

2017

Town of Gouldsboro Maine Ordinances

Gouldsboro, Me.

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

Repository Citation

Gouldsboro, Me., "Town of Gouldsboro Maine Ordinances" (2017). *Maine Town Documents*. 7329.
<https://digitalcommons.library.umaine.edu/towndocs/7329>

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

TOWN OF GOULDSBORO ASSESSOR ORDINANCE

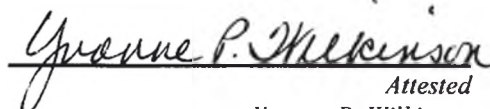
Adopted: June 19, 2001
Board of Selectmen Vote: August 2, 2001
(see note below)

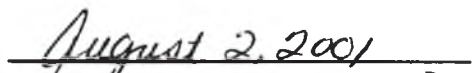
APPOINTMENT OF A SINGLE ASSESSOR

Pursuant to Title 30-A M.R.S.A. ss 2526 (5) (B), there shall be a single assessor appointed by the Board of Selectmen.

The newly appointed single assessor replaces the current three member Board of Assessors. The assessor shall be a certified Maine Assessor or shall be certified within six (6) months of appointment and shall perform all duties and responsibilities provided for assessors under general law.

The Board of Selectmen shall determine the salary, hours, and working conditions of the assessor. They may remove the assessor for cause after notice and hearing. Cause shall not include any disagreement with respect to an assessing practice employed by the assessor where such practice is generally accepted and lawful.


_____
Attested
Yvonne P. Wilkinson
Clerk of Gouldsboro


_____
Date

Note: This Ordinance was adopted at the Annual Town Meeting but did not have at least 10% of the votes cast in the last gubernatorial election. At a special meeting on August 2, 2001 at the Gouldsboro Town Office, the Ordinance was approved by vote of the Board of Selectmen which was required at least ninety days prior to town meeting upon which the Ordinance takes effect (June 2002). MRSA 30-A 2526

**TOWN OF GOULDSBORO
ORDINANCE TO REGULATE AUTOMOBILE
GRAVEYARDS, JUNKYARDS AND AUTOMOBILE
RECYCLING BUSINESSES**

Revised: June 2007

Section 1. Purpose

The purpose of this ordinance is to provide adequate controls to ensure that automobile graveyards, junkyards and automobile recycling businesses do not have a deleterious impact on the public health, safety, and general welfare.

Section 2. Authority

This ordinance is enacted pursuant to 30-A M.R.S.A. s3001 et seq. and s3755 et seq.

Section 3. Applicability

This ordinance shall apply to all automobile graveyards, junkyards and automobile recycling businesses as defined in 30-A M.R.S.A. s3752 and as defined in s12 of this ordinance.

Section 4. Administration

- 4.1 This ordinance shall be administered by the municipal officers. No automobile graveyard, junkyard or automobile recycling business permit shall be issued unless the provisions of this ordinance are met.
- 4.2 Upon receipt of an application, the municipal officers shall hold a hearing in accordance with 30-A M.R.S.A. s3754. Upon receipt of a new application the municipal officers shall provide notification in writing to all abutters within one thousand (1000) feet of the property line and hold a hearing in accordance with 30-A MRSA Section 3754.
- 4.3 All applications for permits must be made by September 1st. Failure to file applications by September 1st will result in late fees/penalties to be assessed by the Board of Selectmen in the minimum amount of one hundred dollars (\$100.00) and the maximum amount of twenty-five hundred dollars (\$2500.00). Permits shall be renewed annually on October 1st to remain valid. (Automobile recycling business permits, however, shall be valid for 5 years.) Once the site plan is approved it does not have to be resubmitted unless changes are made on the site. The municipal officers shall semi-annually inspect, or cause to be inspected, the site to ensure that the provisions of this ordinance and state laws are complied with. No permit may be granted for any automobile graveyard or junkyard established after October 1973, and located within one hundred (100) feet of any highway.

4.4 The municipal officers shall collect all fees in accordance with the fee schedule prior to the issuance of any and all permits required by this ordinance as follows:

- A- More than 100 feet from highway. Fifty dollars for each permit for an automobile graveyard or junkyard located more than 100 feet from any highway, plus the cost of posting and publishing the notice under section 3754; and
- B- Within 100 feet from highway. Two hundred dollars for each permit for an automobile graveyard or junkyard located within 100 feet from any highway, plus the cost of posting and publishing the notice under section 3754.
- C- Recycling business. Two hundred fifty dollars for a 5-year permit for an automobile recycling business plus the cost of posting and publishing the notice under section 3754.

Section 5. Permit Required

No person may establish, operate or maintain an automobile graveyard, junkyard or automobile recycling business without first obtaining a nontransferable permit from the municipal officers.

Section 6. Submission Requirements

Any application for an automobile graveyard, junkyard or automobile recycling business permit shall contain the following information:

6.1 The property owner's name and address and the name and address of the person or entity who will operate the site.

6.2 A site plan drawn to a scale not to exceed 1"-100', on which is shown:

- A- the boundary lines of the property
- B- the soils
- C- the location of any sand and gravel aquifer recharge area, as mapped by the Maine Geological Survey, or a licensed geologist
- D- the location of any residences or schools within 500 feet of the area where vehicles will be placed
- E- the location of any waterbodies on the property or within 200 feet of the property lines
- F- the boundaries of the 100-year flood plain
- G- the location of all roads within 1000 feet of the site
- H- the location of any well within 100 feet of property lines
- I- indicate area within property boundaries to be used for storage and/or dismantling of vehicles and junkyard operations
- J - a plan for the containment of fluids, contaminants. and disposal of batteries, and storage or disposal of tires.

6.3 A list of names and addresses of all abutters within one thousand (1000) feet of the property line.

Section 7. Performance Standards

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

- 7.1 The site if visible from any public or private way or adjoining developed or inhabited residential or commercial property, must be enclosed by a visual screen at least 6 feet in height and built in accordance with Department of Transportation rules issued pursuant to 30-A M.R.S.A. s3759.
- 7.2 No vehicle shall be stored within 300 feet of any waterbody or inland wetland.
- 7.3 No vehicle shall be stored within 500 feet of any school, church or public playground or public park.
- 7.4 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.
- 7.5 No vehicles shall be stored within the 100-year flood plain.
- 7.6 Upon arrival for either storage, salvage, or dismantling of a motor vehicle, the battery shall be removed, and the engine lubricant, fuel, transmission fluid, brake fluid, differential/ rear-end fluid, and engine coolant 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 waste oil and hazardous materials. No discharge of any fluids from any motor vehicle shall be permitted into or onto the ground.
- 7.7 A vehicle may not be dismantled or stored within one hundred (100) feet of a well that serves as a public or private water supply, excluding a private well that serves only the automobile recycling business or the owner or operators abutting residence. A vehicle may not be located or dismantled closer than twenty (20) feet from any lot line, unless the operator has notarized written permission from the abutting property owner.
- 7.8 There is no open burning of any substance.
- 7.9 There is no disposal or release to the environment of any solid, special or hazardous wastes.
- 7.10 Inspections will be made by municipal officers or/and their agent of all permitted businesses semi-annually, (the first inspection being made before June 1st). Inspections will be made during regular operating hours after contacting the operator. In addition all written complaints will also be responded to by the municipal officers and/or their agent. See 4.3
- 7.11 A log must be maintained of all motor vehicles handled that includes the date each vehicle was acquired, a copy of the vehicle's title or bill of sale, and the date (or dates) upon which all fluids, refrigerants, batteries, and mercury switches were removed.

Section 8. Violation

- 8.1 Enforcement. The State Police as well as local and county law officers shall enforce this subchapter. Municipal Officers or their designee may also enforce this subchapter.
- 8.2 Penalties. Any violator of this ordinance shall pay to the town, upon its complaint, a civil penalty assessed by the Municipal Officers or the District Court in the minimum amount of one hundred (100) dollars and the maximum amount of twenty-five hundred (2500) dollars. In addition, the town may request from the court an order

that the violator correct or abate the violations, and that the violator pay its reasonable attorney fees, expert witness fees, and costs. Each day that the violation continues constitutes a separate offense.

The municipal officers are hereby authorized, in lieu of formal court action; to enter into a consent agreement with any violator which provides for the correction or abatement of the violation and may provide for the payments specified above.

- 8.3 Revocation or Suspension of Permit. Violation of any condition, restriction or limitation inserted in a permit by the municipal officers or county commissioners is cause for revocation or suspension of the permit by the same authority that issued the permit. No permit may be revoked or suspended without a hearing and notice to the owner or operator of the automobile graveyard, recycling business or junkyard. Notice of hearing must be sent to the owner or operator by registered mail at least seven (7) but no more than fourteen (14) days before the hearing. The notice must state the time and place of hearing and contain a statement describing the alleged violation of any conditions, restrictions, or limitations inserted in the permit.

Section 9. Appeals

Any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may within thirty (30) days of the denial, suspension or revocation, appeal the decision to the municipal Board of Appeals as defined in Title 30-A M.R.S.A., Section 2691. The municipal Board of Appeals may grant or reinstate the permit if it finds that 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, bylaw, or rule or regulation of the municipality and/or was issued in an argumentative and capricious manner.

Section 10. Effective Date and Amendment

This ordinance shall become effective on the date of adoption, and may be amended by vote of the legislative body.

Section 11. Severability and Conflict

In the event that any provision of this ordinance is ruled to be invalid by a Court of competent jurisdiction, the remaining provisions shall continue in full force and effect. In the event that any provisions of this ordinance conflicts with State statute, the State statute shall govern.

Section 12. Definitions

Automobile Graveyard: A yard, field, or other area used to store three or more unregistered or uninspected motor vehicles, as defined in Title 29-A, section 101, subsection 42, or parts of such vehicles; includes an area used for automobile dismantling, salvage and recycling operations. Auto graveyard does not include any area used for temporary storage [ninety (90) days] by an establishment or place of business that is primarily engaged in doing auto body repair work to make repairs to render a motor vehicle serviceable.

Automobile Recycling Business: The business premises of a dealer or a recycler licensed under Title 29-A, sections 851 to 1112 who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts of the vehicles, or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles, provided that 80% of the business premises specified in the site plan in section 3755-A, subsection 1, paragraph C, is used for automobile recycling operations.

Automobile Repair/Body Shop: A business establishment whereby vehicles are held less than ninety (90) days, and engaged in general repair, engine rebuilding, or parts replacement, or body, frame or fender straightening, and repair or painting and undercoating, or the sale of gasoline, other motor fuels or motor oil.

Junkyard: A yard, field, or other outside area used to store, dismantle or otherwise handle:

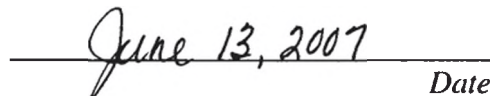
- A. discarded, worn-out or junked plumbing, heating supplies, electronic or industrial equipment, household appliances, metal and furniture;
- B. discarded, scrap and junked lumber;
- C. old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous and non ferrous material;
- D. garbage dumps, waste dumps, and sanitary landfills; and
- E. discarded vehicle tires.

Road: An existing State, county, or town way or a street dedicated for public use and shown upon a plan duly approved by the Planning Board and recorded in the County Registry of Deeds or a road dedicated for public use and shown on a plan duly recorded in the County Registry of Deeds prior to the establishment of the Planning Board and the grant to the Planning Board of its power to approve plans. The term "road" shall not include those ways that have been discontinued or abandoned.

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.


Attested

Yvonne P. Wilkinson
Clerk of Gouldsboro


Date

BOARD OF APPEALS ORDINANCE

TOWN OF GOULDSBORO

ESTABLISHED JUNE 15, 2005

Section 1: **Establishment and Organization**

There shall be a Board of Appeals created in accordance with 30-A M.R.S.A. Sections 2691 & 4353. The Board shall consist of five members and two alternate members.

The municipal officers of the Town of Gouldsboro shall appoint the members. The members shall be appointed for terms of five years each, such terms to be staggered so that the term of one member shall expire each year. The members of the Zoning Board of Appeals in existence at the time of this amendment shall become the members of the Board of Appeals established by this amendment; the terms of their service shall continue as before.

The alternate member shall act in place of any member who may be unable to act due to conflict of interest, absence, physical incapacity, or any other reason. The municipal officers may dismiss a member of the Board for cause before that member's term expires. Neither a municipal officer nor the spouse of a municipal officer may be a member or alternate member of the Board.

Section 2: **Jurisdiction:**

The Board shall have the following powers:

A. Administrative Appeals. To hear and decide administrative appeals, on a de »ovo 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, except for a decision of the Planning Board relative to a subdivision application, which shall be appealable directly to Superior Court; and to hear and decide administrative appeals, on a de »avn basis, 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 his or her review of and action on a permit application under the Ordinance.

(1) Standard of Review / Burden of Proof - The Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of the evidence and the law, reach its own decision, and make findings and conclusions in support of its decision. The parties may present transcripts of any testimony presented to the Planning Board as evidence to be considered by the Board of Appeals in order to conserve expenses. For all matters before the Board of Appeals, the person filing the appeal or request shall have the burden of proof.

B. Variance: To authorize in specific cases such variance from the terms of any ordinance which governs the use of land and buildings adopted pursuant to Title 30-A Section 3001 or Title 38 Section 435-449 as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of said ordinance would result in undue hardship. A variance shall apply only to area, yard space, height, setback, or other dimensional requirements, and in no case shall a variance request apply to the use of land or structures. A variance may be granted only if the Board finds that all of the following undue hardship criteria are met:

- (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 of the neighborhood;
- (3) That the granting of a variance will not alter the essential character of the neighborhood; and
- (4) That the hardship is not the result of action taken by the applicant or a prior owner.

Section 3: **Additional Powers and Duties**

The Board shall have the following additional powers:

- A. To interpret the provisions of the ordinance that are called into question in any manner before it;
- B. To approve the issuance of a variance subject to conditions, where those conditions are directly related to the present or future use or division of the property;
- C. To take and hear testimony, to swear witnesses and to compel the presence of witnesses by process; and
- D. To establish such procedures for hearings before it as are not inconsistent with the procedures set forth in Section Seven (7) and State law.
- E. To hear appeals on matters where Board jurisdiction to hear the appeal has been specifically delegated by state law.

Section 4: **General Procedures.**

- A. The chairman shall be elected annually by the Board from its membership. The chairman shall call meetings as required, or when requested to do so by a majority of the members of the Board or by the municipal officers. The chairman shall preside at all meetings of the Board and be the official spokesman of the Board.
- B. The secretary shall be elected annually by the Board from its membership. The secretary shall maintain a permanent record of all Board meetings and all correspondence of the Board. The secretary is responsible for maintaining those records which are required as part of the various proceedings which may be brought before the Board. All records to be maintained or prepared by the secretary are public records, and, they shall be filed in the municipal clerk's office and may be inspected at reasonable times.
- C. A quorum of the Board is necessary to conduct an official Board meeting; a quorum must consist of at least a majority of the Board's members including alternate members. Before an alternate member may act in the place of a member, the chairman shall determine that the alternate member was present at previous Board of Appeals proceedings relevant to the application in question.
- D. The Board may receive any oral or documentary evidence but shall provide as a matter of policy for the exclusion of irrelevant, immaterial or unduly repetitious evidence. Every party has the right to present the party's case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct any cross-examination that is required for a full and true disclosure of the facts.
- E. The transcript of the testimony, if any, and exhibits, together with all papers and requests filed at the proceeding, constitute the record. All decisions become a part of the record and must include a statement of findings and conclusions, as well as the reasons or basis for the findings and conclusions upon all the material issues of fact, law or discretion presented, and the appropriate order, relief or denial of relief. Notice of any decision shall be mailed or hand-delivered to the applicant(s), the Code Enforcement Officer, the Planning Board, and the municipal officers within seven (7) days of the Board's decision.
- F. The Board may reconsider any decision within 30 days of its prior decision. Reconsideration is permissible only if a motion for reconsideration is made, seconded and passed by the Board. The Board may conduct any additional hearings and receive any additional evidence or testimony it deems necessary for its reconsideration. Actions on reconsideration must be completed within the (same) 30 days of the vote on the original decision.

Section 5: **Procedure for Administrative Reviews**

The following procedures shall apply to appeals for Administrative Review conducted before the Board:

A. An appeal may be taken to the Board by an aggrieved person from any administrative decision of the Code Enforcement Officer (or the Planning Board) within 30 days of the date of the decision appealed from. A decision of the CEO to take enforcement action for violations of an ordinance or any permit issued pursuant to an ordinance, is not appealable to the Board of Appeals. The Board may extend this time period only upon a showing by the person seeking an appeal that there was good cause for the failure to appeal within 30 days of the decision.

B. An appeal shall be made by filing a written notice of appeal with the Board on forms provided by the town, which includes:

(1) A sketch drawn to scale showing lot lines, the locations of existing buildings, and other physical features pertinent to the relief requested.

(2) A concise statement of the relief requested and why it should be granted.

C. Upon being notified of an appeal, the Code Enforcement Officer (or the Planning Board, as appropriate,) shall transmit all papers comprising the record of the decision appealed from to the Board. These papers shall be transmitted seven days prior to the scheduled Board of Appeals meeting on the matter.

D. The Board shall hold a public hearing on the appeal within thirty-(30) days of its receipt of an appeal request. At least seven (7) days prior to the date of hearing on such appeal, the Board shall cause to be published in one issue of a newspaper of general circulation in the Town, and posted at the Town Office, notice that includes:

(1) The name of the person(s) appealing;

(2) The location and description of the property involved;

(3) A brief description of the decision from which an appeal is taken; and

The time and place of the hearing. The Board shall, in addition to the notice set forth in subsection D above, give written notice by regular mail or its equivalent to: all abutting property owners within 1000 feet (notice to abutting property owners shall be sent to the owner's address contained in the records of the Tax Assessors), the person(s) making the appeal, the Planning Board, and the Code Enforcement Officer. The names of abutters must be presented and provided by the appellant.

Section 6: **Variance Procedures**

The following procedures shall apply to applications for a variance:

A. An application for a variance may be made by any person with a possessory, contractual, or other legal or equitable interest in the property. No variance may be granted to any person who does not have such an interest in the property.

B. An application for a variance shall be made by filing with the Board a written application for a variance that shall include:

(1) An original or copy of the deed, agreement, option or other instrument showing the applicant's interest in the property;

(2) A sketch drawn to scale showing lot lines, the locations of existing and proposed buildings, and other physical features such as septic system locations, well, etc; and

(3) A concise statement of the nature of the variance sought.

C. The Board shall hold a public hearing on the variance request within thirty (30) days of its receipt of the request. At least seven (7) days prior to the date of the hearing on the variance, the Board shall cause to be published in

one issue of the newspaper of general circulation in the Town, and posted at the Town Office, or another conspicuous public place, notice which includes:

- (1) The name of the person(s) seeking the variance;
- (2) The location and description of the property involved;
- (3) A brief description of the nature of the variance sought; and
- (4) The time and place of the hearing.

D. The Board shall, in addition to the notice set forth in subsection C above, give written notice by regular mail or its equivalent to: all abutting property owners (notice to abutting property owners shall be sent to the owner's address contained in the records of the Tax Assessors), the person(s) seeking the variance, the Planning Board and the Code Enforcement Officer.

E. Whenever the Board grants a variance under this ordinance, 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; indicating the fact that a variance, including any conditions on the variance, has been granted; and the date of granting shall be prepared in recordable form and provided to the applicant for recording in the local registry of deeds. The recording of the variance form is the responsibility of the applicant. Variances not recorded within ninety (90) days of the date of being provided to the applicant shall be invalid. No rights may accrue to the variance recipient or his heirs, successors or assigns unless and until the recording is made within said ninety (90) days.

F. If a variance is granted by the Board under the provisions of this article for property located within shoreland areas as set forth in Title 38 Section 435, a copy of all such variances granted by the Board shall be submitted to the Department of Environmental Protection within fourteen (14) days of the decision.

Section 7: **Procedures for Public Hearings**

The following procedures shall be used in the conduct of public hearings conducted pursuant to this section:

A. The Board shall follow the established procedures outlined below to maintain orderly procedure and to allow each side to be heard. All questions and answers shall be directed through the chairman, and all persons at the hearing shall abide by the order of the chairman.

B. Any party may be represented by an agent or attorney. The participation of that agent or attorney shall be governed by the procedures established by the Board.

C. The chairman shall introduce each item of business, but he may ask the secretary or any member to read or summarize the application before the Board. The chairman should then inquire if any member has a conflict-of-interest and wishes to abstain.

D. The chairman shall then inquire whether the applicant has sufficient standing to present the matter to the Board.

E. The chairman shall then invite the applicant, or a duly authorized representative, to make an opening statement and to present written evidence or testimony in support of the application.

F. Any witnesses shall state for the record their names, addresses, business affiliation, and the nature of their interest in the proceeding.

G. The chairman shall then ask the code *enforcement* officer or Planning Board Member (or other town official) to present their position on the application and to comment on the appellant's evidence and to introduce evidence in support of their position on the matter before the board.

H. Next, members of the public shall be invited to comment or to present relevant evidence in support of or in opposition to the application.

I. At any time during the public hearing the Board members or Board attorney may direct questions to any person offering evidence to the Board.

J. At the end of the public hearing, but before it is closed, the Board members or Board attorney may direct questions to the applicant or to anyone else who has previously testified or offered evidence.

K. If requested, the chairman may grant the applicant or a member of the public with an opportunity to present evidence in rebuttal to other evidence heard. Rebuttal evidence shall be limited to those matters that were the subject of direct evidence by an opposite party, and no new evidence may be offered without the permission of the chairman.

L. Hearings shall not be continued except upon a showing of good cause.

Section 8: Decisions of the Board

A. A concurring vote of at least three (3) members present and voting shall be necessary for the Board to reverse or uphold an order, requirement, decision, or determination of the Code Enforcement Officer or the Planning Board, or to grant a variance.

B. The applicant for the appeal or variance shall bear the burden of proof on all issues.

C. Administrative relief may be granted only where the Board finds that the decision of the Code Enforcement Officer (or the Planning Board) from which appeal is made was clearly contrary to the specific provisions of the relevant ordinance.

