, Section 1 of the Constitution of the State of Maine; Section 3001 of Title 30-A M.R.S.A.; and Section 3.04(j) of the Charter of the Town of Glenburn, Maine.

SECTION 3. ADMINISTRATION

Except that the Town Council shall have final authority to assign road names, and the Glenburn Code Enforcement Officer shall be responsible for determining any new road numbers assigned after enactment of this ordinance, this ordinance shall be administered by the Glenburn Addressing Officer who shall be responsible for maintaining the following official records of this ordinance:

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

SECTION 4. NAMING SYSTEM

All roads (town ways, public easements, or private roads) in the Town of Glenburn that serve *two or more structures* shall be named regardless of whether the ownership is public or private. A road name assigned by the Town shall not constitute or imply acceptance of the road as a town way or public way.

a. Existing Roads

As of the effective date of this ordinance, the following shall be the assigned names of roads within the Town of Glenburn:

AA LANDING ROAD	From Orono Road to Orono Town Line
ALBERT LANE	From McCarty Road to end
ASPEN RIDGE ROAD	From Ledgewood Drive to end

BEECH GROVE AVENUE	From Pine Hill Drive to end
BEECHWOOD AVENUE	From end near Old Town line to Hudson Line
BRASLEY AVENUE	From Lakeview Road to end
BRASSLETT DRIVE	From Cressy Avenue to end
BROADWAY	From Bangor line to Kenduskeag line
CEDAR BREEZE CENTER	From Pushaw Road to 90° bend then turn left to end
CEDAR BREEZE NORTH	From Pushaw Road to 90° bend then turn left to Hudson line
CEDAR BREEZE SOUTH	From Pushaw Road to 90° bend then turn right to end
CLARK ROAD	From Intersection with Glenburn/Levant line to Hermon line
CRESSY AVENUE	From Lakeview Road to end
CUSHING DRIVE	From Cressy Avenue to end
DEER RUN ROAD	From Pushaw Road to end
FRENCH'S POINT ROAD	From Pushaw Road to end
GRACE SNOW DRIVE	From Union Street to end
GRAND VIEW ACRES	From Union Street to end
HUDSON ROAD	From Bangor Line To Hudson Line
KELLEY ROAD	From Union Street to Ohio Street
LAKESIDE LANDING ROAD	From Pushaw Road around loop to intersection with self
LAKEVIEW ROAD	From Pushaw Road to Hudson Road
LANCASTER BROOK ROAD	From Hudson Road to Kenduskeag line
LANCASTER LANE	From Lancaster Brook Road to end
LARGAY LANE	From McClellan Drive to end
LEAVITT LANE	From Phillips Road to end
LEDGEWOOD DRIVE	From Roundstone Drive to end
LUCKEY'S LANDING ROAD	From Pushaw Road around loop to intersection with self
MARSTON MEADOW ROAD	Hudson Road to end
McCARTY ROAD	Broadway to Ohio Street
McCLELLAN DRIVE	Pushaw Road to end
MERRYMAN ROAD	Union Street to Phillips Road
MISTY WAY	AA Landing Road to end
NORWAY ROAD	Hudson Road to end

OHIO STREET	From Hermon Line to Kenduskeag Stream
ORONO ROAD	From Orono line to Pushaw Road
OXBOW DRIVE	From Lancaster Brook Road to end
PHILLIPS ROAD	From Ohio Street to Levant line
PINE GROVE AVENUE	From Pine Hill Drive to end
PINE ACRES WAY	From Hudson Road to Sparkle Pond Road
PINEHILL DRIVE	From Pushaw Road to end
PINEVIEW AVENUE	From Broadway to end
PINKHAM ROAD	From Broadway to end
PLEASANT ROAD	From McClellan Road to end
POPLAR ROAD	From Hudson Road to end
PUSHAW ROAD	From Bangor line to Hudson Road
RICHARD'S ROAD	From Largay Lane to end
ROUNDSTONE DRIVE	From Hudson Road to end
SANDY BEACH ROAD	From Pushaw Road around loop to intersection with self
SANDY BEACH SHORE ROAD	From Sandy Beach Road to end
SPARKLE POND ROAD	From Hudson Road to end
SUNSET AVENUE	From Lakeview Road to end
TWIN ISLAND	Island in Pushaw Lake
UNION STREET	From Hermon line to Levant line
VISTA LANE	From Vista Way to end
VISTA RIDGE	From Vista Lane to end
VISTA WAY	From Pushaw Road to end

b. The following criteria shall govern the naming of new roads:

- i. No new road shall be given the same name as an existing road in the zip code area.
- ii. Each road shall have the same name throughout its entire length.

SECTION 5. NUMBERING

Numbers shall be assigned every 50 (fifty) feet along both sides of the road, with even numbers appearing on the left side of the road and odd numbers appearing on the right side of the road, determined by the number origin. The following criteria shall govern the numbering system:

- a. The Glenburn Addressing Officer shall determine the number origins. Among the factors to be considered in determining such origins shall be: numbers assigned by other municipalities on roads leading into Glenburn; usual direction of travel of emergency and delivery vehicles; and volume of traffic on the adjacent roads. For dead end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end. On roads with names duplicating names of different roads in the zip code area, the number origins shall be larger than the largest number assigned to the already numbered road.
- b. On all roads (town ways, public easements, or private roads) the number assigned to each structure shall be that of the numbered interval falling closest to the front door or driveway of said structure.
- c. Every structure with more than one principal use or occupancy shall have a separate number for each use or occupancy. (i.e. duplexes will have two separate numbers; apartments will have one road number with an apartment number, such as 235 Maple Street, Apt. 2.

SECTION 6. COMPLIANCE

All owners/occupants of structures shall, within 30 days of the effective date of this ordinance, display and maintain in a conspicuous place on or near said structure, the assigned numbers in the following manner:

- a. Number at the Street Line

The assigned number shall be displayed on a post, fence, wall, mailbox, or on some structure at the property line adjacent to the walk or access drive to the residence or structure except that the number may be displayed on a mail box on the opposite side of the road if such location for the mail box is required by postal regulations.

- b. Number on the Structure or Residence

Subsection (a) above may be waived at the owner's option where the residence or structure is within 50 (fifty) feet of the edge of the road right-of-way and where there is a clear view of the structure's front door or entry from the right-of-way. In such case, the assigned number shall be displayed on the residence or structure in the vicinity of the front door or entry.

- c. Size and Color of Number

Numbers shall be displayed in such color and size as to be clearly visible to travelers on the road as they approach the property from either direction. Numbers shall be reflective and have a minimum height of 3 inches.

- d. Every person whose duty is to display the assigned number shall remove any different number which might be mistaken for, or confused with, the number assigned in conformance with this ordinance.
- e. Interior Location

All residents and other occupants are requested to post the assigned number and road name adjacent to their telephone for emergency reference.

- f. On new structures, numbering will be installed no later than when the structure is first used or occupied.

7. NEW DEVELOPMENTS AND SUBDIVISIONS

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

a. New Developments

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

The Code Enforcement Officer shall determine the proper number on the basis of the site plan that the applicant submits as a part of a building permit application. Prior to the issuance of a Certificate of Occupancy, the Code Enforcement Officer shall physically verify that the assigned number is proper. In the event that the dwelling unit is not located in the position shown on the site plan, the Code Enforcement Officer shall determine the proper number and so notify the applicant of the change.

When the Glenburn Addressing Officer determines that it is necessary to create a new road name(s) in order to maintain numbering consistency, the Glenburn Addressing Officer shall so notify the Town Council. If the Council determines that the Glenburn Addressing Officer's determination is correct, it shall take the Charter mandated steps to amend this ordinance by adding the new road name(s) to this Section 7(a) of this Ordinance.

Alley Way (Private)	3145 Broadway to DE
Ambrose Lane (Private)	3015 Ohio Street to DE
Ashley Avenue	106 Jillian Way to DE
Beaver Cove Drive (Private)	566 Hudson Road to DE
Birch Avenue (Private)	134 Lakeview Road to DE
Botting Lane (Private)	16 Quinn Avenue to DE
Bouchard Lane (Private)	105 Lakeside Landing Road to DE
Charles Street	26 Kelliher Street to DE
Clewley Road (Private)	253 Phillips Road to DE
Crystal Lane (Private)	373 Phillips Road to DE
Daigle Drive	664 Hudson Road to DE
Daisy Lane (Private)	14 Neal Lane to 15 Quinn Avenue

Danforth Drive (Private)	From Ohio Street to end
Dunston Drive	32 Riverbend Drive to DE
Ellingwood Drive (Private)	1956 Pushaw Road to DE
Elliott Circle	40 Libbey Lane to DE
Fellows Drive (Private)	3053 Broadway to DE
Fitz Lane (Private)	77 Merryman Road to DE
Gabby Laine (Private)	83 Cedar Breeze South to DE
Grandpa's Lane (Private)	257 Phillips Road to DE
Grouse Lane (Private)	249 Lancaster Brook Road to DE
Happy Corner Road (Private)	1420 Hudson Road to DE
Hastey Lane (Private)	1006 Pushaw Road to DE
Island Getaway Road	16 Sandy Beach Shore Road to DE (16 to 25)
Jamie's Way (Private)	661 Hudson Road to DE
Jewell Lane (Private)	9 Danforth Drive to DE
Jillian Way	41 Lyndsay Lane to DE
Johnna's Way	50 Kelleher Street to DE
Kelliher Street	981 Pushaw Road to DE
Kennedy Drive (Private)	253 Cedar Breeze North to DE
Kimberley Lane (Private)	109 Merryman Road to DE
King's Court (Private)	243 Lakeview Road to DE
Koz Way (Private)	597 Hudson Road to DE
Lakeside Lane	31 Beechwood Avenue to Old Town Line
Libbey Lane	3127 Broadway to DE
Lorna Lane (Private)	1025 Hudson Road to DE (Hingham Heights MHP)
Lower Cross Road (Private)	513 Hudson Road to 1076 Pushaw Road
Lyndsay Lane	367 Hudson Road to DE
M & M Lane (Private)	2881 Ohio Street to loop and DE on itself
Malcolm Lane (Private)	120 Cedar Breeze Center to Cedar Breeze South
Martins Lane (Private)	290 Cedar Breeze North to End
Manansis View	30 Dunston Drive to DE
Marsh View Lane	86 Sandy Beach Road to DE (9 to 23)
Midway Lane (Private)	200 Lakeview Road to DE
Mongoose Road (Private)	243 Lancaster Brook Road to DE

Naida Drive (Private)	971 Hudson Road to DE
Nannie's Laine	795 Hudson Road to DE
Neal Lane (Private)	3026 Ohio Street to DE
Northland Road (Private)	1072 Hudson Road to DE.
Page Road (Private)	1546 Hudson Road to DE
Parkhurst Lane (Private)	125 Luckey's Landing to DE
Pebble Drive (Private)	1188 Hudson Road to DE
Penny Lane (Private)	2691 Ohio Street to DE
Phil's Way (Private)	645 Hudson Road to DE
Porcupine Lane (Private)	951 Pushaw Road to DE
Quinn Avenue (Private)	3012 Ohio Street to DE
Redneck Alley (Private)	3245 Broadway to End
Rita's Way (Private)	39 Phil's Way to DE
Riverbend Drive	69 Libbey Lane to DE
Rocky Road (Private)	1198 Hudson Road to DE
Rosewood Drive (Private)	2851 Ohio Street to DE
Sandy Beach Shore Road (Private)	9 Marsh View Lane to DE (2 to 43)
Schwabe's Way (Private)	1770 Pushaw Road to DE
Simpson Lane (Private)	1016 Orono Road to DE
Skidgel Road (Private)	1747 Pushaw Road to DE
South Shore Road (Private)	124 Sandy Beach Road to DE
Spruce Lane (Private)	1449 Hudson Road to DE
Stone Hedge Drive (Private ROW)	80 Victory Lane to DE (correction 07/12/18)
	1479 Pushaw Road to lot before lake
Timber Lane (Private)	Off of Poplar Road right-of-way (includes cul de sac)
Turner Road (Private)	58 Pinkham Road to DE
Victory Lane (Private)	3021 Broadway to DE
Watson Lane (Private)	208 Kelley Road to DE
Winters Way (Private)	2720 Ohio Street to DE
Yellow Brick Road (Private)	766 Hudson Road to DE

b. New Subdivisions

Any prospective subdivider shall show a proposed road name on the pre-application submission to the Planning Board. At the same time, the subdivider shall submit to the Planning Board a statement that the proposed name does not duplicate any other road name within the zip code delivery area. The statement shall be signed by the Postmaster, or designee, in control of such zip code area.

The Planning Board shall forward the proposed road name and a copy of the signed statement to the Town Council. The Council shall either approve or deny the use of the proposed name and shall so notify the Planning Board. If the decision is to deny, the Council shall so notify the Planning Board along with written reasons therefor. The Planning Board will then notify the subdivider who will submit a new name and a new postmaster statement. This process shall continue until the Town Council approves a name. However, if the Town Council has not approved a name prior to the statutory deadline for the Planning Board to grant final Planning Board approval, the latest name submitted by the developer shall be affixed to the final subdivision plan. Approval of the final subdivision plan by the Planning Board shall constitute the assignment of the road name in the subdivision.

SECTION 8. VIOLATIONS

- A. Unlawful to deface assigned numbers or road signs
 - 1. 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.
 - 2. 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) hour of such sign.
- B. Any violation of any provision of this ordinance shall be subject to a civil penalty of \$100.00, payable to the Town of Glenburn, Maine, for each violation, together with attorneys' fees and other legal fees and costs incurred by the Town in enforcement of this ordinance.

ORDINANCE HISTORY:

ADOPTED: 03/30/95

AMENDED: 10/12/95

AMENDED: 02/25/16

AMENDED: 05/05/16, eff. 06/04/16

AMENDED: 08/25/16, eff. 09/24/16

AMENDED: 02/08/18, eff. 03/09/18 (added Mongoose Road, Happy Corner Road, and Timber Lane)

AMENDED: 07/12/18, eff. 08/12/18 (correction on location of Stone Hedge Drive)

The Town of Glenburn hereby ordains that the following ordinance be enacted:

Glenburn Road Ordinance

1. Statement of Purpose

Whereas, one of the responsibilities of the Town of Glenburn is the maintenance of satisfactory roadways for travel and commerce; and the Town is growing, and that growth over the last several years has included new roads built by private developers and then dedicated to and accepted by the Town as town ways; and it is expected that this activity will continue in the future; the Town shall utilize this ordinance as guidance for the design and construction of new private or public roadways and where appropriate for the upgrade of existing roadways.

2. Enacting Clause

Therefore, to promote and maintain the quality of roads in the Town of Glenburn, the Town of Glenburn hereby ordains the following, to be known as the "Glenburn Road Ordinance", to set specifications for the construction of all roads accepted as town ways or public easements and to ensure their use in said construction.

3. Purpose

- A. The purpose of this Ordinance is to ensure that public right-of-way improvements implemented in the town provide for safe and efficient vehicular and pedestrian traffic, including handicap access; provide for minimum long-term maintenance costs of public improvements; protect the environment, the public, and abutting landowners by providing the necessary controls for stormwater runoff, soil erosion and siltation, and groundwater; and protect the public health and safety.
- B. These standards provide for flexibility, with the intent of having the design fit into the surroundings, and to not waste the town's valuable natural resources.
- C. Any proposed road shall provide for safe access to and from public and private roads. Safe access shall be assured by providing an adequate number and location of access points with respect to sight distances, intersections, schools and other traffic generators.
- D. Curb cuts shall be limited to the absolute minimum number and widths necessary for safe entering and exiting. The proposed road shall not have an unreasonable adverse impact on the town road system and shall assure safe interior circulation within any development served by the road by separating pedestrian and vehicular traffic and providing adequate parking and loading areas.
- E. Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.
- F. The Board shall not approve any road unless it is designed in accordance with the

specifications contained in this Ordinance.

- G. The intent of this Ordinance is to implement Comprehensive Plan Policies —Transportation, Policy #5: "Ensure that new roads are built to Town Standards."

4. Town Roads

- A. There shall be three types of roads: Town Ways, Private Roads and Public Easements, as defined by Title 23 of the Maine Revised Statutes Annotated, Section 3021 and the components of which are defined herein.

B. Town Ways

1. All roads offered or dedicated to the Town of Glenburn as Town Ways shall be designed and constructed according to the specifications set forth in this Ordinance.
2. If, due to local conditions, it is found necessary, advantageous and prudent to vary from these specifications, prior approval must be obtained from the Road Commissioner, Planning Board, and Town Council.

C. Public Easements

1. The following roads, as laid out and described by the Penobscot County Roads and Mapping Department in 1979, 1980, and 1983 and, Warren Cookson Subdivision Plan 7/23/75 revised 8/23/78 and 12/15/78 (French's Point Road) are declared to be Public Easements in the Town of Glenburn due to a history of town continuous maintenance and repair for over 20 years, under a claim of rights, openly and visibly, with the acquiescence of all individuals owning land along the roads or having any claim of rights in the roads. Roads ordered, adjudged, & decreed to be Public easements by Penobscot County Superior Court on 03 April 1984 in Civil Action Docket No. 83-520.

ROAD	MILEAGE	WIDTH AND LIMITS
French's Point	.37	3 rod to turn around
Lucky's Landing	.79	2 rod includes loop
Sandy Beach	.78	2 rod includes loop
Lakeside Landing	.58	2 rod to Lake Road
Cedar Breeze South	.73	2 rod to Lake Road
Cedar Breeze Center	.80	2 rod to Lake Road
Cedar Breeze North	.93	2 rod to Lake Road
Beechwood Avenue	.92	2 rod between Hudson /Old Town line
Lakeside Lane	<u>.21</u>	2 rod between Old Town/Beechwood Ave.
<u>Total Miles</u>	6.11	

2. The Town of Glenburn shall provide for the maintenance and repair of the above named roads including restorative and preventive maintenance, grading, laying of gravel, crowning of road surfaces, ditching and culverting, winter plowing, and

rebuilding in emergency situations or when road surfaces deteriorate. The nature and scope of the maintenance and repair shall be determined by the Town Council in consultation with the road commissioner. Since the above named roads are public easements, not town ways, the Town is not obligated to maintain the same to the level required for town ways under 23 M.R.S.A. § 3651, and the Town is not liable for any damages arising from the use of any road that is a public easement. The public easements will be maintained as gravel roads except that all or a portion of said public easements may be paved by the Town upon a determination by the road commissioner and the Town Council that there is a sufficient base to support paving and upon a determination that funds for such purpose have been properly appropriated. No areas in addition to those described above shall be maintained under this section of the ordinance.

D. Definition of terms:

1. **ARTERIAL STREET** — A major thoroughfare which serves as a major traffic way for travel between and through the municipality.
2. **BASE** — that portion of the roadway constructed of special material on the subbase and supporting the surface or pavement.
3. **BACKFILL** — the refilling with suitable material of all spaces excavated and not occupied by drainage structures, drainage systems and other permanent structures up to the elevation of the surrounding ground.
4. **BOARD** — The Glenburn Planning Board
5. **BORROW** — approved materials obtained from beyond the cut slopes for completing embankments and for other purposes necessary to complete the grading, when sufficient quantities of suitable materials are not available from roadway or structural excavation.
6. **BRIDGES** — structures having a clear span of ten (10) feet or more.
7. **COLLECTOR STREET** — A street with average daily traffic of 400 vehicles per day or greater, or streets which serve as feeders to arterial streets, and collectors of traffic from minor streets.
8. **CULVERTS** — all structures not defined as bridges which provide an opening under the roadway.
9. **DRAINAGE** — the system of pipes, drainage ways, ditches and structures by which surface or sub-surface waters are collected and conducted from the roadway area.
10. **EMBANKMENT** — that part of the roadway outside the limits of travel surface and shoulders.

11. **INDUSTRIAL/COMMERCIAL STREET** — A street servicing industrial or commercial uses.
12. **MATERIALS** — any substance specified for use in the construction of the project,
13. **MINOR STREET** — All public roads and streets not classified as arterials or collectors will have a minor classification, Minor roads and streets are characterized by many points of direct access to adjacent properties and have a relatively minor role in accommodating mobility. Speeds and traffic volumes are usually low.
14. **PRIVATE ROAD** — A road with two or more dwellings that is constructed and maintained without public funds, and as such does not provide for public access.
15. **PROFESSIONAL ENGINEER** — A duly qualified professional engineer licensed in the State of Maine.
16. **PUBLIC EASEMENT** — Those privately constructed roads that have been, are, and/or will be maintained by the Town as listed in the Ordinance, and as such provide public access.
17. **PUBLIC WAY** — Any town way, state highway, or state aid highway under Maine law.
18. **REFERENCE STAKES or GRADE STAKES** — wooden stakes, generally set beyond the lines of improvement on which the reference marks are placed, from which lines and grades may be obtained.
19. **RIGHT OF WAY** — all lands or other property interest provided or acquired for the development and operation of a public roadway.
20. **ROAD** — a route consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the passage of motorized vehicles that may be lawfully operated on public ways. The term "road" shall include the term "street."
21. **ROADBED** — that portion of the roadway between the outside edges of the finished shoulders.
22. **ROADSIDE** — a general term denoting that area adjoining the outer edge of the finished shoulders.
23. **ROADWAY** — that portion of the right of way within the limit of construction.
24. **ROD** — 16.5 feet (e.g. 2 rods =33')
25. **SHOULDERS** — that parts of the roadway lying immediately outside the traveled way.
26. **SUBBASE** — that portion of the roadway between the subgrade and base.

- 27. SUBGRADE — that portion of the roadway upon which the subbase and shoulders are constructed.
- 28. SURFACING — that portion of the roadway constructed on the base course to facilitate fine grading and produce good rideability.
- 29. SURFACE TREATMENT — any bituminous treatment applied or placed on the surfacing course prior to paving.
- 30. TOWN WAY — An area or strip of land designated and held by the Town of Glenburn for the passage and use of the general public by motor vehicle.

5. Submittal Requirements

- A. Applicants shall submit to the Board, as part of the engineered plan, detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed streets and the location of existing streets within 300 feet of a proposed intersection. The plan view shall be a scale of one inch equals fifty feet. Plan view sheet shall be labeled with stations at 50' intervals. The vertical scale of the profile shall be one inch equals five feet. The plan shall be prepared by a professional engineer, and shall be submitted as required by any applicable ordinance of the Town. In the event that the proposed road is not part of a development otherwise requiring approval from the Board, the Plan shall be submitted to the Road Commissioner. In addition, a Site Plan at the scale of 1"=200' shall be submitted to the Tax Assessor to be used in keeping the Tax Maps up to date.
- B. The plans shall include the following information:
 - 1. Date, scale, and indicate north using either magnetic or true north plus at least two reference points of the Maine State Plane Coordinate System.
 - 2. Intersections of the proposed street with existing streets.
 - 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. Size, type, and 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.

6. Design Standards

- A. These minimum design guidelines shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts and other appurtenances associated with the road, and shall be met by all proposed roads.
- B. Reserve strips controlling access to roads shall be prohibited except where their ownership and control is placed with the municipality.
- C. Where a proposed road borders an existing narrow street {not meeting the width requirements of the standards for streets in this Ordinance), or when the comprehensive plan indicates plans for realignment or widening of a road that would require use of some of the land, 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. The reserve area shall not be included in any lot, but shall be reserved to be deeded to the municipality or State, and said reservation shall be shown on the final subdivision plan recorded in the Penobscot County Registry of Deeds.
- D. Those portions of existing town ways, public easements, and discontinued town and county ways which are adjacent to any portion of the road being constructed and which will serve as major accesses to the proposed road shall be widened and improved to the standards required by this ordinance. Such improvements, including right of way acquisitions, shall be completed at the developer's expense and shall be subject to the same performance guarantees as are other improvements.
- E. Any road expected to generate average daily traffic of 400 trips per day or more shall have at least two street connections with existing town roads, streets shown on an Official Map, or streets on an approved subdivision plan for which performance guarantees have been filed and accepted.
- F. The design standards below shall be used for construction of all roads, unless the applicant can provide clear and convincing evidence that an alternate design will meet good engineering practice and will meet the intended performance standards and is approved by the Board and Town Council.
- G. The Board may eliminate portions of a particular road cross section amenity (sidewalk, bike lane, etc.) as it deems appropriate for individual projects.

Roadway Design Guidelines				
Description	Type of Street			
	Arterial	Collector	Minor	Industrial Commercial
Minimum Right of Way Width	90'	66'	50'	66'
Minimum Traveled Way Width	24'	24'	20'	24'
Minimum Width of Shoulders (each side)	3'	3'	3'	3'

Maximum Width of Shoulder	10' ⁵	10' ⁵	5'	10' ⁵
Paved Pedestrian/Bike lane ⁶	8'	8'	8'	8'
Minimum Grade	0.5%	0.5%	0.5%	0.5%
Maximum Grade ¹	8.0%	8.0%	8.0%	8.0%
Minimum Centerline Radius without superelevation with superelevation	500' 350'	280' 175'	280' 175'	400' 300'
Roadway Crown ²	1/4"/foot	1/4"/foot	1/4"/foot	1/4"/foot
Minimum Angle of Street Intersections ³	90°	90°	75°	90°
Max. Grade within 75 ft. of intersection	3%	3%	3%	3%
Minimum Curb radii at intersection	30'	25'	25'	30' ⁴
Minimum r/o/w radii at intersection	20'	10'	10'	20'
<p>¹ Maximum grade may be exceeded for a length of 100 feet or less</p> <p>² Roadway crown is per foot of land width including at the subgrade level</p> <p>³ Street intersection angles shall be as close to 90° as feasible but not less than the listed angle.</p> <p>⁴ Should be based on turning radii of expected commercial vehicles, but no less than 30 feet.</p> <p>⁵ These shoulders could be used for on-street parking or emergency stops.</p> <p>⁶ Includes width of shoulders.</p>				

H. The centerline of the roadway shall be the centerline of the right of way.

I. Dead End Streets. In addition to the roadway design standards, dead-end streets shall be constructed and provide a cul-de-sac turn-around with the following requirements for radii:

Property line: 60'

Outer edge of pavement: 50'

Inner edge of pavement: 25'

Where the cul-de sac is in a wooded area prior to construction, 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 street to provide continuation of pedestrian traffic or utilities to the next street. The Board may also require the reservation of an easement in line with the street to provide continuation of the road where future extension is possible. The width of said easement shall match the proposed road.

EXCEPTION: Where an approved subdivision plan contains provisions for phased development, the dead end street may terminate in a T-style turnaround at least sixty (60) feet wide in all parts, the dead end extensions being at least one hundred (100) feet in length. Provision shall be made for the reservation of an easement in line with the street to provide continuation of the road. The direction of the T shall be to the right. If continuation is not completed within five years, the cul-de-sac must be constructed, and as such the recorded initial phase subdivision plan shall show the cul-de-sac right-of-way. As a condition of approval, the Town must receive adequate documentation to provide it with the legal rights to complete and accept the cul-de-sac in the event that the developer fails to do so, as well as an adequate performance bond to cover the costs of constructing the cul-de-sac.

J. Grades, Intersections, and Sight Distances

1. Grades of all streets shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards above.
2. All changes in grade in excess of one percent shall be connected by vertical curves in order to provide smooth grade change transitions.
3. Where new street intersections or driveway curb-cuts are proposed, sight distances, as measured along the road into which traffic will be turning, shall be based upon the posted speed limit multiplied by ten.
4. 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 3½ feet, to the top of an object 4¼ feet above the pavement.
5. Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.
6. Cross (four-cornered) street intersections shall be avoided insofar as possible, except as shown on the comprehensive plan or at other important traffic intersections. A minimum distance of 125 feet shall be maintained between centerlines of minor streets and 200 feet between collectors or a collector and minor street.

K. Sidewalks. Sidewalks shall be installed in areas where the Board determines that they are necessary for neighborhood connection or public safety.

1. Location. Sidewalks may be located adjacent to the curb or shoulder.

2. Bituminous Sidewalks

- a. The aggregate base shall be no less than twelve inches thick after compaction.
- b. The hot bituminous pavement surface course shall be constructed in two lifts, each no less than one inch after compaction.

3. Portland Cement Concrete Sidewalks

- a. The aggregate base be no less than twelve inches thick after compaction.
 - 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, with a broom finish and two inch (2") smooth finish edge.
- L. When utilized, concrete curbing shall be installed on a thoroughly compacted gravel base of six inches minimum thickness. When utilized, bituminous curbing shall be installed on the base course of the pavement. The specified traveled way width above shall be measured between the curbs.

7. Construction Standards

- A. Clearing shall consist of cutting and disposing of all trees, down timber, stubs, brush, and bushes that interfere with excavation, embankment, clear vision, or otherwise considered objectionable within the right of way.
1. In fill areas of five (5) feet or more in depth, measured from the subgrade to old ground, STUMPS will be allowed to remain but shall be cut as close to the ground as practical: in no case will stumps exceed a height of six (6) inches above the surrounding ground or eight (8) inches in diameter.
 2. In fill areas of five (5) feet or less in depth, measured from the subgrade to old ground, all stumps, bushes and objectionable materials shall be removed and disposed of in waste areas (stump dumps) prior to the placing of the fill.
 3. Suitable waste material with all stumps removed may be used in the toe of slopes in fill areas. The toe of the slope area shall be defined as that area below the subgrade and outside of a 3 to 1 slope from the shoulder break. Suitable waste material is not meant to include trees, brush or parts thereof cleared from the right of way.

NOTE: Because of the disease carrying characteristics of elm trees, especially after being cut, they shall be disposed of within two (2) days after cutting. This may be accomplished by burying under soil in waste areas or by burning if lawfully permitted.

- B. The minimum thickness of materials after compaction shall meet the specifications below:

Minimum Materials Thickness				
Street Materials	Arterial	Collector	Minor	Industrial-Commercial
Aggregate Subbase Course (Max. sized stone 6")	18"	18"	18"	18"
Crushed Aggregate Base	6"	6"	6"	6"
Hot Bituminous Pavement				
Total Thickness	4"	4"	3½"	4"
Surface Course	1¼"	1¼"	1½"	1¼"
Binder Course	2¾"	2¾"	2"	2¾"

1. Gravel subbase and base shall be placed in a maximum 12" loose lifts.
2. 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,
3. Before grading is started, the entire area within the right-of-way necessary for traveled way, shoulders, sidewalks, drainage-ways, and utilities shall be cleared of all stumps, roots, brush, and other objectionable material. All shallow ledge, large boulders and tree stumps shall be removed from the cleared area.
4. All organic materials or other deleterious material 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 municipal engineer as not suitable for roadways, either 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 subbase below, or a Maine Department of Transportation approved stabilization geotextile may be used. Subject to approval of the Municipal Engineer.
5. Except in a ledge cut, side slopes shall be no steeper than a slope of three feet horizontal to one foot vertical and back slopes shall not be steeper than 2 feet horizontal and 1 foot vertical, and shall be graded, foamed, limed, fertilized, and seeded according to the specifications of the MDOT erosion and sedimentation control plan. Where a cut results in exposed ledge a side slope no steeper than one foot horizontal to four feet vertical is permitted. If the side slope extends outside the required right-of-way, the Developer shall convey to the Town additional right-of-way, satisfactory to the Road Commissioner, sufficient to allow the Town to access, maintain, repair or replace the side slope and back slope area to the elevation of the proposed road.
6. All underground utilities shall be installed prior to paving to avoid cuts in the pavement.

Anticipated 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/Subbase.

- a. The aggregate subbase course shall be sand or gravel or hard durable particles free from vegetative matter, lumps or balls or clay and other deleterious substances. The gradation of the part that passes a three inch square mesh sieve shall meet the grading requirements.

Aggregate Subbase Grading Requirements	
Square Mesh Sieves	Percentage by Weight Passing Sieve Designation
¼ inch	25-70%
No. 40	0-30%
No. 200	0-7%

Aggregate for the subbase shall contain no particles of rock exceeding six inches in any dimension.

- b. The aggregate base course shall be screened or crushed 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 three inch square mesh sieve shall meet the following grading requirements.

Aggregate Base Course Grading Requirements	
Percentage by Weight Passing	
Square Mesh Sieves	Percentage by Weight Passing Sieve Designation
½ inch	45-70%
¼ inch	30-55%
No. 40	0-20%
No. 200	0-5%

Aggregate for the base shall contain no particles of rock exceeding two 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, even, vertical joint.
3. Pavements. The developer shall provide both the base layer and the surface layer of pavement.
 - a. Minimum standards for the base layer of pavement shall be the Maine Department of Transportation specifications for 19 mm plant mix. The pavement may be placed between April 15 and November 15, provided the air temperature in the shade at the paving location is 35° F or higher and the surface to be paved is not frozen or unreasonably wet.
 - b. Minimum standards for the surface layer of pavement shall be the Maine Department of Transportation specifications for 9 mm plant mix. The pavement may be placed between April 15 and October 15, provided the air temperature in the shade at the paving location is 50° F or higher.

4. Surface and Shoulder Gravel

Surface gravel may be used on shoulders and temporary turn-arounds. It shall be placed on top of the aggregate subbase, shall have no stones larger than two inches in size and meet the following grading requirements.

Surface Gravel Grading Requirements	
Square Mesh Sieves	Percentage by Weight Passing Sieve Designation
2 inch	95-100%
½ inch	30-65%
No. 200	7-12%

8. Road Drainage Standards

- A. Design of best management practices shall be substantially equivalent to those described in the Storm Water Management for Maine: Best Management Practices, published by the Maine Department of Environmental Protection, 1995.
- B. Drainage easements for existing or proposed water courses shall be provided at least 30 feet wide, conforming substantially with the lines of existing natural drainage. All streets shall be provided with adequate drainage facilities to provide for the removal of stormwater to prevent flooding and erosion of adjacent properties.

- C. All road construction shall provide for collection and transport of stormwater and groundwater away from the roadway. Catch basin, pipe, and underdrain systems will be utilized in areas where ditching is not practical.
- D. Ditching shall have a minimum depth to reach the bottom of the roadway subbase to ensure free draining roadway material. Ditch inslopes shall have a minimum of three feet horizontal to one foot vertical slope, but outslopes can be two feet horizontal to one foot vertical provided native soils are stable or stabilized.
- E. Ditches shall be vegetated, by appropriate, site specific means. All ditch profiles shall match, to the extent possible, the corresponding roadway slope. Any ditch slopes in excess of 5% shall be rip rap surfaced with angular stone, preferably blast rock.
- F. All storm drainage structures and pipe shall meet the material requirements of the Maine Department of Transportation Standard Specifications.
- G. Any street that the water runoff may influence a river, stream, brook or Pushaw Lake shall have a storm water plan prepared by a Professional Engineer. The plan shall be reviewed by the town's Engineer, at the Developer's expense.
- H. Culvert locations and sizes shall be approved by the Road Commissioner, or Planning Board as appropriate, and shall not be smaller than 15" in diameter and 30' in length and must be either Aluminized coated corrugated metal pipe, type 2 (ALCCMP), reinforced concrete or HDPE "Polyethylene smooth bore interior, double wall culvert". All culverts shall be below the level of the roadway gravel, if elevation permits, and if not they shall be insulated as approved by the Road Commissioner. Bedding and backfill shall be of native material from the pipe excavation up to the elevation of the roadway or driveway gravel. All entrances shall be constructed in accordance with the Town's Road Entrance Ordinance.
- I. Catch basins or drain manholes shall be pre-cast concrete in accordance with MDOT standards and when installed within the roadway shall be located at the curb line.
- J. Catch basins or drain manholes shall be provided at all changes in vertical or horizontal alignment unless specifically approved by the Road Commissioner, or Planning Board as appropriate.
- K. Catch basins or drain manholes shall be provided at least every 300 feet on straight runs of closed conduit drainage.
- L. All basins and pipes shall be flushed and sumps cleaned prior to activating a new drainage system.

9. Inspection and Certification Required

- A. In order to be considered for acceptance as a town way or public easement, the following requirements must be met:

1. At least five days prior to commencement of construction, the owner or contractor shall:

- a. Notify the Road Commissioner in writing of the time proposed for the commencement of construction of the road improvements, so that the Town can arrange for independent inspections during the course of construction to ensure that said improvements are constructed in accordance with the requirements of this Ordinance and with proper materials and construction techniques.
- b. Deposit with the Town Treasurer a sum of money equal to 2% of the estimated costs of the road improvements to pay for the costs of inspection. If the inspection account is drawn down by 90%, an additional 1% of the estimated costs of the improvements shall be deposited with the Town Treasurer. Upon satisfactory completion of the work and the cleanup of the area, any funds remaining in the inspection account shall be refunded.

B. If the inspecting official determines that any of the road improvements have not been constructed in accordance with this Ordinance and the approved plans, or with proper materials and construction techniques, the official shall notify the owner and/or contractor of the deficiencies in writing, with a copy to the Road Commissioner. If the deficiencies are not corrected to the satisfaction of the Road Commissioner, the road shall not be considered for acceptance by the Town. In the event that the proposed road is part of an approved subdivision, the Town may exercise any remedy available to it under the Subdivision Ordinance or any other law.

C. Upon completion of the construction of the road improvements and prior to consideration of the acceptance of the same as a town way or public easement, the Road Commissioner shall be provided with a written certification from a professional engineer, at the expense of the owner or contractor, certifying that the road improvements meet or exceed the design and construction requirements of this Ordinance. 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. In addition, "as built" plans prepared by a professional engineer shall be submitted to the Road Commissioner. If the road improvements are to be dedicated to the Town, the owner thereof shall provide the Town with a Warranty Deed in form and content acceptable to the Town Attorney, along with a title opinion from an attorney admitted to practice in the State of Maine certifying that the conveyed premises and related easements are being conveyed free and clear of all encumbrances, including but not limited to any liens for labor, materials or services.

10. Guaranty of Road Improvements

All road improvements shall be guaranteed by the owner and/or contractor against defects in materials or workmanship for a period of two years from the date of acceptance of the same. Prior to consideration of acceptance, the owner or contractor shall submit a sum of money equal to 2% of the estimated costs of construction to the Town Treasurer. If the funds have not been used to repair any defects within 2 years and eight months from the date of acceptance, any remaining funds shall be refunded.

11. Street Opening and Entrance Permits

- A. No person, utility or company may excavate in a town road without first obtaining a street opening permit from the Road Commissioner or designee, who shall be authorized to issue said permits and to impose reasonable conditions concerning traffic control and safety considerations. Any person excavating in a town road shall repair the same to the satisfaction of the Road Commissioner, or designee.
- B. No person shall install a culvert or driveway connecting to a town road without first obtaining an entrance permit from the Road Commissioner, or designee. The driveway and/or culvert shall be designed and installed so that it does not cause drainage problems to, or interfere with, the operation of the roadway drainage system.

12. Acceptance of Town Roads.

Nothing in this Ordinance shall be construed to abdicate the legislative authority of the Town Council to accept town ways or public easements pursuant to 23 M.R.S.A. § 3021 et. seq.

13. Applicability.

All roads to be constructed after the enactment date of this Ordinance shall meet the requirements of this Ordinance. Any road that has received Final Subdivision approval from the Planning Board prior to November 18, 2004 may be constructed to the standards of this Ordinance or constructed in accordance with the approval and requirements in effect at the time of the subdivision's approval.

14. Separability.

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

15. Repeal of Prior Ordinance.

Except for applicability to approved subdivisions under Section 13, the Glenburn Road Ordinance adopted on March 10, 1980, as amended, is repealed as of the date of enactment of this Ordinance.

16. Conflict With Other Ordinances.

Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawful rules, regulations, or ordinances, the most restrictive shall govern.

17. Damage to Town Ways / Public Easements

Any person who causes damage to any town way or public easement located in the Town of Glenburn shall be responsible for the costs to repair the same. The amount of damages shall be paid to the Town Treasurer within 30 days of the receipt of an invoice for the damages.

The person who causes the damage shall also be liable to the Town for any costs of collection, including reasonable attorney's fees.

Adopted 05/26/05

Amended 07/30/11 #4. Town Roads. C. Public Easements. #2.

**Shoreland Zoning Ordinance
for the Municipality of Glenburn**

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SHORELAND ZONING ORDINANCE FOR THE MUNICIPALITY OF
GLENBURN, MAINE

Section 1. Purposes

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

Section 2. Authority

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

Section 3. Applicability

This Ordinance applies to all land within the Town of Glenburn that is: within two-hundred fifty (250) feet, horizontal distance, of the normal high-water line of Pushaw Lake, the Kenduskeag Stream, and Black Stream; within two-hundred fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetlands #2, 3, 180, 181, 183, 184, 186, 187, 188, 189, 191, 192, 193, 194, 195, 249, 250, 255, and 260 as identified on the Official Shoreland Zoning Map; and within seventy-five (75) feet, horizontal distance, of the normal high-water line of Lancaster Brook. This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending beyond the normal high-water line of a water body or within a wetland.

Section 4. Effective Date and Repeal of Formerly Adopted Ordinance

This Ordinance was adopted by the Inhabitants of the Town Of Glenburn at a Town Meeting on June 15, 2016 with an effective date of July 15, 2016. This Ordinance however shall not become effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance within forty-five (45) days of its receipt of the Ordinance, it shall be deemed approved. Upon approval of this Ordinance, the Shoreland Zoning Ordinance previously adopted on June 12, 1991 and effective on July 30, 1991 is hereby repealed.

Any complete application for a permit submitted to the municipality prior to July 15, 2016 shall be considered under the then effective Shoreland Zoning Ordinance.

Section 5. Availability

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

Section 6. Severability

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

Section 7. Conflicts with Other Ordinances

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

Section 8. Amendments

This Ordinance may be amended by majority vote of the Inhabitants of the Town Of Glenburn at a Town Meeting. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the Inhabitants of the Town Of Glenburn at a Town Meeting and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

Section 9. Districts and Zoning Map

A. Official Shoreland Zoning Map

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

1. Resource Protection
2. General Development
3. Stream Protection
4. Limited Residential

B. Scale of Map

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

C. Certification of Official Shoreland Zoning Map

The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office.

D. Changes to the Official Shoreland Zoning Map

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

Section 10. Interpretation of District Boundaries

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

Section 11. Land Use Requirements

Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be

created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

Section 12. Non-conformance

A. Purpose

It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance shall be allowed to continue, subject to the requirements set forth in this section.

B. General

1. Ownership Transfer of: Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.
2. Repair and Maintenance: This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

C. Non-conforming Structures

1. Expansions: A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure, and is in accordance with subparagraphs (a), and (b) below. In addition, the applicant must demonstrate that the present subsurface sewage disposal system meets the requirements of State Law and the State of Maine Subsurface Wastewater Disposal Rules (Rules) or that a new system can be installed in compliance with the laws and said Rules.
 - (a) Legally existing non-conforming principal and accessory structures that do not meet the water body or wetland setback requirements may be expanded or altered as follows, as long as all other applicable standards contained in this Ordinance are met.
 - i. Expansion of any portion of a structure within twenty-five feet (25'), horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement.
 - ii. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement.
 - iii. For structures located less than seventy-five feet (75') from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures within that 75-foot distance is 1,000 square feet, and the maximum height of any structure is twenty feet (20') or the height of the existing structure, whichever is greater.
 - iv. For structures located less than one hundred feet (100') from the normal high-water line of a great pond classified as GPA or a river flowing to a great Pond classified as GPA, the maximum combined total footprint for all structures is 1,500 square feet, and the maximum height of any structure is twenty-five feet (25') or the height of the existing structure, whichever is greater, except that any portion of those structures located less than seventy-five feet (75') from the normal high-water line or

upland edge of a wetland must meet the footprint and height limits requirements of Section 12(C)(1)(iii).

2. Foundations: Whenever a new, expanded or replacement foundation is constructed under a nonconforming structure, the structure and new foundation must be placed such that the shoreline setback requirement is met to the greatest practical extent as determined by the Planning Board basing its decision on the criteria specified in Section 12(C)(3) below.
3. Relocation: A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State Law and the State of Maine Subsurface Wastewater Disposal Rules, or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

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

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

- (b) Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

4. Reconstruction or Replacement: Any non-conforming structure which is located less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than fifty percent (50%) of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within one year of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the non-conforming footprint of the reconstructed or replaced structure at its new location. If the total footprint of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a

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

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

In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent the Planning Board shall consider in addition to the criteria in Section 12(C)(3), paragraph two (2) above, the physical condition and type of foundation present, if any.

5. Change of Use of a Non-conforming Structure

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

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

D. Non-conforming Uses

1. **Expansions:** Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as permitted in Section 12(C)(1)(a) above.
2. **Resumption Prohibited:** A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.
3. **Change of Use:** An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12 (C) (4) above.

E. Non-conforming Lots

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

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

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

Section 13. Establishment of Districts

A. General Concerns in the Establishment of Districts

1. Written descriptions of district lines as included in this ordinance must be read in conjunction with the Official Shoreland Zoning Map of Glenburn, and ambiguities in written language must be resolved by reference to such map.

Official Shoreland Zoning Map of Glenburn and ambiguities in written language must be resolved by reference to such map.

To the extent the district and Shoreland zone lines shown on the Official Shoreland Zoning Map of Glenburn are based on the mean high-water mark of a specified body of water or on the upland edge of a specified designated freshwater wetland, the lines are approximations drawn from aerial photo interpretation, soils mapping, and other wetlands inventories. In case of any doubt as to the exact boundary of any such zone or district, the applicant for any land use permit shall have the burden of establishing the normal high-water mark of any such water body or the upland edge of any such designated freshwater wetland. Such determination shall be made and certified by a person properly certified by the State of Maine as being qualified to make such boundary determinations.

2. In the event of overlap or intersection of district lines, the provisions of the more restrictive district shall control. For purposes of this section, the order of restrictiveness from most to least restrictive shall be Resource Protection, Stream Protection, Limited Residential, and General Development.
3. In the following descriptions, numbered Freshwater Wetlands refer to Freshwater Wetlands as shown on the Town of Glenburn Fresh-Water Wetlands Map as prepared by the Maine Department of Environmental Protection 1989.

B. Resource Protection District

1. General Inclusion Criteria

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

- a. Flood plains along rivers and flood plains along artificially formed great ponds along rivers, defined by the 100-year flood plain 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. This district shall also include 100- year flood plains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

- b. Areas of two (2) or more contiguous acres with sustained slopes of twenty percent (20%) or greater.
 - c. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not normal spring part of a freshwater wetland as defined, and which are not surficially connected to a water body during high water.
 - d. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.
2. The Resource Protection District in the Glenburn Shoreland Zone shall consist of the following areas:
- a. Bangor & Aroostook Railroad trestle and extending upstream to the Kenduskeag Stream's most westerly crossing of the Glenburn/Kenduskeag town line except for the land along the generally northerly side of the section of the Kenduskeag Stream which lies between the portion of the Glenburn/Kenduskeag town line which forms westerly boundary of land now or formerly of Richard A. Reynolds as described in a deed recorded in the Penobscot County Registry of Deeds in Volume 3027, page 213 and extending downstream to the generally southeasterly boundary of land now or formerly of H. Vernon & Helen H. Andrews as described in a deed recorded in the Penobscot County Registry of Deeds in Vol. 3526, page 197. There is also excepted from the Resource Protection District the land within the Shoreland Zone now or formerly owned by David & Diane Simpson as evidenced by a deed dated June 6, 1989 and recorded in the Penobscot County Registry of Deeds in Book 4458, Pg. 094 and the land within the Shoreland Zone now or formerly owned by Harold C. & Arlene Cunningham as evidenced by a deed dated June 25, 1969 and recorded in the Penobscot County Registry of Deeds in Book 2163, Pg. 448. There is also excepted from the Resource Protection District a portion of the land within the Shoreland Zone now or formerly owned by Reginald L. Danforth, Sr. as evidenced by a deed dated October 13, 1977 and recorded in the Penobscot County Registry of Deeds in Book 2828, Pg. 344, with said portion of land being that encompassed by Ohio Street; a line 250' (feet) from the normal high water mark of Kenduskeag Stream; the contour line at 116.0 feet N.C.V.D., 1929; and the southerly boundary of land now or formerly owned by Reginald L. Danforth Jr., as evidenced by a deed recorded in the Penobscot County Registry of Deeds on February 28, 1991 in Book 4797, Pg. 341. The above excepted land is excluded from the Resource Protection District because the land is already developed.
 - b. All land on both sides of the Kenduskeag Stream starting at the Bangor & Aroostook Railroad trestle and extending downstream to the Glenburn/Bangor town line which lies within the Shoreland Zone and which is within the 100-year flood plain as shown on the Federal Emergency Management Agency's most current Flood Insurance Rate Maps.
 - c. On Pushaw Lake, beginning at the westerly boundary of land now or formerly of Charles R. and Darlene Morse as evidenced by a deed dated June 7, 1988 and recorded in the Penobscot County Registry of Deeds in Book 4242, Pg. 148 and thence continuing in a generally clockwise direction around the said Pushaw Lake and Freshwater Wetland #3 to the generally easterly and southerly boundaries, where it inhibits a small portion of land now or formerly of Kathy M. Shaw, as evidenced by a deed dated December 1, 1987, and recorded in the Penobscot County Registry of Deeds in Book 4148, Pg. 227, and extending two-hundred fifty feet (250') horizontal distance from the shore of Pushaw Lake or the upland edge of said Freshwater Wetlands #3 except that the Resource Protection District shall be limited by the upland edge of said Freshwater Wetland #3, property lines of developed lots and roads all as shown on the Official Shoreland Zoning Map. There shall also be included in the Resource Protection District that parcel of land bounded on the south by the French's Point Road, on the west by land now or formerly of John F. McEachern as evidenced by a deed dated May 3, 1988 and recorded in the Penobscot County Registry of Deeds in Book 4221, Pg. 286, on the north by the same brook that forms the said John F. McEachern's north line, and on the east by the northwesterly extension of the westerly line of the said Vivian Prue.
 - d. On Pushaw Lake, beginning at the generally northwesterly boundary of lots 30 through 36 of the Plan of Pushaw Lake Sites as recorded in the plan section of the Penobscot County Registry of Deeds in Volume 14, Pg. 10 and thence proceeding in a generally northerly and then easterly direction along the shore of Pushaw Lake and the upland edge of Freshwater Wetland #189 to a line drawn directly to the shore of Pushaw Lake from the most southeasterly corner of a hayfield on the property now or formerly owned by Richard G. Stanhope as evidenced by a deed dated October 12, 1973 and recorded in the Penobscot County Registry of

Deeds in Book 2420, Pg. 168, a distance of two-hundred fifty feet (250') from the normal high water mark of Pushaw Lake and along the upland edge of said Freshwater Wetland #189, except that on land now or formerly owned by Jackie L. Barnard as evidenced by a deed dated August 1, 1990 and recorded in the Penobscot County Registry of Deeds in Book 4694, Pg 146, the Resource Protection District shall encompass only that portion of the said Barnard property which lies below the 100- year Base Flood Elevation of 120.7' N. C. V. D. 1929.