D. A variance may be granted only where the Board finds that the applicant has proven each undue hardship criteria requirement by a preponderance of the evidence.

E. The Board shall decide all appeals or variance requests within thirty (30) days after the close of the public hearing.

Section 9: Appeals to the Superior Court:

Any party may take an appeal, within forty-five (45) days after the decision is rendered, to the Superior Court from any order, relief or denial by the Board. Such appeal shall be made in accordance with the Maine Rules of Civil Procedure, Rule 80B.

Yvonne P. Wilkinson
Attest
Yvonne P. Wilkinson
Clerk of Gouldsboro

June 15, 2005
Date

TOWN OF GOULDSBORO BUDGET COMMITTEE ORDINANCE

Revised June, 2007

I.- Establishment. Pursuant to 30- A M.R.S.A. Section 3001, the Town of Gouldsboro hereby establishes a Budget Committee.

II.- Membership.

- A.- The Committee shall consist of nine members who shall be proposed by the present members of the Budget Committee and confirmed by a vote of the legislative body at the annual Town Meeting. Nominations shall also be accepted from the floor of Town Meeting. Neither the Town Manager nor members of the Board of Selectmen may serve as Budget Committee members.
- B.- Members shall serve for terms of three years. For transitional purposes, the initial terms shall be staggered so that an equal number of terms shall expire annually.
- C.- Within (7 months) after the annual Town Meeting, the Budget Committee **may** appoint, subject to confirmation by the Board of Selectmen, three alternate members who shall serve until the next annual Town Meeting.
- D.- Vacancies shall be filled within 30 days by the appointment of one of the alternates to serve until the next Annual Town Meeting.
- E.- All members and alternate members must be residents of the Town of Gouldsboro (i.e. they must be registered voters of the Town of Gouldsboro).

III.- Organization and Rules

- A.- The Budget Committee shall annually elect a Chair, a Vice-Chair and a Secretary from among its members, and shall create and fill such other offices as it may deem necessary. The term for all offices shall be one year, with eligibility of re-election.
- B.- The Chair shall call meetings as necessary or when so requested by a majority of the members or the Board of Selectmen. No meeting of the Committee shall be held without a quorum consisting of five members or alternate members authorized to vote. The Chair, or Vice-Chair his designee shall preside at all meetings.
- C.- The Secretary shall maintain a record of all its resolutions, transactions, correspondence, findings and determinations. All records shall be deemed public and may be inspected at reasonable times. All meetings shall be subject to the Maine Freedom of Access Act 1 M.R.S.A. Sections 401-410. The Committee may adopt rules of procedure not inconsistent with this ordinance.
- D.- When a member is absent, the Chair shall designate an alternate member to sit in their stead.

- E.- An alternate member may attend all meetings of the Committee and may participate in its proceedings, but may vote only when he/she has been designated by the Chair to sit for a member.
- F.- Any questions of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of all the members except the member being challenged.
- G.- All matters shall be decided by a majority vote of the members present at the meeting.

IV.- Powers and Duties

The Committee shall have the following powers and duties:

- A.- To review and make recommendations on the annual budget as proposed by the Board of Selectmen/Town Manager.
- B.- To review and make recommendations on the annual capital expenditures as proposed by the Board of Selectmen/Town Manager.
- C.- To review and make recommendations on supplemental appropriations and expenditures and other budgetary actions whenever proposed by the Board of Selectmen/Town Manager.
- D.- To make such other recommendations on fiscal matters as it may, from time to time, deem advisable.

The Committee's authority shall be advisory only. Any recommendations on a matter requiring town meeting action shall be printed with the article in the warrant and on the ballot, if any, along with such other recommendations as may be included by the municipal officers or required by law. The municipal officers and the Town Manager shall cooperate with and provide the Committee with such information as may be reasonable, necessary and available to enable it to carry out its functions under this Ordinance.

Yvonne P. Wilkinson

Attested
Yvonne P. Wilkinson
Clerk of Gouldsboro

June 13, 2007

Date

I. AUTHORITY

The authority for the provisions of this plan are contained in the Maine Civil Emergency Preparedness Act (37-B MRSA § 701 et. Seq.). Further authority is granted under municipal home rules (30-A MRSA § 3001 et. Seq.) and Article VIII Part 2 Section 1 of the Constitution of the State of Maine. Title 37-B MRSA § 783 requires that *"Each municipal, interjurisdictional, county and regional civil emergency preparedness agency, in consultation with the agency, shall prepare and keep a current disaster emergency plan for the area subject to its jurisdiction. That plan shall include:....Identification of disasters, action to minimize damage, personnel, equipment and supplies and recommendations.* Because this document is policy affecting operation of the municipal government and not ordinance imposed upon the citizenry, the Board of Selectmen, acting as the duly elected municipal officers of Gouldsboro claim exclusive right to develop and modify this plan. It shall not be subject to approval of the Gouldsboro Town Meeting.

A. Mission -- It is the mission of this plan to:

1. Provide the organization to ensure that notification is made to the general public of Gouldsboro that the threat for impending disaster is present.
2. To minimize the effects of a disaster once it has occurred.
3. Provide for the continuity of local government.
4. Cooperate with other municipalities and agencies both governmental and non-governmental in meeting the needs of the citizenry of Gouldsboro before, during, and after a disaster.

II. ORGANIZATION

A. Local Emergency Management Agency Director/Liaison The office of Local Emergency Management Agency Director/Liaison (LEMAD) is hereby created. The LEMAD is to be appointed annually as close to the beginning of the fiscal year as possible by the Board of Selectmen. The LEMAD may not be an elected municipal officer (Selectman, Tax Collector/Town Clerk, Assessor, School Committee member) of Gouldsboro. A job description for the LEMAD shall be formulated and reviewed periodically by the Board of Selectmen.

B. Coordination with County EMA

The LEMAD shall strive to stay abreast of regional emergency management issues through the auspices of the Hancock County Emergency Management Agency. The LEMAD shall be the town's liaison with the County EMA office. The LEMAD should meet annually with the County EMA director to review and update the local plan.

C. Compensation

The LEMAD shall receive no compensation, as ideally the LEMAD shall hold other appointed positions within the municipal government organization.

D. Emergency Appointments

The LEMAD may, in a time of a declared disaster or impending emergency, appoint such officials as may be needed to carry out the town's emergency disaster response plan. Such appointments shall expire at the end of said disaster or emergency. The municipal officers are to be kept informed of such appointments in the most expeditious manner possible.

III. HAZARD IDENTIFICATION

Many hazards are possible in Gouldsboro. They are identified below. The potential on a 1-to-5 scale (1 being least likely, 5 being highly probable) is listed next to each hazard.

A. Natural Hazards

1. Coastal Erosion	5	8. Thunderstorm	5
2. Drought	4	9. Tornado	2
3. Earthquake	2	10. Wildfire	5
4. Small Stream flooding	5	11. Winter Storm	5
5. Hurricanes or Tropical Storms	5	12. Blight/Infestation	3
6. Landslides	1	13. Subsidence	2
7. Severe Fog	4		

B. Technological Hazards

1. Civil/Political Disorder			
a. Demonstration	1	e. Sabotage	3
b. Economic Emergency	3	f. Armed Conflict	1
c. Hostage Incident	3	g. Weapons of Mass	
d. Riot	1	Destruction	1
2. Epidemic (Human)	3	(Animal)	3
3. Hazardous Materials - Fixed Facility	4		
4. Hazardous Materials - Transportation			
a. River	1		
b. Highway	5		
c. Port	1		
d. Air	3		
5. Power Failure	5		
6. Radiological - Transportation			
a. Air	2		

- b. Highway 4
  - c. Water 1
  - d.
- 7. Transportation Incident – Passenger
  - a. Air 5
  - b. Highway 5
  - c. Water 5
- 8. Urban Fire 5
- 9. Terrorism 2

C. Population Groups at risk - Any of the following groups are at risk from the hazards identified above.

- 1. The elderly at home
- 2. Children at home
- 3. The disabled
- 4. The Gouldsboro Grammar School
- 5. Working and recreational boaters
- 6. Motorists using the public ways
- 7. People working in Gouldsboro

D. Vital Facilities - Any of the following facilities and resources may suffer damage from the hazards identified in A & B above:

- 1. Gouldsboro Volunteer Fire Department Facilities
- 2. The Gouldsboro Town Office
- 3. The Gouldsboro Grammar School
- 3. The Gouldsboro Community Center
- 4. Gouldsboro Clinic
- 5. U.S. Navy Facilities
- 6. The Stinson Canning Plant
- 7. Docks and marine facilities
- 8. Boats and moorings
- 9. Wood and croplands
- 10. Any home based businesses
- 11. Residences
- 12. Radio, telephone, and cellular transmission facilities
- 13. U.S. Postal Facilities

IV. IDENTIFICATION OF RESOURCES

A. Resources within the immediate control of local government.

- 1. The facilities, manpower and equipment of the Gouldsboro Volunteer Fire Department
- 2. The Gouldsboro Police Department
- 3. The facilities, manpower, and equipment of the Gouldsboro Town Office

4. The facilities of the Gouldsboro Grammar School
5. The Gouldsboro Community Center
6. Town and Public Marine access facilities
7. The highway facilities belonging to the Town of Gouldsboro

B. Resources present within town, but not controlled by local government.

1. Maine Dept. of Transportation Facility, (Route 1)
2. U.S. Navy personnel and resources
3. Gouldsboro Clinic
4. The equipment and materials of various general contractors including:
  - a. Jason Tracy, Inc.
  - b. Joy Construction Inc.
  - c. Richard Duer
4. Forestry Equipment of various wood harvesters including:
  - a. Doug Hooper
  - b. Robert Haycock
5. The privately owned equipment of non commercial residents, such as 4x4 trucks, ATVs, snowmobiles, and light tractors
6. The docks, boats, and marine equipment of private residents
7. The products of Gouldsboro area stores to include:
  - a. Anderson's Hardware
  - b. Young's store
  - c. Mac's Groceries
8. The facilities and personnel of Stinsons

C. Resources present in nearby communities

1. Private Ambulance services (County)
2. Automatic mutual aid fire companies (Winter Harbor, and U.S. Navy)
3. Additional mutual aid fire companies (Hancock County Firefighters Association)
4. The Maine Department of Transportation, Ellsworth
5. The Maine State Police (Hancock Substation, Troop J)
6. The Hancock County Sheriff's Department (Ellsworth)
7. The Hancock County Emergency Management Agency
8. The Hancock County Airport (Trenton)
9. The United States Coast Guard (Southwest Harbor)
10. The United States Navy (Winter Harbor)
11. The National Guard (Bangor)

Gouldsboro's Demographics

Population Statistics 1992

Total Year - Round Population	1,986
Under 5 Years Old	101
18 years old and older	1,586
65 years old and older	281
Person Per Household	2.6

Seasonal Population (Estimated) 800 additional

Housing Statistics 1990

Total Housing Units 1065
Total Year Round Housing Units 653
Year round housing units with 5 or more units in structure 0
Year Round Housing Units with more than 1 person per room 22
Total Number of Seasonal Housing 412
Moble Homes (year round) 151

Social and Economic Statistics

Total Labor Force, 1998 1036
Median Household Income, 1998 \$26,500 (Hancock County income * household size)
Total Municipal Valuation, 1999 \$ 140,977,647

Three Largest Industries by Employment: (no firm numbers are known)

Marine Resources
Manufacturing
U.S.Navy (military and Civilian)

V. PLANNED RESPONSES

The Town of Gouldsboro has extremely limited resources under its immediate control. When possible, the resources of local government will be utilized. The following outlines the response capabilities of the local government.

- A. Alerting & Warning** - The LEMAD shall monitor the usual channels of communication through practical means in order to learn about any pending disasters. Once it is learned that the community faces some risk of disaster the LEMAD shall notify the Board of Selectmen, a chief officer of the Gouldsboro Fire Department, and the local media about such situation. If warranted, the Chairman of the Board of Selectmen may declare an emergency. (Appendix 2)
- B. Direction & Control** - The LEMAD shall be in charge of the local emergency response. The Board of Selectmen, should the LEMAD be unavailable or incapacitated, shall act as the ultimate authority. Delegation may be made to the Fire Chief for much of the LEMAD's responsibilities. The LEMAD shall carry out any orders of the Board of Selectmen, and any County or State EMA official. An Emergency Operations Center may be set up at the Gouldsboro

Town Office /Volunteer Fire Department. Communications shall be established between the LEMAD and those in the field responding to the disaster.

- C. Emergency Public Information** - The LEMAD shall post information as may be available about a pending, current, or completed disaster at the Gouldsboro Town Office, or at another public building under local government control. During a disaster a telephone message advising proper response to things such as sheltering information shall be left on the town hall answering device.
- D. Emergency Services** - As described in the Resource section of this plan, emergency services are available from The Gouldsboro Volunteer Fire Department, Winter Harbor, USN, and Hancock mutual aid fire companies, The Hancock County Firefighters Association, The Gouldsboro Police Department, The Hancock County Sheriff's Department, The Maine State Police, and County Ambulance, Inc.
- E. Evacuation** - Should evacuation become necessary, the LEMAD shall notify The Gouldsboro Police, the Hancock County Sheriff's Department and the Gouldsboro Volunteer Fire Department to assist in moving evacuees to the appropriate shelter.
- F. Shelter / Relocation** - The designated relocation area for Gouldsboro is The Community Center. If that shelter is unavailable or unsuitable, the Gouldsboro Volunteer Fire Department may act as a temporary shelter. If necessary, Sumner High School can be utilized as a shelter. Only Gouldsboro Fire Station #1 has a power generator.
- G. Resource Management** - The resources available and under control of the local government shall be utilized first in a disaster. If there is a need for manpower or equipment not under control of local government, the LEMAD shall first utilize resources present in town to assist in the emergency. During a declared emergency, the LEMAD has authority to utilize private resources for response. In an undeclared emergency, permission from the Chairman of the Board of Selectmen must be granted to utilize private resources.
- H. Radiological Protection** - The likelihood of exposure to radiological contamination is relatively small, but still possible. In such event, the LEMAD shall notify the Hancock County EMA and relinquish local control to the that agency or its assigns.
- I. Damage Assessment** - The LEMAD, with assistance from other town officials, shall assess the damage of a disaster as soon as possible after the disaster has ended. A complete report of damage to public property shall be prepared and submitted to the Hancock County EMA office. The Gouldsboro Town Office may act as a collection point for any private property damage reports, and those reports may be forwarded to the Hancock County EMA office. The LEMAD or a designee shall view all damage, collect photographs of the damage, and obtain estimates from responsible contractors on how to fix the damage.
- J. Disaster Assistance** - The Administrative Assistant for the Town of Gouldsboro shall apply for any disaster assistance to public property. Should

any private citizen be due disaster assistance, said citizen shall be referred to the Hancock County EMA or the Maine Emergency Management Agency, Federal Emergency Management Agency or other appropriate organization. Should emergency welfare (general assistance) be required, the General Assistance Administrator of Gouldsboro shall be so informed, and those requiring such be referred to that program.

VI. RESPONSE OPERATIONS

In the event of a disaster in Gouldsboro, the following response protocol is to take place:

A. Local Response

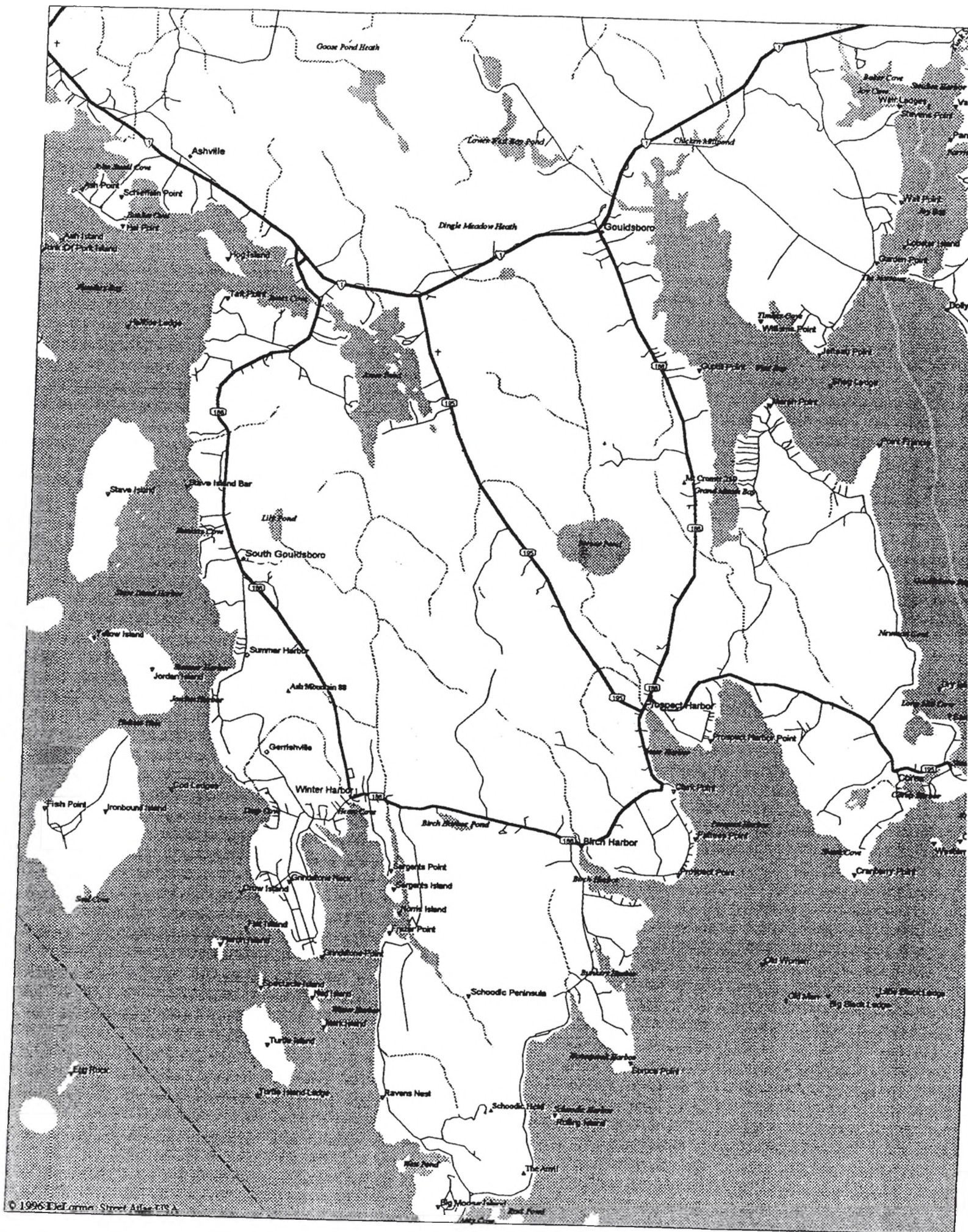
1. An Emergency Operations Center (EOC) shall be established. In the case of a localized emergency confined to a small section of town, the EOC may be in the area of the emergency. If a relatively large section of town is affected, the EOC shall be located in either the Gouldsboro Volunteer Fire Department or the Gouldsboro Town Hall. Emergency Communication equipment and backup power shall be the primary consideration as to where the EOC for a large event shall be located. It is the responsibility of the LEMAD to designate which site will become the EOC. The LEMAD in consultation with other key leaders of the community (i.e. Selectman, Fire Chief) shall appoint those officials needed to staff key operations of the EOC.
2. The local emergency plan contained in the appendices will be implemented depending upon the type of disaster which may be occurring or about to occur.
3. Warning to the public shall be made. The LEMAD shall adhere to the protocol established in the appendices to this plan.
4. The LEMAD shall keep the Board of Selectmen informed on a regular basis. Information shall consist of the type of emergency, the response needed, the response which has or will take place, and the estimated cost of that response. The LEMAD should also stay in contact with the Hancock County EMA office on a regular basis.
5. The LEMAD shall ensure that documentation of all requests for service and the response to that request is kept. Such documentation shall include the time of the request, the type of request who provided the service, and logs of various messages kept. The LEMAD may designate a person to carry out this function.
6. The LEMAD, in consultation with the Chairman of the Board of Selectmen, shall determine when the emergency has ended, when the EOC will be dismantled, and when emergency response staffing may cease.
7. After cessation of the Emergency Declaration, the LEMAD shall direct the damage assessment program by utilizing what resources might be

available within town government. This damage assessment will be conducted in accordance with MEMA and FEMA guidelines. Submission of damage reports to the Town's Administrative Assistance shall be made in a timely manner in order to submit such reports to the County EMA, MEMA, or FEMA.

8. After the damage assessments are completed and submitted to the appropriate agency, the LEMAD, the Administrative Assistant, and any other key officials shall report to the Gouldsboro Board of Selectmen on what actions should be taken to mitigate future emergencies.

VII. REVIEW AND AMENDMENT

1. **Periodic Review** - This Emergency Response Plan and its appendices shall be reviewed by the LEMAD, the Board of Selectmen, and the Fire Chief on a bi-annual basis (once every two years) for matters which require updating and amendment. The updated version shall be submitted to the Hancock County Emergency Management Agency for review at the time it is updated.
2. **Amendment** - Any provision of this document may be amended by a recorded majority vote of the Gouldsboro board of Selectmen. The Selectmen reserve exclusive authority for enactment of this plan. No part of this plan shall require a vote of the Gouldsboro Town Meeting for enactment or amendment.
3. **Severability** - If any part of this plan is declared to be illegal or unconstitutional by a court of competent jurisdiction, the other parts of this plan shall remain in effect.



APPENDIX 1 – TASK ASSIGNMENT CHART

Basic Plan Task Assignment Chart

Agency	Alert & Warning	Direction & Control	Emergency Response	Emergency Info. & Education	Evacuation	Shelter	Resource Mgmt	Radiologic al Project	Damage Assessment	Disaster Assistance	Mitigation
Elected Officials/ Administrator	X	X	X	X	X	X	X		X	X	X
LEMAD	X	X	X	X	X	X	X		X	X	X
Police/Sheriff	X	X	X	X	X						
Fire Dept.	X	X	X	X	X	X	X		X		
EMS		X	X	X	X						
Health Officer/GA	X			X	X	X	X		X	X	
Road Commissioner	X	X		X			X		X	X	X
School	X			X		X	X		X	X	
Harbor Master	X			X	X		X		X	X	X

This chart sets out the basic areas of responsibility each resource area within town government may be responsible for. There is no assignment for the radiation project at this time.