- e. The undeveloped portions of the Sandy Beach Peninsular as shown on the Shoreland Zoning Map.
- f. The wetland between the South Shore Road and Sandy Beach containing approximately two (2) acres.
- g. Freshwater Wetlands #2, #180, #183, #184, and #193 and all land within two-hundred fifty feet (250') of the upland edge of said Freshwater Wetlands except that; in wetland #2, the Resource Protection District only extends to the upland edge of the wetland in areas already developed as fields or gravel pits as delineated on the Shoreland Zoning Map; the Resource Protection District shall not include the already developed field at the very southwest corner of wetland #193; and in wetland #193, the Resource Protection District only encompasses the land westerly of the railroad tracks. In case of any doubt as to the exact boundary of any wetland and listed herein, the applicant for any land use permit shall have the burden of establishing the upland edge of the wetland in question.

C. General Development District

The General Development District includes the following types of areas:

1. Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:
 - a. Areas devoted to manufacturing, fabricating or other industrial activities;
 - b. Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and
 - c. Areas devoted to intensive recreational development and activities, such as, but not limited to amusement parks, race tracks and fairgrounds.
2. Areas otherwise discernable as having patterns of intensive commercial, industrial or recreational uses.

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

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

The General Development District in the Glenburn Shoreland Zone shall consist of the following areas:

1. The portion of the property owned by the Town of Glenburn at Lakeside Landing that lies within the Shoreland Zone. The property owned by the Town Of Glenburn is described in a deed from the Jewish Community Council to the Inhabitants of the Town Of Glenburn dated May 26, 1989 and recorded in the Penobscot County Registry of Deeds in Book 4448, Pg. 292.
2. The portion of Parcel 3 of the property now or formerly of Timothy and Kathy Hodgkins located at Luckey's Landing that lies within the Shoreland Zone. Parcel 3 of the property of Timothy and Kathy Hodgkins is

described in a deed from Robert A. and Janet B. Chapmen to Timothy D. and Kathy K. Hodgkins dated October 3, 1988 and recorded in the Penobscot County Registry of Deeds in Book 4325, Pg. 197.

3. The land bounded on the north by Pushaw Lake, on the east by the Glenburn/Orono town line, on the south by the Double A Landing Road, aka the Pond Road, and on the west by the easterly boundary of property now or formerly owned by Roland L. & Patricia A. Averill as described in a deed dated April 25, 1988 and recorded in the Penobscot County Registry of Deeds in Book 4219, Pg 318.

D. Stream Protection District

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

The Stream Protection District in the Glenburn Shoreland Zone shall consist of the following areas:

1. All land within seventy-five feet (75') of Lancaster Brook, starting at the most southerly boundary of Freshwater Wetland #184 and extending southerly to the point where Lancaster Brook empties into the Kenduskeag Stream except for areas which overlap the Resource Protection District surrounding Freshwater Wetland #184 or the Kenduskeag Stream. Such overlapping areas shall be considered a part of the Resource Protection District.

E. Limited Residential District

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

The Limited Residential District in the Glenburn Shoreland Zone shall consist of all areas within the Town of Glenburn Shoreland Zone which are not included in the Resource Protection, Stream Protection, or General Development Districts.

Section 14. Table of Land Uses

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

Key to Table 1:

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

No – Prohibited

PB – Requires permit issued by the Planning Board

CEO – Requires permit issued by the Code Enforcement Officer

LPI – Requires permit issued by the Local Plumbing Inspector

Abbreviations:

RP – Resource Protection

GD – General Development

SP – Stream Protection

LR – Limited Residential

TABLE 1. LAND USES IN THE SHORELAND ZONE

LAND USES	DISTRICTS			
	RP	GD	SP	LR
1. Non-intensive recreational uses not requiring structures such as hunting, fishing, and hiking	Yes	Yes	Yes	Yes
2. Motorized vehicular traffic on existing roads and trails	Yes	Yes	Yes	Yes
3. Forest Management activities except for timber harvesting	Yes	Yes	Yes	Yes
4. Timber Harvesting ⁹				
5. Clearing of vegetation for approved construction and other allowed uses	CEO ¹	Yes	CEO	Yes
6. Fire Prevention Activities	Yes	Yes	Yes	Yes
7. Wildlife Management Practices	Yes	Yes	Yes	Yes
8. Soil and water conservation practices	Yes	Yes	Yes	Yes
9. Mineral Exploration	Yes ²	Yes ²	No	Yes ²
10. Mineral extraction including sand gravel extraction	PB ³	PB	No	PB
11. Surveying and resource analysis	Yes	Yes	Yes	Yes
12. Emergency Operations	Yes	Yes	Yes	Yes
13. Agriculture	PB	Yes	Yes	Yes
14. Aquaculture	PB	Yes	PB	PB
15. Principal structures and uses				
A. One and two family residential	No	CEO	PB ⁴	CEO
B. Multi-unit residential	No	PB	No	PB
C. Commercial	No	PB	No	No
D. Industrial	No	PB	No	No
E. Government and Institutional	No	PB	No	No
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB	CEO	PB ⁴	CEO
16. Structures accessory to allowed uses	PB	Yes	PB ⁴	CEO

LAND USES	DISTRICTS			
	RP	GD	SP	LR
17. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland				
A. Temporary	CEO	CEO	CEO	CEO
B. Permanent	PB	PB	PB	PB
18. Conversions of seasonal residences to year-round residences	No	LPI	LPI	LPI
19. Home occupations	No	Yes	PB	PB
20. Private Sewage	No	LPI	LPI	LPI
21. Essential Services	PB ⁶	PB	PB ⁶	PB
22. Service drops, as defined, to allowed uses	Yes	Yes	Yes	Yes
23. Public and private recreational areas involving minimal structural development	PB	CEO	PB	PB
24. Individual, private campsites	CEO	CEO	CEO	CEO
25. Campgrounds	No	PB	No	PB
26. Road & driveway construction	No ⁸	PB	PB	PB
27. Parking facilities	No ⁷	PB	No	PB
28. Marinas	No	PB	PB	PB
29. Filling and earthmoving of < 10 yds ³	CEO	Yes	CEO	Yes
30. Filling and earthmoving of > 10 yds ³	PB	CEO	PB	CEO
31. Signs	Yes	Yes	Yes	Yes
32. Uses similar to allowed uses	CEO	CEO	CEO	CEO
33. Uses similar to uses requiring a CEO Permit	CEO	CEO	CEO	CEO
34. Uses similar to uses requiring a PB Permit	PB	PB	PB	PB

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

² Requires permit from CEO if more than 100 ft of surface area, in total, is disturbed

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

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

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

⁷ Except when area is zoned RP Due to flood plain criteria in which case a PB permit is required

⁸ Except to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the RP area, in which case a permit is required from the PB.

⁹ Managed by the Maine Forest Service

Section 15. Land Use Standards

All land use activities within the Shoreland Zone shall conform with the following provisions, if applicable.

A. Minimum Lot Standards

1. Minimum area and shore frontage

- a. Residential lots and public and private recreational facilities in all districts shall have a minimum shore frontage of two-hundred feet (200'), a minimum area of one and three-fourths (1¾) acres, and shall be laid out so as to accommodate a one-hundred-fifty foot (150') by one-hundred fifty foot (150') square somewhere within its boundaries.
 - b. Governmental, Institutional, or Commercial uses shall have a minimum lot area of 60,000 square feet and shall have a minimum shore frontage of three-hundred feet (300').
2. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.
 3. Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.
 4. The minimum width of any portion of any lot within one-hundred feet (100'), horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.
 5. If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.
 6. Each lot shall contain one hundred-seventy-five feet (175') of road frontage with the following exceptions:
 - a. On cul-de-sacs the road frontage may be reduced to eighty feet (80'). The resulting lot must still be able to accommodate a one-hundred fifty foot (150') by one-hundred fifty foot (150') square somewhere within its boundaries.
 - b. On town ways and public easements, this road frontage may be reduced to fifty feet (50') provided that the resulting lot can accommodate a two hundred foot (200') by two hundred foot (200') square somewhere within its boundaries. On privately owned roads, the deed for each lot shall either show ownership of the land underlying the privately owned road in fee simple, or it shall grant to the owner of such lot a right-of-way over such privately owned road. In no case shall the privately owned road or the right-of-way have a minimum width of less than fifty feet (50') for the entire portion of such right-of-way or privately owned road beginning at a town way or a public easement and extending sufficiently far as to allow the lot to meet the one-hundred seventy-five foot (175') frontage requirement.

B. Principal and Accessory Structures

1. All new principal and accessory structures shall be set back at least one-hundred feet (100') from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and seventy-five feet (75') from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland except that in the General Development District the setback from the normal high water mark shall be at least twenty-five feet (25'). The water body or wetland setback provision shall not apply to structures which require direct access to the water as an operational necessity, such as piers, docks and retaining walls, or to other functionally water-dependent uses.

2. On a nonconforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight feet (8') in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including non-vegetated surfaces and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.
 3. Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, and Stream Protection Districts, shall not exceed thirty-five feet (35') in height. This provision shall not apply to structures such as transmissions towers, windmills, antennas, and similar structures having no floor area.
 4. The first floor elevation or openings of all buildings and structures including basements shall be elevated at least one-foot above the elevation of the 100-year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils.
 5. The total area of all structures, parking lots and other non-vegetated surfaces, within the Shoreland zone shall not exceed twenty percent (20%) of the lot or a portion thereof, located within the Shoreland zone, including land area previously developed.
 6. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided; that the structure is limited to a maximum of four feet (4') 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, Title 38, Section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.
 7. All structures shall be set back at least twenty feet (20') from the outermost limit of the road and at least twenty feet (20') from the side and rear lot lines except that accessory structures with a footprint of less than one-hundred and fifty (150) square feet shall be set back at least ten feet (10') from the outermost limit of the road and at least six feet (6') from the side and rear lot lines.
- C. Piers, Docks, Wharfs, Bridges and Other Structures and Uses Extending Over or Beyond the Normal High-Water Line of a Water Body or Within a Wetland.
1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
 2. The location shall not interfere with existing developed or natural beach areas.
 3. The facility shall be located so as to minimize adverse effects on fisheries.
 4. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use, and character of the area.
 5. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity.
 6. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

7. Except in the General Development District, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty feet (20') in height above the pier, wharf, dock or other structure.
8. No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single lot; except that when a single lot contains at least twice the minimum shore frontage as specified in Section 15(A), a second structure may be allowed and may remain as long as the lot is not further divided.

D. Campgrounds

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

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

E. Individual Private Campsites

Individual, private campsites not associated with campgrounds are permitted 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. When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite separately.
3. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred feet (100') from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five feet (75') from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
4. Only one recreational vehicle shall be allowed on a campsite. Recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad and no structure(s) except canopies shall be attached to the recreational vehicle.
5. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1,000) square feet.
6. 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.
7. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

F. Commercial and Industrial Uses

The following new commercial and industrial uses are prohibited within the Shoreland zone adjacent to great ponds classified GPA, and rivers and streams which flow to great ponds classified GPA:

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

G. Parking Areas

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

H. Roads and Driveways

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

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

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

This paragraph shall neither apply to approaches to water crossing nor to roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline due to an operational necessity.

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

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

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

I. Signs

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

1. Signs and billboards relating to goods and services sold on the premises shall be permitted, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. Billboards and signs relating to goods or services not sold or rendered on the premises shall be prohibited.
2. Name signs shall be permitted, provided such signs shall not exceed two (2) signs per premises.
3. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental or lease of premises.
4. 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.
5. Signs relating to public safety shall be permitted without restriction.
6. No sign shall extend higher than twenty feet (20') above the ground.
7. Signs may be illuminated only by shielded, non-flashing lights.

J. Storm Water Run-off

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

K. Septic Waste Disposal

1. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules
2. No owner of a property with an existing private sewage disposal system within 250 feet of a classified body of water shall convert to a primary place of residency (30-A MRSA § 4215, Subsection 2, as amended) *or* sell or have titles transferred for the purpose of habitation by a new owner until the local plumbing inspector issues a written certification that one of the following conditions is met:
 1. A subsurface waste water disposal application, completed after July 1, 1974 exists indicating that the dwelling's waste water disposal system substantially complies with State of Maine Department of Human Services rules and applicable municipal ordinances provided that the disposal system was installed with the required permit and certificate of approval and is not malfunctioning or
 2. A replacement for an existing wastewater disposal system has been constructed so that it substantially complies with departmental rules and applicable municipal ordinances.

L. Essential Services

1. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

2. The installation of essential services is not permitted in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where permitted, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

M. Mineral Exploration and Extraction

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

Mineral extraction may be permitted under the following conditions:

1. A reclamation plan shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of paragraph 4 below.
2. Unless authorized pursuant to the Natural Resources Protection Act, Title 38, M. R. S. A., Section 480-C no part of any extraction operation, including drainage and run-off control features shall be permitted within one hundred feet (100') 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 feet (75') of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within seventy-five feet (75') of any property line, without written permission of the owner of such adjacent property.
3. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one-hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
 - a. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on site. Only materials generated on site may be buried or covered on-site.
 - b. The final graded slope shall be two to one (2:1) slope or flatter.
 - c. Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
4. In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

N. Agriculture

1. All spreading or disposal of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the former Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).
2. Manure shall not be stored or stockpiled within one-hundred feet (100'), horizontal distance, of a great pond classified GPA or a river flowing to a great pond, classified GPA, or within seventy-five feet (75') horizontal distance, of other water bodies, tributary streams, or wetlands. Within five (5) years of the effective date of this ordinance all manure storage areas within the Shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water. Existing facilities which do not meet

the set-back requirement may remain, but must meet the no discharge provision within the above five (5) year period.

3. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area or The spreading, disposal or storage of manure within the Shoreland zone shall require a Soil and Water Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.
4. There shall be no new tilling of soil within one-hundred feet (100'), horizontal distance, of the normal high water line of a great pond classified GPA; within seventy-five feet (75'), horizontal distance, from other water bodies; nor within twenty-five feet (25'), horizontal distance, of tributary streams, and wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.
5. After the effective date of this Ordinance, newly established livestock grazing areas shall not be permitted within one hundred feet (100'), horizontal distance, of other water bodies, nor within twenty-five feet (25'), horizontal distance, of tributary streams, and wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above set-back provisions may continue, provided that such grazing is conducted in accordance with a Soil and Water Conservation Plan.

O. Timber Harvesting

The Maine Bureau of Forestry shall administer and enforce all forestry activities within the municipality in accordance to statewide standards.

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

1. Within a Shoreland area zoned for Resource Protection abutting a great pond, there shall be no cutting of vegetation within the strip of land extending seventy-five feet (75') horizontal distance, inland from the normal high-water line, except to remove safety hazards in accordance with Section 15(Q).

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

2. Except in areas as described in Section P(1) above, within a shoreline buffer extending one-hundred feet (100'), horizontal distance, inland from the normal high-water line of a great pond, or within a shoreline buffer extending seventy-five feet (75'), horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, vegetation shall be preserved as follows:
 - a. There shall be no cleared opening greater than two-hundred fifty (250) square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a single footpath not to exceed six feet (6') in width as measured between tree trunks and/or shrub stems is allowed for accessing the shoreline provided that a cleared line of sight to the water through the shoreline buffer is not created.
 - b. Selective cutting of trees within the shoreline buffer is allowed provided that a well-distributed stand of trees is maintained. For the purposes of Section 15(P)(2)(b) a "well-distributed stand of trees" adjacent to a great pond or a river or stream flowing to a great pond, shall be defined as maintaining a rating score of twelve (12) or more in an twenty-five foot (25') by twenty-five foot (25') square (six hundred twenty-five (625) square feet) area as determined by the following rating system:

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

Adjacent to other water bodies, tributary streams, and wetlands, a “well-distributed stand of trees” is defined as maintaining a minimum rating score of eight (8) per twenty-five foot (25’) square area.

Note: As an example, adjacent to a great pond, if a twenty-five foot (25’) x twenty-five foot (25’) plot contains three (3) trees between 2 and 4 inches in diameter, three trees between 4 and 12 inches in diameter, and three (3) trees over 12 inches in diameter, the rating score is:

$$(3 \times 1) + (3 \times 2) + (3 \times 4) = 21 \text{ points}$$

Thus, the 25-foot by 25-foot plot contains trees worth 21 points. Trees totaling 9 points ($21 - 12 = 9$) may be removed from the plot provided that no cleared openings are created.

The following shall govern in applying this point system:

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

For the purposes of Section 15(P)(2)(b) “other natural vegetation” is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least three (3) saplings less than two (2) inches in diameter at four and one half ($4 \frac{1}{2}$) feet above ground level for each 25-foot by 25-foot square area. If three (3) saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 3 saplings have been recruited into the plot.

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

- c. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath as described in Section 15(P) paragraphs (2) and (2)(a) above.
 - d. Pruning of tree branches, on the bottom 1/3 of the tree is permitted.
 - e. In order to maintain the vegetation in the shoreline buffer, removal of storm-damaged, hazard or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species in accordance with Section Q, below, unless existing new tree growth is present.
 - f. In order to maintain the vegetation in the shoreline buffer, clearing or removal of vegetation for allowed activities, including associated construction and related equipment operation, within or outside the shoreline buffer, must comply with the requirements of Section 15(P)(2).
3. At distances greater than one hundred feet (100’), horizontal distance, from a great pond, and seventy-five feet (75’), 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 percent (40%) of the volume of trees four (4) inches or more in diameter, measured $4 \frac{1}{2}$

feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty percent (40%) calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

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

4. Cleared openings legally in existence on the effective date of this Ordinance may be maintained, but shall not be enlarged, except as permitted by this Ordinance.
5. Fields which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this section.

Q. Hazard Trees, Dead Trees and Storm-Damaged Trees

1. Hazard trees may be removed without a permit after consultation with the Code Enforcement Officer, provided the following requirements are met:
 - (a) Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, the opening shall be replaced with native tree species, unless there is new tree growth already present near to where the hazard tree was removed. New tree growth is considered to be at least two (2) inches in diameter, measured at four and one half (4½) feet above ground level. If new growth is not present, then replacement trees shall consist of native species, be at least four feet (4') in height and be no less than two (2) inches DBH. Stumps shall not be removed.
 - (b) Outside the shoreline buffer, if the removal of hazard trees results in more than forty percent (40%) of the volume of trees, four (4) inches or more in diameter as measured at four and one half (4½) feet above ground level, being removed in any ten (10) year period; or results in cleared openings of more than twenty-five (25) percent of the lot area within the Shoreland zone or more than ten thousand (10,000) square feet, whichever is greater; then replacement with native tree species is required, unless there is new tree growth already present near to where the hazard tree was removed. New tree growth is considered to be at least two (2) inches DBH. If new growth is not present, then replacement trees shall consist of native species and be no less than two (2) inches DBH.
 - (c) The code enforcement officer may require the applicant to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the Shoreland zone.
 - (d) The code enforcement officer may require more than a one-for-one replacement for removed hazard trees that exceeded eight (8) inches in diameter at four and one half (4½) feet above ground level.
2. Dead trees may be removed without a permit, provided the following requirements are met:
 - (a) The trees are dead from natural causes. Dead trees are those that contain no foliage during the growing season.
 - (b) The removal of dead trees does not result in the creation of new lawn areas or other permanently cleared areas.
 - (c) Stumps shall not be removed.
3. Storm-damaged trees may be removed without a permit after consultation with the Code Enforcement Officer, provided the following requirements are met:
 - (a) Within the shoreline buffer, if the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, the following shall be required:

- (i) The area shall be required to naturally revegetate. If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings shall be required at a density of one seedling/sapling per every eighty (80) square feet of open canopy.
 - (ii) The removal of storm-damaged trees does not result in the creation of new lawn areas or other permanently cleared areas.
 - (iii) Stumps shall not be removed.
 - (iv) Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree.
- (b) Outside the shoreline buffer, if the removal of storm-damaged trees results in more than forty (40) percent of the volume of trees, four (4) inches or more in diameter as measured at four and one half (4.5) feet above ground level, being removed in any ten (10) year period; or results in cleared openings of more than twenty-five (25) percent of the lot area within the Shoreland zone or more than ten thousand (10,000) square feet, whichever is greater; replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings shall be required on a one-for-one basis. Replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level.

R. Revegetation Requirements

When revegetation is required to address the removal of non-native invasive species of vegetation, to address removal of vegetation in conjunction with shoreline stabilization, in response to violations of the standards set forth in Section 15(P), or as a mechanism to allow for development that may otherwise not be permissible due to the standards of Section 15(P), then revegetation shall comply with the following requirements:

1. The applicant must submit a revegetation plan, prepared with and signed by a qualified professional that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.
2. Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed, and must occur at a density comparable to the pre-existing vegetation. If this is not feasible due to shoreline stabilization, then revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed.
3. If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.
4. Revegetation activities must meet the following requirements for trees and saplings:
 - (a) All trees and saplings removed must be replaced with native noninvasive species;
 - (b) Replacement vegetation must consist of saplings at a minimum;
 - (c) If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;
 - (d) No one species shall make up 50% or more of the number of trees and saplings planted;

- (b) If revegetation is required for shoreline stabilization, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or saplings must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and
 - (f) A survival rate of at least eighty (80) percent of planted trees/saplings is required for a minimum of five (5) years.
5. Revegetation activities must meet the following requirements for all woody vegetation and for other vegetation under three (3) feet in height:
- (a) All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;
 - (b) Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
 - (c) If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;
 - (d) No one species shall make up 50% or more of the number of planted woody vegetation plants; and
 - (e) Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained in Section 15(P) for a minimum of five (5) years.
6. Revegetation activities must meet the following requirements for ground vegetation and ground cover:
- (a) All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
 - (b) Where necessary due to a lack of sufficient ground cover, the area must be supplemented with leaf mulch and/or bark mulch at a minimum of four (4) inches deep to prevent erosion and provide for effective infiltration of stormwater; and
 - (c) Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this Ordinance for a minimum of five (5) years.

S. Erosion and Sedimentation Control

1. All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
 - a. Mulching and revegetation of disturbed soil.
 - b. Temporary run-off control features such as hay bales, silt fencing or diversion ditches.
 - c. Permanent stabilization structures such as retaining walls or rip-rap.
2. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

3. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
4. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of rip-rap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial due date of exposure. In addition:
 - a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
 - b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
 - c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
5. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

T. 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.

U. Water Quality

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

V. 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.

Section 16. Administration

A. Administering Bodies and Agents

1. Code Enforcement Officer

A Code Enforcement Officer shall be appointed or reappointed by July 1st.

2. Board of Appeals

A Board of Appeals shall be created in accordance with the provisions of Title 30-A Section 2691.

3. Planning Board

A Planning Board shall be created in accordance with the provisions of State Law.

B. Permits Required

After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use of structure; or renew a discontinued nonconforming use.

C. Permit Application

1. Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.
2. All applications shall be signed by the owner or owners of the property or other person authorizing the work, certifying that the information in the application is complete and correct. If the person signing the application is not the owner or lessee of the property then that person shall submit a letter of authorization from the owner or lessee.
3. All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
4. If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure would require the installation of a subsurface sewage disposal system.

D. Procedure for Administering Permits

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

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

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

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

7. Is in conformance with the provisions of Section 15, Land Use Standards; and
8. Meets the intent of the Comprehensive Plan, as amended.

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

E. Expiration of Permit

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

F. Installation of Public Utility Service

No public utility, water district, sanitary district or any utility company of any kind may install services to any new structure located in the Shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance has been issued by the appropriate municipal officials. Following installation of service, the company or district shall forward the written authorization to the municipal officials, indicating that installation has been completed.

G. Appeals

1. Powers and Duties of the Board of Appeals

The Board of Appeals shall have the following powers:

- a. Administrative Appeals: To hear and decide 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 enforcement or administration of this Ordinance.
- b. Variance Appeals: To authorize variances upon appeal, within the limitations set forth in the Ordinance.

2. Variance Appeals

Variances may be permitted only under the following conditions:

- a. Variances may be granted only from dimensional requirements including but not limited to, lot width, structure height, percent of lot coverage, and set-back requirements.
- b. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
- c. The Board shall not grant a variance unless it finds that:
 - (1) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and
 - (2) The strict application of the terms of this Ordinance would result in undue hardship. The term "hardship" shall mean:
 1. That the land in question cannot yield a reasonable return unless a variance is granted;
 2. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 3. That the granting of a variance will not alter the essential character of the locality; and

4. That the hardship is not the result of action taken by the applicant or a prior owner.
- d. The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.
- e. A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.
- f. 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 decision.