APPENDIX 2

ALERTING & WARNING

The primary National Warning System (NAWAS) warning point for Hancock County is in the Hancock County Sheriff's Department at 60 State Street, Ellsworth, Maine. It is staffed on a 24-hour basis and notifies jurisdictions of warnings received. The County EMA office at the same address is the alternate warning point. The NOAA Weather Radio system serves Gouldsboro as well at 162.4 mhz. It provides warnings of hazard situations, e.g. severe weather, national security, and nuclear power incidents.

The local warning point shall be the Gouldsboro Town Office. It is responsible for alerting elected officials and municipal departments. It is also responsible for warning the Gouldsboro School and the public via warning devices and mobile notification by activation of the Gouldsboro Volunteer Fire Department. The Gouldsboro Fire Department is activated through local (USN) dispatch, and in the event of failure, the Hancock County Firefighter's Association radio system, can be activated within the fire station itself. The Gouldsboro Grammar School has an internal warning system. U.S. Naval Facilities also have an internal warning procedure.

Concept of Operations

The dispatcher at the County warning point fans out information received to local jurisdictions. The fan-out may originate at the local level, and be sent to the County. Alerting and Warning procedures and Fanout Report Forms are with the County dispatcher. The Emergency Alert System (EAS) may be activated according to State of Maine plans. The LEMAD may contact the Hancock County EMA Director to activate that system. Gouldsboro may contact the following local radio stations directly: WKSQ, WBFB, WLKE (667-7573); WDEA, WWMJ, WEZQ (667-9555). Warning is disseminated through all appropriate systems. A municipal fanout chart is part of this appendix. If a local fanout is originated by the LEMAD, a log and report shall be kept, and all messages kept on file for at least one year.

Organization and Assignment of Responsibilities

The Local Government of the Town of Gouldsboro shall ensure that alerting and warning capabilities exist, that appropriate warning devices are activated, and any special needs populations which may exist are notified. Assignments are shown on the chart which is included in this appendix.

Administration and Logistics

The LEMAD in conjunction with elected officials and emergency services chiefs will develop guidelines for alerting personnel, special needs populations, and the public. The County Dispatcher shall make verbal and written reports of alert notifications received, actions taken, and times of completion. These reports are recorded on the appropriate forms and given to the HCEMAD.

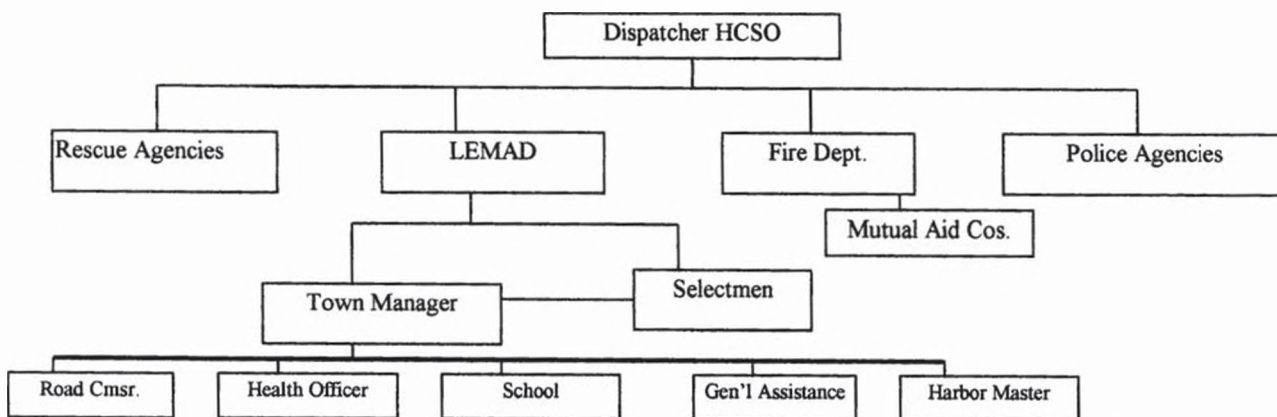
Alerting & Warning TASK ASSIGNMENT CHART

Agency	Develop Guidelines	Maintain List	Alert	Receive Warning	Alert Key Govt Officials & Special Needs	Alert Staff	Relay Warning	Fanout	Public Warning
Elected Officials / Administrator	S	P		S	S	P	S		S
LEMAD	P	P		S	S	P	S		S
Sheriff/ State Police	S	P		P	P	P	S		P
Fire Department	S	P		P	S	P	S		S
EMS	S	P		S	S	P	S		S
Health / GA	S	S		S	S	S	S		S
Road Cmsr	S	P		S	S	S	S		S
School	S	P		S	S	P	S		S
Harbor Master	S	S		S	S	S	S		P
Warning Point Dispatcher	S	P		P	P	P	P		S

P - Primary Responsibilities

S - Support Responsibilities

Municipal Fanout Chart



Alerting & Warning Checklist

- ☐ Receive notification from: _____
- ☐ Complete fanout according to SOG.
- ☐ If limited warning time, the following actions may be undertaken by the law enforcement and fire service personnel.
  - ☐ a. Fixed warning devices are activated (no known devices in Gouldsboro)
  - ☐ b. Mobile notification routes are followed with public address system or door to door notification.
  - ☐ c. Warning notification to schools.
- ☐ Other public warning is used as available and as time permits.
  - ☐ a. Radio announcements
  - ☐ b. Television announcements.
- ☐ Keep signed logs of emergency communication traffic.

(Also, see the Emergency Information and Education Section.)

Appendix 3 Direction & Control

SITUATION – Many hazards cause disasters of a magnitude that makes centralized direction and control necessary. The Gouldsboro Town Office is used as an Emergency Operation Center when needed. It is located in Prospect Harbor, Rt. 186, Gouldsboro. It's communications capabilities include telephones, 2-way radio (portable, County Fire and Gouldsboro Fire frequency), computer with fax and e-mail modem, and a cellular phone. Should the situation warrant, the EOC can be located at Gouldsboro Fire stations #2 or #3, they 2-way radio communication, telephone, and cellular phone capabilities. The County EOC is located at 60 State Street, Ellsworth.

CONCEPT OF OPERATIONS – The priority in emergencies is to save lives, limit injuries and damage to property, maintain the continuity of government and return the area to normal. The elected officials have responsibility for local government operations. The LEMAD assists the Board of Selectmen and activates the EOC as a central location for decision making. If possible, a representative of each emergency service is at the EOC. If an on-scene command post is established, the incident commander is the senior officer on the scene from the emergency service best suited to handle the situation. The command post keeps the EOC informed of the situation. The municipal EOC keeps the County EOC informed.

ORGANIZATION & ASSIGNMENT OF RESPONSIBILITIES – The Gouldsboro Board of Selectmen exercises broad control over emergency operations. They provide guidance on policy and approve information for the public. Agency representatives in the EOC assure involved agencies work in a mutually supportive way. The emergency services chiefs keep in contact with field forces and record their status, issue instructions to units, monitor progress, and keep the EOC informed. Assignments are shown on the task assignment chart following this section.

ADMINISTRATION AND LOGISTICS – A. Policies: The host agency provides logistical support for the EOC staff. Each emergency service provides 24 hour representation during the emergency period, if possible. B. Reporting: All messages are logged in. Information may need to be verified before distribution. Check with LEMAD. Situation reports are compiled daily or as requested and forwarded to the Hancock County EMA and the Gouldsboro Board of Selectmen. Each participating unit keeps a chronological record of major events during EOC operations. The LEMAD develops the event log. Security personnel record persons entering and leaving the EOC. All communications stations keep traffic logs. Additional operational reports are submitted as requested.

Direction & Control

TASK ASSIGNMENT CHART

Agency	Policy Decision Making	EOC Activation & Staffing	Emergency Response	Develop Guidelines	EOC Logistics & Support	Coordination of Services
Elected Officials / Administrator	P	S	S	S		S
LEMAD	S	P	S	P	P	P
Law Enforcement	P	S	P	S	S	S
Fire Department	P	S	P	S	S	S
EMS	S		P	S		S
Health Officer/GA	S		P	S		S
Road Commissioner	S		P	S	S	S
School	S		S	S	S	S
Harbor Master	S		P	S		S

P- Primary Responsibilities

S - Support Responsibilities

Key Contacts:

Town Administrator: Linda Pagels, 546-7103 (h)

Town Clerk: Eve Wilkinson, 963-7187 (h)

Selectman Chair: Dana Rice, 963-7600 (h), 963-2626 (w), 460-8600 (cel)

Selectman: James Phinney, 963-5877 (h),

Selectman: Susan Bagley, 963-7053 (h)

Selectman: Willian Thayer, 963-7771 (h)

Selectman: Stanley Torrey, 963-7888 (h)

LEMAD: Rick Henion, 963-4052 (h), 827-6191 (w), Box 556, West Bay Rd. **Police:** Guy Wycoff, 565-2350 (h), Main St. Franklin **Fire Department:** Emergency 963-7788, Station #1 963-5582, Alden Tracy Jr. 963-7039.(h), 266-0243(cell)

EMS: County Ambulance 667-3200 **Health Officer:** Curtis Russett, 963-4066

Road Commissioner: Wesley Rolfe 963-7292 **Red Cross:** 667-4737 State Street, Ellsworth

Harbor Master: Dana Rice 963-7600 **Gouldsboro School:** Harvey Price 963-5584 / 7757 (school)

Direction & Control – EOC CHECKLIST

Incident: _____ Date: _____

Time: _____ Action: _____

☐	Receive Notification from Hancock Dispatch	☐	Brief elected officials on status of EOC
☐	Notify all staff and volunteers	☐	Check on food supplies and make appropriate arrangements
☐	Activate and test all equipment	☐	Submit verbal and written situation reports to County EMA and support organizations. Consider need to declare an emergency.
☐	Begin message and event logs	☐	Establish security procedures
☐	Inspect emergency generators for fuel and starting capabilities	☐	Conduct periodic briefings for EOC Staff
☐	Begin plotting and posting events	☐	Determine, for example, shelter requirements, status of utilities, road damages/closures, isolated personnel, medical problems, etc.
☐	When manned and ready, report to County EMA	☐	Review procedures for requesting assistance. Maintain records on expenditures.
☐	Review staffing pattern to ensure 24 hour capability	☐	Brief incoming shift personnel of all events and pending actions
☐	Conduct "time check"	☐	Be prepared to provide initial damage assessment report to County.

Appendix 4 Emergency Services

SITUATION

The following groups have specific responsibilities during an emergency:

Elected Officials/Administrator – The Selectmen make policy decisions and have responsibility for emergency response within the Town of Gouldsboro.

Local Emergency Management Agency Director (LEMAD) – As mandated by Maine State Law, Title 37B, the Gouldsboro Board of Selectmen has appointed a person as the LEMAD. He/She maintains the EOC and advises officials and agencies on emergency procedures. The LEMAD activates the EOC when necessary, coordinates resources, emergency response, and recovery efforts; also compiles damage assessment reports.

Law Enforcement – Gouldsboro relies on its own Police force with support from the Hancock County Sheriff's Department and the Maine State Police. Communications capability extends from response personnel in the field to coordinating personnel in the EOC or the Department depending on the size of the incident. They are responsible for evacuation and traffic control.

Fire Department – The Gouldsboro Volunteer Fire Department provides fire department services for the Town of Gouldsboro. Personnel may help in evacuation and traffic control if necessary.

Emergency Medical & Rescue Services (EMS) – EMS services are provided by County Ambulance, while rescue services are also provided by the Gouldsboro Volunteer Fire Department. County Ambulance is responsible for providing ambulance and rescue equipment.

Health Officer, General Assistance Administrator (GA) – A health officer has been appointed. He is responsible for protecting the public's health. Limited medical care is provided at The Gouldsboro Clinic. Full care is provided at Maine Coast Memorial Hospital or Mount Desert Island Hospital, and the office of individual practitioners. The General Assistance Administrator carries out welfare assistance as required.

Road Commissioner – The Town of Gouldsboro has no public works department, but has appointed a Road Commissioner. He is to assign emergency highway maintenance to private contractors and assist in damage assessment.

School Department – The Grammar school in town is under the town's supervision, and is part of School Union 96. The school can be used, if necessary, as a public shelter resource, although the preferred sheltering location is the Gouldsboro Community Center.

Harbor Master – The Harbor Master ensures that harbor channels are open and safe for boating traffic and assigns mooring privileges in the town's controlled waterways. Emergency duties parallel normal responsibilities when possible.

CONCEPT OF OPERATIONS

The On-Scene Incident Command System is used in most large scale disasters. The On-Scene Incident Commander (usually the fire chief or a chief fire officer) reports to the Town Administrator and to the LEMAD at the Emergency Operations Center (EOC) when activated.

During most large scale emergency situations, the municipal and County EOC's are activated. A coordinator for each emergency service is at the respective EOC to integrate his/her agency's response with that of other emergency services. Each emergency service coordinator reports activities to the LEMAD.

ORGANIZATION AND ASSIGNMENT OF RESPONSIBILITIES

- A. General – Each emergency support service develops SOG's (Standard Operating Guidelines) for assigned tasks. The agencies involved and the LEMAD has SOG's addressing multi-agency responses. The LEMAD helps department heads in the development of SOG's if requested.
- B. Task Assignments – Assignments are shown on the chart following this section

ADMINISTRATION AND LOGISTICS

- A. Policies – Administrative and logistical support of operational field elements is the responsibility of each participating agency. Each department chief is responsible for deciding when a situation is too hazardous for his personnel to remain in an area. The health and safety of personnel is a priority concern. Each agency records resources used in support of emergency operations and provides this information to the EOC. When local resources and all mutual aid are exhausted, a request for aid may be made through the County EMA. Emergency staffing must be documented with the LEMAD for protection under State law.
- B. Reporting – Each agency keeps an event log on each significant event and the agency's response. Dispatchers keep radio logs of radio communications. Time and contents of the transmission are recorded. Casualties, damage assessment, evacuation status, radiation levels and resource needs are reported to the EOC.
- C. Agreements and Understandings – Some emergency service agencies have formal or informal mutual aid agreements with adjoining jurisdictions. See the mutual aid chart following this section.

Emergency Services

TASK ASSIGNMENT CHART

Agency	Haz ard ID	Train Staff	Public Educa- tion	Review SOGs	Develop Mutual Aid/ Supply Agreement	Master Resource Inventory	Command Warning Capability	Test Exercise	Coordinate Disaster Response	Restore Essential Services/ Facilities	Repair Borrowed Equip	Conduct Critique/ Prepare Report
Selectmen/Administrator	S			S	S			S	S			S
LEMAD	P	P	P	P	P	P	P	P	P	P	P	P
Law Enforcement	P	P	P	P	P	P	P	P		P	P	P
Fire Department	P	P	P	P	P	P	P	P		P	P	P
EMS	P	P	P	P	P	P	P	P		P	P	P
Health Officer/GA	P	P	S	P	P	P	P	P		P	P	P
Road Commissioner	P	P		P	S	P	P	P		P	P	P
School Department	S	P	S	P	S	S	P	P	S	S	P	S
Harbor Master	P		P	P	P	S	P	P	S	S	P	P

P - Primary Responsibility

S - Support Responsibility

**Emergency Services
MUTUAL AID CHART**

	Winter Harbor	U.S. Navy	Hancock County	State Agencies
Fire Department	Winter Harbor VFD	U.S. Navy FD	HCFA Mutual Aid Agreement	Maine Forest Svc.
Police Department Law Enforcement	Winter Harbor Police	U.S. Navy Security	Hancock County Sheriff's Department	State Police
Road Commissioner	Ellsworth Public Works			Maine DOT

Appendix 5 Emergency Information & Education

SITUATION

The Hancock County Emergency Management Agency has provided the Town of Gouldsboro with pamphlets about potential hazards and local government preparedness activities and emergency services to the public. Public Service Announcements on radio and television stations, brochures, pamphlets, publications and interviews with the media may be used.

CONCEPT OF OPERATIONS

A single information center for Gouldsboro is established at The Town Office/ Fire Station #1 in a major incident. This is a center for distribution of information. Media briefings will be scheduled as frequently as needed or possible. Media releases are prepared in consultation with the LEMAD in the Joint Information Center (JIC). Personnel to monitor radio and television news and to answer telephone inquiries, if available, will be utilized. The Emergency Alert System (EAS) is activated through the County EMA. If the County EMA Director cannot be reached, contact the Maine State Police. The Public Information Officer (PIO) is responsible for all contacts with the media. She oversees the operation of the JIC, the Media Center, and news monitoring.

ORGANIZATION AND ASSIGNMENT OF RESPONSIBILITIES

Assignments are shown on the Chart following this section. The Gouldsboro Town Manager is the designated PIO. The Police chief is her alternate

ADMINISTRATION AND LOGISTICS

- A. Policies – The LEMAD approves all public information. Emergency information is released to the local media through the Media Center, if established, or the EOC. Information is verified before release. Rumors are investigated and corrected information issued if necessary. Radio, television, and newspaper announcements are monitored to ensure accuracy. The PIO keeps lists of media contacts up-to-date.

B. Reporting – The PIO keeps logs of emergency information activities.

Emergency Information & Education
TASK ASSIGNMENT CHART

Agency	Coordination	Media Relations	News Releases	Education
Selectmen/Administrator	S	P	S	S
LEMAD	P	S	S	S
Law Enforcement	S	S	S	S
Fire Department	S	S	S	S
EMS	S	S	S	S
Health Officer/GA	S	S	S	S
Road Commissioner	S	S	S	S
School Dept.	S	S	S	P
Harbor Master	S	S	S	S
Public Information Officer (PIO)	P	P	P	P

P - Primary Responsibilities

S - Support Responsibilities

Emergency Information & Education CHECKLIST

Below are suggested actions for the Gouldsboro Public Information officer (PIO) and Joint Information Center (JIC) staff during the various emergency phases. Changes may be made depending on the local situation.

- ☐ Ensure that all information is clear, confirmed, and approved by appropriate authority before release to the media or public. Do not release unconfirmed information or speculate on the extent of the emergency.
- ☐ Monitor news programs and review news articles for accuracy. Correct serious misinformation whenever possible.
- ☐ Provide sufficient staffing and telephones to handle incoming media and public inquiries (rumor control) and gather status information.
- ☐ Ensure that official spokespersons are thoroughly briefed about all aspects of the emergency.
- ☐ Keep the Selectmen/Administrator/ LEMAD informed of all actions taken or planned.
- ☐ Maintain a log and file of all information.
- ☐ Keep the County EMA informed of all information released.

Appendix 6 – Evacuation

SITUATION

Evacuation may be used to protect the health and safety of the public. Private vehicles and school buses are the primary means of transportation. Emergency services vehicles are also used when needed for incapacitated people. No one is forced to leave his home, but efforts are made to inform everyone of the threat and of help available for evacuees.

CONCEPT OF OPERATIONS

The LEMAD oversees an evacuation within Gouldsboro. He may request assistance from the County EMA. The characteristics, path, and magnitude of the hazard determine the number of people to be evacuated, the time available, the evacuation routes, and the distance of travel. The fire chief and/or police chief is responsible for the final route determination. Evacuation is coordinated with shelter operations, emergency information and traffic control operations. The general population uses private transportation. Those without transportation, including elderly, handicapped, and institutionalized, are transported by other means. Evacuation and reentry instructions are given via radio, television, and/or printed material.

ORGANIZATION AND ASSIGNMENT OF RESPONSIBILITIES

The LEMAD coordinates evacuation activities, compiles all evacuation information, and keeps the Selectmen, Administrator, and PIO informed. Assignments are shown on the chart following this section.

ADMINISTRATION AND LOGISTICS

- A. Policies – The Selectmen, administrator, or their designee are responsible for ordering evacuation to protect the health and safety of the public. The first responding emergency personnel initiate emergency evacuation of a threatened area and notifies their headquarters. Return to the evacuated area takes place when it is deemed safe for the citizens to return. Reentry will be handled in the same way as the evacuation.
- B. Reporting – Emergency services personnel in the field report the status of evacuation to their agencies. The agency keeps the municipal EOC informed. The EOC informs the county EMA of operations.

Evacuation
TASK ASSIGNMENT CHART

Agency	Policy	Coordination	Traffic Control	Barricades	Highway Maint. & Debris Removal	Evac of Special care Facilities	Transportation	Security of Evacuated Areas
Selectmen-Administrator	P					n/a		
LEMAD		P				n/a		
Law Enforcement	S	S	P			n/a	S	P
Fire Department		S	P	S	S	n/a	S	S
EMS						n/a	P	
Health Officer - GA						n/a		
Road Commissioner			S	P	P	n/a		
School Department						n/a	P	
Harbor Master			S		S	n/a	S	S

P - Primary Responsibility

S - Support Responsibility

Evacuation
SPECIAL NEEDS FACILITIES INFORMATION

There are no known special needs facilities located within the borders of Gouldsboro.

**Evacuation
CHECKLIST**

- ☐ Establish traffic control and perimeter control points. Permit entry only to appropriate response personnel.
- ☐ Request and provide transportation and other resources in coordination with the command post/EOC.
- ☐ Ensure residents in the affected area are notified (refer to warning checklist)
- ☐ Direct residents out of the affected area and to shelters.
- ☐ Check all residents are out of the affected area.
- ☐ Provide security at shelters
- ☐ Provide security to affected area.
- ☐ Coordinate return of residents when safe to do so.
- ☐ Refer those who require medical evaluation to an appropriate center.

Appendix 7 Shelter

SITUATION – It may be necessary to seek shelter from the effects of hazards or to relocate evacuated people. Congregate Care (Lodging) facilities are used as feeding and sleeping quarters or “shelters” for evacuated people. Primary sites are schools. There are no “shelters” in the area with alternate power sources. Facilities that provide protection from specific hazards are listed in sections of the plan addressing those hazards. It is the responsibility of municipal governments to protect their citizens by providing shelters when required in an emergency. In extreme instances, Gouldsboro might also receive evacuees from another community.

CONCEPT OF OPERATIONS – Actions must be taken to register and assign the population to shelters, sustain them in a shelter, and release them from the shelter when the hazard has diminished. The American Red Cross Office in Ellsworth is primarily responsible for developing shelter use agreements, selecting shelter sites, and training shelter management teams. The American Red Cross sheltering operations shall be in contact with the EOC. If sheltering needs exist beyond American Red Cross capabilities, a Shelter Officer shall be appointed by the LEMAD to coordinate efforts of municipal officials, the school system and establish a shelter at the Gouldsboro Community center or the Gouldsboro Fire Department.

ORGANIZATION AND ASSIGNMENT OF RESPONSIBILITIES – The LEMAD is responsible for ensuring shelter capabilities exist. There is an agreement with the Hancock County Chapter of the American Red Cross to manage shelters in most emergencies. They coordinate and manage their shelter management teams. The Health Officer of Gouldsboro shall coordinate and manage teams for shelters run by the town. The Shelter Manager (the person in charge of the shelter) ensures that all shelter tasks are accomplished. Assignments are shown on the chart following this section.

ADMINISTRATION AND LOGISTICS

- A. Policies – Evacuees are assigned to shelter and feeding facilities depending on the hazard effects of the emergency. Space is allocated at 40 square feet per person.
- B. Reporting – Shelter managers keep the Shelter Officer informed of the status of shelters. The Shelter Officer reports the status of shelters to the EOC. They keep the County EOC informed. Complete records of expenditures and operations are given to the Shelter Officer. Copies are given to the Red Cross for reimbursement if the Red Cross operates the shelter.

Shelter
TASK ASSIGNMENT CHART

Agency	Develop Shelter List	Shelter Assignment	Shelter Marking	Shelter Coordination	Shelter Management and Training	Shelter Management and Operations	Registration	Communications	Traffic Control and Security	Mass Feeding
Selectmen/Administrator										
LEMAD	P	S	S	P		S	S			
Law Enforcement								S	P	
Fire Department							S	S		
EMS				S				S		
Health Officer/GA	S		S	S	S	S	S			
Road Commissioner			S					S		
School Department	S	S	S	S	S	S	S	S		S
Red Cross	S	P	P	P	P	P	P			P
Salvation Army & Other Private Organizations			S	S	S	S	S			P/S

P – Primary Responsibility

S – Support Responsibility

Local Facilities which can act as shelters

Name	Telephone	Congregate Care Capability
Gouldsboro Community Center	963-7582	Feeding, sleeping, and showers. Note: No alternative power supply
Gouldsboro Grammar School	963-5584	Feeding, sleeping, and showers. Note: No alternative power supply
Gouldsboro Fire Station #1	963-5582	Sleeping, and showers Facility is generator equipped

**Shelter
CHECKLIST**

- ☐ Contact American Red Cross alert them to possible need for shelter.
- ☐ Activate necessary shelters
- ☐ Ensure shelters are adequately stocked and staffed.
- ☐ Ensure security is provided for shelters
- ☐ Provide communications link between shelter and EOC.
- ☐ Maintain status of shelter operations and allocations.
- ☐ Upon authorization, release shelterees.
- ☐ Clean and return shelters to original condition.
- ☐ Submit shelter expenditure statement for reimbursement.

Appendix 8 Resource Management

SITUATION – Most resources exist at the municipal government level or must be obtained from private sources.

CONCEPT OF OPERATIONS – Gouldsboro uses its resources and calls upon mutual aid before contacting the County EMA for assistance. The County then coordinates resource acquisition. Records are kept of the deployment of resources. Departments inventory their resources, replenish depleted stock and recondition or replace used equipment after an emergency. The storage, maintenance and replacement of borrowed equipment and materials are the responsibility of the receiving jurisdiction.

ORGANIZATION AND ASSIGNMENT OF RESPONSIBILITIES – The Board of Selectmen has designated the LEMAD as the Resource Management Officer. He/She is responsible for tracking major resources and those resources obtained from outside sources. The LEMAD give specific attention to special care facilities (if any) and populations and their unique needs. Each department has emergency functions that complement normal duties. Each is responsible for developing and maintaining an inventory of equipment that is in operational readiness. Task assignments are shown on the task assignment chart following this section.

ADMINISTRATION AND LOGISTICS

- A. Policies – The Board of Selectmen or their designee can implement conservation procedures if needed.
- B. Reporting – Agencies identify needs that cannot be met with local and mutual aid resources, and report those needs to the EOC. When it appears local resources may soon be exhausted, a request for assistance is made of the County EMA.

Resource Management TASK ASSIGNMENT CHART

Agency	Develop and Maintain Assets	Inventory Resources	Maintain Operational Readiness	Resource Management Coordination	Order of Unfamiliarity with District Order	Develop Mutual Aid Agreements	Continuity of Essential Services and Vital Facilities	Registration Registration Register Register	Establish Registration Register
Selectmen/Administrator						S			P
LEMAD	P	P	P	P	P	P	P	S	P
Law Enforcement	S	P	P	P	P	P	P	P	P
Fire Department	S	P	P	P	P	P	P	P	P
EMS	S	P	P	P	P	P	P	P	P
Health Officer/GA	S	P	P	P	P	P	P	P	P
Road Commissioner	S	P	P	P	P	P	P	P	P
School Department	S	P	P	P	P	P	P	P	P
Harbor Master	S	P	P	P	P	P	P	P	P
Private Sector	S	P	S	P	P	S	S	P	P

P - Primary Responsibilities

S - Support Responsibilities

**Resource Management
CHECKLIST**

- ☐ Check each department has a current inventory of equipment and no unusual shortages.
- ☐ Provide special facilities and populations (if any) with resources as promptly as possible.
- ☐ Mutual Aid agreements are current and available for reference
- ☐ Activation of mutual aid with _____
(fill in department as needed)
- ☐ Requests for additional resources are made through County EMA on a Request for Resources form unless life threatening situation or other procedures are in place.
- ☐ Borrowed equipment and resources are returned.

Appendix 9 Radiological Protection

PURPOSE – To provide Gouldsboro with an effective Radiological Monitoring and reporting capability designed to minimize the effects of radiation hazards to the community and its citizens. Included are procedures for detecting, monitoring, assessing and decontaminating a radioactive environment.

SITUATION – Accidents involving radioactive material could conceivably occur within or during transportation through Gouldsboro to other areas of the state. Gouldsboro could receive radioactive fallout from an accidental or deliberate nuclear weapons detonation.

ORGANIZATION AND ASSIGNMENT OF RESPONSIBILITIES – The County EMA is designated as responsible for executing this appendix. The EMA is assigned the following tasks, and may assign to local, trained, personnel any or all of the following:

- A. Establish a radiological incident reporting system
- B. Develop a monitoring, analysis and assessment capability
- C. Establish a radiological equipment system of procurement and calibration. The State provides radiological equipment to the counties and towns. Gouldsboro currently does not have such equipment and does not desire such at this time.
- D. Develop and train a team of radiological monitors from available police, fire, rescue and volunteer personnel.
- E. Identify sources of state and federal assistance
- F. Establish, if needed, a radiological analysis in the EOC.

RESPONSE

- A. Radiation transportation/facility incidents: See the following attachment
- B. Nuclear weapons detonation: it is believed there will be some readiness time in event of a weapons situation. Follow the full Radiological Appendix, contact the County EMA director, or monitor the Emergency Alert System

RADIATION TRANSPORTATION/FACILITY INCIDENT

- ☐ When arriving at the scene, park emergency vehicles upwind of fumes or smoke, a minimum distance of 500 feet is recommended.
- ☐ Perform lifesaving rescue and emergency first aid. Treat all victims as potentially contaminated.
- ☐ Establish a control zone (hot line) 200 or more feet from the incident. (Increase zone distance downwind.) Isolate the hazard area in all directions. Follow layout on page 40.
- ☐ Notify Maine State Police. Provide name of carrier and shipper, incident location, personal injuries and cargo ID (use shipping papers or placarding).
- ☐ If fire is present, consider evacuation of downwind area. Extinguish fires and prevent runoff only if emergency personnel are not placed in hazardous situation, use self-contained breathing apparatus. Avoid direct contact with radioactive materials, utilize protective clothing. Do not attempt cleanup. Additional guidelines may be found in the USDOT Emergency Response Guidebook.
- ☐ Personnel not in need of emergency first aid, along with equipment that is possibly contaminated, shall be held in the de-contamination area until checked by radiological monitors assigned by County EMA.
- ☐ Make detailed records of actions and findings, including times, names, location, etc. DO NOT allow eating, drinking, smoking or other activities within contaminated areas.
- ☐ If trained radiological monitors and detection equipment are available, an initial survey for radiation may be performed.

Ambulance Personnel SOG's

- ☐ Provide lifesaving assistance as required. Assume all victims are potentially contaminated.
- ☐ Cover open wounds with dressing and elastic bandages. DO NOT USE ADHESIVE.
- ☐ Cover stretcher, including pillow, with open blanket; wrap victim in blanket to limit spread of contamination, transport.
- ☐ Notify hospital of suspected radioactive contaminated patient.
- ☐ Do not eat, drink or smoke until you have been surveyed by a trained radiological monitor and found clean of radiation.

RECOMMENDED RADIATION INCIDENTS SCENE LAYOUT
(see diagram on following page)

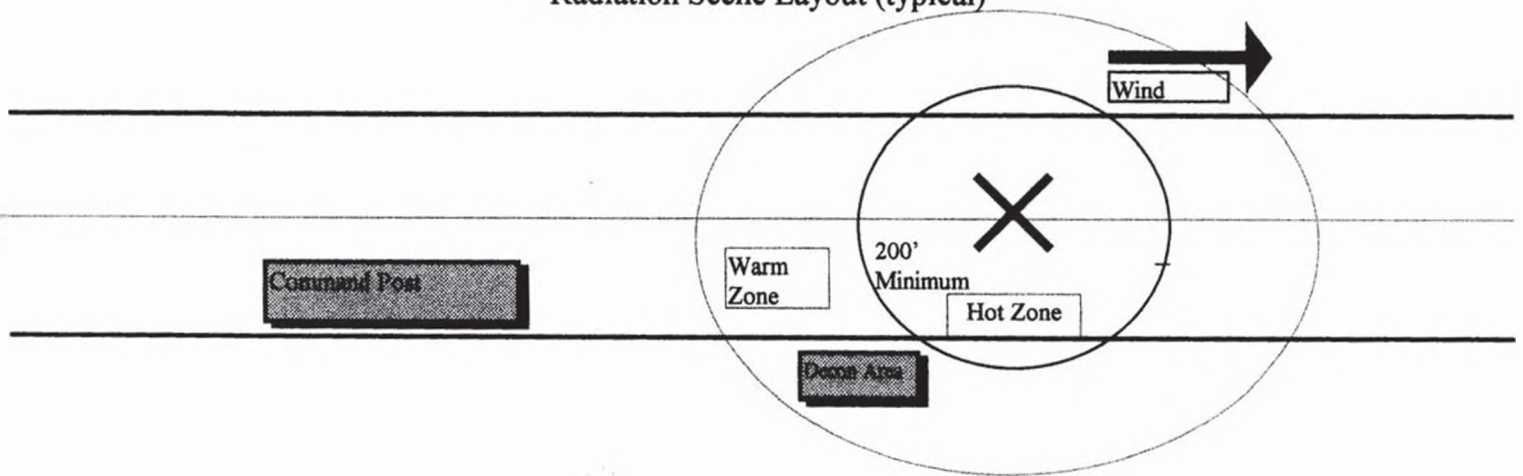
Establish inside perimeter a minimum of 200 feet around the accident scene. If fire is present, secured boundaries should extend at least 1000 feet downwind.

Decontamination area should be located upwind of the scene, beyond the inside perimeter, and in a contamination free area. All equipment and uninjured personnel leaving the "hot zone" should be held at the decontamination area until adequate decontamination has been accomplished.

Additional Information Sources:

Maine State Police 1-800-452-4664 (866-2122)
Nuclear Regulatory Commission (1-215-337-5000)
Radiation Assistance Center (Medical) 1-615-482-2441 Beeper 241

Radiation Scene Layout (typical)



Appendix 10 – Damage Assessment

SITUATION – When extensive property damage, injuries, or loss of life occurs, a damage assessment expedites response and recovery operations.

CONCEPT OF OPERATIONS – There are three types of damage assessment.

- A. **Basic Situation Appraisal** – (Form 7) Done by municipal officials and coordinated by the LEMAD to determine the need for immediate aid and to estimate the magnitude and severity of the situation. A Form 7 and instructions for completion are on file in the red notebook labeled EMA Handbook in the Town Administrator's Office. A sample follows this section. It is designed to measure impact as it related to possible Emergency Disaster Declarations by the Governor or the President. The original is communicated to the County EMA as soon as possible. County EMA reviews information and forwards it to the Maine Emergency Management Agency (MEMA).
- B. **Preliminary Damage Assessment** – Done by State and federal teams with input and guidance from local personnel. These teams use technical expertise to assess damages to publicly owned property (for example picnic areas, roads, public buildings). They also verify private damages included on Form 7's. The County EMA is the liaison between these teams and local officials.
- C. **Damage Survey** – After a Disaster Declaration by the President, State and federal personnel conduct a more detailed survey for cost estimates of repairs to public property. Municipal personnel provide guidance.

(NOTE: The Red Cross does a preliminary "Windshield Survey" to identify areas of greatest damage. They use it to address the initial needs of disaster victims.)

ORGANIZATION AND ASSIGNMENT OF RESPONSIBILITIES – The Selectman are responsible for assuring an initial situation appraisal is conducted. The LEMAD is responsible for coordination with the county, state and federal personnel involved in damage assessment if a local coordinator is not appointed.

ADMINISTRATION & LOGISTICS

- A. Policies – Initial damage assessment reports to County may be verbal, but are followed with hard copy information on a Form 7 within 24 hours.
- B. Reporting – Prompt submission of Form 7's is necessary for assistance from the State and federal governments in recovering from a disaster.

Damage Assessment TASK ASSIGNMENT CHART

Agency	Develop Damage Assessment Procedures	Obtain Figures	Train Municipal Officials	Maintain Records
Selectmen/Administrator	P	P	S	P
LEMAD	P	P	S	P
Law Enforcement	S	S		S
Fire Department	S	S		S
EMS	S	S		S
Health Officer/GA	S	S		S
Road Commissioner	S	S	S	S
School Department	S	S		S
Harbor Master	S	S		S

**Damage Assessment
CHECKLIST**

- ☐ Notify agencies responsible for public facilities to assess damage and report information to LEMAD
- ☐ Request the public to report damages of business and private property to LEMAD
- ☐ Collate information, prepare Form 7, and report to County as soon as possible
- ☐ If severe or extended event, supply initial report to County and follow up with detailed information. Information should be reported at least daily if major disaster.

MAINE EMERGENCY MANAGEMENT AGENCY

FORM 7

DAMAGE and INJURY ASSESSMENT

☐ Original ☐ Revision		Date
Type of Disaster		Date(s) of Occurrence
Jurisdiction: Town of Gouldsboro, Maine		County: Hancock
Area Affected (northeast, west side, etc.);		
Information Provided by		
Name		Title
Address:		Day Phone: Evening Phone

	PUBLIC DAMAGE	
A	DEBRIS CLEARANCE (roads, streets, public buildings, private property (health hazard only), stream clearance and other*)	\$
B	PROTECTIVE MEASURES (sandbagging, barricades, signs, extra police and fire, emergency health measures).	\$
C	ROAD SYSTEMS (town or county roads, culverts, and bridges)	\$
D	WATER CONTROL FACILITIES (town or county owned dikes, dams, levees, drainage channels, irrigation works and other*)	\$
E 1	PUBLIC BUILDINGS, FACILITIES AND EQUIPMENT (town or county buildings, supplies, inventory, vehicles and equipment)	\$
E 2	SCHOOLS AND SCHOOL PROPERTY (public schools only)	\$
F	PUBLIC UTILITY SYSTEMS (water, sanitary-sewage, storm drains, lights, power and other*)	\$
G	OTHER (town or county park facilities, recreational facilities, docks, wharves and other *)	\$
	TOTAL PUBLIC DAMAGE	\$

*If "Other", please explain on a separate sheet.

CALL or FAX THIS INFORMATION to your COUNTY EMERGENCY MANAGEMENT AGENCY as SOON as POSSIBLE (BEFORE MAILING)	Hancock County Emergency Management Agency County Courthouse 60 State Street Ellsworth, Maine 04605 Phone: 667-8126/3766 FAX: 667-1406

Appendix 11 – DISASTER ASSISTANCE

SITUATION – Programs range from local and volunteer efforts to federal loans and grants that aid in massive cleanup and rebuilding efforts. Most Federal and State programs are available only in Presidentially Declared Disasters/Emergencies. Some require a disaster designation from an appropriate Federal agency in the absence of a Presidential Declaration. Others may be available without a declaration of any sort. Eligibility guidelines vary for each program.

CONCEPT OF OPERATIONS – In a Presidentially Declared Disaster, the Federal Emergency Management Agency (FEMA) and the Maine Emergency Management Agency (MEMA) establish Disaster Application Centers (DAC's) in the most seriously damaged areas. Officials at the Federal, State and County levels decide the final numbers and locations of the DAC's. Agencies responsible for assistance programs provide the staff. The County EMA Director solicits affected municipalities for map readers and other support staff. Individual victims and businesses go to DAC's to apply for assistance.

Municipal officials and representatives of certain nonprofit organizations attend assistance briefings to initiate the application process for facilities. Accurate records of damages and expenditures are kept for federal reimbursement. Detailed information is available in FEMA publications "Handbook for Applicants" and "Eligibility Handbook". Following a Presidential Disaster Declaration, the cost of local emergency response operations may be partially reimbursed through a federal disaster assistance program. Protective measures also may be reimbursed.

ORGANIZATION AND ASSIGNMENT OF RESPONSIBILITIES

The General Assistance Administrator administers the community's assistance programs. The Town of Gouldsboro provides for basic needs of the affected population through local emergency assistance programs.

The Red Cross is usually first on the scene and provides emergency assistance before the arrival of State and Federal officials. They also coordinate assistance activities of other volunteer organizations.

Potential application sites are recommended to the County EMA during non-emergency planning. County and local EMA staff develop building profiles. These expedite the selection and opening of DACs in a disaster. County EMA acts as a liaison between the State Assistance Officers and the local jurisdictions.

Assignments are shown on the task assignment chart following this section.

ADMINISTRATION AND LOGISTICS

- A. Policies – Every effort is made to provide assistance to the people. The General Assistance Administrator keeps the EOC informed of unmet needs.
- B. Reporting – Gouldsboro and the American Red Cross keep records of assistance provided.

Disaster Assistance TASK ASSIGNMENT CHART

Agency	Develop & Maintain Disaster Assistance Agency	Coordinate DAC Location	Provide Map Readers for DAC Staffing	Establish Assistance Policies & Procedures	Provide Public Information to Disaster Victims	Administer Assistance Programs
Selectmen/Administrator				P	P	
LEMAD	P	S	P		S	
Law Enforcement					S	
Fire Department					S	
EMS					S	
Health Officer/GA Adm.	S	S		S	S	P
Road Commissioner			S	S	S	
School Department					S	
Harbor Master				S	S	S
Red Cross		S		P	P	P
Other Volunteer Organizations				P	P	P

P – Primary Responsibility

S- Support Responsibility

Disaster Assistance CHECKLIST

- ☐ Review available local assistance.
- ☐ Contact Red Cross chapter and coordinate further assistance with them.
- ☐ Keep accurate records of assistance given.

Appendix 12 HAZARD MITIGATION

SITUATION – State law requires each municipality to have a comprehensive land use plan that includes an analysis of hazardous areas and flood plains. There are four basic approaches to mitigation: structures, land use controls, building codes, and elimination of a specific hazard or reduction of the frequency and intensity of its occurrence. The National Flood Insurance Program offers flood insurance at a reasonable cost. It has a mitigating effect on the suffering caused by heavy flooding.

CONCEPT OF OPERATIONS – Following a Presidentially declared disaster, the Maine Emergency Management Agency (MEMA) administers the section 404 Hazard Mitigation Program as required by the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Members of a State Hazard Mitigation Team are designated. The State Hazard Mitigation officer, a member of the Department of Economic and Community Development, Office of Comprehensive Planning, coordinates the activities of the team. He is responsible for project management. The Chairman of the Board of Selectmen appoints a person to be the team's local contact. This information is included in the grant application (see the State of Maine hazard Mitigation Administrative Plan). An evaluation of damages is made and practical steps that may be taken to mitigate future damage are considered. A hazard mitigation plan is developed at the State level and may be used as the basis for a Section 404 Project application. It also may be used for local mitigation planning.

ORGANIZATION AND ASSIGNMENT OF RESPONSIBILITIES – Hazard mitigation efforts primarily are the responsibility of the Town of Gouldsboro and individual land owners. Assignments are shown on the chart following this section.

ADMINISTRATION AND LOGISTICS

- A. **Policies** – Gouldsboro has approved ordinances required for participation in the National Flood Insurance Program. Those responsible for municipal planning identify appropriate mitigation measures and recommend their implementation.
- B. Gouldsboro may be asked to report mitigation measures to the County EMA Director. The County forwards necessary reports to MEMA.

Mitigation TASK ASSIGNMENT CHART

Agency	Provide Resource Information	Develop or Maintain Guidelines	Provide Public Information	Lead Mitigation Efforts	Develop Mitigation Plans	Enforce Mitigation Policies
Selectmen / Administrator		S		P	S	S
LEMAD	P	P	P			
Law Enforcement						
Fire Department						
EMS						
Health Officer/GA						
Road Commissioner						
School Department						
Harbor Master						
Planning Board		S	S		P	
Code Enforcement Officer						P

P - Primary Responsibility

S - Support Responsibility

Hazard Mitigation CHECKLIST

- ☐ Review land use controls, building codes and eligibility for participation in National Flood Insurance Program
- ☐ Designate person to be key county/state contact regarding damage assessment/hazard mitigation following an emergency
- ☐ Provide public with information regarding local regulations and suggestions for individual mitigation efforts
- ☐ Cooperate with State hazard Mitigation Team if activated, assisting them in plan and application development.
- ☐ Review State Hazard Mitigation plan and consider recommendations for local area if not included in a grant.