3. Appeal Procedure

a. Making an Appeal

- (1) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board. Such appeal shall be taken within thirty (30) days of the date of the decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.
- (2) Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:
 - i. A concise written statement indicating what relief is requested and why it should be granted.
 - ii. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
- (3) 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.
- (4) The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.

b. Decision by Board of Appeals

- (1) A majority of the Board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
- (2) The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter on which it is required to decide under this Ordinance, or to affect any variation in the application of this Ordinance from its stated terms. The board may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance.
- (3) The person filing the appeal shall have the burden of proof.
- (4) The Board shall decide all appeals within thirty-five (35) days after the close of the hearing, and shall issue a written decision on all appeals.

- (5) All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, and the appropriate order, relief or denial thereof.

4. Appeal to Superior Court

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 thirty (30) days from the date of any decision of the Board of Appeals.

5. Reconsideration

The Board of Appeals may reconsider any decision within thirty (30) days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony.

H. Enforcement

1. Nuisances

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

2. Code Enforcement Officer

1. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of the Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
2. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.
3. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected.

3. Legal Actions

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

4. Fines

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

Section 17. Definitions

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

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

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

Aquaculture: The growing or propagation of harvestable freshwater plant or animal species.

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

Campground: Any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including but limited to tents, recreational vehicles or other shelters.

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

Dimensional Requirements: Numerical standards relating to spatial relationships including but not limited to set-back, lot area, shore frontage and height.

Driveway: A vehicular access-way less than five hundred (500') feet in length service two lots or less.

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

Essential Services: The construction, alteration or maintenance of gas, electrical or communication facilities; stream, 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, 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 footprint of a structure, including all extensions such as, but not limited to attached: decks, garages, porches and greenhouses.

Expansion of Use: The addition of weeks or months to a use's operating season; additional hours of operation; or the use of more footprint devoted to a particular use.

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

Floor Area: The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls.

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

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

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

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

Freshwater Wetland: Freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

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

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

Functionally Water-dependent Uses: Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and which cannot be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, and industrial uses dependent upon water-borne transportation.

Great Pond: Any inland body of water which in a natural state has a surface area in excess of ten (10) acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

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

Height of a Structure: The vertical distance between the mean original grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area.

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

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

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

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

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

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

Minimum Lot Width: The closest distance between the side lot lines of a lot.

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

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

Multi-Unit Residential: A residential structure containing three (3) or more residential dwelling units.

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

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

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

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

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

Piers, Docks, Wharfs, Bridges and Other Structures and Uses Extending Over or Beyond the Normal High-Water Line or Within a Wetland:

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

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

Principal Structure: A structure other than one which is used for purposes wholly incidental or accessory to the use of another structure or use on the same lot.

Principal Use: A use other than one which is wholly incidental or accessory to another use on the same lot.

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 of public entity.

Recent Flood Plain Soils: The following soil series as described and identified by the National Cooperative Soil Survey:

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

Recreational Facility: A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

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

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

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

Rip-Rap: 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.

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

1. In the case of electric service
 - a. The placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
 - b. The total length of the extension is less than one thousand (1,000) feet.

2. In the case of telephone service

- a. The extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
- b. The extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Set-back: The nearest horizontal distance from the normal high-water line to the nearest part of a structure, road, parking space or other regulated object or area.

Shore Frontage: The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline at normal high-water elevation.

Shoreland Zone: The land area located within two hundred and fifty (250') feet, horizontal distance, of the normal high-water line of any great pond, river, or saltwater body; within two hundred and fifty (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.

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

Substantial Start: Completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

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

Sustained Slope: A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

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

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.

Vegetation: All live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under four (4") inches in diameter, measured at 4 ½ 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, stream or tidal area.

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

Wetland: A freshwater wetland.

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 one hundred (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.

HISTORY OF SHORELAND ZONING IN THE TOWN OF GLENBURN, MAINE

COMPLETE HISTORY OF SHORELAND ZONING IN GLENBURN COMPILED FROM ALL KNOWN RECORDS IN THE TOWN OFFICE AND FROM INFORMATION PROVIDED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.

DECEMBER 29, 1958 to MARCH 26, 1973 See History at end of regular Zoning Ordinance for the complete history during this period.

MAY 6, 1975 The Town received notification that on April 18 and April 30 LURC and the DEP had imposed a temporary Shoreland Zoning Ordinance on the Town Of Glenburn. It was a temporary Ordinance which was scheduled to be superseded on August 7, 1975 by a more Comprehensive Ordinance unless the town first enacted a suitable Ordinance. This imposed Ordinance placed into the Resource Protection District all land within two-hundred and fifty (250') feet of Pushaw Lake, Kenduskeag Stream, and Black Stream.

MAY 28, 1975 The Town adopted a Zoning Ordinance which attempted to incorporate all necessary Shoreland Zoning Provisions required by the State. The Ordinance was not only for the Shoreland's but covered the entire Town.

JULY 11, 1975 The Town received notification that on July 10 LURC and the DEP had reviewed Glenburn's newly enacted Zoning Ordinance and found that the Ordinance incorporated most of required provisions. However, the State Guidelines which were adopted effective DECEMBER 15, 1973 remained imposed on the Kenduskeag Stream upstream from its crossing with the Bangor and Aroostook Railroad.

JUNE 13, 1979 LURC and the DEP re-adopted the State imposed Ordinance for the Town Of Glenburn. The area covered stayed the same-the Kenduskeag Stream upstream from it crossing with the Bangor and Aroostook Railroad in the Resource Protection District. The re-adopted Ordinance incorporated three changes in the regulations.

OCTOBER 19, 1987 A new Shoreland Zoning Ordinance was adopted by a Special Town Meeting. At the same time, a New Regular Zoning Ordinance was adopted to apply to the portion of the Town not in the Shoreland Zone. The New Shoreland Ordinance is based on the latest version of the State Model Ordinance. Some minor modifications were made.

APRIL 21, 1987 A Special Town Meeting amended the following sections: Section 2; 9(A)(7); 11(H); 12(6); 11(N)(3); 12(B)(1); 11(D); 9(A)(1); 11(B); 13(C); 13(H); 8(B); 8(C) deleted and new 8(A) adopted.

JUNE 12, 1991 A completely new Shoreland Zoning Ordinance was adopted by a Regular Town Meeting. This Ordinance is substantially the same as the New State Model Ordinance. It updates and greatly clarifies many of the ambiguous points contained in the 1987 Model Ordinance.

FEBRUARY 17, 1994 A Special Town Meeting deleted two small parcels from the Resource Protection District. The amendments were in Section 13(B)(2)(a) and Section 13(B)(2)(d).

JUNE 8, 2004 A Regular Town Meeting adopted amendments that repeal all of Section 12(C)(1)(a)-(d) and replaced those provisions with Section 12(C)(1), (1-A), (1-B), and (1-C).

MARCH 15, 2007 Amendment to Section 13B(2c) Reclassify property located on French's Point Road from Shoreland Zoning/Resource Protection to Shoreland Zoning/Limited Residential identified as Glenburn Tax Map 25/Lot 145

JUNE 12, 2012, effective July 12, 2012 Amendments to Section 15 A. Minimum Lot Standards, 1a., 6., 6a, 6b. to coincide with the Zoning/Land Use Ordinance.

JUNE 12, 2013, effective July 12, 2013 Amendments to Section 3. Applicability; Section 13. Establishment of Districts, B. Resource Protection District; and Section 17. Definitions, Freshwater Wetland.

JUNE 15, 2016, effective July 15, 2016 Amendments to comply with DEP's minimum guidelines which were mandatory as of May 1, 2006 and amendments to comply with DEP's minimum guidelines which were mandatory January 26, 2015 (Amendments filed with ordinance of permanent record)

The Town of Glenburn hereby ordains that the following Special Amusement Ordinance be hereby adopted.

TOWN OF GLENBURN
SPECIAL AMUSEMENT ORDINANCE

ARTICLE I

Title, Purpose & Definitions

Section 101. TITLE

This Ordinance shall be known and may be cited as the Special Amusement Ordinance of the Town of Glenburn, Maine.

Section 102. PURPOSE

The purpose of this Ordinance is to regulate, pursuant to 28-A M.R.S.A. § 1054 et seq., the issuance of special permits for music, dancing, or entertainment in facilities licensed by the State of Maine to sell liquor to be consumed on the licensed premises.

Section 103. DEFINITIONS

103.1 Entertainment. For the purposes of this Ordinance, "entertainment" shall mean any amusement, performance, exhibition or diversion for patrons or customers of the licensed premises whether provided by professional entertainers or by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value.

103.2 Licensee. For the purposes of this Ordinance, "licensee" shall mean the holder of a license issued under Alcoholic Beverages Statutes of the State of Maine, or any person, individual, partnership, firm, association, corporation, or other legal entity, or any agent, or employee of any such licensee.

103.3 Dancer. For the purposes of this Ordinance, "dancer" shall mean a person under a licensee's control and dancing on the licensee's premises to entertain patrons, including patrons performing in an event sponsored by the licensee.

ARTICLE II

General

Section 201. PERMIT REQUIRED

201.1 No licensee for the sale of liquor to be consumed on the licensee's premises in the Town of Glenburn shall permit, on said premises, any music, except radio or other mechanical device, any dancing or entertainment of any sort unless the licensee shall have first obtained from the Glenburn Town Council a special amusement permit signed by at least a majority of the Town Council.

201.2 Applications for all special amusement permits shall be made in writing to the Town Council and shall state the name of the applicant; applicant's residence address; the name of the business to be conducted; applicant's business address; the nature of applicant's business; the location to be used; whether the applicant has ever had a license to conduct the business therein described either denied or revoked and, if so, the applicant shall describe those circumstances specifically; whether the applicant, including all partners or corporate officers, has ever been convicted of a felony and, if so, the applicant shall describe specifically those circumstances and any additional information as may be needed by the municipal officers in the issuing of the permit, including but not limited to a copy of the applicant's current liquor license.

201.3 The fee for a special amusement permit shall be \$150.00 or such other amount as may be specified in a Schedule of License, Permit and Application Fees established by the Town Council.

201.4 The Town Council shall, prior to granting a permit and after reasonable notice to the public and the applicant, hold a public hearing within 15 days of the date that the request was received, at which the testimony of the applicant and that of any interested members of the public shall be taken.

201.5 Prior to the issuance of a permit by the Town Council, the applicant must demonstrate, and the Town Council must determine, that:

- A. The issuance of the requested permit will not be detrimental to the public health, safety, or welfare;
- B. The proposed activity will not create a traffic hazard;
- C. There is ample on-site parking to accommodate the proposed activity;
- D. The proposed activity will not, either by reason of its scope or noise, adversely affect property located within one thousand (1,000) feet of the proposed activity and that it will not unreasonably interfere with the use, enjoyment and value of property located within one thousand (1,000) feet of the proposed activity;

E. The proposed activity and the property on which it is to be conducted is in conformance with all applicable provisions of the ordinances, regulations and codes of the Town of Glenburn and all other applicable state and federal codes, ordinances, regulations and statutes; or

F. Neither the applicant, nor its officers, agents or principle employees has been convicted of a Class A, B or C crime within the past five (5) years.

201.6 A permit shall be valid only for the license year of the applicant's existing liquor license.

Section 202. INSPECTIONS

202.1 Whenever inspections of the premises used for or in connection with the operation of a licensed business which has obtained a special amusement permit are provided or required by ordinance or State Law, or are reasonably necessary to secure compliance with any ordinance provision or State Law, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit any officer, official or employee of the Town of Glenburn authorized to make the inspection at any reasonable time that admission is requested.

202.2 Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any ordinance provision or State Law, it shall be the duty of the licensee, or person in charge of the premises, to give to any authorized officer, official or employee of the Town of Glenburn requesting the same sufficient samples of the material or commodity for analysis.

202.3 In addition to any other penalty which may be provided, the Town Council may revoke the special amusement permit of any licensee in the Town of Glenburn who refuses to permit any such officer, official or employee to make an inspection or take sufficient samples for analysis, or who interferes with such officer, official, or employee while in the performance of his/her duty. Provided, that no license or special amusement permit shall be revoked unless written demand for the inspection or sample is made upon the licensee or person in charge of the premises, at the time it is sought to make the inspection.

Section 203. SUSPENSION OR REVOCATION OF A PERMIT

The Town Council may, after a public hearing, preceded by notice to interested parties, suspend or revoke any special amusement permits which have been issued under this Ordinance on the grounds that the music, dancing or entertainment so permitted constitutes a detriment to the public health, safety, or welfare, or violates any ordinances, articles, by-laws, or rules and regulations.

Section 204. RULES AND REGULATIONS

The Town Council is hereby authorized, after public notice and hearing, to establish written rules and regulations governing the issuance, suspension, and revocation of special amusement permits, the classes of permits, the music, dancing or entertainment permitted under each class and other limitations on these activities required to protect the public health, safety and welfare. These rules and regulations may specifically determine the location and size of permitted premises, the facilities that may be required for the permitted activities on those premises, and the hours during which the permitted activities are permitted. Such rules and regulations shall be additional to and consistent with all sections of this Ordinance.

Section 205. PERMIT AND APPEAL PROCEDURES

205.1 Any licensee requesting a special amusement permit from the Town Council shall be notified in writing of its decision no later than fifteen (15) days from the date the permit application was received. In the event that a licensee is denied a permit, the licensee shall be provided with the reasons for the denial in writing. The licensee may not reapply for a permit within 30 days after an application for a permit has been denied.

205.2 In approving a special amusement permit, the Town Council may impose reasonable restrictions to protect property owners and residents in the vicinity of the licensed premises from any nuisance aspects of the entertainment, including the location and size of the premises, the facilities that may be required for the permitted activities on the premises and the hours during which the permitted activities will be allowed.

205.3 Any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may, within 30 days of the denial, suspension or revocation, appeal the decision to the municipal board of appeals as defined in 30-A M.R.S.A. § 2691. The municipal board of appeals may grant or reinstate the permit if it finds that: (1) the permitted activities would not constitute a detriment to the public health, safety or welfare, or that the denial, revocation or suspension was not based, by a preponderance of the evidence, on a violation of any ordinance, article, by-law, or rule or regulation of the Town of Glenburn or (2) the denial, revocation or suspension was arbitrary and capricious.

Section 206. ADMISSION

A licensed hotel, Class A restaurant, Class A tavern or restaurant malt liquor licensee who has been issued a special amusement permit may charge admission in designated areas approved by the municipal special amusement permit.

Section 207. LIVE ENTERTAINMENT REGULATION

207.1 The purpose of this section is to regulate nudity as a form of live entertainment in those establishments at which alcoholic beverages are served or consumed.

207.2 No licensee shall permit entertainment on the licensed premises whether provided by professional entertainer(s), employees of the licensed premises, or any other person, when the entertainment involves:

- A. The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law;
- B. The actual or simulated touching, caressing, or fondling of breasts, buttocks, anus, or genitals;
- C. The actual or simulated displaying of the genitals, pubic hair, buttocks, anus, or any portion of the female breasts at or below the areola area thereof; or
- D. The permitting by any licensee of any person to remain in or upon the licensed premises who exposes to any public view any portion of his or her genitals or anus or female breasts below the areola area thereof.

207.3 For purposes of this section, the words "displaying" and "exposes" shall mean being unclothed or uncostumed or not covered by fully opaque cloth or textile material, or employing any device or covering which is intended to give the appearance or to simulate the genitals, pubic hair, buttocks, anus or the portions of the female breasts at or below the areola area thereof.

Section 208. GENERAL REQUIREMENTS

208.1 All music, dancing and/or entertainment subject to regulation under this ordinance shall end no later than 12:00 midnight.

208.2 The maximum permissible sound pressure level produced by any music, dancing and/or entertainment on the licensed premises shall not exceed 50 dB, measured four (4) feet above ground at the property boundary of said premises. The sound level shall be measured by a meter set on the A-weighted response scale, slow response, and the meter shall meet the American National Standards Institute (ANSI S1.4-1961) "American Standard Specification for General Purpose Sound Level Meters."

208.3 The following provisions shall apply to the performances of dancers in establishments holding a special amusement permit.

- A. No dancer shall dance in the establishment except on a platform raised at least two (2) feet from the floor.
- B. No dancer shall dance closer than ten (10) feet from any patron.

- C. There shall be no physical contact on the premises between any patron and any dancer.
- D. No patron shall directly pay or give any gratuity to any dancer, and no dancer shall solicit any pay or gratuity from any patron.
- E. The licensee shall provide on the premises a separate dressing room and toilet facilities for use by dancers only.
- F. Any dancer on the premises who removes any garments shall not toss or throw those garments at or in the direction of any patron.
- G. The licensee shall, at licensee's own expense, post a security guard or an individual authorized to act as a law enforcement officer at each entrance and exit to the premises during each performance by a dancer or dancers on the premises and for one hour after each such performance.
- H. No patron under twenty-one (21) years of age shall be permitted on the premises or portions of the premises where a performance by dancers is conducted during any such performance.
- I. Any premises upon which entertainment including a dancer or dancers is proposed to be conducted shall be located at least one thousand (1,000) feet from any: (1) church, (2) school, (3) public park or playground, (4) other facility holding a special amusement license under this Ordinance and which provides dancers as defined in this Ordinance, or (5) any building or structure used for residential purposes. For the purpose of 1, 2, and 3, the measurement shall be along a straight line from property line to property line at the points of their nearest proximity. For the purposes of 4 and 5, the measurement shall be along a straight line from building to building at the points of their nearest proximity.

ARTICLE III

Penalty, Separability and Effective Date

Section 301. PENALTY

Whoever violates any of the provisions of this Ordinance shall be subject to a civil penalty of not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00), to be recovered on complaint, to the use of the Town of Glenburn. Each act of violation and every day upon which any violation shall occur shall constitute a separate offense.

Section 302. SEPARABILITY

The invalidity of any provision of this Ordinance shall not invalidate any other part.

Section 303. EFFECTIVE DATE

This Ordinance shall take effect and be in force upon the automatic repeal of the Emergency Special Amusement Ordinance on July 14, 2003 at 12:00 midnight.

TOWN OF GLENBURN
SUBDIVISION ORDINANCE

ADOPTED: NOVEMBER 18, 2004

TOWN OF GLENBURN
SUBDIVISION ORDINANCE

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ARTICLE 1 – PURPOSES

The purposes of this ordinance are:

- 1.1** To assure the comfort, convenience, safety, health and welfare of the people;
- 1.2** To protect the environment and to promote the development of an economically sound and stable community;
- 1.3** To provide for an expeditious and efficient process for the review of proposed subdivisions;
- 1.4** To clarify the approval criteria of the state Subdivision Law, found in Title 30-A M.R.S.A. § 4404;
- 1.5** To assure new development in the Town of Glenburn meets the goals and conforms to the policies of the Glenburn Comprehensive Plan;
- 1.6** To assure that a minimal level of services and facilities are available to the residents of new subdivisions and that lots in subdivisions are capable of supporting the proposed uses and structures;
- 1.7** To minimize the potential impacts from new subdivisions on neighboring properties and on the municipality; and
- 1.8** To maintain and protect property values and promote fiscally responsible development within the Town of Glenburn.

ARTICLE 2 – MISCELLANEOUS PROVISIONS

2.1 Authority.

- A. This ordinance has been prepared in accordance with the provisions of Title 30-A M.R.S.A. § 4403.
- B. This ordinance shall be known and may be cited as “Subdivision Ordinance of the Town of Glenburn, Maine.”

2.2 Amendments.

This ordinance may be amended by the Town Council of the Town of Glenburn in accordance with the provisions of the Town Charter.

2.3 Severability.

Should any section or provision of this ordinance be declared by the courts to be invalid, such action shall not invalidate any other section or provision of this ordinance, and to this end, the provisions of this ordinance are hereby declared to be severable.

2.4 Effective Date.

The effective date of this ordinance shall be 30 days after the date of its adoption by the Town Council.

2.5 Repeal of Prior Ordinances.

The Glenburn Subdivision Ordinance adopted December 13, 1986, as amended, shall be repealed as of the effective date of this ordinance. Provided, however, that said ordinance shall remain in full force and effect with respect to any violation thereof in existence at the time of the effective date of this ordinance, and provided further that any such violation shall be deemed a violation of this ordinance and subject to its terms and provisions. The Glenburn Subdivision Moratorium Ordinance adopted June 12, 2003, as extended, shall be repealed as of the date of adoption of this Ordinance.

2.6 Conflicts.

This ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, by-law, permit, ordinance or provision of law of the Town of Glenburn. Where this ordinance imposes a higher standard for the protection and promotion of comfort, health, safety and general welfare, the provisions of this ordinance shall prevail.

2.7 Filing.

A copy of this ordinance shall be filed at the Penobscot County Registry of Deeds and with the Town Clerk and shall be accessible to any member of the public.

2.8 Applicability.

The provisions of this ordinance shall apply to all applications for subdivision approval filed on or after the date of adoption of this Ordinance, and to applications that are not pending applications within the meaning of 1 M.R.S.A. § 302, or the provisions of the prior Subdivision Ordinance, as of the date of adoption of this Ordinance.

2.9 Pending Application Status.

No application for subdivision approval under this ordinance shall be deemed to be a pending application within the meaning of 1 M.R.S.A. § 302 until such time as the Planning Board has made a determination that the Final Plan application is complete and the Planning Board has conducted at least one substantive review of the completed Final Plan application for the purpose of determining whether it complies with the review criteria and other applicable requirements of this ordinance or state laws relating to subdivisions.

2.10 Burden of Proof.

In all instances, the burden of proof is upon the person proposing the subdivision to demonstrate satisfaction of the requirements of 30-A M.R.S.A. § 4401 et seq. and of this ordinance.

2.11 Maximum Number of Lots or Dwelling Units.

The maximum number of lots for a proposed subdivision shall be determined by dividing the net residential acreage of the land area proposed for inclusion in the subdivision by the applicable minimum lot size required by the Town's Zoning Ordinance. The maximum number of dwelling units for a proposed subdivision consisting of dwelling units shall be determined by dividing the net residential acreage of the land area proposed for inclusion in the dwelling unit subdivision by the applicable minimum lot size per dwelling unit required by the Town's Zoning Ordinance.

2.12 Technical Review.

The Planning Board is authorized to retain the services of engineers or other professionals to undertake a technical review of any subdivision application for the purpose of assisting the Planning Board in determining whether the application and the proposed subdivision complies with the requirements of this

ordinance or applicable State Laws or Regulations. Any technical review fee paid by the applicant shall be deposited in a special account designated for that subdivision application. If the balance in this special account is drawn down by 75% the Board shall notify the applicant, and the applicant shall deposit with the Town sufficient funds to restore the special account to at least 50 % of its original amount. The Board shall continue to notify the applicant whenever the balance in the account is drawn down by 75% of the original deposit, and the applicant shall deposit sufficient funds to restore the special account to at least 50% of its original amount. If the applicant fails to fund the special account as required, review of the application by the Planning Board shall be suspended until such time as the funds are paid. Any balance in the account remaining after a decision on the final plan application by the Board shall be returned to the applicant.

2.13 Blasting Activities

No blasting shall be undertaken in a subdivision unless: (1) a blasting plan has been approved by the Planning Board as part of the preliminary plan application or (2) a site map and blasting plan is submitted to and approved by the Code Enforcement Officer. The map must show the proposed blast area(s) and the location of all structures and wells within 500 feet of the blast area(s). In addition, no blasting shall be undertaken in a subdivision unless the Code Enforcement Officer is provided with written notice of the location and date of the proposed blasting, which notice must be received at least 7 days prior to the blasting activity.

ARTICLE 3 - ADMINISTRATION AND PROCEDURE

3.1 Administration.

- A. The Planning Board of the Town of Glenburn, hereinafter called the Board, shall administer this ordinance.
- B. The provisions of this ordinance shall apply to all subdivisions, as defined by this ordinance or the laws of the State of Maine, that are located wholly or partially within the boundaries of the Town of Glenburn.

3.2 Procedure.

In order to establish an orderly, equitable and expeditious procedure for reviewing subdivisions and to avoid unnecessary delays in processing applications for subdivision review, the Board Chairperson, in consultation with the Code Enforcement Officer, shall prepare a written agenda for each regularly scheduled meeting. The agenda shall be prepared no less than seven (7) calendar days in advance of the meeting, distributed to the Board members and any applicants appearing on the agenda, and posted at the municipal office. Applicants shall request to be placed on the Board's agenda at least fourteen (14) calendar days in advance of a regularly scheduled meeting by contacting the Code Enforcement Officer.

Applicants who are not on the Board's agenda may be heard, only as a CEO item. However, the Board shall take no action on any application not appearing on the Board's written agenda.

3.3 Bylaws.

The Planning Board is authorized to adopt bylaws for the transaction of its business under this ordinance.

ARTICLE 4 - PREAPPLICATION MEETING, SKETCH PLAN AND ON-SITE INSPECTION

4.1 Purpose.

The purpose of the pre-application meeting and on-site inspection is for the applicant to present general information regarding the proposed subdivision to the Board and receive the Board's comments prior to the expenditure of substantial sums of money on surveying, soils identification, and engineering by the applicant.

4.2 Procedure.

- A. The applicant or duly authorized agent shall present the Pre-application Sketch Plan and make a verbal presentation regarding the site and the proposed subdivision.
- B. Following the applicant's presentation, the Board may ask questions and make suggestions to be incorporated by the applicant into the application.
- C. The on-site inspection shall be scheduled.

4.3 Submission.

The Pre-application Sketch Plan shall show in simple sketch form the proposed layout of streets, lots, buildings and other features in relation to existing conditions. The Sketch Plan, which does not have to be engineered and may be a free-hand penciled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It will be most helpful to both the applicant and the Board for site conditions such as steep slopes, wet areas and vegetative cover to be identified in a general manner. 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. A copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision.
- B. A copy of that portion of the county soil survey covering the proposed subdivision, showing the outline of the proposed subdivision. Along with soils suitability for intended use taken from "Soil Suitability Guide for Land Use Planning in Maine", latest edition.
- C. Ten copies of all materials.

4.4 Contour Intervals and On-Site Inspection.

Within thirty days of the pre-application meeting, or as soon as weather conditions permit, the Board shall hold an on-site inspection of the property 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 applicant shall place "flagging" at the approximate centerline of any proposed streets, and at the approximate intersections of the street centerlines and lot corners, prior to the on-site inspection.

4.5 Establishment of File.

Following the pre-application/sketch plan meeting the Board shall establish a file for the proposed subdivision. All correspondence and submissions regarding the pre-application/sketch plan meeting and application shall be maintained in the file.

ARTICLE 5 –PLAN FOR MINOR SUBDIVISION

Any subdivision containing four lots or dwelling units or less, and in which no street is proposed to be constructed, is a Minor Subdivision subject to this article. (A Minor Subdivision requires a Sketch Plan and a Final Plan, while a Major Subdivision requires a Sketch Plan, Preliminary Plan and Final Plan.)

5.1 General.

The Board may require, where it deems necessary to make a determination regarding the criteria for approval from Title 30-A M.R.S.A. § 4404, or the standards from Article 8 of this ordinance, that a Minor Subdivision comply with some or all of the submission requirements for a Major Subdivision.

5.2 Procedure.

- A. After Sketch plan review and within six months after the on-site inspection by the Board, the applicant shall submit an application for approval of a final plan at least fourteen (14) days prior to a scheduled meeting of the Board. Applications shall be submitted by registered mail to the Board in care of the municipal office or delivered by hand to the municipal office. The municipal office shall issue a dated receipt. Failure to submit the application within six months 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 a Minor Subdivision shall be accompanied by payment of any application, technical review, advertising, mailings or other fees as established by the Fee Schedule Ordinance of the Town of Glenburn. If the applicant fails to pay the required fees, review of the application shall be suspended until such time as the fees are paid.
- C. The applicant, or the applicant's representative, shall attend the meeting of the Board to present the final plan application. Failure to attend the meeting to present the final plan application shall result in a delay of any action by the Board until such time as the applicant follows the appropriate process to appear on the Board's agenda.
- D. Upon receipt of an application for final plan approval of a Minor Subdivision the municipal office representative shall:
 1. Notify in writing all owners of abutting property that an application for subdivision approval has been submitted, specifying the location of the proposed subdivision and including a general description of the project.
 2. Notify the clerk and the reviewing authority of the neighboring municipalities if any portion of the subdivision crosses the municipal boundary.

3. Make the appropriate posting of notices.
- E. Within thirty calendar days of the receipt of the final plan application, the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Code Enforcement Officer, at the direction of the Planning Board, shall notify the applicant in writing of the specific additional material needed to complete the application.
- F. Upon a determination that a complete application has been submitted for review, the Code Enforcement Officer shall, at the direction of the Planning Board, notify the applicant in writing of that determination. In addition, the Board shall schedule a public hearing on the final plan application.
- G. The Board shall hold the public hearing within thirty calendar days of determining that it has received a complete application, and shall publish a 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. A copy of the notice shall be mailed to the applicant and abutters. All costs incurred in advertising and notifying abutters of a public hearing shall be borne by the applicant.
- H. Within thirty days from the public hearing, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact, and conclusions relative to the criteria contained in Title 30-A M.R.S.A. § 4404 and the standards of Article 8. If the Board finds that all the criteria of the statute and the standards of Article 8 have been met, it shall approve the final plan. If the Board finds that any of the criteria of the statute or the standards of Article 8 has not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the criteria and standards will be met by the subdivision. The Board shall issue a written notice of its decision to the applicant, including the Board's findings, conclusions and any reasons for its decision.

5.3 Submissions For Minor Subdivisions.

The final plan application shall consist of the following items.

- A. Application Form.
- B. Location Map. The location map shall be drawn at a size 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 close proximity of the proposed subdivision.
 2. Locations and names of existing and proposed streets.

3. Boundaries and designations of zoning districts.
 4. An outline of the proposed subdivision and any remaining portion of the owner's property if the final plan submitted covers only a portion of the owner's entire tract or parcel of land.
- C. Final Plan. The subdivision plan for a Minor Subdivision shall consist of two reproducible, stable-based transparencies, 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.

The reproducible transparencies shall be embossed with the seal of the individual responsible for preparation of the plan. 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 1.5 inches outside of the borderlines on the left side for binding and a one-half inch margin outside the border along the remaining sides. The Plan shall provide space for endorsement. Ten (10) copies of all information accompanying the plan shall be submitted to the Code Enforcement Officer. One copy of the subdivision plan at a scale of 1"=200' to be submitted to the Tax Assessor.

D. Application Requirements.

The application for approval of a Minor Subdivision shall include the following information. The Board may require additional information to be submitted, where it finds such information necessary in order to determine whether the criteria of Title 30-A M.R.S.A. § 4404 and this ordinance are met.

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 standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a land surveyor registered in Maine. The corners of the parcel shall be located on the ground and marked by monuments. The plan shall indicate the type of monument found or to be set at each lot corner.
4. A copy of the most recently recorded deed for the parcel. 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 or dwellings in the subdivision.
6. An indication of the type sewage disposal to be used in the subdivision.
 - a. When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the appropriate sewer district, stating that the district has the capacity to collect and treat the wastewater, shall be provided.
 - b. When sewage disposal is to be accomplished by subsurface wastewater disposal systems, test pit analyses (logs), 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.
7. An indication of the type of water supply system(s) to be used in the subdivision.
 - a. When water is to be supplied by a publicly owned public water system, a written statement from the appropriate public official shall be submitted indicating that there is adequate supply and pressure for the subdivision and that the public entity approves the plans for extensions where necessary. Where the public entity's supply line is to be extended, a written statement from the fire chief, stating approval of the location of fire hydrants, if any, and a written statement from the public official approving the design of the extension shall be submitted. Any public main extensions and fire hydrants shall be installed at the developers expense within the public right-of-way.
 - b. When water is to be supplied by a privately owned public water system, evidence that the proposed system complies with the State of Maine Rules Relating To Drinking Water and will provide adequate water supply and pressure for the subdivision shall be submitted.
 - c. When water is to be supplied by private wells, evidence of adequate ground water supply shall be submitted by a well driller or hydro geologist familiar with the area.
8. The date the plan was prepared, north point, and graphic map scale.
9. The names and addresses of the record owner, applicant, and individual or company who prepared the plan, and adjoining property owners.
10. A soil survey map by a Certified Soil Scientist. Wetland areas shall be identified on the survey, regardless of size. The intensity of the soil survey map shall be as follows:
 - a. Class A (High Intensity) Soil Survey

1. Specific land area within any development proposed to be used for disposal of effluent, wastewater or other wastes.
 2. Subdivisions with any lot less than 2 acres and on-site subsurface wastewater disposal.
 - b. Class B (High Intensity) Soil Survey
 1. Subdivisions with any lot less than 2 acres.
 2. The land area of a condominium development that is to be disturbed during construction. Condominium developments include single or multi-family attached dwellings.
 - c. Class C (Medium High-Intensity) Soil Survey
 1. Subdivisions with all lots greater than 2 acres and on-site subsurface wastewater disposal.
 - d. For the purposes hereof, Class A, B, and C soil mapping intensity levels shall be those as established by the Maine Department of Environmental Protection.
11. The number of acres within the proposed subdivision, location of property lines, existing buildings, 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. On wooded sites, any area to be cleared prior to the sale of lots shall be depicted.
 12. The location of all rivers, streams and brooks within or adjacent to the proposed subdivision. If any portion of the proposed subdivision is located in the direct watershed of Pushaw Lake the application shall so indicate.
 13. Contour lines at the interval specified by the Board, showing elevations in relation to mean sea level.
 14. The zoning district in which the proposed subdivision is located, if districts are defined, and the location of any zoning boundaries affecting the subdivision.
 15. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
 16. The location, names, and present widths of existing streets and highways, and existing and proposed 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 street line, lot line, and boundary line to be readily determined and be

reproduced upon the ground. These lines shall be tied to reference points previously established.

17. The location of any open space to be preserved and a description of proposed improvements and its management.
18. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title 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 applicant 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 to convey title shall be included.
19. 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, as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan.
20. A storm water management plan, prepared by a registered professional engineer in accordance with the *Stormwater Management for Maine: Best Management Practices*, published by the Maine Department of Environmental Protection (1995). The Board may waive submission of the storm water management plan unless the subdivision is in the watershed of Pushaw Lake, the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.
21. An erosion and sedimentation control plan prepared in accordance with the *Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices*, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, March 1991. The Board may waive submission of the erosion and sedimentation control plan unless the subdivision is in the watershed of Pushaw Lake, the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.
22. Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the comprehensive plan. If any portion of the subdivision is located within an area designated as a critical natural area by the comprehensive plan or the Maine Natural Areas Program the plan shall indicate appropriate

measures for the preservation of the values, which qualify the site for such designation.

23. If the proposed subdivision is in the direct watershed of Pushaw Lake a phosphorus control plan:
 - a. For subdivisions, which qualify for the simplified review, procedure the plan shall indicate the location and dimensions of vegetative buffer strips or infiltration systems. (See Section 8.18)
 - b. For subdivisions, which do not qualify for the simplified review, procedure the following shall be submitted. (See Section 8.18)
 1. A phosphorus impact analysis and control plan conducted using the procedures set forth in *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, published by the Maine Department of Environmental Protection, September, 1992 revision.
 2. A long-term maintenance plan for all phosphorus control measures.
 3. The contour lines shown on the plan shall be at an interval of not more than five feet unless otherwise specified by the Planning Board.
 4. Areas with sustained slopes greater than 25% covering more than one acre shall be delineated.
24. All areas within or adjacent to the proposed subdivision which are either listed on or eligible to be listed on the National Register of Historic Places, or have been identified in the comprehensive plan as sensitive or likely to contain such sites.
25. The location and method of disposal for land clearing and construction debris and any other permits relating to the same that may be necessary.

ARTICLE 6 - PRELIMINARY PLAN FOR MAJOR SUBDIVISION

Any subdivision containing more than four lots or dwelling units, or any subdivision containing a proposed street is a Major Subdivision subject to this article. (A Major Subdivision requires a Sketch Plan, Preliminary Plan and Final Plan.)

6.1 Procedure.

- A. After Sketch Plan review and within six months after the on-site inspection by the Board, the applicant shall submit an application for approval of a preliminary plan at least fourteen (14) calendar days prior to a scheduled meeting of the Board. (The final plan submittal procedures are found in Article 7.) Applications shall be submitted by registered mail to the Board in care of the municipal office or delivered by hand to the municipal office. The municipal office shall issue a dated receipt. Failure to submit an application within six months 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 payment of any application, technical review, advertising, mailing or other fees as established by the Fee Schedule Ordinance of the Town of Glenburn. If the applicant fails to pay the required fees, review of the application shall be suspended until such time as the fees are paid.
- C. The applicant, or the applicant's representative, shall attend the meeting of the Board to present the preliminary plan application. Failure to attend the meeting to present the preliminary plan application shall result in a delay of any action by the Board until such time as the applicant follows the appropriate process to appear on the Board's agenda.
- D. At least 7 calendar days prior to the meeting of the Board, at which an application for preliminary plan approval of a major subdivision is to be initially presented, the municipal office shall:
 - 1. Notify in writing all owners of abutting property that an application for subdivision approval has been submitted, specifying the location of the proposed subdivision and including a general description of the project.
 - 2. Notify the clerk and the reviewing authority of the neighboring municipalities if any portion of the subdivision crosses the municipal boundary.
 - 3. Make the appropriate posting of notices.

4. Notify the road commissioner, school superintendent, Local Law Enforcement 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 notice shall request that these officials comment in writing upon the adequacy of their department's existing capital facilities to service the proposed subdivision, and any health or safety recommendations they feel pertinent. Their written report shall be submitted to the CEO 7 days prior to the public hearing.
- E. Within thirty (30) calendar days of the receipt of the preliminary plan application, the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Code Enforcement Officer, as directed by the Planning Board, shall notify the applicant in writing of the specific additional material needed to complete the application.
- F. Upon determination that a complete application has been submitted for review, the Code Enforcement Officer, as directed by the Planning Board, shall notify the applicant in writing of its determination. The Board shall schedule a public hearing on the preliminary plan application.
- G. The Board shall hold a public hearing within thirty (30) calendar days of determining that it has received a complete application, and shall publish a 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 (7) calendar days prior to the hearing. A copy of the notice shall be mailed to the applicant. All costs incurred in advertising and notifying abutters of a public hearing shall be borne by the applicant.
- H. Within thirty (30) calendar days from the public hearing, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact on the application, and approve, approve with conditions, or deny the preliminary plan application. The Board shall specify in writing its findings of facts and reasons for any decision.
- I. 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 the Board finds may be waived without jeopardy to the public health, safety, and general welfare; and

3. The construction items for which cost estimates and performance guarantees will be required as prerequisite to the approval of the final plan.
- J. 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 consideration by the Board upon fulfillment of the requirements of this ordinance and the conditions of preliminary approval, if any. Prior to the approval of the final plan, the Board may require that additional information be submitted and changes in the plan be made as a result of further study of the proposed subdivision or as a result of new information received.

6.2 Submissions For Preliminary Plan of Major Subdivisions.

The preliminary plan application shall consist of the following items.

- A. Application Form.
- B. Location Map. The location map shall be drawn at a size 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 close proximity of the proposed subdivision.
 2. Locations and names of existing and proposed streets.
 3. Boundaries and designations of zoning districts, if a zoning land use ordinance is adopted.
 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 tract or parcel of land.
- C. Preliminary Plan. The preliminary plan shall be submitted, to the Code Enforcement Officer, in ten (10) 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, along with all accompanying information no less than fourteen (14) calendar days prior to the meeting. The preliminary plan shall be 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.
- D. Application Requirements. The application for preliminary plan approval shall include the following information. The Board may require additional information to be submitted, where it finds such information necessary in order to determine whether the criteria of Title 30-A M.R.S.A. § 4404 and this ordinance are met.

1. Proposed name of the subdivision 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 standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a registered land surveyor. The corners of the parcel shall be located on the ground and marked by monuments.
4. A copy of the most recently recorded deed for the parcel. 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 or dwellings in the subdivision.
6. An indication of the type of sewage disposal to be used in the subdivision.
 - a. When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the appropriate sewer district, stating that the district has the capacity to collect and treat the wastewater, shall be provided.
 - b. When sewage disposal is to be accomplished by subsurface wastewater disposal systems, test pit analyses (logs), 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.
7. An indication of the type of water supply system(s) to be used in the subdivision.
 - a. When water is to be supplied by a publicly owned public water system, a written statement from the appropriate public official shall be submitted indicating that there is adequate supply and pressure for the subdivision and that the public entity approves the plans for extensions where necessary. Where the public entity's supply line is to be extended, a written statement from the fire chief, stating approval of the location of fire hydrants, if any, and a written statement from the public official approving the design of the extension shall be submitted. Any public main extensions and fire hydrants shall be installed at the developers expense within the public right-of-way.
 - b. When water is to be supplied by a privately owned public water system, evidence that the proposed system complies with the State of Maine Rules Relating To Drinking Water and will provide adequate water supply and pressure for the subdivision shall be submitted.

- c. When water is to be supplied by private wells, evidence of adequate ground water supply shall be submitted by a well driller or hydro geologist familiar with the area.
8. The date the plan was prepared, north point, and graphic map scale.
9. The names and addresses of the record owner, applicant, and individual or company who prepared the plan, and adjoining property owners.
10. A soil survey map by a Certified Soil Scientist. Wetland areas shall be identified on the survey, regardless of size. The intensity of the soil survey map shall be as follows:
 - a. Class A (High Intensity) Soil Survey
 1. Specific land area within any development proposed to be used for disposal of effluent, wastewater or other wastes.
 2. Subdivisions with any lot less than 2 acres and on-site subsurface wastewater disposal.
 - b. Class B (High Intensity) Soil Survey
 1. Subdivisions with any lot less than 2 acres.
 2. The land area of a condominium development that is to be disturbed during construction. Condominium developments include single or multi-family attached dwellings.
 - c. Class C (Medium High-Intensity) Soil Survey
 1. Subdivisions with all lots greater than 2 acres and on-site subsurface wastewater disposal.
 - d. For the purposes hereof, Class A, B, and C soil mapping intensity levels shall be those as established by the Maine Department of Environmental Protection.
11. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing physical features. On wooded lots, any area to be cleared prior to the sale of lots shall be depicted.
12. The location of all rivers, streams and brooks within or adjacent to the proposed subdivision. If any portion of the proposed subdivision is located in the direct watershed of Pushaw Lake, the application shall so indicate.
13. Contour lines at the interval specified by the Board, showing elevations in relation to Mean Sea Level.

14. The zoning district in which the proposed subdivision is located, if districts are defined, and the location of any zoning boundaries affecting the subdivision.
15. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
16. The location, names, and present widths of existing streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.
17. The proposed lot lines with dimensions and lot areas.
18. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
19. The location of any open space to be preserved and a description of proposed ownership, improvement and management.
20. The area on each lot where existing forest cover will be permitted to be removed and converted to lawn, structures or other cover and any proposed restrictions to be placed on clearing existing vegetation, as is applicable to the proposed subdivision.
21. 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, as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan.
22. A hydro geologic assessment prepared by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology, when the subdivision is not served by public sewer and any part of the subdivision is located over a sand and gravel aquifer, as shown on a map entitled "Hydro geologic Data for Significant Sand and Gravel Aquifers," by the Maine Geological Survey.

The Board may require a hydro geologic assessment in other cases where site considerations or development design indicate greater potential of adverse impacts on ground water quality. These cases include extensive areas of shallow to bedrock soils; or cluster developments (open space developments) in which the average density is less than one dwelling unit per 100,000 square feet but the density of the developed portion is in excess of one dwelling unit per 80,000 square feet; or the proposed use of shared or common subsurface waste water disposal systems.

23. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from *Trip Generation Manual*, 1991 edition, published by the Institute of Transportation Engineers. Trip generation rates from other

sources may be used if the applicant demonstrates, to the Board's satisfaction, that these sources better reflect local conditions.

24. 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 street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets and any proposed traffic signage.
25. Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the comprehensive plan. If any portion of the subdivision is located within an area designated as a unique natural area by the comprehensive plan or the Maine Natural Areas Program, the plan shall indicate appropriate measures for the preservation of the values, which qualify the site for such designation.
26. If the proposed subdivision is in the direct watershed of Pushaw Lake and qualifies for the simplified review procedure (See: Section 8.18) for phosphorus control, the plan shall indicate the location and dimensions of vegetative buffer strips or infiltration systems and the application shall include a long-term maintenance plan for all phosphorus control measures.
27. All areas within or adjacent to the proposed subdivision which are either listed on or eligible to be listed on the National Register of Historic Places, or have been identified in the comprehensive plan as sensitive or likely to contain such sites.
28. All plans, submissions, and supporting documentation for streets, roads or sidewalks as required under the Town of Glenburn Road Ordinance.
29. If it is anticipated that blasting will be required for the subdivision, the area(s) of contemplated blasting shall be shown on the preliminary plan, and a blasting plan shall be submitted.
30. A storm water management plan, prepared by a registered professional engineer in accordance with the *Stormwater Management for Maine: Best Management Practices*, published by the Maine Department of Environmental Protection (1995). The Board may waive submission of the storm water management plan unless the subdivision is in the watershed of Pushaw Lake, the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious

surfaces such as roofs and driveways is less than 5% of the area of the subdivision.

31. An erosion and sedimentation control plan prepared in accordance with the *Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices*, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, March 1991 is mandatory.
32. If any portion of the proposed subdivision is in the direct watershed of Pushaw Lake and does not qualify for the simplified review procedure for phosphorus control, the following shall be submitted or indicated on the plan.
 1. A phosphorus impact analysis and control plan conducted using the procedures set forth in *Phosphorus Control in Lake Watersheds: a Technical Guide for Evaluating New Development*, published by the Maine Department of Environmental Protection, revised September, 1992. The analysis and control plan shall include all worksheets, engineering calculations, and construction specifications and diagrams for control measures, as required by the *Technical Guide*.
 2. A long-term maintenance plan for all phosphorus control measures.
 3. The contour lines shown on the phosphorus plan shall be at an interval of no less than two (2) feet.
 4. Areas with sustained slopes greater than 20% covering more than one acre shall be delineated.
33. The location and method of disposal for land clearing and construction debris.

ARTICLE 7 - FINAL PLAN FOR MAJOR SUBDIVISION

Any subdivision containing more than four lots or dwelling units, or any subdivision containing a proposed street is a Major Subdivision subject to this article. (A Major Subdivision requires a Sketch Plan, Preliminary Plan and Final Plan.)

7.1 Procedure.

- A. Within six months after the approval of the preliminary plan, the applicant shall submit an application for approval of the final plan at least fourteen (14) calendar days prior to a scheduled meeting of the Board. Applications shall be submitted by registered mail to the Board in care of the municipal office or delivered by hand to the municipal office. The municipal office shall issue a dated receipt. If the application for the final plan is not submitted within six months after preliminary plan approval, the Board shall require resubmission of the preliminary plan, except as stipulated below. The final plan shall approximate the layout shown on the preliminary plan, plus any changes required by the Board.

If an applicant cannot submit the final plan within six months, due to delays caused by other regulatory bodies, or other reasons, the applicant may request an extension. Such a request for an extension to the filing deadline shall be filed, in writing, with the Board prior to the expiration of the filing period. In considering the request for an extension the Board shall make findings that the applicant has made due progress in preparation of the final plan and in pursuing approval of the plans before other agencies, and that municipal ordinances or regulations which may impact on the proposed development have not been amended.

- B. All applications for final plan approval for a major subdivision shall be accompanied by payment of any application, technical review, advertising, mailing or other fees as established by the Fee Schedule Ordinance of the Town of Glenburn. If the Board does not decide to hold a public hearing under Section 7.1.H, the advertising fee shall be refunded to the Applicant.
- D. If the preliminary plan identified any areas listed on or eligible to be listed on the National Register of Historic Places, in accordance with Section 5.3.D.24, the applicant shall submit a copy of the plan and a copy of any proposed mitigation measures to the Maine Historic Preservation commission prior to submitting the final plan application.
- E. The applicant, or the applicant's duly authorized representative, shall attend the meeting of the Board to discuss the final plan. Failure to attend the meeting to present the final plan application shall result in a delay of any action by the Board until such time as the applicant follows the appropriate process to appear on the Board's agenda.

- F. Within thirty (30) calendar days of the receipt of the final plan application, the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Code Enforcement Officer, as directed by the Board, shall notify the applicant in writing of the specific additional material needed to complete the application.
- G. Upon determination that a complete application has been submitted for review, the Code Enforcement Officer, as directed by the Board, shall notify the applicant in writing of its determination. The Board shall determine whether to hold a public hearing on the final plan application.
- H. If the Board decides to hold a public hearing, it shall hold the hearing within thirty (30) calendar days of determining it has received a complete application, and shall publish a notice of the date, time and place of the hearing in a newspaper of local circulation at least two times, the date of the first publication to be at least seven days before the hearing. In addition, the notice of the hearing shall be posted in at least three prominent places within the municipality at least seven days prior to the hearing. The municipal office will notify the applicant and abutting property owners of the hearing date.
- I. Before the Board grants approval of the final plan, the applicant shall meet the performance guarantee requirements contained in Article 11.
- J. Within thirty (30) calendar days from the public hearing, or within sixty (60) calendar days of receiving a complete application if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact and conclusions relative to the criteria for approval contained in Title 30-A M.R.S.A. § 4404 and the standards of this ordinance. If the Board finds that all the criteria of the statute and the standards of this ordinance have been met, it shall approve the final plan. If the Board finds that any of the criteria of the statute or the standards of this ordinance 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 Board shall specify in writing its findings of fact and reasons for any decision.

7.2 Submissions For Final Plan of Major Subdivisions.

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 easily be read. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of 1.5 inches outside of the borderline on the left side for binding and a one-half inch margin outside the border along the remaining sides. The Plan shall reserve space on the plan for endorsement. Two reproducible, stable-based transparencies, one

to be recorded at the Registry of Deeds, the other to be filed at the municipal office, and ten copies of the plan shall be submitted to the Code Enforcement Office, along with all accompanying information no less than fourteen (14) calendar days prior to a scheduled meeting of the Board. The applicant may instead submit one reproducible stable-based transparent original of the final plan and one recording plan with ten copies of the final plan within the stated timeframe.