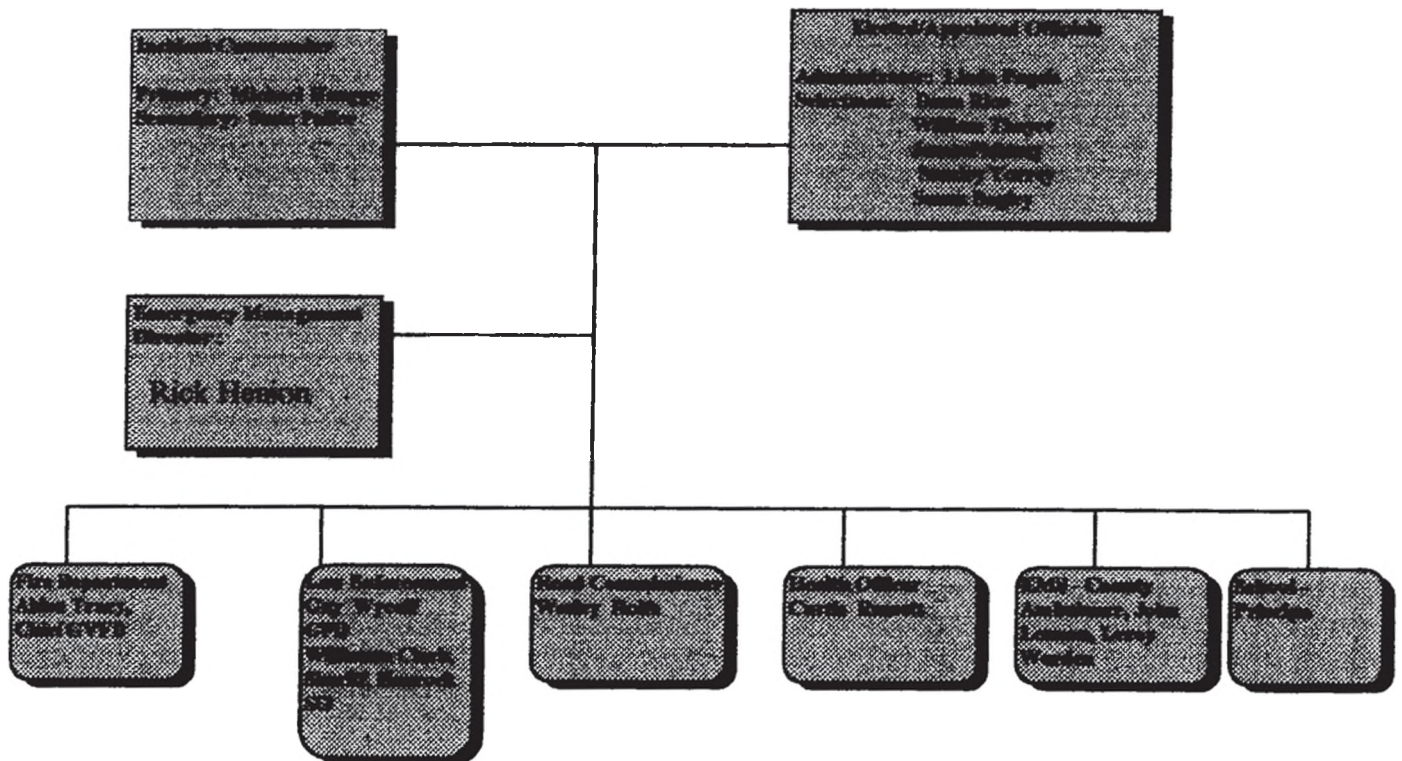
Appendix 13 HAZARDOUS MATERIALS

Each county is a planning district with assistance required from each municipality for the planning process. Local emergency service departments participate in planning efforts, exercises and drills. Fire Departments provide training, receive chemical release notifications, and respond to incidents.

Areas of risk include locations of hazardous materials manufacture, processing, or storage facilities, also hazardous waste treatment, storage and disposal sites. The population within a 5 mile radius of facilities or within a 5 mile corridor along a transportation route could be affected.

Technical advice or assistance is available through the incident command system from State, Federal and chemical experts. The name of the Incident Commander in hazardous materials response is Michael Hangge of the Ellsworth Fire Department, 667-2525.

Chain of Command



Fixed Facilities

<u>Facility Name</u>	<u>Address</u>	<u>Chemical Name</u>	<u>CAS#</u>	<u>Storage Qty - Max</u>

Stinson Canning

Anderson's Hardware   Route 1

Mac's Groceries   Birch Harbor

TRANSPORTATION ROUTES

<u>Transportation Routes</u>	<u>Chemical Names</u>	<u>CAS#</u>	<u>Shipment Quantity (Max)</u>

US Route #1.

Route # 186

Route # 195

**HAZARDOUS MATERIALS
CHECKLIST
FIRST OFFICER ON SCENE**

- ☐ Observe situation from a safe distance
- ☐ Confirm location, affected people, animals, environment, etc.
- ☐ Check wind direction and prevailing weather
- ☐ Identify source of hazardous material
- ☐ Identify chemical name and form (solid, liquid, gas)
- ☐ Refer to the orange Emergency Response Guidebook (DOT) for Initial Response to Hazardous Materials Incident.
- ☐ Report findings to dispatcher including safe access routes, size of hazard area.
- ☐ Serve as temporary on-scene communications point until fire department establishes incident command post.
- ☐ Estimate potential harm to life, property and environment, as necessary.
- ☐ Secure area. **WARNING: Do not enter incident area without appropriate protective clothing and equipment!**
- ☐ Evacuate immediate affected area, especially downwind, downstream, and crosswind.
- ☐ Establish and control incident perimeter area.
- ☐ Brief Incident Commander and coordinate further activities with Command Post.

Initial Notification

- ☐ Local Fire Department 963-7788
- ☐ Maine State Police 1-800-452-4664
- ☐ LEPC Coordinator 667-2525 (Ellsworth Fire)

RECOMMENDED HAZ-MAT INCIDENTS SCENE LAYOUT
(see diagram on following page)

Establish inside perimeter a minimum of 200 feet around the accident scene. If fire is present, secured boundaries should extend at least 1000 feet downwind.

Decontamination area should be located upwind of the scene, beyond the inside perimeter, and in a contamination free area. All equipment and uninjured personnel leaving the "hot zone" should be held at the decontamination area until adequate decontamination has been accomplished.

Additional Information Sources:

Maine State Police 1-800-452-4664 (866-2122)

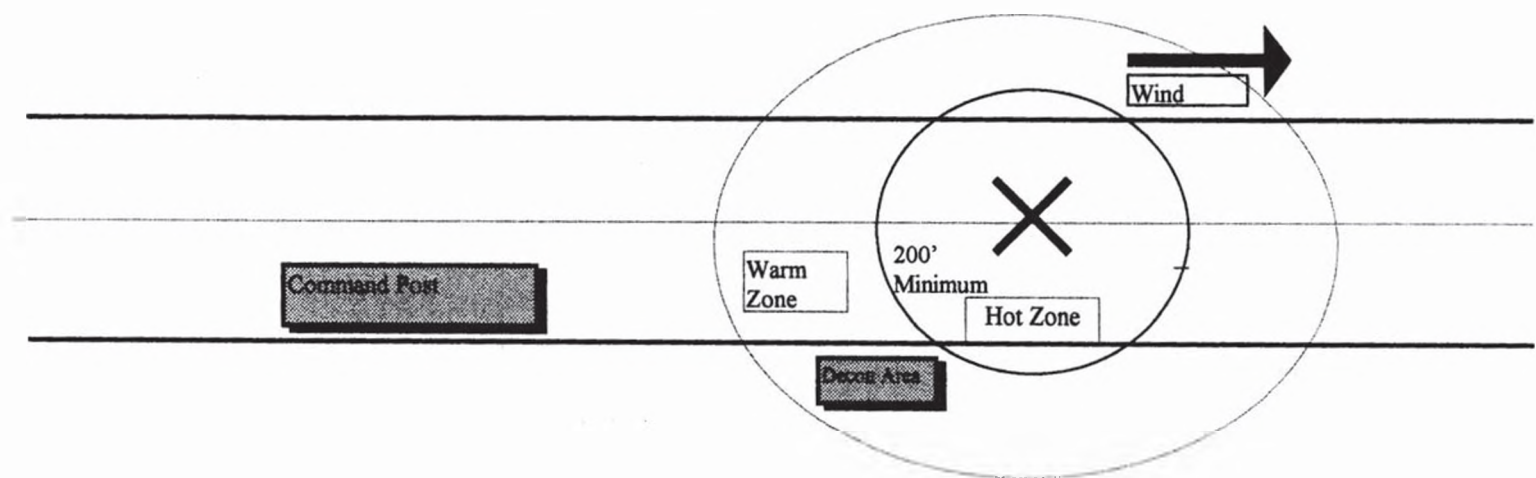
CHEMTREC 1-800-424-9300

Maine Dept. Of Environmental Protection 1-800-482-0777

State Emergency Response Commission 1-800-452-8735

National Response Center 1-800-424-8802

Typical Hazardous Materials Response Scene



TOWN OF GOULDSBORO DOG CONTROL ORDINANCE

Revised: June 2000

SECTION 1. PURPOSE

The purpose of this ordinance is to control dogs throughout the Town of Gouldsboro in the interest of the health, safety, and general welfare of its residents.

SECTION 2. DEFINITIONS AS USED IN THIS ORDINANCE UNLESS THE CONTEXT OTHERWISE INDICATES

- A. "DOG" shall mean both male and female whether neutered or not.
- B. "OWNER" shall mean any person, firm, association or corporation owning, keeping or harboring a dog.
- C. "AT LARGE" shall mean off the premises of the owner and not being under the control of any person by means of personal presence and attention, or ability to manipulate and command the conduct of the dog.
- D. "DANGEROUS DOG" shall mean a dog, which has bitten a person who was not a trespasser on the owner's premises at the time of the incident; or a dog which causes a reasonable person acting in a peaceable manner outside the owners premises, to be put in apprehension of eminent bodily harm.

SECTION 3. LICENSE REQUIRED

All dogs kept, harbored or maintained by their respective owners in the Town of Gouldsboro shall be licensed and tagged in accordance with appropriate laws of the State of Maine, M.R.S.A. 3921.

SECTION 4. DISTURBING THE PEACE

It shall be unlawful for anyone owning, possessing or harboring a dog to cause or permit such dog to disturb the peace of any person. It shall be in violation of this ordinance if; any owner or keeper causes or permits a dog to bark, howl, or yelp continuously during the hours of 8:00pm till 8:00am for (15) minutes or intermittently for (30) minutes or more. From 8:00am till 8:00pm the limit will be (30) minutes or more continuously or (1) hour intermittently.

It shall be unlawful for any dog owner or keeper to cause or permit such dog to disturb the peace by biting, chasing or damaging the property of any person.

SECTION 5. RUNNING AT LARGE

It shall be unlawful for any dog, licensed or unlicensed, to run at large, except when used for hunting purposes.

SECTION 6. IMPOUNDING

Any Law Enforcement Officer of the Town of Gouldsboro shall seize, impound, or restrain any dog violating this Ordinance or State law. A dog found in violation of Section 5 shall be delivered to the owner when possible if the owner or keeper can be determined and is readily available to take possession of the dog.

When a dog of known ownership is found in violation of Section 5 three (3) or more times in a six (6) month period, Law Enforcement Officer in that capacity may take the dog to the animal shelter and notify the owner.

SECTION 7. CONFINEMENT OF CERTAIN DOGS

- A. It shall be unlawful for the owner or keeper of a female dog to cause or permit such dog to be beyond the owner's premises at any time while dog is in heat unless such dog is restrained with a leash, cord, or chain which shall not be more than eight (8) feet long by the owner or agent.
- B. Any person who is assaulted by a dog without provocation or any person witnessing an unprovoked assault against a person or domesticated animal may file a written complaint with a Law Enforcement Officer.

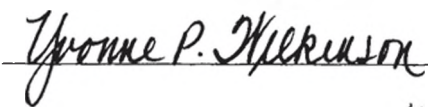
Procedures regarding the complaints of dangerous dogs and the method of restraint, confinement or disposal shall be prescribed and required by Maine Statutes Annotated, Title 7, Section 3952 and succeeding amendments.

SECTION 8. ENFORCEMENT

It shall be the duty of the Law Enforcement Officer to enforce all the provisions of this Ordinance.

SECTION 9. PENALTIES

Any person found in violation of any of the provisions of this Ordinance shall be guilty of a civil violation and upon a conviction thereof shall be fined not less than fifty dollars (\$50) nor more than two hundred dollars (\$200) to be recovered by a complaint before the Maine District Court, District, Hancock County, subject to the rights of exception and appeal as are provided by law. All fines collected shall be recovered to the use of the Town of Gouldsboro and deposited in a separate account as required by M.R.S.A. Section 3945 (Use and License Fees Retained by Municipalities).


_____

Attested
Yvonne P. Wilkinson
Clerk, Town of Gouldsboro

June 20, 2000
Date

TOWN OF GOULDSBORO, MAINE

E-911 ADDRESSING ORDINANCE

Adopted: June 23, 1997

Revisions:

June 9, 2010

TOWN OF GOULDSBORO

E-911 ADDRESSING ORDINANCE

Enacted: June 1997

Section 1. Purpose

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

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 and Title 30-A M.R.S. Section 3001.

Section 3. Administration

This ordinance shall be administered by the Board of Selectmen, who is authorized to and shall assign road names and numbers to all properties, both on existing and proposed roads, in accordance with the criteria in Sections 4 and 5. The Board of Selectmen shall also be responsible for maintaining the following official records of this ordinance.

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

Section 4. Naming System

All roads that serve two or more properties shall be named regardless of whether the ownership is public or private. A "road" refers to any highway, road, street, avenue, lane, private way, or similar paved, gravel, or dirt thoroughfare. "Property" refers to any property on which a more or less permanent structure has been erected or could be placed. A road name assigned by the Town of Gouldsboro shall not constitute or imply acceptance of the road as a public way.

The following criteria shall govern the naming system:

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

- d. Anytime the name of a road has changed at the request of the property owner (s) the road name sign shall be replaced at the cost of the owner (s).

Section 5. Numbering System

Numbers shall be assigned every 50 (fifty) feet along both sides of the road, with even numbers appearing on the left side of road and odd numbers appearing on the right side of the road, determined by the number origin.

The following criteria shall govern the number system:

- a. All number origins shall begin from the designated center of the Town of Gouldsboro or that end of the road closest to the designated center. For dead end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end. For the remaining roads, numbering shall originate from a town border.
- b. The number assigned to each structure shall be that of the numbered interval falling closest to the front door or the driveway of said structure if the front door cannot be seen from the main road.
- c. Every structure with more than one principle use or occupancy shall have a separate number for each use of 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 of structures shall, by the date stipulated in Section 8, display and maintain in a conspicuous place on said structure, the assigned numbers in the following manner:

- a. Number on the Structure or Residence. Where the residence or structure is within 50 (fifty) feet of the edge of the road right-of-way, the assigned number shall be displayed on the front of the residence or structure in the vicinity of the front door or entry.
- b. Number at the Street Line. Where the residence or structure is over 50 (fifty) feet from the edge of the road right-of-way, the assigned number shall be displayed on a post, fence, wall, the mail box, or on some structure at the property line adjacent to the walk or access drive to the residence or structure.
- c. Size and color of Number. Numbers shall be displayed in a 4" black on white background approved for use by the Board of Selectmen and shall be located as to be visible from the road.
- 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.

Section 7. New Developments and Subdivisions

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

- a. New Construction. Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to procure an assigned number from the Code Enforcement Officer. This shall be done at the time of the issuance of the building permit.
- b. New Subdivisions. Any prospective subdividerr shall show a proposed road name and lot numbering system of the pre-application submission to the Planning Board. Approval by the Planning Board, after consultation with the Board of Selectmen, shall constitute the assignment of road names and numbers to the lots in the subdivision. On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots, in the center of the streets every 50 (fifty) feet so as to aid in assignment of the numbers to structures subsequently constructed.

Section 8. Effective Date

This ordinance shall become effective as of July 1, 1997. It shall be the duty of the Board of Selectmen to notify by mail each property owners and the Post office of their new address at least 30(thirty) days prior to the effective date of its use. It shall be the duty of each property owner to comply with this ordinance, including the posting of new property numbers, within 30 (thirty) days following notification. On new structures, numbering will be installed prior to final inspection or when the structure is first used or occupied, whichever comes first.

Section 9. Enforcement

Compliance of this ordinance shall be the responsibility of the Board of Selectmen. Enforcement will be delegated to ensure compliance and shall be a joint effort by the Code Enforcement Officer, Fire Chief, Constable, or other Municipal Officer as designated by the Board of Selectmen.

Section 10. Signs

The Town of Gouldsboro will purchase original street signs in Town. The Town will only replace street signs of Town owned and maintained roads. It is up to the owners living on a private road to replace their street signs if stolen, missing, or needs to be replaced.

Yvonne P. Wilkinson
Attested
Yvonne P. Wilkinson
Clerk of Gouldsboro

June 9, 2010
Date

TOWN OF GOULDSBORO, MAINE

FIRE DEPARTMENT ORDINANCE

Adopted: March 2, 1982

Revisions:

6/14/2011-Article 35

6/14/2011-Article 36

Article 36

VOLUNTEER FIRE DEPARTMENT ORDINANCE

Town of Gouldsboro

Amendments Appear in (Bold)

Amendments Appear in Bold Italic and Underlined and Shaded

1. **Establishment:** Pursuant to 30(A), Chapter 153 the Town of Gouldsboro hereby establishes the Gouldsboro Volunteer Fire Department.

2. **Purpose:** The Volunteer Fire Department shall provide fire protection and emergency medical services for the inhabitants of Gouldsboro.

3. **Organization:** The Volunteer Fire Department shall be organized and shall function under its own set of by-laws that are not in conflict with state law of this ordinance.

4. **Fire Chief:**

a. **Appointment, term and compensation:** The Fire Chief, Deputy Fire Chief and Deputy Medical Chief shall be appointed by the Board of Selectmen for one year. The compensation for the Fire Chief, Deputy Fire Chief and Deputy Medical Chief shall be determined annually at town meeting.

b. **Powers and Duties:** The Fire Chief shall have the powers and duties as stated in 30 M.R.S.A., Chapter 28, Section 3773.

5. **Firefighters and Emergency Medical:** Volunteer firefighters and EMS are active members of the Volunteer Fire Department and receives ~~delete: no compensation from the Town other than - add:~~ receives compensation as approved by policy of the Board of Selectmen and includes injury and death benefits. Volunteer duties are to extinguish all fires to which they are called, protect lives and property endangered by fires and carry out all other related activities as directed by the Fire Chief.

6. **Liability:**

a. **Municipal:** The Town is liable for vehicular accidents and demolished buildings as stated in 30 M.R.S.A., Chapter 28, Section 3775.

b. **Volunteer Fire Department, Firefighters and Emergency Medical Volunteers:** All volunteer firefighters (and emergency medical volunteers), under the direction and control of the Fire Chief and while actually engaged in firefighting (or medical) operations, shall be considered agents of the town and shall have the same privileges and immunities as the town employees performing a governmental function.

7. **Fire Aid to Other Towns:** The Town of Gouldsboro shall maintain an active mutual fire fighting and EMS assistance agreement with Hancock County, and Steuben.

Yvonne P. Wilkinson

Attested

Yvonne P. Wilkinson
Clerk of Gouldsboro

June 14, 2011

Date

Article 35

VOLUNTEER FIRE DEPARTMENT ORDINANCE
Town of Gouldsboro
Amendments Appear in (Bold)

1. **Establishment:** ~~Persuant~~ **(Pursuant)** to 30(A) M.R.S.A. ~~Section 1917~~ **(Chapter 153)** the Town of Gouldsboro hereby establishes the Gouldsboro Volunteer Fire Department.

2. **Purpose:** The Volunteer Fire Department shall provide fire protection **(and emergency medical services)** for the inhabitants of Gouldsboro.

3. **Organization:** The Volunteer Fire Department shall be organized and shall function under its own set of by-laws that are not in conflict with state law of this ordinance.

4. **Fire Chief:**

a. Appointment, term and compensation: The Fire Chief, ~~and~~ Deputy Fire Chief **(and Deputy Medical Chief)** shall be appointed by the Board of Selectmen for one year. The compensation for the Fire Chief, ~~and~~ Deputy Fire Chief **(and Deputy Medical Chief)** shall be determined annually at town meeting.

b. Powers and Duties: The Fire Chief shall have the powers and duties as stated in 30 M.R.S.A., Chapter 28, Section 3773.

5. **Firefighters and Emergency Medical:** A Volunteer ~~firefighters~~ **and EMS** ~~are is-an~~ active members of the Volunteer Fire Department and receives no compensation from the Town other than injury and death benefits. ~~A firefighter's~~ **Volunteer duties** ~~are duty is~~ to extinguish all fires to which ~~he is~~ **they are** called, protect lives and property endangered by fires and carry out all other related activities as directed by the Fire Chief.

6. **Liability:**

a. Municipal: The Town is liable for vehicular accidents and demolished buildings as stated in 30 M.R.S.A., Chapter 28, Section 3775.

b. Volunteer Fire Department ~~and~~ Firefighters **(and Emergency Medical Volunteers)**: All volunteer firefighters **(and emergency medical volunteers)**, under the direction and control of the Fire Chief and while actually engaged in firefighting **(or medical)** operations, shall be considered agents of the town and shall have the same privileges and immunities as the town employees performing a governmental function.

7. **Fire Aid to Other Towns:** The Town of Gouldsboro shall maintain an active mutual fire fighting **and EMS** assistance agreement with Hancock County, ~~the Naval Security Group Activity~~ and Steuben.

Yvonne P. Wilkinson
Attested
Yvonne P. Wilkinson
Clerk of Gouldsboro

June 14, 2011
Date

Title 30-A: MUNICIPALITIES AND COUNTIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

Part 2: MUNICIPALITIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

Subpart 5: HEALTH, WELFARE AND IMPROVEMENTS HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

Chapter 153: MUNICIPAL FIRE PROTECTION HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

§3151. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

1. Municipal fire department. "Municipal fire department" means an organized firefighting unit established under municipal charter, ordinance or bylaw to prevent and extinguish fires and, if authorized by charter, ordinance or bylaw, to provide emergency services.

[1999, c. 570, §1 (AMD) .]

1-A. Provide emergency services. "Provide emergency services" means to respond to and manage other public safety emergencies, including, but not limited to, medical emergencies, hazardous materials incidents or natural or man-made disasters.

[1999, c. 570, §2 (NEW) .]

2. Municipal firefighter. "Municipal firefighter" means an active member, whether full-time, part-time or on call, of a municipal fire department, who aids in the extinguishment of fires or an individual who receives compensation from the municipality for aiding in the extinguishment of fires.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

3. Volunteer fire association. "Volunteer fire association" means an organized firefighting unit incorporated under Title 13, chapter 81, or Title 13-B, and which is officially recognized by the municipality.

A. Any volunteer fire association incorporated under either Title 13, chapter 81, or Title 13-B, on or after January 1, 1978, shall be considered incorporated for the purposes of this section. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. The appropriation of money by a municipality toward the support of an organized firefighting unit incorporated under Title 13, chapter 81, or Title 13-B, is prima facie evidence of official recognition. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

4. Volunteer firefighter. "Volunteer firefighter" means an active member of a volunteer fire association who receives no compensation from the municipality other than injury and death benefits.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

SECTION HISTORY

1987, c. 737, §§A2,C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,10 (AMD). 1999, c. 570, §§1,2 (AMD).

Part 2: MUNICIPALITIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)
Subpart 5: HEALTH, WELFARE AND IMPROVEMENTS HEADING: PL 1987, C. 737, PT. A, §2 (NEW)
Chapter 153: MUNICIPAL FIRE PROTECTION HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

§3152. Fire protection

1. Methods of protection. A municipality may provide fire protection by:

A. Maintaining a municipal fire department; [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. Supporting a volunteer fire association; or [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. Contracting with other governmental units for fire protection services. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]
[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

2. Fire protection zones. A municipality may establish administrative areas of the municipality for firefighting and fire protection purposes, to be served by one fire department or volunteer fire association, which shall be called "fire protection zones." Fire protection zones must be established by the vote of the municipal legislative body or by regulations adopted by the municipal officers if the municipal legislative body so provides.

Title 30-A: MUNICIPALITIES AND COUNTIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

Part 2: MUNICIPALITIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)
Subpart 5: HEALTH, WELFARE AND IMPROVEMENTS HEADING: PL 1987, C. 737, PT. A, §2 (NEW)
Chapter 153: MUNICIPAL FIRE PROTECTION HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

§3153. Fire chiefs

Notwithstanding the method of fire protection services provided by a municipality, a fire chief shall be appointed in each municipality, unless the municipality provides by vote of its legislative body for the election of a municipal fire chief by the members of the municipal fire department or volunteer association, or provides that the voters of the

municipality will elect a municipal fire chief at the regular municipal election or town meeting. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

In municipalities served by more than one volunteer association or municipal fire department, the municipality may by vote of its legislative body provide for the election of a fire chief by the members of each fire department or association of the municipality, but no more than one fire chief may be elected within each fire protection zone. When more than one fire chief is provided for in a municipality, each fire chief shall exercise in the fire chief's fire protection zone all powers and duties of a municipal fire chief and shall control and direct all municipal and volunteer firefighters in the performance of firefighting operations within the fire chief's fire protection zone, except as provided in this chapter. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

1. Term; compensation. Unless otherwise provided by contract, charter or ordinance, fire chiefs shall be appointed for an indefinite term. The municipal officers shall determine the compensation of the fire chief.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

2. Duties. The fire chief shall:

A. Direct and control all municipal and volunteer firefighters in the performance of firefighting operations within the municipality except as provided in Titles 12 and 25; [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. Provide a training program for firefighters within the municipality in cooperation with appropriate governmental agencies; [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. Provide for the maintenance of all fire equipment owned by the municipality and buildings used by the municipal fire department; [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

D. Prepare and submit annually to the chief administrative official of the municipality a budget relating to fire protection activities; and [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

E. Suppress disorder and tumult at the scene of a fire and generally direct all operations to prevent further destruction and damage. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

3. Powers. The fire chief may:

A. Unless otherwise provided by charter or ordinance, employ all municipal firefighters, appoint a deputy and other officers in a municipal fire department and remove them for cause after notice and hearing; [1987, c. 737, Pt. A, §2 (NEW);

1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. With the approval of the municipal officers, adopt administrative regulations relating to municipal fire protection, consistent with this chapter and municipal ordinances; [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. Obtain assistance from persons at the scene of a fire to extinguish the fire and protect persons and property from injury; and [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

D. Pull down and demolish structures and appurtenances if the fire chief judges it necessary to prevent the spread of fire. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

Title 30-A: MUNICIPALITIES AND COUNTIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

Part 2: MUNICIPALITIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

Subpart 5: HEALTH, WELFARE AND IMPROVEMENTS HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

Chapter 153: MUNICIPAL FIRE PROTECTION HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

§3154. Firefighters

1. Duties. Firefighters are under a duty to extinguish all fires to which they are called, to protect lives and property endangered by fires and to carry out all other related activities as directed by the fire chief.

A. A firefighter may use a reasonable degree of nondeadly force when the firefighter reasonably believes that this force is necessary to carry out the duties under this subsection. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]
[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

2. Training. All firefighters shall attend training sessions as scheduled by the fire chief.
[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

3. Medical examinations. No person hired after June 28, 1974 may serve as a full-time member of a municipal fire department unless the person has undergone a complete preemployment medical examination; nor may the person serve as a full-time member of a municipal fire department if, in the opinion of competent medical authority after examination, the person is not capable of performing the required duties.

Title 30-A: MUNICIPALITIES AND COUNTIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

Part 2: MUNICIPALITIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

Subpart 5: HEALTH, WELFARE AND IMPROVEMENTS HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

Chapter 153: MUNICIPAL FIRE PROTECTION HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

§3155. Municipal liability; demolished buildings

If the pulling down or demolition of any structure or appurtenance, except that in which the fire originated, is used to stop the spread of fire, the owner of that structure or appurtenance may recover reasonable compensation for its destruction from the municipality in a civil action.

Title 30-A: MUNICIPALITIES AND COUNTIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

Part 2: MUNICIPALITIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

Subpart 5: HEALTH, WELFARE AND IMPROVEMENTS HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

Chapter 153: MUNICIPAL FIRE PROTECTION HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

§3156. Aid to other municipalities

Unless otherwise provided by charter or ordinance, the municipal officers may authorize the municipal fire department or, if separate, employees who provide emergency services to aid with any public safety emergencies in other municipalities by providing as needed all the municipal fire department's available resources or, if separate, available employees who provide emergency services. Municipal and volunteer firefighters and employees who provide emergency services when assisting other municipalities have the same privileges and immunities as when acting in their own municipality. Any municipality may compensate an aiding municipality or volunteer fire association for damage to the aiding department's or association's property and to any firefighter or to the firefighter's surviving spouse or dependents because of injury or death sustained in the course of rendering aid to that municipality. [2005, c. 519, Pt. KKK, §1 (AMD).]

Title 30-A: MUNICIPALITIES AND COUNTIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

Part 2: MUNICIPALITIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

Subpart 5: HEALTH, WELFARE AND IMPROVEMENTS HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

Chapter 153: MUNICIPAL FIRE PROTECTION HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

§3157. Automotive fire apparatus

All new automotive fire apparatus purchased by municipal fire departments or volunteer fire associations with public money must be constructed and equipped in conformance with the standards set forth in the edition of National Fire Protection, Pamphlet #1901, Standards for Automotive Fire Apparatus, which is in effect on the date of the purchase agreement. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

A municipality or volunteer fire association which receives delivery of automotive fire apparatus not in conformance with these standards may, in addition to its other remedies, recover in a civil action a penalty from the seller in an amount equal to 10% of the purchase price of the apparatus.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-EIGHT

S.P. 865 - L.D. 2254

AN ACT Pertaining to Fire Permit
Enforcement.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §9321, sub-§5-A. is enacted to read:

5-A. Notification. Any person authorized by this subchapter to issue permits for open burning who issues a permit for out-of-door burning within a municipality shall notify the municipal officers or fire chief of that municipality that the permit has been issued.

Sec. 2. 12 MRSA §9321-A is enacted to read:

§9321-A. Possession and production of permit required; violation

1. Possession and production of permit in organized territory. Any person, firm or corporation which engages in out-of-door burning in any municipality, plantation or village corporation as permitted by this article shall possess the permit at the scene of the burning and shall produce the permit on the demand of authorized persons, including fire chiefs, town forest fire wardens or their designated agents, state forest rangers and any law enforcement officer as defined in Title 17-A.

2. Violation. Any person, firm or corporation which violates this section commits a civil violation for which a forfeiture not to exceed \$100 may be adjudged.

**FLOODPLAIN MANAGEMENT ORDINANCE
FOR THE
TOWN OF GOULDSBORO, MAINE**

ENACTED: June 4, 1987
Date

EFFECTIVE; July 20, 2016

CERTIFIED BY: 
Signature

CERTIFIED BY: Bryan Keneeth
Print Name
Town Manager
Title

AFFIX SEAL

*Revisions:
June 1999
June 2006
June 2016*

FLOODPLAIN MANAGEMENT ORDINANCE

TABLE OF CONTENTS

ARTICLE	PAGE
I. PURPOSE AND ESTABLISHMENT	1
II. PERMIT REQUIRED	2
III. APPLICATION FOR PERMIT	2
IV. APPLICATION FEE AND EXPERT'S FEE	4
V. REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS	4
VI. DEVELOPMENT STANDARDS	6
VII. CONDITIONAL USE REVIEW	13
VIII. CERTIFICATE OF COMPLIANCE	14
IX. REVIEW OF SUBDIVISIONS AND DEVELOPMENT PROPOSALS	14
X. APPEALS AND VARIANCES	15
XI. ENFORCEMENT AND PENALTIES	17
XII. VALIDITY AND SEVERABILITY	18
XIII. CONFLICT WITH OTHER ORDINANCES	18
XIV. DEFINITIONS	18
XV. ABROGATION	24

TOWN OF GOULDSBORO

FLOODPLAIN MANAGEMENT ORDINANCE

ARTICLE I - PURPOSE AND ESTABLISHMENT

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

Therefore, the Town of Gouldsboro, 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 Gouldsboro, 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 Gouldsboro 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 and 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 Gouldsboro 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 Gouldsboro, Maine.

The areas of special flood hazard, Zones A, AE, and VE, for the Town of Gouldsboro, Hancock County, Maine, identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study - Hancock County, Maine" dated July 20, 2016 with accompanying "Flood Insurance Rate Map" dated July 20, 2016 with panels: 840D, 845D, 863D, 1003D, 1004D, 1007D, 1008D, 1009D, 1011D, 1012D, 1013D, 1014D, 1016D, 1017D, 1018D, 1019D, 1026D, 1028D, 1030D, 1031D, 1032D, 1033D, 1034D, 1036D, 1037D, 1041D, 1042D, 1043D, 1044D, 1051D, 1053D, 1061D, 1062D, 1063D, 1064D, 1256D, 1257D, 1259D, and 1276D derived from the county wide digital Flood Insurance Rate Map entitled "Digital Flood Insurance Rate Map, Hancock County, Maine" are hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II - PERMIT REQUIRED

Before any construction or other development (as defined in Article XIV), 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 except as provided in Article VII. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the Town of Gouldsboro, 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.3. apply only to new construction and substantial improvements.]

- H. **The elevation** in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD), or to a locally established datum in Zone A only, of the:
  - 1. base flood at the proposed site of all new or substantially improved structures, which is determined:
    - a. in Zones AE and VE from data contained in the "Flood Insurance Study - Hancock County, Maine," as described in Article I; or,
    - b. in Zone A:
      - (1) from any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265), including information obtained pursuant to Article VI.K. and IX.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);
  - (3) or, in the absence of all other data, to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.
2. highest and lowest grades at the site adjacent to the walls of the proposed building;
3. lowest floor, including basement; and whether or not such structures contain a basement; and,
4. level, in the case of non-residential structures only, to which the structure will be flood proofed;
- I. **A description of an elevation reference point** established on the site of all new or substantially improved structures;
- J. **A written certification by a Professional Land Surveyor**, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate;
- K. **The following certifications as required in Article VI** by a registered professional engineer or architect:
  1. a Floodproofing Certificate (FEMA Form 81-65, as amended), to verify that the floodproofing methods for any non-residential structures will meet the flood proofing criteria of Article III.H.4.; Article VI.G.; and other applicable standards in Article VI;
  2. a V-Zone Certificate to verify that the construction in coastal high hazard areas, Zone VE, will meet the criteria of Article VI.P.; and other applicable standards in Article VI;
  3. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.L.2.;
  4. a certified statement that bridges will meet the standards of Article VI.M.;
  5. a certified statement that containment walls will meet the standards of Article VI.N.;
- L. **A description of the extent to which any water course will be altered** or relocated as a result of the proposed development; and,

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

ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee of \$50.00 shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

An additional fee may be charged if the Code Enforcement Officer and/or Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the Ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision of the Code Enforcement Officer 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, or will be met;
- B. **Utilize**, in the review of all Flood Hazard Development Permit applications;
  - 1. the base flood data contained in the "Flood Insurance Study - Hancock County, Maine," as described in Article I.;
  - 2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other sources, including information obtained pursuant to Article III.H.1.b.; Article VI.K.; and Article IX.D., in order to administer Article VI of this Ordinance; and,
  - 3. when the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.1.b., the community shall submit that data to the Maine Floodplain Management Program.
- C. **Make interpretations of the location of boundaries** of special flood hazard areas shown on the maps described in Article I of this Ordinance;
- D. **In the review of Flood Hazard Development Permit applications**, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;

- E. **Notify adjacent municipalities**, the Department of Environmental Protection, and the Maine Floodplain Management Program prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;
- F. **If the application satisfies the requirements** of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits based on the type of development:
1. a two part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer or architect based on the Part I permit construction, "as built", for verifying compliance with the elevation requirements of Article VI, paragraphs F, G, H, or P. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,
  2. a Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Article VI.G.1.a., b., and c. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,
  3. a Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

For development that requires review and approval as a Conditional Use, as provided for in this Ordinance, the Flood Hazard Development Permit Application shall be acted upon by the Planning Board as required in Article VII.

- G. **Maintain, as a permanent record**, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Article X of this Ordinance, and copies of Elevation Certificates, Flood proofing Certificates, Certificates of Compliance and certifications of design standards required under the provisions of Articles III, VI, and VIII of this Ordinance.

- H. **Any person or entity under review** or charged with an existing land use, shoreland or similar violation with respect to any property in the Town of Gouldsboro shall be ineligible for any land use or other permit relating to that or any other property, unless and until the land use violation is resolved by the CEO, Planning Board or Court.

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.

NOTE: The one foot freeboard required below is a state mandated requirement that results in increased safety and reduced insurance premiums. The use of increased freeboard of up to five feet above the required one foot may result in additional reductions of flood insurance premiums. Contact your insurance agent for details of what these savings may be or for further information on freeboard contact the Town Office or the State's Flood Management Program.

- B. **Water Supply** - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- C. **Sanitary Sewage Systems** - All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
- D. **On Site Waste Disposal Systems** - On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.
- E. **Watercourse Carrying Capacity** - All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.

- F. **Residential** - New construction or substantial improvement of any residential structure located within:
1. Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.
  2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B.; or Article IX.D.
  3. Zone VE shall meet the requirements of Article VI.P.
- 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 flood proofed.
  2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B.; or Article IX.D., or
    - a. together with attendant utility and sanitary facilities meet the flood proofing standards of Article VI.G.1.
  3. Zone VE shall meet the requirements of Article VI.P.
- H. **Manufactured Homes** - New or substantially improved manufactured homes located within:
1. Zone AE shall:
    - a. be elevated on a permanent foundation such that the lowest floor is at least one foot above the base flood elevation; and,

- 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, paragraph H.1.b. (1) & (2) shall be capable of carrying a force of 4800 pounds.

2. Zone A shall:

- a. be elevated on a permanent foundation such that the lowest floor 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 IX.D.; and
- b. meet the requirements of Article VI.H.1.c.

3. Zone VE shall meet the requirements of Article VI.P.

I. Recreational Vehicles - Recreational Vehicles located within:

1. Zone AE shall either:

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

2. Zone VE shall meet the requirements of either Article VI.I.1.a. or b., or Article VI.P.

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

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

K. **Floodways** -

1. in Zone AE, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in riverine areas, for which a regulatory floodway 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 Zone 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 FEMA's guidelines and standards for flood risk analysis and mapping (the FEMA web address for the guidelines is at:

www.fema.gov/guidelines-and-standards-flood-risk-analysis-and-mapping).

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 crawl spaces 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 XIV;
  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 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 storing of articles and equipment used for maintenance of the building.
- M. **Bridges** - New construction or substantial improvement of any bridge in Zones AE, A, and VE shall be designed such that:
1. when possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation; and
  2. a registered professional engineer shall certify that:
    - a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.K.; and

- b. the foundation and superstructure attached thereto is anchored 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, A, and VE shall:

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

O. **Wharves, Piers and Docks** - New construction or substantial improvement of wharves, piers, and docks are permitted in Zones A, AE, and VE, 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. commercial wharves, piers, and docks: a registered professional engineer shall develop or review the structural design, specifications, and plans for construction.

P. **Coastal Floodplains** -

- 1. all new construction located within Zones AE and VE shall be located landward of the reach of mean high tide except as provided in Article VI.P.6.
- 2. new construction or substantial improvement of any structure located within Zone VE shall:
  - a. be elevated on posts or columns such that:
    - (1) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to one foot above the base flood elevation;

- (2) the pile or column foundation and the elevated portion of the structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components; and,
    - (3) water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state and local building standards.
  - b. have the space below the lowest floor:
    - (1) free of obstructions; or,
    - (2) constructed with open wood lattice-work, or insect screening intended to collapse under wind and water without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting piles or columns; or,
    - (3) constructed to enclose less than 300 square feet of area with non-supporting breakaway walls which have a design safe loading resistance of not less than 10 or more than 20 pounds per square foot.
  - c. require a registered professional engineer or architect to:
    - (1) develop or review the structural design, specifications, and plans for the construction, which must meet or exceed the technical criteria contained in the *Coastal Construction Manual*, (FEMA-55); and,
    - (2) certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the criteria of Article VI.P.2.
- 3. the use of fill for structural support in Zone VE is prohibited.
- 4. human alteration of sand dunes within Zone VE is prohibited unless it can be demonstrated that such alterations will not increase potential flood damage.
- 5. the area below the lowest floor level shall be used solely for parking vehicles, building access, and storage.
- 6. Conditional Use - Lobster sheds and fishing sheds located seaward of mean high tide shall be exempt from the elevation requirement in Article VI.G. and are permitted as a Conditional Use only upon review and approval by the Planning Board, as provided in Article VII, and if all the following requirements and those of Article VI.A., VI.K., and VI.L. are met:
  - a. the conditional use shall be limited to low value structures such as metal or wood sheds 200 square feet or less and shall not exceed more than one story.

- b. the structure shall be securely anchored to the wharf or pier to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.
- c. the structure will not adversely increase wave or debris impact forces affecting nearby buildings.
- d. the structure shall have unfinished interiors and shall not be used for human habitation.
- e. any mechanical, utility equipment and fuel storage tanks must be anchored and either elevated or flood proofed to one foot above the base flood elevation.
- f. all electrical outlets shall be ground fault interrupt type. The electrical service disconnect shall be located on shore above the base flood elevation and when possible outside the Special Flood Hazard Area.

ARTICLE VII - CONDITIONAL USE REVIEW

The Planning Board shall hear and decide upon applications for conditional uses provided for in this Ordinance. The Planning Board shall hear and approve, approve with conditions, or disapprove all applications for conditional uses. An applicant informed by the Code Enforcement Officer that a Conditional Use Permit is required shall file an application for the permit with the Planning Board.

A. Review Procedure for a Conditional Use Flood Hazard Development Permit:

- 1. the Flood Hazard Development Permit Application with additional information attached addressing how each of the conditional use criteria specified in the Ordinance will be satisfied, may serve as the permit application for the Conditional Use Permit.
- 2. before deciding any application, the Planning Board shall hold a public hearing on the application within thirty days of their receipt of the application.
- 3. if the Planning Board finds that the application satisfies all relevant requirements of the Ordinance, the Planning Board must approve the application or approve with conditions within 45 days of the date of the public hearing.
- 4. a Conditional Use Permit issued under the provisions of this Ordinance shall expire if the work or change involved is not commenced within 180 days of the issuance of the permit by the Planning Board.
- 5. the applicant shall be notified by the Planning Board in writing over the signature of the Chairman of the Planning Board that flood insurance is not available for structures located entirely over water or seaward of mean high tide.

B. Expansion of Conditional Uses

1. no existing building or use of premises may be expanded or enlarged without a permit issued under this section if that building or use was established or constructed under a previously issued Conditional Use Permit or if it is a building or use which would require a Conditional Use Permit if being newly-established or constructed under this Ordinance.