The final plan shall include or be accompanied by 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. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, and other essential existing physical features.
- C. An indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the sewer district indicating the district has reviewed and approved the sewerage design shall be submitted.
- D. An indication of the type of water supply system(s) to be used in the subdivision.
 - 1. When water is to be supplied by an existing public water supply, a written statement from the servicing water district shall be submitted indicating the district has reviewed and approved the water system design. A written statement shall be submitted from the fire chief approving all hydrant locations or other fire protection measures deemed necessary.
 - 2. 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 hydro geologist familiar with the area.
- E. The date the plan was prepared, north point, graphic map scale.
- F. The names and addresses of the record owner, applicant, and individual or company who prepared the plan.
- G. The location of any zoning boundaries affecting the subdivision.
- H. If different than those submitted with the preliminary plan, a copy of any proposed deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
- I. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
- J. The location, names, and present widths of existing and proposed streets, highways, easements, buildings, 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 street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The location, bearing and length of street lines, lot lines and parcel boundary lines shall be certified by a land surveyor registered in Maine. The original reproducible plan shall be embossed with the seal of the registered land surveyor and be signed by that individual.

- K. Street plans, meeting the requirements of Section 8.5 and the Glenburn Road Ordinance.
- L. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the municipality of all public ways and 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 proposed streets and/or spaces 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 to convey title shall be included.
- M. The boundaries of any flood hazard areas and the 100-year flood elevation as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan with a notation made on the final plan.
- N. A list of construction items, with cost estimates, that will be completed by the applicant prior to the sale of lots, and evidence that the applicant has financial commitments or resources to cover these costs.
- O. The Board shall verify that the following minimum conditions are placed on the final plan:
 - a) All of the property pins have been set, or to be set, on all lots within the subdivision before any lots are sold, or building permits are issued;
 - b) The statement "this subdivision plan will become null and void if not recorded in the Penobscot County Registry of Deeds within 60 days of final approval.
- P. Approval Space: Suitable space to record on the approved plan the date and conditions of approval, if any. This space shall be similar to the following example:

THIS IS TO CERTIFY THAT AFTER REVIEWING THE SUBDIVISION SHOWN BY THIS PLAN AND CONSIDERING EACH OF THE CRITERIA SET FORTH IN 30-A M.R.S.A. § 4404, AS AMENDED, AND CONSIDERING EACH OF THE CRITERIA SET FORTH IN THE SUBDIVISION ORDINANCE OF THE TOWN OF GLENBURN, THE UNDERSIGNED HAVING MADE FINDINGS OF FACT ESTABLISHING THAT THE PROPOSED SUBDIVISION MEETS ALL

OF THE CRITERIA SET FORTH THEREIN, AND THEREFORE THE
SUBDIVISION IS APPROVED.

GLENBURN PLANNING BOARD:

Date: _____

Conditions of Approval: _____

7.3 Final Approval and Filing.

- A. No plan shall be approved by the Board as long as the applicant is in violation of the provisions of a previously approved Plan within the municipality.
- B. Prior to approval of the final plan application by the Planning Board, the following approvals, as applicable, shall be obtained in writing, unless waived by the Planning Board:
 - 1. Maine Department of Environmental Protection, under the Site Location of Development Act.
 - 2. Maine Department of Environmental Protection, under the Natural Resources Protection Act or if a storm water management permit or a wastewater discharge license is needed.
 - 3. Maine Department of Human Services, if the applicant proposes to provide a public water system.
 - 4. Maine Department of Human Services, if an engineered subsurface wastewater disposal system(s) is to be utilized.
 - 5. U.S. Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.
 - 6. Maine Department of Transportation, if a permit under 23 M.R.S.A. § 704 or § 704-A is required.

- C. Upon findings of fact and determination that all standards in Title 30-A M.R.S.A. § 4404, and this ordinance have been met, and upon voting to approve the subdivision, a majority of the Board members shall sign and date both transparencies and shall write any conditions of approval on both transparencies of the signed plan as part of its permanent record. One paper copy of the signed plan shall be forwarded to the tax assessor. One paper copy of the signed plan shall be forwarded to the Code Enforcement Officer. It is the responsibility of the developer to have the subdivision recorded in the Penobscot Registry of Deeds within sixty (60) days of the date upon which the plan is approved and signed by the Board. Failure to do so shall result in the subdivision becoming null and void.
- D. At the time the Board grants final plan approval, it may permit the Plan to be divided into two or more phases subject to any conditions the Board deems necessary in order to ensure 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 may require the plan to be divided into two or more phases 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 expansion, addition or purchase of the needed facilities is included in the municipality's capital improvements program, the time period of the phasing shall be no longer than the time period contained in the capital improvements program for the expansion, addition or purchase.
- E. 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 11. The Board shall make findings that the revised plan meets the criteria of Title 30-A M.R.S.A. § 4404, and the standards of this ordinance. In the event that a Plan is recorded without complying with this requirement, it shall be considered null and void, and the Board shall file a notice of noncompliance with the Registry of Deeds, which would put prospective purchasers on notice that the plan was not properly approved.
- F. The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the municipality, approval of the plan shall not constitute an acceptance by the municipality of such areas. The Board shall require the plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the municipal officers covering future deed and title dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.

- G. Except in the case of a phased development plan, failure to complete substantial construction of the subdivision within five years of the date of approval and signing of the plan shall render the plan null and void. The Board shall require the plans to contain appropriate notes to this effect. Upon determining that a subdivision's approval has expired under this paragraph, the Board shall have a notice recorded in the Registry of Deeds to that effect.

ARTICLE 8 – REVIEW CRITERIA, PERFORMANCE STANDARDS AND DESIGN GUIDELINES

The performance standards in this article are intended to clarify and expand upon the criteria for approval found within the subdivision statute (Title 30-A M.R.S.A. § 4404). In reviewing a proposed subdivision, the Board shall review the application for conformance with the following performance standards and make findings that each has been met prior to the approval of a final plan. Compliance with the design guidelines in this article shall be considered to be evidence of meeting the appropriate performance standards. Proposed subdivisions not in compliance with the design guidelines of this article may be considered, but the applicant shall provide clear and convincing evidence that the proposed design will meet the performance standard(s) and the statutory criteria. In all instances the burden of proof shall be upon the applicant to demonstrate that all performance standards and statutory criteria for approval have been met or will be met.

8.1 Pollution.

A. Statutory Criteria – The proposed subdivision will not result in undue water or air pollution. In making this determination, the Planning Board shall at least consider the following:

1. The elevation of the land above sea level and its relation to the flood plains;
2. The nature of soils and subsoils and their ability to adequately support waste disposal;
3. The slope of the land and its effects on effluents;
4. The availability of streams for disposal of effluents; and
5. The applicable state and local health and water resource rules and regulations.

B. Performance Standards – Pollution -

1. The proposed subdivision shall not discharge wastewater to a water body without a license from the Maine Department of Environmental Protection.
2. Discharges of storm water shall be treated to remove oil, grease, and sediment prior to discharge into surface water bodies. When the subdivision is within the watershed of Pushaw Lake, the storm water shall be treated in order to remove excess nutrients.

8.2 Sufficient Water.

A. Statutory Criteria – The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision.

B. Design Guidelines – Sufficient Water -

1. Well Constructions.

- a. Due to the increased chance of contamination from surface water, dug wells shall be prohibited.
- b. Wells shall not be constructed within 100 feet of the center line of the traveled way of any street, if located downhill from the street, or within 50 feet of the center line of the traveled way of any street, if located uphill of the street. This restriction shall be included as a note on the plan and as a deed restriction in any deed of conveyance for the effected lots.

2. Fire Protection. (In the event that such municipal infrastructure, facilities and organizations are established and as applicable)

- a. Fire hydrants connected to a public water supply system shall be located as approved by the Glenburn Fire Chief and the Glenburn Road Commissioner.
- b. Minimum storage capacity: There shall be 2,000 gallons per lot or principal building, but in no case shall there be less than 10,000 gallons per subdivision. The Board may require additional storage capacity upon a recommendation from the fire chief. Where ponds are proposed for water storage, the capacity of the pond shall be calculated based on the lowest water level less an equivalent of three feet of ice.
- c. Hydrants or other provisions for drafting water shall be provided to the specifications of the fire department. Minimum pipe size connecting dry hydrants to ponds or storage vaults shall be six inches.
- d. Where the dry hydrant or other water source is not within the right-of-way of a proposed or existing street, an easement in perpetuity to the municipality shall be provided to allow access. The applicant shall construct a suitable access way to the hydrant or other water source.

C. Performance Standards – Sufficient Water –

1. Water Supply. (In the event that such municipal infrastructure, facilities and organizations are established and available)

- a. When a subdivision is to be served by a publicly owned public water system, the complete supply system within the subdivision including fire hydrants shall be installed at the expense of the applicant. The size and location of mains, gate valves, hydrants,

and service connections shall be reviewed and approved in writing by the servicing water company or district and the fire chief.

- b. When a proposed subdivision is not within the area designated for public water supply service in the comprehensive plan, the water supply shall be from individual wells or a private community water system.
 - (i) Proposed well locations shall be sited. In the alternative, the applicant may propose other mechanisms to ensure that the placement of wells and/or subsurface wastewater disposal systems on a lot do not interfere with the ability to place such facilities on adjoining lots.
 - (ii) Lot design shall permit placement of wells, subsurface waste water disposal areas, and reserve sites for subsurface waste water disposal areas in compliance with the Maine Subsurface Wastewater Disposal Rules and the
 - (iii) If a central water supply system is provided by the applicant, the location and protection of the source, the design, construction and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144A C.M.R. 231).
 - (iv) In areas where the comprehensive plan has identified the need for additional water storage capacity for fire fighting purposes, the applicant shall provide adequate water storage facilities. Facilities may be ponds with dry hydrants, underground storage reservoirs or other methods acceptable to the fire chief. An easement shall be granted to the municipality granting access to and maintenance of dry hydrants or reservoirs where necessary. The Board may waive the requirement for water storage only upon submittal of evidence that the soil types in the subdivision will not permit their construction or installation and that the fire chief has indicated in writing that acceptable alternate methods of fire protection are available.

2. Water Quality.

If existing water quality contains known contaminants in excess of the secondary drinking water standards in the Maine Rules Relating to Drinking Water, that fact shall be disclosed in a note on the plan to be recorded in the Registry of Deeds.

8.3 Municipal Water Supply.

- A. Statutory Criteria – The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used.

- B. Performance Standards – Municipal Water Supply: (In the event that such municipal infrastructure, facilities and organizations are established and available):

A proposed subdivision shall not generate a demand on the source, treatment facilities or distribution system of the servicing water company or district beyond the capacity of those system components, considering improvements that are planned to be in place prior to occupancy of the subdivision. The applicant shall be responsible for paying the costs of system improvements to the district or company's system as necessary to alleviate existing deficiencies.

8.4 Erosion.

- A. Statutory Criteria – The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

- B Performance Standards – Erosion:

1. The proposed subdivision shall prevent soil erosion from entering waterbodies, wetlands, and adjacent properties.
2. The procedures outlined in the erosion and sedimentation control plan, if applicable and required, shall be implemented during the site preparation, construction and clean-up stages.
3. 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.

8.5 Traffic Conditions.

- A. Statutory Criteria – The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state aid highway located outside the urban compact area of an urban compact municipality as defined by Title 23, section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conforms to Title 23, section 704 and any rules adopted under that section.

The following criteria and specifications are contained in the Town of Glenburn Road Ordinance.

1. *Access Control*
2. *Street Design*
3. *Construction Standards*

- B. Performance Standards – Traffic Conditions:

1. In general, provision shall be made for vehicular access to the subdivision and circulation within the subdivision in such a manner as to:
 - a. Safeguard against hazards to traffic and pedestrians in existing streets and within the subdivision;
 - b. Avoid traffic congestion on any street; and
 - c. Provide safe and convenient circulation on public streets and within the subdivision.
2. More specifically, access and circulation shall also conform to the following standards:
 - a. The street giving access to the subdivision and neighboring streets and intersections which can be expected to carry traffic generated by the subdivision shall have the capacity, or be suitably improved at developers expense, to accommodate that traffic and avoid unreasonable congestion. In addition, those portions of existing town ways, public easements, and discontinued town and county ways which are adjacent to any portion of the parcel being subdivided and which will serve as major accesses to the proposed subdivision shall be widened and approved to the standards required by the Glenburn Road Ordinance. Such improvements, including rights-of-way acquisitions, shall be completed at the Subdivider's expense and shall be subject to the same performance guarantees as are other improvements.
 - b. 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, sidewalks, bicycle ways and traffic controls within existing public streets.
 - c. Access ways to non-residential subdivisions or to multifamily developments shall be designed to avoid queuing of entering vehicles on any street. Left lane storage capacity shall be provided to meet anticipated demand. A Licensed Civil Engineer shall do a study or analysis to determine the need for a left-turn storage lane.
 - d. Where topographic and other site conditions allow, provision shall be made for street connections to adjoining lots of similar existing or potential use within areas of the municipality designated as growth areas in the comprehensive plan; or in non-residential subdivisions when such access shall be provided if it will:
 - i. Facilitate fire protection services as approved by the fire chief; or
 - ii. Enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a public street.
 - e. Street Names, Signs and Lighting.

Streets, which join and are in alignment with streets of abutting or neighboring properties, shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality, and shall be subject to the approval of the Board. Prior to approval of the proposed names of streets, the names shall be submitted to the U.S. Postal Service for review and comment. The developer shall either install street name, traffic safety and control signs meeting municipal specifications or reimburse the municipality for the costs of their installation.

f. Clean-up.

Following street construction, the developer or contractor shall conduct a thorough clean up of stumps and other debris from the entire street right-of-way. If on-site disposal of the stumps and debris is proposed, the disposal/debris site shall be indicated on the plan, and be suitably covered with fill and topsoil, limed, fertilized, and seeded.

8.6 Sewage Disposal.

A. Statutory Criteria – The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized

B. Performance Standards – Sewage Disposal -

1. Public System. (In the event that such municipal infrastructure, facilities and organizations are established and available)

- a. When a subdivision is proposed to be served by the public sewage system, the complete collection system within the subdivision, including manholes and pump stations, shall be installed at the expense of the applicant.
- b. The sewer district shall certify that providing service to the proposed subdivision is within the capacity of the system's existing collection and treatment system or improvements planned to be complete prior to the construction of the subdivision.
- c. The sewer district shall review and approve the construction drawings for the sewerage system. The size and location of laterals, collectors, manholes, and pump stations shall be reviewed and approved in writing by the servicing sewer district or department as appropriate.

2. Private Systems.

- a. When a proposed subdivision is not within the area designated for public sewage disposal service in the comprehensive plan, connection to the public system shall not be permitted. Sewage disposal shall be private subsurface wastewater disposal systems or a

private treatment facility with sub-surface discharge. Surface discharge (i.e. spray irrigation) shall only be by Planning Board waiver and MDEP permit.

- b. The applicant shall submit evidence of site suitability for subsurface sewage disposal on each lot prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.
 - i. The site evaluator shall certify in writing that all test pits, which meet the requirements for a new system, represent an area large enough to accommodate a 3-bedroom stone disposal area on soils, which meet the Disposal Rules.
 - ii. In no instance shall a disposal system be located on any lot different than the dwelling for which it was designed to serve.
 - iii. No subsurface wastewater disposal system shall be installed within the 100-year flood, or land containing flood plain soils. For the purpose of this chapter "Flood plain Soils" are soils formed in Alluvial Deposits and include: *Fryburg (Hadley)*, *Lovewell (Winooski)*, *Cornish, Charles (Limerick)*, *Medomak (Saco, Lille, Ondawa, Podunk and Rumney* soils.

8.7 Municipal Solid Waste Disposal.

A. Statutory Criteria: The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are utilized.

B. Performance Standards – Municipal Solid Waste Disposal –

If the additional solid waste from the proposed subdivision exceeds the capacity of the municipal solid waste facility, causes the municipal facility to no longer be in compliance with its license from the Department of Environmental Protection, or causes the municipality to exceed its contract with a non-municipal facility, the applicant shall make alternate arrangements for the disposal of solid waste. The alternate arrangements shall be at a disposal facility that is in compliance with its license. The Board may not require the alternate arrangement to exceed a period of five years.

8.8 Aesthetic, Cultural and Natural Values.

- A. Statutory Criteria – The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

B. Design Guidelines – Aesthetic, Cultural and Natural Values –

1. Preservation of Natural Beauty and Aesthetics.

Unless located in areas designated as a growth area in the comprehensive plan, a subdivision in which the land cover type at the time of application is forested shall maintain a wooded buffer strip no less than fifty feet in width along all existing public roads. The buffer may be broken only for driveways and streets.

2. Retention of Open Spaces and Natural or Historic Features.

- a. The subdivision may reserve between 5% and 10% of the area of the subdivision as open space in order to provide for the recreational needs of the occupants of the subdivision and/or to maintain the scenic or natural beauty of the area.
- b. Subdivisions with an average density of more than two dwelling units per acre shall provide no less than twenty-five percent of the open space as usable open space to be improved for ball fields, playgrounds or other similar active recreation facility. 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 streets of at least 200 feet, and have no major dimensions of less than 200 feet.
- c. Sites selected primarily for scenic or passive recreation purposes shall have such access, as the Board may deem suitable and no less than 25 feet of road frontage. The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes and significant wildlife habitat to be preserved, together with sufficient areas for trails, lookouts, etc. where necessary and appropriate.
- d. Proposed subdivisions which include or are adjacent to buildings or sites on the National Register of Historic Places or which the comprehensive plan has identified as being of historical significance shall be designed in such a manner as to minimize the impacts on the historic features.

3. Protection of Significant Wildlife Habitat and Important Habitat Areas.

The following guidelines are designed to protect the significant wildlife resources identified in the municipality. The Board recognizes that wildlife management must take into account many site-specific variables. Applicants proposing to subdivide land within identified wildlife resources must consult with the Maine Department of Inland Fisheries and Wildlife or a qualified wildlife biologist and provide their written comments to the Board. The guidelines of this section shall

apply to only those subdivisions, which include significant wildlife habitat or resources.

a. Protection of Habitat of Endangered or Threatened Species.

- i. Habitat or species appearing on the official state or federal lists of endangered or threatened species shall be placed in open space.
- ii. Deed restrictions and notes on the plan shall reflect standards from the Department of Inland Fisheries and Wildlife for removal of vegetation within 250 feet of the habitat for species appearing on the list of endangered or threatened species unless the Department of Inland Fisheries and Wildlife has approved cutting of vegetation in writing.

b. Protection of Waterfowl, Shorebird, and Wading Bird Habitat, Atlantic Salmon Spawning and Nursery Areas.

- i. There shall be no cutting of vegetation within the strip of land extending 75 feet inland from the normal high-water mark of the following habitat areas:
 - (a). Shorebird nesting, feeding and staging areas and seabird nesting islands;
 - (b). High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas;
 - (c). Critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Sea Run Salmon Commission, or
 - (d). Other important habitat areas identified in the comprehensive plan.
- ii. This restriction shall appear as a note on the plan and as a deed restriction to the affected lots.

c. Protection of Deer Wintering Areas.

The report prepared by a wildlife biologist, selected or approved by the Board, shall include a management plan for any deer wintering areas identified and mapped after the date of adoption of this Ordinance by the Department of Inland Fisheries and Wildlife as having a high or moderate value.

d. Protection of Important Shoreland Areas.

Tree removal and Clearing provisions for activities conducted within the Shoreland Zones of Glenburn shall be in accordance with the Shoreland Zoning Ordinance of the Town of Glenburn.

e. Protection of Other Important Wildlife Habitat:

If the proposed subdivision includes other important wildlife habitat as identified by the Department of Inland Fisheries and Wildlife or the comprehensive plan, the Department or a qualified wildlife biologist shall review the restrictions on activities in and around these areas and their comments presented in writing to the Board.

C. Performance Standards – Aesthetic, Cultural and Natural Values -

1. Preservation of Natural Beauty and Aesthetics.

- 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. Except in areas of the municipality designated by the comprehensive plan as growth areas, the subdivision shall be designed to minimize the visibility of buildings from existing public roads.
- c. The Board may require the application to include a landscape plan that will show the preservation of any existing trees larger than 24 inches diameter breast height, the replacement of trees and vegetation, and graded contours.

2. Retention of Open Spaces and Natural or Historic Features.

- a. If any portion of the subdivision is located within an area designated by the comprehensive plan as open space or greenbelt, that portion shall be reserved for open space preservation.
- b. If any portion of the subdivision is located within an area designated as a unique natural area by the comprehensive plan or the Maine Natural Areas Program the plan shall indicate appropriate measures for the preservation of the values, which qualify the site for such designation.
- c. If any portion of the subdivision is designated a site of historic or prehistoric importance by the comprehensive plan or the Maine Historic Preservation Commission, appropriate measures for the protection of the historic or prehistoric resources shall be included in the plan.
- d. The subdivision shall reserve sufficient undeveloped land to provide for the recreational needs of the occupants.
- e. Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended.
- f. Reserved open space land may be dedicated to the municipality.

- g. Where land within the subdivision is not suitable or is insufficient in amount, where the applicant prefers, or when suggested by the comprehensive plan, a payment in lieu of dedication may be substituted for the reservation of some or part of the open space requirement. Payments in lieu of dedication shall be calculated based on the percentage of reserved open space that otherwise would be required and that percentage of the projected market value of the developed land at the time of the subdivision, as determined by the municipal tax assessor. The payment in lieu of dedication shall be deposited into a municipal land open space or outdoor recreation facility acquisition or improvement fund.

3. Protection of Significant Wildlife Habitat.

- a. If any portion of a proposed subdivision lies within:
 - i. 250 feet of the following areas identified and mapped by the Department of Inland Fisheries and Wildlife or the comprehensive plan as:
 - (a) Habitat for species appearing on the official state or federal lists of endangered or threatened species;
 - (b) High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas;
 - (c) Shorebird nesting, feeding and staging areas and seabird nesting islands;
 - (d) Critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Sea Run Salmon Commission; or
 - ii. 1,320 feet of an area identified and mapped by the Department of Inland Fisheries and Wildlife as a high or moderate value deer wintering area or travel corridor; or
 - iii. Other important habitat areas identified in the comprehensive plan including coastal wildlife concentration areas,

The applicant shall demonstrate that there shall be no adverse impacts on the habitat and species it supports. A report prepared by a wildlife biologist certified by the Wildlife Society with demonstrated experience with the wildlife resource being impacted shall be submitted. This report shall assess the potential impact of the subdivision on the significant habitat and adjacent areas that are important to the maintenance of the affected species and shall describe appropriate mitigation measures to ensure that the subdivision will have no adverse impacts on the habitat and the species it supports.

4. Preservation of Public Access to Shoreline.

Any existing 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..

8.9 Conformity With Local Ordinances and Plans.

A. Statutory Criteria – The proposed subdivision conforms to the duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans.

B. Design Guidelines – Conformity With Local Ordinances and Plans -

1. Lots.

- a. Wherever possible, side lot lines shall be perpendicular to the street.
- b. Deed restrictions and notes on the plan shall either prohibit future divisions of the lots or specify that any future division shall constitute a revision to the plan and shall require approval from the Board, subject to the criteria of the subdivision statute, the standards of this ordinance and conditions placed on the original approval.
- c. If a lot on one side of a stream, as defined by the Town of Glenburn Shoreland Zoning Ordinance, 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.
- d. Even numbers shall be assigned to lots on one side of the street, and odd numbers on the opposite side.
- e. All street frontage shall be continuous.

2. Monuments.

- a. The location of permanent markers or pins set or to be set at all corners shall be shown on final plan.
- b. All lot monuments or pins shall be set before any lot is sold in the subdivision and certified as such by a registered land surveyor and submitted to the CEO'S office for filing.

C. Performance Standards – Conformity With Local Ordinances and Plans -

All lots shall meet the minimum dimensional requirements of the zoning ordinance for the zoning district in which they are located. The proposed subdivision shall meet all applicable performance standards or design criteria of the existing lot size ordinance, zoning ordinance, or any other applicable ordinance.

8.10 Financial and Technical Capacity.

A. Statutory Criteria – The subdivider has adequate financial and technical capacity to meet the standards of this Ordinance.

B. Performance Standards – Financial and Technical Capacity -

1. Financial Capacity.

The applicant shall have adequate financial resources to construct the proposed improvements and meet the criteria of the statute and the standards of this ordinance. When the applicant proposes to construct the buildings as well as the subdivision improvements, the applicant shall have adequate financial resources to construct the total development. In making the above determinations the Board shall consider the proposed time frame for construction and the effects of inflation. **See Performance Guarantees.**

2. Technical Ability.

a. The applicant shall retain qualified contractors and consultants to supervise, construct and inspect the required improvements in the proposed subdivision.

b. In determining the applicant's technical ability the Board shall consider the applicant's previous experience, the experience and training of the applicant's consultants and contractors, and the existence of violations of previous approvals granted to the applicant.

8.11 Surface Waters; Outstanding River Segments.

A. Statutory Criteria – Whenever situated entirely or partially within a watershed of any pond or lake, or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

1. When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high watermark of 500 feet.

a. To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250

feet, which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore.

- b. The frontage and set-back provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shoreland zoning, Title 38, Chapter 3, Subchapter I, Article 2-B, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of Section 4401, Subsection 1, on September 23, 1983.