ARTICLE VIII - 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 structure the applicant shall submit to the Code Enforcement Officer:
  1. an Elevation Certificate completed by a professional land surveyor, registered professional engineer, or registered architect, for compliance with Article VI, paragraphs F, G, H, or P and,
  2. for structures in Zone VE, certification by a professional land surveyor, registered professional engineer, or registered architect that the design and methods of construction to be used are in compliance with Article VI.P.2.
- 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 IX - 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 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 X - APPEALS AND VARIANCES

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

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

- A. **Variances shall not be granted within any designated regulatory floodway** if any increase in flood levels during the base flood discharge would result.
- B. **Variances shall be granted only upon:**
  - 1. a showing of good and sufficient cause; and,
  - 2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,
  - 3. a showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and,
  - 4. a determination that failure to grant the variance would result in “undue hardship,” which in this sub-section means:
    - a. that the land in question cannot yield a reasonable return unless a variance is granted; and,

- b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
  - c. that the granting of a variance will not alter the essential character of the locality; and,
  - d. that the hardship is not the result of action taken by the applicant or a prior owner.
- C. **Variances shall only be issued upon a determination** that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as is deemed necessary.
- D. **Variances may be issued for new construction, substantial improvements,** or other development for the conduct of a functionally dependent use provided that:
  - 1. other criteria of Article X and Article VI.K. are met; and,
  - 2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- E. **Variances may be issued for the repair, reconstruction, rehabilitation, or restoration** of Historic Structures upon the determination that:
  - 1. the development meets the criteria of Article X, paragraphs A. through D. above; and,
  - 2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- F. **Any applicant who meets the criteria of Article X,** paragraphs A. through E. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:
  - 1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage;
  - 2. such construction below the base flood level increases risks to life and property; and,
  - 3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to

indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.

G. Appeal Procedure for Administrative and Variance Appeals

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

ARTICLE XI - 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 flood insurance denial. The valid declaration shall consist of;

1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;
3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;
4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,
5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

ARTICLE XII - 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 XIII - 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 XIV - DEFINITIONS

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

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

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

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

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

Breakaway Wall - a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

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.

Conditional Use - a use that, because of its potential impact on surrounding areas and structures, is permitted only upon review and approval by the Planning Board pursuant to Article VII.

Containment Wall - the wall used to convey or direct storm water or sanitary water from the initial source to the final destination.

Development - a man-made change to improved or unimproved real estate, This includes but is not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; the storage, deposition, or extraction of materials.

Digital Flood Insurance Rate Map (FIRM) - See Flood Insurance Rate Map

Elevated Building - a non-basement building that is:

- a. built, in the case of a building in Zones AE or A, so that the top of the elevated floor, or in the case of a building in Zone VE, to have the bottom of the lowest horizontal structural member 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 openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article VI.L. In the case of Zone VE, **Elevated Building** also includes a building otherwise meeting the definition of elevated building, even though the lower area is enclosed by means of breakaway walls, if the breakaway walls meet the standards of Article VI.P.2.b.(3).

Elevation Certificate - An official form (FEMA Form 81-31, 03/97, 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:

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

Flood Insurance Rate Map (FIRM) - 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 - any land area susceptible to being inundated by water from any source (see flooding).

Floodplain Management - 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 - 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 - 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 - the lines marking the limits of floodways on federal, state, and local floodplain maps.

Freeboard - 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 - 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 - any structure that is:

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

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

Lowest Floor - 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 of this Ordinance.

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

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

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

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

National Geodetic Vertical Datum (NGVD) - the national vertical datum, a standard 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 - structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

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

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

Recreational Vehicle - a vehicle which is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection;
- 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. the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and
- b. when not designated on the community's Flood Insurance Rate Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

Riverine - 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 - 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, whether or not that alteration affects the external dimensions of the building.

Structure - 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 - 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 - 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:

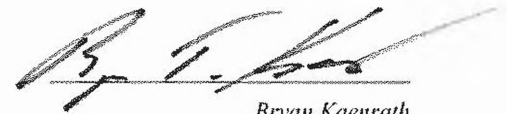
- a. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. any alteration 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 Board of Appeals.

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

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

ARTICLE XV - ABROGATION

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



Bryan Kaenrath

Town Manager of Gouldsboro

7/7/16

Date Adopted

TOWN OF GOULDSBORO, MAINE

HARBOR MANAGEMENT ORDINANCE

Adopted: September 20, 1984

Revisios
: June
2007
2018

**HARBOR MANAGEMENT ORDINANCE
TOWN OF GOULDSBORO, MAINE**

Revised: June 2007

TABLE OF CONTENTS

<u>Section/Subsection</u>	<u>Page</u>
I. Purpose	1
II. Authority	1
III. Effective Date	1
IV. Supercedure	1
V. Recording	1
VI. Validity and Seperability	1
VII. Amendments	1
VIII. Applicability	2
IX. Harbor Committee	2
A. Appointment	2
B. Powers	2
C. Term	2
D. Meetings	2
E. Vote	2
F. Quorum	2
X. Harbor Master	2
A. Appointment	2
B. Duties	2
C. Term	3
XI. Moorings	3
A. Placement of Moorings	3
B. Designation of Mooring Space	3
C. Inspection of Moorings	4
D. Priority	4
E. Transferring of Mooring Privileges	4
F. Notification of Vacancy	4
G. Reassignment	4

Section/Subsection	Page
XII. Wharves, Docks, Piers, Floats, and Ramps	4
A. Obstruction	4
B. Blockage of Public Ramps/ Facilities	4
C. Bait.	5
D. Storage	5
E. Removal of Vessels	5
F. Removal of Debris	5
G. Reflectors Required on Lobster Cars	5
H. Use Priority	5
I. Buying, Selling and Transferring.	5
XIII. Operation of Vessels	5
A. General	5
B. Speed Limits.	5
C. Abandonment	6
D. Oil Pollution	6
E. Infected Vessels	6
XIV. Definitions	6
A. Commercial Fishing Vessel.	6
B. Commercial Passenger Vessel.	6
C. Commercial Vessel	7
D. Entrance Channel	7
E. Fairway.	7
F. Mooring	7
G. Pleasure Vessel	7
H. Residential Vessel	7
I. Riparian Owner	7
J. To Anchor.	7
K. Waterway	7
XV. Administration	8
A. Duties	8
B. Obedience to Orders	8
C. Legal Action	8
D. Penalties	8
E. Suspension or Revocation of Privileges	8
F. Liability	8 ii

TOWN OF GOULDSBORO HARBOR MANAGEMENT ORDINANCE

Revised:
June 2007

I. PURPOSE

The purpose of this Ordinance is to establish and maintain order for the arrangement and utilization of the mooring areas, public landings, piers, boat ramps, harbor channels and related properties in the harbors in the Town of Gouldsboro, Maine in a manner that will best serve the interests of the citizens of Gouldsboro and the boating public.

II. AUTHORITY

This Ordinance is adopted under the authority granted under Title 38, MRSA, Sub Chapter I, Sections I through 6 et seq. as amended and the Home Rule provisions of the Constitution of the State of Maine

III. EFFECTIVE DATE

The effective date of this Ordinance or any amendments thereto shall be the day immediately following it/their adoption at a regular or special town meeting.

IV. SUPERCEDURE

The adoption of this Ordinance hereby repeals and supersedes all conflicting provisions of all ordinances adopted prior to the effective date of this Ordinance.

V. RECORDING

A copy of this Ordinance, certified by the Town Clerk, shall be filed with the Hancock County Registry of Deeds.

VI. VALIDITY AND SEPARABILITY

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

VII. AMENDMENTS

This Ordinance may be amended in part or in whole by a majority vote of the citizens of the Town at a regular or special town meeting.

VIII. APPLICABILITY

The provisions of this Ordinance shall apply to activities occurring within or directly affecting the waters within the Town of Gouldsboro, Maine as defined in Section XV.

IX. HARBOR COMMITTEE

A. Appointment

The Board of Selectman shall appoint a committee of five (5) individuals familiar with the harbor and their activities, as follows:

1. The five public members shall be made up of interested commercial fisherman; and
2. Representatives of marine related business, and private citizens.

B. Powers

The Harbor Committee Shall:

1. Plan the development and establish policy for the Harbors of Gouldsboro.
2. Conflicts related to this Harbor Ordinance and unable to be readily resolved will be referred to the Board of Appeals or appropriate authority.
3. Recommend rules and regulations including mooring fees, for use of harbor.

4. Review the activities of Harbormaster.
5. Approve the Harbormaster's assignments of mooring locations.

C. Term

Each member shall be appointed for a two (2) year term.

D. Meetings

The Committee shall meet a minimum of quarterly or as often as the Committee may determine.

E. Vote

The Committee decisions will be made by vote of a majority of members present and voting.

F. Quorum

A majority of the members appointed to the Committee shall constitute a quorum.

X. HARBORMASTER

A. Appointment

The Harbormaster and Deputies shall be appointed by the Board of Selectmen with the recommendation of the Harbor Committee. As a matter of Town policy, the Harbormaster's job will not primarily be a law enforcement function, but rather overseeing the efficient and safe operation of all Gouldsboro's Harbors and inland waters.

B. Duties

The Harbormaster shall:

1. Carry out the provisions of the Harbor Ordinance.
2. Provide advice to the Harbor Committee.
3. Assign temporary and permanent berthing and mooring locations within the harbors.
4. Remove or cause to be removed obstructions to navigation equipment for moorings and berths within the harbors.
5. Advise on the usage of proper equipment for moorings and berths within the harbors.
6. Be authorized to inspect moorings and other equipment repairs.

7. Carry out responsibilities delegated by state and federal and local governments as applicable to general rules of the road, proper moorings and safe operations of the subject harbor.
8. Remove or cause the removal of abandoned vessels or other objects within the harbors of the Town of Gouldsboro.
9. Enforcement of non commercial fisheries business on town facilities.

C. Terms

The Harbormaster shall serve at the pleasure of the Board of Selectman.

XI. MOORINGS

A. Placement of Moorings

No person shall place a mooring or mooring buoy of any type within the boundaries of Gouldsboro's Harbors without permission of the applicable Harbormaster.

Initial placement and relocation of moorings must be done in the presence of the Harbormaster

B. Designation of Mooring Space

The Harbormaster shall designate mooring spaces and shall maintain a mooring and traffic plan of the anchorage areas indicating locations of moorings, size of boats, and areas designated as Ship Channels. A copy of this map will be kept on file at the Town Office.

C. Inspection of Moorings

The Harbormaster is authorized to inspect all moorings at least once a year and advise in writing the boat or flotation owners of desired repairs or replacement as the Harbormaster deems necessary for the safety of the craft or others adjacent to it.

D. Priority

Vessel mooring locations shall be assigned in accordance with the following order of priority:

1. Whenever more than one vessel qualified for a single location, priority shall be given to the year-round resident, commercial vessel.
2. Whenever practicable, requests from riparian property owners for moorings adjacent to their upland shall be honored.

3. Wherever practicable, the applicant for renewal shall be assigned the same location assigned in the immediately preceding year.

E. Transferring of Mooring Privileges

Unless prior written permission of the Harbormaster is obtained, assignment of mooring privileges is not transferable.

F. Notification of Vacancy

The holder of an assigned mooring location must notify the Harbormaster if the mooring will not be utilized on a continuing basis. All second party user approvals must be cleared through the Harbormaster

G. Reassignment

Mooring locations not actually used in the preceding year, may be assigned with prior notice.

XII. WHARVES, DOCKS, PIERS, FLOATS, AND RAMPS

A. Obstruction

No owner or master of any vessel shall permit his watercraft to be docked or moored in such a manner as to obstruct the free passage of other vessels going in and coming out of any wharf in Gouldsboro.

B. Blockage of Public Ramps/Facilities

No person shall place any watercraft for repairs, trailers or vehicles on the town landing, parking lot or other town harbor facilities in Gouldsboro in such a way as to block access by other users. Fueling of vessels is not allowed at the town pier unless approved containers are used. Repairs or maintenance lasting more than 2 hours while docked at town pier shall not be permitted. The Harbormaster at his discretion may extend the time. No vessel will be left unattended.

C. Bait

No person shall leave on public facilities any fish or lobster bait so as to cause a public nuisance. No salting of bait on the pier.

D. Storage

No person shall place or maintain on public facilities, barrels, boxes, gear, traps, pots or any other equipment for a longer period than is reasonable necessary for the prompt loading or unloading of same.

E. Removal of Vessels

The Harbormaster is hereby authorized to remove at the owners expense, any vessel, vehicle, trailer, or other obstruction in violation of the provisions of this Ordinance. No vessel or fishing gear shall be stored on town property without first obtaining a permit from the Harbormaster.

F. Removal of Debris

No person using the public wharf, float or launching ramp shall leave any rubbish, trash, or debris. Dumpsters located near town landings shall be only for the use of boaters. Unauthorized use of dumpsters shall be deemed an infraction of this Ordinance

G. Reflectors Required on Lobster Cars

Reflectors or reflective tape a minimum of four (4) inches in diameter or width, visible 360 degrees, shall be installed and maintained four (4) feet above the water line on at least both ends of all lobster cars moored in the waters of the Town.

H. Use Priority

All harbor facilities are open to the public and priority will be given to the vessel that arrives first and subsequent vessels will have priority in the order they arrive. Parking at town harbor facilities is given priority to the first to arrive. No parking overnight is allowed and vehicles in violation of this ordinance may be towed and the owner billed for the expense. Parking will be done in such a manner to allow free access to the facility.

- I. Only individuals involved in the harvesting of marine products (ex. Lobster, scallop, urchins, etc.) and individuals involved in recreational activities will be permitted on town wharves and landings. No buying, transferring, or selling of marine products will be permitted on town wharves and landings. This includes licensed dealers of marine products or individuals. Marine products are any items harvested from the waters within the state of Maine.

XIII. OPERATION OF VESSELS

A. General

No person shall use or operate any watercraft in Harbors of Gouldsboro so as to cause danger, annoyance, disturbance or inconvenience to the public.

B. Speed Limits

All water vessels must observe the posted speed limit within the harbor. Such speed limits shall be posted in a conspicuous place by the Harbormaster. In the absence of such limits, all water vessels must operate in a manner which does not create a wash and at a speed which does not endanger persons or property.

C. Abandonment

No person shall cause to be abandoned any boat, vessel, hulk, cradle, raft, or any other possible obstruction on the shores within Gouldsboro. Any such abandonment left within the confines of Gouldsboro and which has been unattended for a period of ninety (90) days shall be deemed to be abandoned. The Harbormaster, upon his own complaint or the complaint of another shall notify the town manager of such abandoned boat, vessel, hulk, cradle, or raft. The Harbormaster upon the direction of the Town may cause its removal or destruction at the cost of the said last owner of record. Any violation of the above shall be considered a misdemeanor and punishable as stipulated in the penalties section of this Ordinance.

D. Oil Pollution

Except in case of emergency, imperiling life or property, or unavoidable accident, collision, or stranding, no person shall discharge or suffer or permit the discharge of oil by any method, means or manner into or upon the waters of Gouldsboro.

E. Infected Vessel

Whenever a vessel arrives in Gouldsboro, having on board any persons afflicted with a contagious disease or suspected of being afflicted with such disease, the master, commander or pilot thereof, and the Health Officer of the Town of Gouldsboro, shall comply with the provisions of the Revised Statutes of Maine.

XIV. DEFINITIONS

For the purpose of this Ordinance, the definitions of all words, terms, or expressions used shall be defined and utilized by the U.S. Coast Guard navigation rules with the following additions:

A. Commercial Fishing Vessel

Shall mean either:

1. Full-time- A full time commercial fishing vessel is a vessel which is used to harvest marine resources which provide a major portion of the vessel user's income.

2. Part-time- A part time commercial fishing vessel is a vessel which is used to harvest marine resources which provide a significant portion of the vessel user's income.

B. Commercial Passenger Vessel

A commercial passenger vessel shall mean a vessel which is licensed by the United States Coast Guard to carry passengers.

C. Commercial Vessel

A commercial vessel shall mean any vessel not used as a commercial fishing or commercial passenger vessel which is used in activities which produce a significant portion of the vessel user's income.

D. Entrance Channel

Shall mean an access passageway through natural obstructions to navigate or a passageway defined by regulation to provide safe access through moored vessels to some particular point of interest such as a pier or ramp.

E. Fairway

Shall mean parts of a waterway kept open and unobstructed for navigation.

F. Mooring

Shall Mean either:

1. A place where buoyant vessels are secured other than to a pier;
2. The equipment used to secure a vessel; or
3. The process of securing a vessel other than by anchoring

G. Pleasure Vessel

A pleasure vessel is any vessel used for activities which do not produce a significant portion of the vessel user's income.

H. Residential Vessel

A residential vessel is any vessel for which Gouldsboro boat tax is paid.

I. Riparian Owner

A riparian owner is any person who owns land abutting on the waters of Gouldsboro.

J. To Anchor

Shall mean to secure a vessel to the bottom within a body of water by dropping an anchor or anchors or other ground tackle.

K. Waterway

Shall mean any water area providing access from one place to another, principally a water area providing a regular route for water traffic.

XVI. ADMINISTRATION

A. Duties

It shall be the duty of the Harbormaster to carry out the provisions of this Ordinance. If the Harbormaster shall find that any provision of this Ordinance is being violated, he shall notify, in writing, the persons responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. A copy of every such notice shall be maintained as a permanent record.

B. Obedience to Orders

No person shall fail to observe any lawful order of the Harbormaster with reference to the navigation and disposal of his watercraft within the limits of Gouldsboro's Harbors.

C. Legal Action

When notification of violation does not result in the correction of the violation or nuisance condition, the Selectmen, upon complaint from the Harbormaster, are hereby authorized and directed to institute any and all action 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 Town.

D. Penalties

Any person who violated and provision of this Ordinance shall be guilty of a misdemeanor and subject to a fine not less than \$25 nor more than \$500 for each violation. A repetition or continuation of any violation of any provisions of this Ordinance on successive days after notification by the Harbormaster constitutes a separate offense for each day during any portion of which such violation is committed, continued, or permitted.

E. Suspension or Revocation of Privileges

All permits granted under the authority of this Ordinance shall be valid only for such period as specified and privileges of unqualified duration of validity shall not be granted. A violation of the provisions of this Ordinance or of any other applicable Ordinance by any person shall be grounds for suspension or revocation of such privilege.

F. Liability

Any person using the facilities within the limits of a harbor or maritime facility shall assume all risk of damage or loss of his property and the Town of Gouldsboro assumes no risk on account of fire, theft, Act of God, or damages of any kind to vessels within said harbor or maritime facility.

Yvonne P. Wilkinson

Attested Yvonne P. Wilkinson Clerk of Gouldsboro

June 13, 2007
Date

Revised Attested Date : June 13, 2018

By: Sherri L. Cox

Town Manager, Gouldsboro
Sherri L. Cox
Clerk

Hazardous Waste Ordinance of the Town of Gouldsboro

SECTION I: TITLE

This Ordinance shall be known as the Hazardous Waste Ordinance of the Town of Gouldsboro.

SECTION II: AUTHORITY

This Ordinance is adopted pursuant to the home rule power granted to all municipalities under the Constitution, Article VIII-A and Title 30 MRSA, Chapter 201-A, Section 1917.

SECTION III: PURPOSE

The purpose of this Ordinance is to protect the health, safety and general community well-being and to protect the natural resources of the Town.

SECTION IV: STORAGE AND DISPOSAL PROHIBITED

The disposal or storage of hazardous wastes as designated under the 'U.S. Clean Water Act, Section 311, Public Law 92-500', and/or the disposal or storage of radioactive waste materials as defined by '38 MRSA, Section 361-D.I.B.', within the boundaries of the Town of Gouldsboro, Maine is prohibited.

SECTION V: EXCEPTIONS

Any request for an exception to this prohibition shall be submitted in writing to the Selectmen and brought to the whole Town of Gouldsboro acting as the body politic, to be voted on by all bona fide voters present in a Town Meeting.

SECTION VI: PENALTY

Any person to be found in violation of this Ordinance shall be subject to a fine of not more than one thousand dollars (\$1,000) and not less than two hundred and fifty dollars (\$250.00) for each offense. Each day in which a violation occurs shall constitute a separate offense.

MARCH 1981

Gouldsboro Height Moratorium Ordinance

June, 1992

The Town of Gouldsboro presently has no town-wide land use ordinance, regulation, or other applicable law that is adequate to prevent serious public harm from the unsafe or inappropriate construction, erection, design, location, maintenance and use of very tall commercial or industrial structures.

In particular the Town of Gouldsboro has no adequate ordinance, regulation, or land use standards providing for and governing location, design, construction, municipal review, licensing, and inspection for tall towers used for the transmission or reception of electricity, radio waves, television signals, microwaves, and other electronic signals.

The townspeople of Gouldsboro recognize that a potential problem exists for: (1) the erection, maintenance and use of unstable and unsafe towers and other very tall structures, (2) the placement of those structures in environmentally sensitive areas, and (3) the placement of those structures in inappropriate locations so as to impose an unreasonable impact upon the scenic resources of the Town.

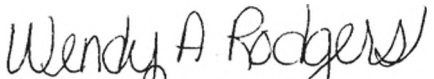
THEREFORE, pursuant to 30-A M.R.S.A., sections 3001 et seq. and 4356, the following moratorium is adopted to be effective immediately upon adjournment of the 1992 Annual Town Meeting:

1. **Moratorium.** During the term of this ordinance, or any extension thereof, no municipal official board shall review any application for, or issue any permit purporting to allow the construction, erection, location, relocation, or expansion of any structure exceeding a height of seventy-five (75) feet above the average, natural ground level adjoining that structure.

Furthermore, during the term of this moratorium, or any extension thereof, no person, corporation or any entity shall construct, erect, locate, relocate or expand within the Town of Gouldsboro any structure exceeding a height of seventy-five (75) feet above the average, natural ground level adjoining that structure.

2. **Term.** This moratorium ordinance shall be in effect for 180 days and it shall be automatically repealed on the 181st day following its enactment at town meeting **unless** it has been extended as provided below.
3. **Planning Board Duty.** During the term of this ordinance, or any extension thereof, the Gouldsboro Planning Board shall review the problems identified upon and then present to the Town a proposed ordinance(s), regulation(s), or land use standard(s) dealing with the location, design, review, licensing, and inspection of such very tall structures.
4. **Extension.** If at any time within the term of this ordinance, or any extension thereof, the Gouldsboro Board of Selectmen finds that: (1) the problems giving rise to the need for this moratorium still exist and (2) reasonable progress is being made to alleviate the problems giving rise to the need for the moratorium, the Board of Selectmen may extend this moratorium for additional 180 day periods until those problems have been adequately addressed.