B. Design Guidelines – Surface Waters; Outstanding River Segments

- 1. Within a strip of land extending 100 feet inland from the normal high-water line of a great pond or any tributary to a great pond, and 75 feet from any other water body or the upland edge of a wetland, a buffer strip of vegetation shall be preserved. The deeds to any lots, which include any such land, shall contain the following restrictions:
 - a. There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath not to exceed ten feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created. Adjacent to a great pond, or a tributary to a great pond, the width of the footpath shall be limited to six feet.
 - b. Selective cutting of trees within the buffer strip is permitted provided that a well-distributed stand of trees and other vegetation is maintained. No more than 40% of the total volume of trees four inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten-year period.
 - c. In order to protect water quality and wildlife habitat adjacent to great ponds, and tributaries to great ponds, existing vegetation under three feet in height and other ground cover shall not be removed, except to provide for a footpath or other permitted uses as described above.
 - d. Pruning of tree branches, on the bottom one third of the tree is permitted.

C. Performance Standards – Surface Waters; Outstanding River Segments

Cutting or removal of vegetation along water bodies shall not increase water temperature; result in shoreline erosion or sedimentation of water bodies.

8.12 Ground Water.

A. Statutory Criteria – The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

B. Performance Standards – Ground Water

1. Ground Water Quality.

a. When a hydro geologic assessment is submitted, the assessment shall contain at least the following information:

- i. A map showing the basic soils types.
- ii. The depth to the water table at representative points throughout the subdivision.
- iii. Drainage conditions throughout the subdivision.
- iv. Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.
- v. 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, or at the subdivision boundaries; or at a distance of 1,000 feet from potential contamination sources, whichever is a shortest distance
- vi. 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.
- vii. The nitrogen plumes of all existing and proposed subsurface wastewater disposal systems.

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 increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards. No subdivision shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.

d. If ground water contains contaminants in excess of the primary standards, and the subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.

- e. If ground water contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.
 - f. Subsurface 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 or other measures to reduce ground water contamination and protect drinking water supplies are recommended in the assessment, those standards shall be included as a requirement on the final plan, and as restrictions in the deeds to the affected lots.
2. Ground Water Quantity.
- a. Ground water withdrawals by a proposed subdivision shall not lower the water table beyond the boundaries of the subdivision.
 - b. The developer shall provide written documentation that a proposed subdivision shall not result in a lowering of the water table at the subdivision boundary by increasing runoff with a corresponding decrease in infiltration of precipitation.

8.13 Flood Areas.

- A. Statutory Criteria: Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a floodprone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.
- B. Performance Standards – Floodplain Management
 - 1. When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency:
 - a. All public utilities and facilities, such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damages.
 - b. Adequate drainage shall be provided so as to reduce exposure to flood hazards.
 - c. The plan shall include a statement that structures 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 any deed, lease, purchase and sale agreement, or document transferring or expressing intent to transfer any interest in

real estate or structure, including but not limited to a time-share interest. The statement 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 the plan.

8.14 Freshwater Wetlands.

A. Statutory Criteria: All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.

B. Performance Standards – Freshwater Wetlands

Freshwater wetlands shall be identified in accordance with the *1987 Corps of Engineers Wetland Delineation Manual*, published by the United States Army Corps of Engineers. The term “regardless of the size” shall be a discretionary judgment of the individual performing the wetland delineation. In a “Pit and Mound” topography the predominance of hydric/non-hydric soils shall be the determining factor. In those situations only a State of Maine Certified Soil Scientist shall make the hydric/non-hydric soil percentage determinations.

8.15 River, Stream or Brook.

A. Statutory Criteria: Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, “river, stream or brook” has the same meaning as in Title 38, Section 480-B, Subsection 9.

B. Performance Standards – River Stream or Brook

All rivers, streams and brooks as defined in Title referenced above shall be identified.

8.16 Storm Water Management.

A. Statutory Criteria: The proposed subdivision will provide for adequate storm water management.

B. Design Guidelines – Storm Water Management

1. Design of best management practices shall be substantially equivalent to those described in the *Storm Water Management for Maine: Best Management Practices*, published by the Maine Department of Environmental Protection, 1995.
2. Drainage easements for existing water courses or proposed drainage ways shall be provided at least 30 feet wide, conforming substantially with the lines of existing natural drainage.

C. Performance Standards – Storm Water Management

1. Adequate provision shall be made for the management of the quantity and quality of all storm water generated within the subdivision, and any drained ground water through a management system of swales, culverts, under drains, storm drains and best management practices equivalent to those described in the *Stormwater Management for Maine: Best Management Practices*, published by the Maine Department of Environmental Protection, 1995, in conformance with the policies of the comprehensive plan. The storm water management system shall be designed to meet the following standards:

- a. Quantity.

Peak discharge rates shall be limited to the predevelopment levels for the 2-year, 10-year, and 25-year frequency, 24-hour duration storm unless storm water from the subdivision will drain directly into a major water body such as a great pond or the ocean. If storm water will drain into a major water body, a letter of review must be obtained from the Maine Department of Environmental Protection.

- b. Quality.

- i. Major Subdivisions.

Storm water run-off in major subdivisions must be treated by the use of best management practices equivalent to those described in the *Stormwater Management for Maine: Best Management Practices*, published by the Maine Department of Environmental Protection, 1995, to achieve, by design, 40% reduction in total suspended solids when the impervious area exceeds one acre.

- ii. Minor Subdivisions.

Storm water run-off in minor subdivisions must be treated by the use of best management practices equivalent to those described in the *Stormwater Management for Maine: Best Management Practices*, published by the Maine Department of Environmental Protection, 1995, to achieve, by design, 15% reduction in total suspended solids.

2. Where necessary to achieve the above standards, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. Wherever the storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided to the municipality allowing maintenance and improvement of the system.

8.17 Spaghetti-Lots Prohibited.

A. Statutory Criteria: If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond, or coastal wetland as these features are defined in Title 38, Section 480-B, none of the lots created within the subdivision shall have a lot depth to shore frontage ratio greater than 5 to 1.

B. Performance Standards – Spaghetti Lots Prohibited

All lots depicted within the proposed subdivision shall meet the 8.17.A Criterion above.

8.18 Lake Phosphorus Concentration.

A. Statutory Criteria: The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.

B. Design Guidelines – Lake Phosphorus Concentration

1. When a proposed subdivision is within the direct watershed of Pushaw Lake and qualifies for the simplified review procedure, as detailed in the publication *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, revised September, 1992, buffer strips shall be provided on the downhill side of all lots along all tributaries to Pushaw Lake and along Pushaw Lake.
2. When the proposed subdivision is within the direct watershed of a great pond and does not qualify for simplified reviewed, the phosphorus control measures shall meet the design criteria in *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, published by the Maine Department of Environmental Protection, revised September, 1992.

C. Performance Standards – Lake Phosphorus Concentration

1. Phosphorus Export.

- a. Any subdivision within the watershed of a great pond shall limit its post development phosphorus export to the standards required on the great pond in whose watershed the subdivision is located. Those standards, as established by the Maine Department of Environmental Protection for the Pushaw Lake Watershed, are indicated below:

DDA	Direct Land Drainage area in Township in acres:	5,152
ANAD	Area not available for development in acres:	700
AAD	Areas available for development in acres:	4,452

(DDA – ANAD)

GF	Growth Factor	0.25
D	Area likely to be developed in acres: (GF x AAD)	1,113
F	lbs. Phosphorus allocated to towns share of Watershed per ppb in lake	44.62
WQC	Water Quality Category (mod-sensitive)	
LOP	Level of Protection (h=high (cold water fishery) (m=medium)	
C	Acceptable increase in Lake's phosphorus Concentration in ppb	1.00
P	lbs. Per acre phosphorus allocation (FC/D)	0.040

b. The Town shall keep an accurate record of permits issued by watershed and shall notify the comprehensive planning committee of the actual development rates at five year intervals, as the comprehensive plan is revised. The above table shall be amended as required by amendments to the comprehensive plan, reflecting changes in expected development rates.

2. Simplified Phosphorus Review.

The simplified review may be used for:

- a. Proposed subdivision of three or four lots with less than 200 feet of new or upgraded street with a cumulative driveway length not to exceed 450 feet for a three-lot subdivision or 600 feet for a four-lot subdivision;
- b. Proposed subdivision of three or four lots with no new or upgraded street with a cumulative driveway length not to exceed 950 feet for three lot subdivisions or 1,100 feet for four lot subdivisions; or
- c. Proposed subdivision consisting of multi-family dwellings that have less than 20,000 square feet of disturbed area including building parking, driveway, lawn, subsurface wastewater disposal systems, and infiltration areas, and new or upgraded streets not exceeding 200 linear feet.
- d. A proposed subdivision which creates lots, which could be further divided such that five or more lots may result, shall be subject to the standard review procedures unless there are deed restrictions prohibiting future divisions of the lots.

- e. The standards for simplified review are:
 - i Water quality buffers must be left or established down gradient of developed areas (including lawns), and must be protected by deed restrictions. The following buffer widths (length of flow path through the buffer) are required (to the maximum extent reasonably feasible given lot limitations):
 - ii If watershed's areal allocation is 0.05 lb/acre or less, 75 ft wooded or 125 ft non-wooded.
 - iii If watershed's areal allocation is greater than 0.05 lb/acre, 50 ft wooded or 100 ft non-wooded
 - iv Driveways and parking areas must be designed and constructed so that (a) runoff is quickly shed from driveway to buffer areas (to the maximum extent reasonably feasible given lot limitations) and (b) disruption of natural drainage patterns is minimized:
 - (a) Water bars, broad based drainage dips and razor blades
 - (b) Ditches, swales and ditch turnouts
 - (c) Proper grading of gravel
 - v Roof runoff may not be channelized to the lake but must be distributed over stable, well vegetated areas or infiltrated into the soil (i.e. dry well)
 - vi Use of fertilizers containing phosphorus prohibited except when establishing new turf
 - vii Septic system must meet current requirements - plumbing code with loam liner where appropriate

3. Standard Review.

This section shall apply to proposed subdivisions, which do not qualify for the simplified review. Phosphorus export from a proposed development shall be calculated according to the procedures in *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, published by the Maine Department of Environmental Protection, revised September 1992. When a proposed subdivision creates lots which are more than twice the required minimum lot size and there are no deed restrictions proposed to prohibit future divisions, the applicant shall either calculate phosphorus loading based on the maximum feasible number of lots, and shall design controls adequate to limit the resulting phosphorus loading, or shall reserve a portion of the permitted phosphorus export for future divisions.

4. Maintenance and Use Restrictions for Phosphorus Control Measures.

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

a. Vegetative Buffer Strips.

Individual lot owners shall be required to maintain buffer areas on their individual lots in accordance with the following standards, to be specified in recorded deed restrictions and as notes on the plan. Where a vegetative buffer strip is to be owned in common by property owners in the subdivision, documentation establishing the lot owners' association shall include the following standards.

i. Wooded Buffers.

Wooded buffers shall be maintained in accordance with the following:

- (a) Selective cutting shall be permitted on any lot, in any ten (10) year period, of not more than forty (40%) percent of the volume of trees four (4) inches or more in diameter, measured 4 ½ feet above ground level.
- (b) Cutting of dead, storm-damaged, diseased, and/or unsafe trees shall be allowed.

ii. Non-wooded Buffers.

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

b. Infiltration Systems.

Individual lot owners shall be responsible for maintenance of individual infiltration systems according to the standards specified in *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, published by the Maine Department of Environmental Protection, and revised September 1992. Requirements for maintenance shall be included in deed restrictions and as notes upon the plan. As an alternative to maintenance by individual lot owners, the applicant may designate some other entity to be contracted to take the responsibility, and shall include the above referenced maintenance provisions in any contractual agreement. Where

infiltration systems serve more than one lot, a lot owners' association shall be established and the above referenced maintenance provisions shall be referenced in the documentation establishing the association.

c. Wet Ponds.

A lot owners' association shall be established to maintain wet ponds, unless the municipality or some other public entity agrees to assume inspection and maintenance duties. Documentation establishing the association or establishing an agreement with a public entity shall include the maintenance standards specified in the manual *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, published by the Maine Department of Environmental Protection, revised September, 1992.

8.19 Impact on Adjoining Municipality.

A. Statutory Criteria: For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

B. Design Guidelines – Impact on Adjoining Municipality

If any portion of a subdivision crosses municipal boundaries, the reviewing authorities must hold all meetings and hearings to review the application jointly from each municipality.

C. Performance Standards – Impact on Adjoining Municipality

The reviewing authorities of all municipalities shall consider and make a finding of fact regarding the criteria described in Title 30-A Section 4404(19).

ARTICLE 9 – CLUSTER DEVELOPMENT

RESERVATION OR DEDICATION AND MAINTENANCE OF OPEN SPACE AND COMMON LAND, FACILITIES AND SERVICES.

9.1 Design Guidelines - Cluster Developments (Open Space Developments).

A. Purpose.

The purpose of these provisions is to allow for flexibility in the design of housing developments to allow for the creation of open space which provides recreational opportunities or protects important natural features from the adverse impacts of development, provided that the net residential density shall be no greater than is permitted in the district in which the development is proposed. If cluster developments are permitted under the Zoning Ordinance, the Board, in reviewing and approving proposed residential subdivisions, might, to the extent authorized in the Zoning Ordinance, modify the provisions related to dimensional requirements to permit flexibility in approaches to housing and environmental design in accordance with the following guidelines. This shall not be construed as granting variances.

B. Application Procedure.

1. If authorized under the Zoning Ordinance, the Planning Board may allow lots within subdivisions to be reduced in area and width below the minimum normally required by the Zoning Ordinance in return for open space where the Board determines that the benefits of the cluster approach will decrease development costs, increase recreational opportunities or prevent the loss of natural features without increasing the net density of the development. If an applicant desires to pursue a cluster development, two sketch plans shall be submitted with one layout as a standard subdivision and the second as a cluster development indicating open space and significant natural features. Each lot in the standard subdivision shall meet the minimum lot size and lot width requirements of this ordinance, and if not serviced by public sewer have an area suitable for subsurface wastewater disposal according to the Maine Subsurface Wastewater Disposal Rules. The number of buildable lots or dwelling units in the cluster development shall in no case exceed the number of lots or dwelling units in the standard subdivision.
2. Estimated costs of infrastructure development (roads, utilities, etc.) shall accompany the plan. The written statement shall describe the

natural features, which will be preserved or enhanced by the cluster approach. Natural features include, but are not limited to moderate-to-high value wildlife and waterfowl habitats, important agricultural soils, moderate-to-high yield aquifers and important natural or historic sites identified by the comprehensive plan as worthy of preservation. The statement shall also compare the impacts upon the municipality from each plan. Examples of impacts are municipal cost for roads, school bussing, solid waste removal, utility efficiencies, recreational opportunities, protection of floodwater storage areas, and environmental impacts on sensitive lands caused by construction activities, underground utilities, and reclamation of land and provision of land for conservation use.

3. Within ten days of receiving the application, the Board shall invite comments on the application from the appropriate town agencies, and abutters. The Board may schedule a public hearing on the proposal, in which case notice thereof shall be provided in accordance with Section 6.1.G. Within thirty days of receiving the application, or within thirty days after a public hearing, the Board shall determine whether to allow the subdivision to be developed in accordance with the cluster standards of this section.

C. Basic Requirements for Cluster Developments (Open Space Developments).

1. Cluster developments shall meet all requirements of this ordinance and the Zoning Ordinance.
2. Each building shall be an element of an overall plan for site development. Only developments having a total site plan for structures will be considered. The application shall illustrate the placement of buildings and the treatment of spaces, paths, roads, service and parking and in so doing shall take into consideration all requirements of this section and of other relevant sections of this ordinance.
3. The net residential acreage shall be calculated by taking the total area of the lot and subtracting, in order, the following:
 - a. 15% of the area of the lot to account for roads and parking.
 - b. Portions of the lot which, because of existing land uses or lack of access, are isolated and unavailable for building purposes or for use in common with the remainder of the lot, as determined by the Board.
 - c. Portions of the lot shown to be in a floodway or a coastal high hazard zone as designated in the Flood Boundary and Floodway Map prepared by the Federal Insurance Administration.

- d. Portions of the lot, which are unsuitable for development in their natural state due to topographical, drainage or subsoil conditions such as, but not limited to:
 - i. Slopes greater than 20%.
 - ii. Organic soils.
 - iii. Wetland soils.
 - iv. 50% of the poorly drained soils.
 - v. Portions of the lot subject to rights of way.
 - vi. Portions of the lot located in the resource protection zone.
 - vii. Portions of the lot covered by surface waters.
 - viii. Portions of the lot utilized for storm water management facilities.
4. In order to determine the maximum number of dwelling units permitted on a tract of land, the net residential acreage shall be divided by the minimum lot size required by the zoning ordinance. No building shall be sited on slopes steeper than 25%, within 100 feet of any water body or wetland, or on soil classified as being very poorly drained.
5. Unless a community sewage collection and treatment system is provided, no lot shall be smaller in area than 20,000 square feet.
6. The total area of reserved open space within the development shall equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally required by the zoning ordinance. No less than 30% of the reserved open space shall be usable open space.
7. Every building lot that is reduced in area below the amount normally required shall be within 1,000 feet of the common land.
8. The distance between buildings shall not be less than 20 feet.
9. No individual lot or dwelling unit shall have direct vehicular access onto a public road existing at the time of development.
10. Shore frontage shall not be reduced below the minimum normally required by the zoning ordinance.
11. Where a cluster development (open space developments) abuts a body of water, a usable portion of the shoreline, as well as reasonable access to it, shall be a part of the common land.

9.2 Performance Standards - Reservation or Dedication and Maintenance of Open Space and Common Land, Facilities and Services of Cluster Developments.

- A. All open space common land, facilities and property shall be owned by:
 - 1. The owners of the lots or dwelling units by means of an owners' association;
 - 2. An association which has as its principal purpose the conservation or preservation of land in essentially its natural condition; or
 - 3. The municipality.
- B. Further subdivision of the common land or open space and its use for other than non-commercial recreation, agriculture, or conservation purposes, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land. When open space is to be owned by an entity other than the municipality, there shall be a conservation easement deeded to the municipality prohibiting future development.
- C. The common land or open space shall be shown on the final plan with appropriate notations on the plan to indicate:
 - 1. It shall not be used for future building lots; and
 - 2. Which portions of the open space, if any, may be dedicated for acceptance by the municipality?
- D. The final plan application shall include the following:
 - 1. Covenants for mandatory membership in the owners' association setting forth the owners' rights, interests, and privileges in the association and the common property and facilities, to be included in the deed for each lot or dwelling.
 - 2. Draft articles of incorporation of the proposed owners' association as a not-for-profit corporation; and
 - 3. Draft by-laws of the proposed owners' association specifying the responsibilities and authority of the association, the operating procedures of the association and providing for proper capitalization of the association to cover the costs of major repairs, maintenance and replacement of common facilities.
- E. In combination, the documents referenced in paragraph D above shall provide for the following.
 - 1. The homeowners' association shall have the responsibility of maintaining the common property or facilities.

2. The association shall levy annual charges against all owners of lots or dwelling units to defray the expenses connected with the maintenance, repair and replacement of common property and facilities and tax assessments.
3. The association shall have the power to place a lien on the property of members who fail to pay dues or assessments.
4. 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. The Board upon request of the owners' association or the developer shall make such determination.

ARTICLE 10 - DWELLING UNIT SUBDIVISION CRITERIA

IN ADDITION TO THE PERFORMANCE STANDARDS AND DESIGN GUIDELINES IN ARTICLE 8 AND ARTICLE 9, THIS ARTICLE SHALL APPLY TO ALL SUBDIVISIONS CONSISTING OF DWELLING UNITS.

10.1 Utilization of Site

The plan for the development must reflect the natural capabilities of the site to support development. Buildings, lots, and support facilities must be located in those portions of the site that have the most suitable conditions for development. Environmentally sensitive areas must be maintained and preserved to the maximum extent. Natural drainage areas must also be preserved to the maximum extent. The development must include measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of the construction, and limiting the extent of excavation.

10.2 Traffic Access and Parking

A. Vehicular access to the site must be on roads, which have adequate capacity to accommodate the additional traffic generated by the development.

B. 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.

C. Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.

10.3 Internal Vehicular Circulation

The layout of the site must provide for the safe movement of passenger, service and emergency vehicles through the site.

10.4 Parking Layout and Design

A. Off-street parking must conform to the following standards:

1. All dwelling units must be provided two (2) off-street parking spaces.
2. Parking areas with more than two (2) parking spaces must be arranged so that it is not necessary for vehicles to back into the streets.
3. 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 buffers require a greater distance.

4. 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.
5. 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 residential parking in conjunction with residential uses if both spaces in the stack are assigned to the occupants of the same dwelling unit.
6. 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.

10.5 Pedestrian Circulation

The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development.

10.6 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.

10.7 Exterior Lighting

The proposed development must have adequate exterior lighting to provide for its safe use during nighttime hours, if such use is contemplated. All exterior lighting must be designed and shielded to avoid undue glare, adverse impact on neighboring properties and rights-of-way, and the unnecessary lighting of the night sky.

10.8 Buffering of Adjacent Uses

The development must provide for the use of buffering for adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas. The buffer may be provided by distance, landscaping, fencing, changes in grade, and/or a combination of these or other techniques.

10.9 Noise

The development must control noise levels such that it will not create a nuisance for neighboring properties.

10.10 Storage of Materials

Exposed nonresidential storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other

articles of salvage or refuse must have sufficient setbacks and screening (such as stockade fence or a dense evergreen hedge) to provide a buffer sufficient to minimize their impact on abutting residential use and users of public streets.

10.11 Landscaping

Landscaping must be provided as part of site design. The landscape plan for the entire site must use landscape materials to integrate the various elements on site, preserve and enhance the particular identity of the site, and create a pleasing site character. The landscaping should define street edges, break up parking areas, soften the appearance of the development, and protect abutting properties.

10.12 Building Scale

New buildings within a built-up area should be compatible with the neighborhood such that they reflect the overall building bulk, square footage, dimensions, placement of the building on the lot, and rhythm of buildings and spaces along the street edge and minimize the visual impact on the neighborhood.

ARTICLE 11 - PERFORMANCE GUARANTEES

11.1 Types of Guarantees.

- A. With submittal of the application for final plan approval, the applicant 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:
1. Either a certified check payable to the municipality or a savings account or certificate of deposit naming the municipality as owner, for the establishment of an escrow account;
 2. A performance bond payable to the municipality issued by a surety company, approved by the municipal officers, or town manager;
 3. An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision, from which the Municipality may draw if construction is inadequate, approved by the municipal officers, or town manager; or
 4. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed provided that no lot in the subdivision may be sold and no permit shall be issued for construction or placement of any structure on any lot until the improvements have been satisfactorily completed.
- B. The conditions and amount of the performance guarantee shall be determined by the Board with the advice of the municipal engineer, road commissioner, municipal officers, and/or municipal attorney. In no case shall the amount of the guarantee be less than 125% of the estimated cost of completion or upgrading of the required improvements.

11.2 Contents of Guarantee.

The performance guarantee shall be memorialized in an agreement between the applicant and the Town, which agreement shall, at a minimum, 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, a date after which the applicant will be in default and the municipality shall have access to the funds to finish construction, and such other provisions as the Town Manager deems appropriate or necessary.

11.3 Escrow Account.

A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. Any interest earned on the escrow account shall be returned to the applicant 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 applicant and the amount withdrawn to complete the required improvements.

11.4 Performance Bond.

A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the applicant, and the procedures for collection by the municipality. The bond documents shall specifically reference the subdivision for which approval is sought.

11.5 Letter of Credit.

An irrevocable letter of credit from a bank or other lending institution, to the satisfaction of the town manager, shall indicate that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan.

11.6 Conditional Agreement.

A. The Board at its discretion may provide for the applicant 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 no lots may be sold or built upon until either:

1. It is certified by the Board, or its agent, that all of the required improvements have been installed in accordance with this ordinance and the regulations of the appropriate utilities; or
2. A performance guarantee, acceptable to the municipality, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed. Notice of the agreement and any conditions shall be on the final plan that is recorded at the Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guarantees contained in Section 11.8.

11.7 Phasing of Development.

The Board may approve plans to develop a major subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street, which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent

phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

11.8 Release of Guarantee.

Prior to the release of any part of the performance guarantee, the Town Manager/Town Council shall determine to its satisfaction, in part upon the report of the Planning Board or other qualified individual retained by the municipality and any other agencies and departments who may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion or phase of the subdivision for which the release is requested.

11.9 Default.

If upon inspection, the engineer retained by the municipality, 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 or she shall so report in writing to the code enforcement officer, the municipal officers, the Board, and the applicant or builder. The municipal officers shall take any steps necessary to preserve the municipality's rights.

11.10 Improvements Guaranteed.

Performance guarantees shall be tendered for all improvements required to meet the standards of this ordinance and for the construction of the streets, storm water management facilities, public sewage collection or disposal facilities, public water systems, and erosion and sedimentation control measures. In addition, the costs associated with oversight of inspection by the Town Engineer and representation and review by the Town Attorney. Before acceptance of any improvements by the Town, the subdivider shall enter into an agreement with the Town to guarantee the improvements for a period of not less than 2 years and 8 months, which agreement shall contain such terms and conditions and shall contain such performance guaranty mechanisms as the Town Manager deems necessary or appropriate.

ARTICLE 12 – WAIVERS

12.1 Waivers From Submission Requirements.

Where the Board makes written findings of fact that there are special circumstances of a particular parcel proposed to be subdivided, it may waive portions of the submission requirements, unless otherwise indicated in the regulations, provided the applicant has demonstrated that the performance standards of this ordinance and the criteria of the subdivision statute have been or will be met, the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan, the zoning ordinance, or this ordinance.

12.2 Waivers From Required Improvements.

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, provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan, the zoning ordinance, or this ordinance, and further provided the performance standards of this ordinance and the criteria of the subdivision statute have been or will be met by the proposed subdivision.

12.3 Conditions.

Waivers may only be granted in accordance with Sections 12.1 and 12.2. When granting waivers, the Board shall set conditions so that the purposes of this ordinance are met. The Planning Board shall enter into its record the reasons for granting any waivers and any conditions, which it has required.

12.4 Waivers to be shown on final plan.

When the Board grants a waiver to any of the improvements required by this ordinance, the final plan, to be recorded at the Registry of Deeds, shall indicate the waivers granted and the date on which they were granted.

ARTICLE 13 - REVISIONS TO APPROVED PLANS

13.1 Procedure.

An applicant for a revision to a previously approved plan shall, at least fourteen (14) 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 and final 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.

13.2 Submissions.

The applicant shall submit a copy of the approved plan as well as eight (8) 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 this ordinance and the criteria of the statute. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the title of the subdivision and the book and page or cabinet and sheet on which the original plan is recorded at the Registry of Deeds.

13.3 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 14 – APPEALS

14.1 Procedure

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

ARTICLE 15 - INSPECTIONS AND ENFORCEMENT

15.1 Inspection of Required Improvements.

- A. At least five days prior to commencing construction of required improvements, the subdivider or builder shall:
 - 1. Notify the Code Enforcement Officer in writing of the time when he/she proposes to commence construction of such improvements, so that the municipal officers can arrange for inspections to assure that all municipal specifications, requirements, and conditions of approval are met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.
 - 2. Deposit with the municipal officers a check for the amount of 2% of the estimated costs of the required improvements to pay for the costs of inspection. If upon satisfactory completion of construction and cleanup there are funds remaining, the surplus shall be refunded to the subdivider or builder as appropriate. If the inspection account shall be drawn down by 90%, the subdivider or builder shall deposit an additional 1% of the estimated costs of the required improvements.
- 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 and approved by the Board, the inspecting official shall so report in writing to the Code Enforcement Officer, municipal officers, Board, and the subdivider and builder. The municipal officers shall take any steps necessary to assure compliance with the approved plans.
- C. If at any time it appears necessary or desirable to modify the required improvements before or during the construction of 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 Board. 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 from the Board to modify the plans in accordance with Article 13.
- 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 October 1 of each year during which construction occurred 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. 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 street construction and prior to consideration of acceptance of the same as a town way, a written certification signed by a professional engineer shall be submitted to the municipal officers at the expense of the applicant, certifying that the proposed town way meets or exceeds the design and construction requirements of this ordinance and the Glenburn Road Ordinance. 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. "As built" plans prepared by a professional engineer shall be submitted to the municipal officers.
- G. The subdivider shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the municipality or control is placed with an owners' association.

15.2 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 this ordinance (30-A M.R.S.A. § 4406(1)):
- B. No person may sell, lease, develop, build upon or convey for consideration, or offer to agree to sell, lease, develop, build upon or convey for consideration any land or dwelling unit in a subdivision that has not been approved by the Planning Board, and subsequently recorded in the Penobscot County Registry of Deeds. (30-A M.R.S.A. § 4406 (1))
- C. A person shall not sell, lease or otherwise convey any land in an approved subdivision, which is not shown, on the plan as a separate lot.
- D. No public utility, water district, sanitary district or any utility company of any kind shall serve any lot in a subdivision for which the Board has not approved a final plan.
- E. 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 plan, approved as provided in this ordinance and recorded in the Registry of Deeds.
- F. No lot in a subdivision may be sold, leased, or otherwise conveyed before the street upon which the lot fronts is completed in accordance with this ordinance up to and including the entire frontage of the lot. No unit in a multi-family

development shall be occupied before the street upon which the unit is accessed is completed in accordance with this ordinance.

- G. Failure to comply with any conditions of approval shall be a violation of this ordinance.
- H. Failure to pay application fees, filing fees, and technical review fees shall be a violation of this ordinance.
- I. Any violation of this ordinance is a nuisance.
- J. It shall be the duty of the Code Enforcement Officer to enforce any violations of this ordinance. If the CEO finds that any provision of this ordinance is being violated, the CEO shall notify the developer, owner or any other person responsible for the violation in writing setting forth the nature of the violation and ordering such corrective action as the CEO deems necessary or appropriate.
- K. When there is a violation of the ordinance, the Town Council may authorize and direct the institution of any and all actions and proceedings, either legal or equitable, including seeking injunctive relief and the imposition of civil penalties that may be necessary or appropriate to enforce the provisions of this ordinance in the name of the Town of Glenburn.
- L. Any violation of this ordinance is subject to an enforcement action under 30-A M.R.S.A. § 4452, and to the remedies, civil penalties, expenses, costs, and legal fees available to the Town of Glenburn pursuant to that statute. Each violation and each day of violation shall constitute a separate offense. All civil penalties shall inure to the benefit of the Town.
- M. Any contractor or subcontractor involved in any activity regulated by this ordinance shall be held liable for violating this ordinance if the necessary permits and/or approvals for such activity have not been obtained, or the activity is done in violation of the provisions of this ordinance or the terms and conditions of said permits and/or approvals.

ARTICLE 16-DEFINITIONS

In general, words and terms used in this ordinance shall have their customary dictionary meanings. More specifically, any word or term defined in the Glenburn Land Use Ordinance shall have the definition contained in that ordinance, unless defined differently below; other words and terms used herein are defined as follows:

Affordable Housing: Housing units, which will meet the sales price and/or rental targets established by the comprehensive plan for housing affordability.

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

Average Daily Traffic (ADT): The average number of vehicles per day that enter and exit the 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 a rock or other consolidated natural formation.

Blasting Plan: A site plan indicating proposed blast areas and locations of all off-site structures and wells not owned or controlled by the applicant within 2,000 feet of any blast site, together with a report prepared by a qualified professional that includes the following: (a) assessment of the potential for adverse effects of blasting on protected natural resources and structures and wells not owned or controlled by the applicant considering, at a minimum, ground vibration, peak particle velocities, noise and airblast effects and on-site and off-site ground and surface water quality or quantity and (b) a plan of action which addresses methods to control adverse effects from ground vibration, airblast and flyrock; provides details on the proposed blast design, monitoring of blasts (as applicable), and a blast schedule; and includes provisions for pre-blast surveys, signage, warnings, and access control during blast events.

Buffer Area: A part of a property or an entire property, which is not built upon and is specifically intended to separate and thus minimize the effects of a land use activity (e.g. noise, dust, visibility, glare, etc.) on adjacent properties or on sensitive natural resources.

Capital Improvements Program (CIP): The municipality's proposed schedule of future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

Capital Investment Plan: The portion of the comprehensive plan that identifies the projects for consideration for inclusion within the capital improvements program, together with an estimate of the order of magnitude for the cost of each project.

Cluster Subdivision (Open Space 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.

Certified Soil Scientist: As registered, licensed and/or certified by the appropriate licensing and registration boards in the State of Maine.

Common Open Space: Land within or related to a subdivision, not individually owned or within an individual lot, which is designed and intended for the common use or enjoyment of the residents of the development or the general public. It may include complementary structures and improvements, typically used for maintenance and operation of the open space, such as for outdoor recreation.

Complete Application: An application shall be considered complete when the Planning Board determines that the applicant has submitted all of the required fees and all matters required by this ordinance, and that the submissions comply with the requirements of this ordinance.

Complete Substantial Construction: The completion of a portion of the improvements which represents no less than seventy (70) percent of the costs of the proposed improvements within a subdivision. If the subdivision is to consist of individual lots to be sold or leased by the subdivider, the cost of construction of buildings on those lots shall not be included. If the subdivision is a multifamily development, or if the applicant proposes to construct the buildings within the subdivision, the cost of building construction shall be included in the total costs of proposed improvements.

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

Conservation Easement: A nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining air or water quality.

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

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

Direct Watershed of a Great Pond: That portion of the watershed, which drains directly to the great pond without first passing through an upstream great pond. For the purposes of this ordinance, the watershed boundaries shall be as delineated in the comprehensive plan. Due to the scale of the map in the comprehensive plan there may be small inaccuracies in the delineation of the watershed boundary. Where there is a dispute as to exact location of a watershed boundary, the Board or its designee and the applicant shall conduct an on-site investigation to determine where the drainage divides lies. If the Board and the applicant can not agree on the location of the drainage divide based on the on-site investigation, the burden of proof shall lie with the applicant to provide the Board with information from a registered land surveyor showing where the drainage divide lies.

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

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

Engineered Subsurface Waste Water Disposal System: A subsurface wastewater disposal system designed, installed, and operated as a single unit to treat and dispose of 2,000 gallons of wastewater per day or more; or any system designed to be capable of treating wastewater with higher BOD₅ and total suspended solids concentrations than domestic wastewater.

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

Freshwater Wetland: Freshwater swamps, marshes, bogs and similar areas which are inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and are not part of a great pond, coastal wetland, river, stream or brook. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the above criteria.

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 surface area in excess of thirty 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.

High Intensity Soil Survey: A map prepared by a Certified Soil Scientist, identifying the soil types down to $\frac{1}{8}$ 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 location. Single soil test pits and their evaluation for suitability for subsurface waste water disposal systems shall not be considered to constitute high intensity soil surveys.

Year Flood: The highest level of flood that, on the average, has a one percent chance of occurring in any given year.

High Water Mark:

Coastal Waters: The elevation at which vegetation changes from predominantly salt tolerant to predominantly non-salt tolerant. By way of illustration, salt tolerant vegetation includes, but is not limited to: salt marsh grass, salt meadow hay, black arrow grass, seaside lavender, silverweed, salt marsh bulrush, seaside plantain, orach, salt marsh sedge, salt marsh aster. In places

where vegetation is not present, the high water mark shall be the identifiable debris line left by non-storm tidal action. On a sand dune, the high water mark shall be the mean seaward limit of salt tolerant vegetation.

Inland Waters: 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, streams, brooks, or ponds, the normal high-water mark is the upland edge of the wetland, and not the edge of the open water.

Level of Service: A description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the *Highway Capacity Manual*, 1991 edition, published by the National Academy of Sciences, Transportation Research Board. There are six levels of service ranging from Level of Service A, with free traffic flow and no delays to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.

Multifamily Development: A subdivision, which contains three or more dwelling units on land in common ownership, such as apartment buildings, condominiums or mobile home parks.

Municipal Engineer: Any registered professional engineer hired or retained by the municipality, either as staff or on a consulting basis.

Net Residential Acreage: The area of a lot, which is suitable for development, determined by subtracting, in order, the following from the total acreage of the lots:

1. 15% of the total acreage of the lot as an allowance for roads and parking
2. Portions of the lot which, because of existing land uses or lack of access, are isolated and unavailable for building purposes or for use in common with the remainder of the lot, as determined by the building inspector/code enforcement officer subject to review by the Planning Board in the event of a dispute.
3. Portions of the lot shown to be in the floodway or coastal high hazard area as designated on the Department of Housing and Urban Development flood boundary and floodway map or flood insurance rate map.
4. Portions of the lot which are unsuitable for development in their natural state due to topographical, drainage or subsoil conditions such as, but not limited to (a) water table at the surface for all or part of the year, or (b) unstable soil such as Sebago mucky peat, coastal dune or tidal marsh, as determined by the building inspector/code enforcement officer subject to review by the Planning Board in the event of a dispute.
5. Portions of the lot subject to rights of way or easements.
6. Portions of the lot located in the resource protection district, except land above the upland edge of a wetland, pursuant to the Shoreland Zoning Ordinance for the Town of Glenburn, Maine.
7. Portions of the lot covered by surface water bodies.

8. Portions of the lot utilized for storm water management facilities.

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

New Structure or Structures: Includes any structure for which construction begins on or after September 23, 1988. The area included in the expansion of an existing structure is deemed to be a new structure.

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

Planning Board: The Planning Board of the Town of Glenburn.

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

Professional Engineer: A professional engineer, registered in the State of Maine.

Professional Land Surveyor: As registered, licensed and/or certified by the appropriate licensing and registration boards in the State of Maine.

Public Water System: A publicly owned or privately owned water supply system that provides water for human consumption to at least 15 service connections or regularly serves an average of at least 25 individuals daily for at least 60 days a year.

Recording Plan: An original of the Final Plan, suitable for recording at the Registry of Deeds and which need show only information relevant to the transfer of an interest in the property, and which does not show other information presented on the plan such as sewer and water line locations and sizes, culverts, and building lines.

Reserved Affordable Housing: Affordable housing which is restricted by means of deed covenants, financing restrictions, or other binding long term methods to occupancy by households making 80% or less of the area median household income.

Sight Distance: The length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway. Used in this ordinance as a reference for unobstructed road visibility.

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

Street: Public and private ways such as alleys, avenues, highways, roads, and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way for vehicular access other than driveways.

Street Classification:

Arterial Street: A major thoroughfare, which serves as a major traffic way for travel between and through the municipality.

Collector Street: See Road Ordinance for definition.

Cul-de-sac: A Street with only one outlet and having the other end for the reversal of traffic movement.

Industrial or Commercial Street: Streets servicing industrial or commercial uses.

Minor Residential Street: See Road Ordinance for definition.

Private Right-of-Way: A right-of-way not intended to be dedicated as a public way.

Subdivision: the division of a tract or parcel of land into 3 or more lots within any 5-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, and buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period.

A. In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of the tract or parcel is considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, is considered to create a 3rd lot, unless:

(1) Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single-family residence that has been the subdivider's principal residence for a period of at least 5 years immediately preceding the 2nd division; or

(2) The division of the tract or parcel is otherwise exempt under this definition.

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

C. A lot of 40 or more acres must be counted as a lot.

D-1. A division accomplished by devise does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this ordinance.

D-2. A division accomplished by condemnation does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this ordinance.

D-3. A division accomplished by order of court does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this ordinance.

D-4. A division accomplished by gift to a person related to the donor of an interest in property held by the donor for a continuous period of 5 years prior to the division by gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this ordinance. If the real estate exempt under this paragraph is transferred within 5 years to another person not related to the donor of the exempt real estate as provided in this paragraph, then the previously exempt division creates a lot or lots for the purposes of the ordinance. "Persons related to the donor" means spouse, parent, grand parent, brother, sister, child or grandchild related by blood marriage or adoption. A gift under this paragraph cannot be given for consideration that is more than ½ of the assessed value of the real estate.

D-5. A division accomplished by a gift to and acceptance by the Town of Glenburn, unless the intent of the transferor is to avoid the objectives of this ordinance.

D-6. A division accomplished by the transfer of any interest in land to the owners of land abutting that land that does not create a separate lot does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this ordinance. If the real estate exempt under this paragraph is transferred within 5 years to another person without all of the merged land, then the previously exempt division creates a lot or lots for the purposes of this ordinance.

E. The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971 is not a subdivision.

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

G. Notwithstanding the provisions of this subsection, leased dwelling units are not subject to subdivision review if the Planning Board has determined that the units are otherwise subject to municipal review at least as stringent as that required under this ordinance.

H. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under paragraphs D-1 to D-6, or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this ordinance.

Subdivision, Major: Any subdivision containing more than four lots or dwelling units, or any subdivision containing a proposed street.

Subdivision, Minor: Any subdivision containing four lots or dwelling units or less, and in which no street is proposed to be constructed.

Tract or Parcel of Land: 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.

Usable Open Space: That portion of the common open space, which due to its slope, drainage characteristics and soil conditions can be used for active recreation, horticulture or agriculture. In order to be considered usable open space, the land must not be poorly drained or very poorly drained, have ledge outcroppings, or areas with slopes exceeding 10%.

Wet Pond: Any storm water detention impoundment that has a pool of water and also has the capacity to temporarily store storm water runoff while it is released at a controlled rate. The facility is designed to provide flood control as well as water quality treatment. Properly sized and maintained, wet ponds can achieve high rates of removal of a number of urban pollutants, and can be a cost-effective BMP for large, intensively developed sites.

SUPPLEMENTAL PLUMBING CODE ORDINANCE

This ordinance is intended to serve as a local supplement to the State of Maine Subsurface Wastewater Disposal Rules. It provides for the inspection of existing systems prior to a property sale with a private sewage disposal system within 250 feet of a classified body of water, for the inspection of all such system, and for the maintenance of comprehensive records regarding all such systems.

Therefore, THE TOWN OF GLENBURN HEREBY ORDAINS:

Section I. Purpose

- A. This ordinance is enacted pursuant to the powers granted to municipalities in Title 30-A MRSA § 4211. The purpose of the Ordinance is to provide for the avoidance and elimination of nuisances in the Glenburn Shoreland Zone created by malfunctioning sewage disposal units including septic tanks, cesspools, cisterns, dry wells, drainage beds, and other types of private sewage disposal systems as delineated in the State of Maine Subsurface Wastewater Disposal Rules. It is also the purpose of this ordinance to provide for the collection and maintenance of records at the Town Office in order to assist property owners in preventing and correcting malfunctioning systems and also to be of assistance in carrying out the purpose of the Ordinance.

Section II. Requirements

- A. With regard to property located within 250 feet of a classified body of water, no person may (1) convert a seasonal dwelling to a year-round or principal residence (2) sell or have title transferred for the purpose of habitation by spew owner; or (3) expand a structure used for, or to be used for, human habitation unless and until the Local Plumbing Inspector issues a written certification that one of the following conditions is met:
 - 1. A subsurface waste water disposal application, completed after July 1, 1974, exists indicating that the dwelling's waste water disposal system substantially complies with the State of Maine Department of Human Services rules and applicable municipal ordinances, provided that the disposal system was installed with the required permit and certificate of approval and is not malfunctioning; or
 - 2. A replacement for an existing wastewater disposal system has been constructed so that it substantially complies with departmental rules and applicable municipal ordinances.

A holding tank may not be used as a means of waste water disposal or storage for a new year-round or principal residence. For any use that is authorized to utilize a holding tank under the Ordinance or applicable state laws or regulations, the holding tank shall have a water tight pump-out port terminating above the 100-year flood elevation. For the purposes of the Ordinance, the terms "seasonal dwelling," "year-round or principal residence," and "subsurface wastewater disposal system" shall have the meanings as set forth in 30-A MRSA§ 4201, as may be amended..

- B. Occupancy by an individual(s) of any dwelling covered under the terms of this Ordinance prior to the receipt of the proper certifications, permits and/or validations as required by the Ordinance shall be a violation of the Ordinance.
- C. A fee of \$50.00 shall be paid to the Town of Glenburn by the seller or the seller's agent for the services of the Local Plumbing Inspector to conduct investigations for the purpose of ascertaining adequacy of existing systems and/or compliance with the provision of this Ordinance.

Section HI. Administration, Enforcement, and Fines

- A. It shall be the duty of the Municipal Officers or other appointed officials to organize and maintain a filing system in the Town Office based on tax map and lot number or some other system capable of receiving such information that is generated by compliance with the requirements of the Ordinance.
- B. Starting on December 1, 1993, the Local Plumbing Inspector or agent shall develop and implement a schedule for the inspection and testing of all private sewage disposal systems serving properties within the Shoreland Zone surrounding Pushaw Lake by December 31, 1998. Testing shall be by dye test (or by other means at the discretion of the Local Plumbing Inspector)
- C. It shall be the duty of the Local Plumbing Inspector to enforce the provisions of this Ordinance and to notify in writing any person responsible for a violation of any provision of this Ordinance or of the State of Maine Subsurface Wastewater Disposal Rules, indicating the nature of the violation, and ordering the action necessary to correct it, including discontinuance of illegal dwellings and abatement of nuisance conditions. Commencement of corrective work shall begin within ten (10) days, 30-AMRSA § 4452 (as amended) of notification of violation.
- D. When the above action of the Local Plumbing Inspector, Section HI C of this Ordinance, does not result in the correction or abatement of the violation or nuisance condition, the municipal officers, upon notice from the Local Plumbing Inspector are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable; including seeking injunction of violations and the imposition of fines not less than \$100.00 nor more than \$1,000.00 for each offense. Such actions may include having the necessary work done and the cost attached to the individuals' property tax assessment bill.
- E. Right of Entry - The Local Plumbing Inspector, or an authorized employee of the Town, shall have authority for the right of entry, with permission of the property owner or tenant, to investigate alleged conditions, which do not comply with the Ordinance and to conduct the inspection and testing program described in Section HI B of this Ordinance. If requested, the LPI, or authorized employee of the Town, shall present proper credentials prior to entering the premises. If entry is denied, an Administrative Warrant may be sought from the District Court.
- F. The installation of a subsurface waste water disposal; system shall be subject to the following three (3) inspections by the Local Plumbing Inspector:

1. After the site of the subsurface wastewater disposal system has been cleared, scarified and excavated to the depth of the bottom of the proposed system, but before any material or system components have been place in the bed for the system;
2. After installation of the system components, including stones, pipes or proprietary devices, and tanks, but before hay, filter fabric or fill covers the system components. This inspection shall include any curtain drains, diversion ditches, berms or other measures outlined in the design to improve the function of the system; and
3. After the system has been graded and seeding has been established or the system has been otherwise stabilized.

Any additional inspections shall require payment of twenty-dollars (\$20.00) to the Town of Glenburn for each inspection.

Section IV. Separability and Conflict

- A. If any provision of this Ordinance is held to be unconstitutional or invalid, this will not affect the remaining provision of the Ordinance.
- B. In the case of conflict with other Ordinances, the more stringent shall apply. Section

V. Appeals to Board of Appeals

- A The Zoning Board of Appeals may, upon written application of an aggrieved party and after public notice, hear requests for variances, from specific provisions of the Ordinance. Such hearings shall be held in accordance with State laws. Variances may be granted where it is necessary to avoid undue hardship provided it will not result in an unsafe or unhealthful condition or water pollution.

Ordinance History:

Adopted 06/08/78 with effective date 07/08/78
Adopted 12/09/82 with effective date 01/08/83
Adopted 10/14/93 with effective date 11/13/93
Adopted 10/30/03 with effective date 12/01/03
Adopted 12/01/04 with effective date 01/04/05

ORDINANCE TO SET DAYS FOR REGULAR COUNCIL MEETINGS

THE TOWN OF GLENBURN HEREBY ORDAINS that regular Meetings of the Glenburn Town Council shall be held on the alternate Thursdays in the Glenburn Municipal Building at 7:00 P.M. At any meeting of the Town Council, no new agenda item, new council item, or new manager item shall be brought to the table after 10:00 P.M. except upon majority vote of the council.

The only exceptions shall be that:

- (1) No Meetings shall be held on legal holidays.
- (2) The Town Council may, by majority vote, change the time of, location of, and/or cancel any regular meeting if such a change is deemed appropriate.

ORDINANCE HISTORY

ADOPTED:	04/08/76
AMENDED:	12/08/82
AMENDED:	06/30/88

TRAFFIC ORDINANCE

Pursuant to M.R.S.A. Title 30-A, Section 3009(1)(B), the Town of Glenburn hereby ordains as follows:

1. ESTABLISHMENT OF ONE WAY TRAFFIC ON A PORTION OF LUCKY LANDING ROAD.

Vehicular traffic shall be allowed to travel in one direction only, specifically in a generally northerly and easterly direction, on the following described portion of the public easement known as Lucky Landing:

Beginning on the public easement and at a distance of 120 feet northerly of the centerline of the intersection of the two portions of the public easement located nearest to Curve 5 and extending to the intersection of the public easement and a drive located northerly of the public easement and nearest to Curve 11, said public easement and both numbered curves being as shown on Sheet 2 of 2 of the proposed Right of Way Plan of Lucky Landing, dated Jan. 15, 1980 and recorded in the Penobscot County Registry of Deeds in Map File D28-84.

2. ENFORCEMENT.

Any person who fails to comply with the provisions of this ordinance shall be punished by a fine of not less than \$50.00 nor more than \$100.00, plus reasonable attorney's fees and costs, recoverable in a civil action in Maine District Court. The Municipal Officers or their duly authorized representative may institute proceedings to enjoin violations of this ordinance. Any fines imposed under this ordinance shall inure to the Town of Glenburn.

ORDINANCE HISTORY:

ADOPTED 03/18/93

AN ORDINANCE AUTHORIZING THE MUNICIPAL OFFICERS, ON BEHALF OF THE TOWN OF GLENBURN, TO ENTER INTO A WORKERS' COMPENSATION INDEMNITY AGREEMENT

The Town of Glenburn hereby ordains this ordinance.

The Glenburn Town Council is hereby authorized, on behalf of the Town, to join with other participating municipal and quasi—municipal employers to group self insure for the provision of workers' compensation benefits, as authorized by 39 M.R.S.A., Sec. 23, said group to be known as the "Maine Municipal Association Workers' Compensation Fund" (Fund; and for that purpose and in consideration of the mutual covenants and agreements among participating employers, to authorize the Town Council to enter into a Fund Indemnity Agreement on behalf of the Town and take whatever other actions may be necessary. The authority granted herein shall continue until revoked.

ORDINANCE HISTORY

ADOPTED: 08/11/88