Attested by


WENDY A. RODGERS
Clerk of Gouldsboro

6/17/92

TOWN OF GOULDSBORO, MAINE

LAND USE ORDINANCE

ADOPTED: March 1, 1982

Revisions: March
1983

May 1987

January 1992

July 1993

June 1995

June 1999

June 2001

June 2005

January 2006

February 2006

June 2008

June 2010

June 2013

June 2015

June 2016

June 2017

1. **PURPOSE**

This Ordinance is designed to comply with Title 30-A M.R.S.A., Section 3001 providing for permits and Title 30-A M.R.S.A., Section 4452 providing penalties for violations.

2. **SCOPE**

The provisions of this Ordinance shall apply to all new construction or exterior alterations that would increase or change the outside dimensions of any building. This Ordinance also applies to lighting, signs, unsafe buildings and to the locating or re-locating of mobile homes and/or other structures. This does not apply to normal upkeep or maintenance of buildings. Any person or persons who, during the course of construction or other activity on his/her property, directly or indirectly causes damage to a public or private way shall be responsible for all repairs to said way.

3. **PERMIT**

Before new construction or exterior alterations that would increase the outside dimensions of any building or the addition or alteration of exterior lighting, or before location or re-location of signs, mobile homes and/or other structures, or before the location of any structure intended for occupancy or other use for periods, exceeding three months, including but not limited to the placement of recreational vehicles or storage sheds, the owner or duly appointed agent, shall obtain the appropriate permit. Prior to issuance of any permit regarding a mobile home, proof of tax payment from originating community must be provided.

In areas not specifically designated by ordinance and outside the 250-foot shoreland zone the Code Enforcement Officer (CEO) will be empowered to act as issuing agent for all permits. Issuance of the requested permit or notice of refusal shall be given within 30 days upon receipt of a complete application. Notice of refusal shall be in writing and shall state specifically the reasons for refusal.

No permit shall be issued prior to the applicant obtaining all other Local, State and Federal permits required, including an approved State HHE-200 form if plumbing is required. Any work commenced prior to the issuance of the permit shall be considered a violation of the provisions of this Ordinance. A copy of the permit shall be filed with the and the Planning Board.

Any person or entity under review or charged with an existing land use, shoreland or similar violation with respect to any property in the Town of Gouldsboro shall be ineligible for any land use or other permit relating to that or any other property, unless and until the land use violation is resolved by the CEO, Planning Board, or Court.

4. APPLICATION

The application for the permit shall be in writing on the standard town form for the district where the property is located and shall contain a description of the proposed new or altered dimensions of the building or the location or re-location of a mobile home and/or other structures, exterior lighting or signs. The application shall be filed with the necessary attachments and fee at the town office. A detailed map locating the property and a copy of the most recent certified survey, the road name and the number on the nearest power pole to the site shall be included with the application.

5. FEE

The application fee for building permits shall be established by the town's Board of Selectmen subsequent to public hearing. The building permit application fee plus B-I below as applicable shall be paid to the town by cash or check. The Code Enforcement Officer shall issue no building permit until the fee is paid. The fee shall not be refundable. Failure to obtain a permit before the start of construction will double the cost of all fees.

- \$25.00 non-refundable application fee.
- \$15.00 to renew and re-issue a permit.
- Shoreland Zone: \$50.00 surcharge for processing applications for residential and commercial structures and \$.10 per square foot.
- \$.10 per square foot for interior (finished) residential or commercial space.
- \$.05 per square foot for auxiliary (non-finished) space - usable attics, basements, garages, decks, storage buildings, sheds, carports, etc.
- Driveway Fee: \$10.00
- Driveways made without a house, seawall, docks, camp road and miscellaneous non-structure improvements excluding fences: \$50.00.
- Exterior lighting: \$25.00
- Sign: \$10.00

6. RIGHT OF APPEAL

Upon denial of a building permit the applicant may present the proposal to the Board of Appeals for review.

7. LIFE OF PERMIT

All building permits shall be void after one (1) year from the date of issuance unless a substantial amount of the proposal has been completed or if renewed for one (1) year (up to no more than three (3) times).

8. DISPLAY OF PERMIT

Every building permit shall be displayed at the worksite by the owner or duly authorized representative until all work covered by the permit is complete.

9. STRUCTURES' LOCATION

(With the exception of communications tower as discussed in Section 14 below.) The placement of principal and accessory structures on lots shall meet or exceed the following minimum requirements, except structures which require direct access to the water as an operational necessity, such as piers, docks, and retaining walls.

- A. 75-foot setback from the normal high-water line of coastal waters and other waters except as provided below.
- B. 100 feet from normal high-water line of great ponds and rivers classified GPA.
- C. 15-foot setback from all abutting properties.
- D. 5-foot setback from edge of right-of-way when right-of-way can readily be established, or 35 feet from the centerline of the road when the right-of-way cannot be readily established.
- E. For the purpose of fire safety no occupiable building shall have window tops
- F. exceeding thirty-six (36') feet in height as measured from the lowest final grade immediately proximate to the building with final roof height not to exceed forty (40') feet at the peak.

10. LOT SIZE

The minimum lot size is 20,000 square feet as established by the State of Maine waste disposal requirements, Title 12 M.R.S.A., Part 6, Chapter 423-A.

11. ACCESSIBILITY VARIANCE

Installation of temporary access for a disabled person at his or her residence which needs to be constructed on an emergency basis, or which otherwise would create an undue hardship, may be considered and approved by the CEO upon application. As necessary, and as determined by the CEO, the strict site and setback requirements of this Ordinance may be temporarily waived for the purpose of accommodating an access ramp which shall be removed when the need no longer exists.

12. EXTERIOR LIGHTING

To preserve enjoyment of the night sky and to reduce light pollution, glare, and offensive lighting, all new or replacement residential and commercial outdoor lighting shall be regulated by the following standards.

- A. Pole-mounted lights shall not be placed higher than 15 feet at private residences and not higher than 30 feet in commercial areas and shall be directed downward.
- B. Building-mounted lights shall not be placed higher than 30 feet and shall be directed downward.
- C. All lights other than residential and commercial motion detectors shall be full cut-offs, with lights pointed downward and substantially confined to the ground surface. Motion detector lights may be semi cut-offs.
- D. Lighting for residential or commercial signs shall be directed downward.
- E. Lighting for public statues, flags, memorials, or other monuments may have upward lighting so long as the light is directed onto the element and does not create a hazard or unintended negative effect.
- F. Exemptions to this Ordinance are extended to lighting required by the Federal Aviation Administration, season lighting between 15 November and 15 January, temporary even lighting (e.g., carnivals and circuses and other events three or less consecutive days), lights used by police, fire, and medical personnel during an emergency, and lights on residential buildings mounted below the eaves.
- G. Lighting existing prior to the passage of these standards is exempt; but replacement lighting must comply with the new standards.

13. SIGNS

- A. Identification signs mandated by government agencies such as 911 address, etc. are exempt from this ordinance. Also exempt are signs with names of streets, owner, occupant, property name, home occupation, temporary real estate, business, construction or political yard signs which do not exceed 4 square feet.
- B. All other signs require a permit from the CEO.
- C. Internally illuminated signs that blink, flash, change color or brightness and neon signs are not permissible.
- D. All signs must be maintained in good condition or removed per order of the CEO if not repaired after 30 days notice.
- E. The maximum square footage of any sign, or signs when more than 1 sign is permitted, shall not exceed a total of sixty four (64) square feet.
- F. Signs shall not be placed on a lot such that sight distance along a public way is obstructed.
- G. Signs existing before June 2017 are allowed without permit. Replacement signs must meet the standards of 13. A-F.

14. COMMUNICATION TOWERS

- A. Definition: Any structure which primary use is intended for the reception or transmission of radio, television, internet or telephone signals.
- B. Height: Communication towers exceeding thirty-six (36') feet in height may be permitted subject to the following standards:
  - 1. Lot size: the minimum lot size shall be in conformance for lot sizes established in the Town of Gouldsboro for residential structures.
  - 2. The structure is not within a Shoreland Zone.
  - 3. The structure is placed on the lot so that its minimum setback from all lot lines, occupiable structures and rights-of-way is equal to its height.
  - 4. All State and Federal permits have been obtained prior to the issuance of the building permit, including but not limited to FAA and ECC approvals.
  - 5. Confirmation by a registered structural engineer that the structure's design meets the minimum wind and structural loads as established in the Uniform BOCA Code or more stringent Federal, State or local code which appropriately applies to the project.
  - 6. The permit application shall include the construction of lockable security fences around the structure which shall be designed to prohibit unauthorized access to the tower.
  - 7. An antenna may be added to an existing local tower, provided that a permit is issued by the Town, and the applicant presents documentation confirming that the proposed application is in compliance with all State and Federal FCC requirements.
- C. Approval: The Planning Board shall hold a public hearing, and shall inform the known abutting property owners in writing of such meeting, prior to the issuance of any building permit to allow the public an opportunity to comment on the proposals conformance to the standards enumerated above.

The Planning Board shall approve the permit when it determines that the applicant conforms to the standards enumerated above unless any person presents factual evidence that the proposal otherwise violates the public health, safety and welfare.

The petitioner shall be given an opportunity to modify the proposal prior to final action by the Planning Board if any such evidence is presented.

15. DRIVEWAY PERMIT

Any property owner wishing to construct an entrance to his/her property from a town road must obtain a building permit designated "driveway permit" before commencing construction. A minimum five (5) foot setback from the sideline is required. No permit will be issued until all fees have been paid and the premises have been inspected and approved by the Road Commissioner. Driveways on State roads require a State permit prior to obtaining a town permit.

16. REQUIRED MAINTENANCE

All buildings, grounds, or parts thereof shall be maintained to prevent unsafe, unsanitary and/or nuisance conditions (according to the nuisance definition found in State law Title 17 M.R.S.A., Section 2802) and to avoid adverse affects on adjoining properties.

17. VIOLATIONS

Any building constructed or altered or any mobile home and/or structure located or relocated which violates the provisions of this Ordinance shall be considered a nuisance. Any person found guilty of violating any provision of this Ordinance shall be subject to civil penalties and costs, which shall be no less than \$100 nor more than \$2,500, as provided under Title 30-A M.R.S.A., Section 4452.

18. VALIDITY AND SEPARABILITY

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

19. CONFLICTING ORDINANCES

In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance, regulation, or code of the Town of Gouldsboro existing on the effective date of this Ordinance, the provision which established the higher standard shall prevail.

20. PRIOR ORDINANCES

Upon approval of this Ordinance by a majority vote of the registered voters of the Town of Gouldsboro at a regular or special Town Meeting, the previous building permit ordinance of the Town of Gouldsboro shall be deemed repealed effective as of that date.

21. DEFINITIONS

NOTE: Terms not defined shall have the customary dictionary meaning.

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

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

Agriculture - the production, keeping or maintenance for sale or lease of plants 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 greenhouse products. Agriculture does not include forest management and timber harvesting activities.

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

Basal Area - the area of cross-section of a tree stem at 4½ feet above ground level and inclusive of bark.

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

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

Bureau of Forestry - State of Maine Department of Agriculture, Conservation, and Forestry, Bureau of Forestry.

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

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

Coastal wetland - all tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes.

NOTE: All areas below the highest annual tide level are coastal wetlands. These areas may consist of rocky ledges, sand and cobble beaches, mud flats, etc., in addition to salt marshes and salt meadows.

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.

Cross-sectional area - the cross-sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream channel width is the straight line distance from the normal high-water line on one side of the channel to the normal high-water line on the opposite side of the channel. The average stream or tributary stream channel depth is the average of the vertical distances from a straight line between the normal high-water lines of the stream or tributary stream channel to the bottom of the channel.

DBH - the diameter of a standing tree measured 4½ feet from ground level.

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

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

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

Disruption of shoreline integrity - the alteration of the physical shape, properties, or condition of a shoreline at any location by timber harvesting and related activities. A shoreline where shoreline integrity has been disrupted is recognized by compacted, scarified and/or rutted soil, an abnormal channel or shoreline cross-section, and in the case of flowing waters, a profile and character altered from natural conditions.

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

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

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

Expansion of a structure - an increase in 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 one or more months to a use's operating season; or the use of more of the footprint of a structure or ground area devoted to a particular use.

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

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

Floor area - the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls.

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.

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.

Forest Stand - a contiguous group of trees sufficiently uniform in age class distribution, composition, and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit.

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

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

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

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

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

Functionally water-dependent uses - those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that 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, shoreline structures necessary for erosion control purposes, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that cannot reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters. Recreational boat storage buildings are not considered to be a functionally water-dependent use.

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

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

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

Harvest Area - the area where timber harvesting and related activities, including the cutting of trees, skidding, yarding, and associated road construction take place. The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting unharvested areas greater than ten (10) acres within the area affected by a harvest.

Hazard tree - a tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes; hurricane-force winds; tornados; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree falls. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

Height of a structure - the vertical distance between the lowest final grade immediately proximate to the building and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

Home occupation - An occupation or profession which is carried out on or in a residential structure, accessory structure or property by the occupants of the dwelling and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses and 2) employs no more than two (2) persons other than family members residing in the home. By way of illustration and not limitation, the term home occupation shall include making foods, such as breads, cookies, or preserves, rugs, birdhouses, fishing flies and quilts. The term "home occupation" shall also include both professional and personal services offered for remuneration.

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

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

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

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

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

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

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

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

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

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

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

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

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

Native - indigenous to the local forests.

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

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 allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-native invasive species of vegetation - species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.

Normal high-water line (non-tidal 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. 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.

NOTE: Adjacent to tidal waters, setbacks are measured from the upland edge of the “coastal wetland.”

Outlet stream - any perennial or intermittent stream, as shown on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, that flows from a freshwater wetland.

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

Piers, docks, wharves, bridges and other structures and uses extending over or 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 or public entity.

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

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

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

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

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

Residential dwelling unit - a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

Residual basal area - the sum of the basal area of trees remaining on a harvested site.

Residual Stand - a stand of trees remaining in the forest following timber harvesting and related activities.

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

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

NOTE: The portion of a river that is subject to tidal action is a coastal wetland.

Road - a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined.

Salt marsh - Areas of coastal wetland (most often along coastal bays) that support salt tolerant species, and where at average high tide during the growing season, the soil is irregularly inundated by tidal waters. The predominant species is saltmarsh cordgrass (*Spartina alterniflora*). More open areas often support widgeon grass, eelgrass, and Sago pondweed.

Salt meadow - Areas of a coastal wetland that support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (*Spartina patens*) and black rush; common three square occurs in fresher areas.

Sapling - a tree species that is less than two (2) inches in diameter at four and one half (4½) feet above ground level.

Seedling - a young tree species that is less than four and one half (4½) feet in height above ground level.

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

(1) in the case of electric service

(a) the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and

(b) the total length of the extension is less than one thousand (1,000) feet.

(2) in the case of telephone service

(a) the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or

(b) the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

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

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

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

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

Sign - a name identification, description, display or illustration which is affixed to, painted or represented, directly or indirectly upon a building, structure, parcel or lot and which relates to an object, product, place, activity, person, institution, organization or business on the premises.

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

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

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

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

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 M.R.S.A., section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32 M.R.S.A., section 4700-E, subsection 3-C; or wells or water wells as defined in Title 32 M.R.S.A., section 4700-E, subsection 8.

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

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

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

Tidal waters - all waters affected by tidal action during the highest annual tide.

Timber harvesting - the cutting and removal of timber for the primary purpose of selling or processing forest products. "Timber harvesting" does not include the cutting or removal of vegetation within the shoreland zone when associated with any other land use activities. 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 trees shall be regulated pursuant to Section 15 (P), *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting* of the Shoreland Zoning Ordinance.

Timber harvesting and related activities - timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.

Tree - a woody perennial plant with a well-defined trunk(s) at least two (2) inches in diameter at four and one half (4½) feet above the ground, with a more or less definite crown, and reaching a height of at least ten (10) feet at maturity.

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

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.

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

Upland edge of a wetland - the boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the highest annual tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) feet) tall or taller.

Vegetation - all live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4½ feet above ground level.

Velocity zone - an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

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

Water body - any great pond, river or stream.

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

Wetland - a freshwater or coastal wetland.

Windfirm - the ability of a forest stand to withstand strong winds and resist wind throw, wind rocking, and major breakage.

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

22. AMENDMENT

This Ordinance may be amended in part or in whole by a majority vote of the registered voters of the Town of Gouldsboro at a regular or special Town Meeting.

Attest



Bryan Kaenrath

Town Clerk of Gouldsboro

Date: 6/14/17

TOWN OF GOULDSBORO, MAINE

PACE ORDINANCE

Adopted: June 12, 2013

Revised:

MODEL PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE

Administration by the Efficiency Maine Trust

Adopted: June 12, 2013

PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE.

PREAMBLE

WHEREAS, the 124th Maine Legislature has enacted Public Law 2009, Chapter 591, “An Act to Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the PACE Act”; and

WHEREAS, that Act authorizes a municipality that has adopted a Property Assessed Clean Energy (“PACE”) Ordinance to establish a PACE program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the City/Town, financed by funds awarded to the Efficiency Maine Trust under the Federal Energy Efficiency and Conservation Block Grant (EECBG) Program and by other funds available for this purpose, and to enter into a contract with the Trust to administer functions of its PACE program; and

WHEREAS, the Municipality wishes to establish a PACE program; and

NOW THEREFORE, the Municipality hereby enacts the following Ordinance:

ARTICLE I - PURPOSE AND ENABLING LEGISLATION

§ XX-1 Purpose

By and through this Chapter, the City of/Town of Gouldsboro declares as its public purpose the establishment of a municipal program to enable its citizens to participate in a Property Assessed Clean Energy (“PACE”) program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the City/Town. The City/Town declares its purpose and the provisions of this Chapter/Ordinance to be in conformity with federal and State laws.

§ XX-2 Enabling Legislation

The City/Town enacts this Chapter/Ordinance pursuant to Public Law 2009, Chapter 591 of the 124th Maine State Legislature -- “An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the PACE Act” (codified at 35-A M.R.S.A. § 10151, *et seq.*).

ARTICLE II - TITLE AND DEFINITIONS

§ XX-3 Title

This Chapter/Ordinance shall be known and may be cited as “the City/Town of Gouldsboro Property Assessed Clean Energy (PACE) Ordinance” (the “Ordinance”).”

§ XX-4 Definitions

Except as specifically defined below, words and phrases used in this Chapter/Ordinance shall have their customary meanings; as used in this Chapter/Ordinance, the following words and phrases shall have the meanings indicated:

1. **Energy saving improvement.** “Energy saving improvement” means an improvement to qualifying property that is new and permanently affixed to qualifying property and that:
  - A. Will result in increased energy efficiency and substantially reduced energy use and:
    - (1) Meets or exceeds applicable United States Environmental Protection Agency and United States Department of Energy Energy Star program or similar energy efficiency standards established or approved by the Trust; or
    - (2) Involves air sealing, insulating, and other energy efficiency improvements of residential, commercial or industrial property in a manner approved by the Trust; or
  - B. Involves a renewable energy installation or an electric thermal storage system that meets or exceeds standards established or approved by the trust.
2. **Municipality.** “Municipality” shall mean the City/Town of Gouldsboro.
3. **PACE agreement.** “Pace agreement” means an agreement between the owner of qualifying property and the Trust that authorizes the creation of a PACE mortgage on qualifying property and that is approved in writing by all owners of the qualifying property at the time of the agreement, other than mortgage holders.
4. **PACE assessment.** “PACE assessment” means an assessment made against qualifying property to repay a PACE loan.
5. **PACE district.** “Pace district” means the area within which the Municipality establishes a PACE program hereunder, which is all that area within the Municipality’s boundaries.

6. **PACE loan.** "PACE loan" means a loan, secured by a PACE mortgage, made to the owner(s) of a qualifying property pursuant to a PACE program to fund energy saving improvements.
7. **PACE mortgage.** "PACE mortgage" means a mortgage securing a loan made pursuant to a PACE program to fund energy saving improvements on qualifying property.
8. **PACE program.** "PACE program" means a program established under State statute by the Trust or a municipality under which property owners can finance energy savings improvements on qualifying property.
9. **Qualifying property.** "Qualifying property" means real property located in the PACE district of the Municipality.
10. **Renewable energy installation.** "Renewable energy installation" means a fixture, product, system, device or interacting group of devices installed behind the meter at a qualifying property, or on contiguous property under common ownership, that produces energy or heat from renewable sources, including, but not limited to, photovoltaic systems, solar thermal systems, biomass systems, landfill gas to energy systems, geothermal systems, wind systems, wood pellet systems and any other systems eligible for funding under federal Qualified Energy Conservation Bonds or federal Clean Renewable Energy Bonds.
11. **Trust.** "Trust" means the Efficiency Maine Trust established in 35-A M.R.S.A. § 10103 and/or its agent(s), if any.

ARTICLE III - PACE PROGRAM

1. **Establishment; funding.** The Municipality hereby establishes a PACE program allowing owners of qualifying property located in the PACE district who so choose to access financing for energy saving improvements to their property through PACE loans administered by the Trust or its agent. PACE loan funds are available from the Trust in municipalities that 1) adopt a PACE Ordinance, 2) adopt and implement a local public outreach and education plan, 3) enter into a PACE administration contract with the Trust to establish the terms and conditions of the Trust's administration of the municipality's PACE program, and 4) agree to assist and cooperate with the Trust in its administration of the municipality's PACE program.
2. **Amendment to PACE program.** In addition, the Municipality may from time to time amend this Ordinance to use any other funding sources made available to it or appropriated by it for the express purpose of its PACE program, and the Municipality shall be responsible for administration of loans made from those other funding sources.

ARTICLE IV – CONFORMITY WITH THE REQUIREMENTS OF THE TRUST

1. **Standards adopted; Rules promulgated; model documents.** If the Trust adopts standards, promulgates rules, or establishes model documents subsequent to the Municipality's adoption of this Ordinance and those standards, rules or model documents substantially conflict with this Ordinance, the Municipality shall take necessary steps to conform this Ordinance and its PACE program to those standards, rules, or model documents.

ARTICLE V – PROGRAM ADMINISTRATION; MUNICIPAL LIABILITY

1. Program Administration

A. PACE Administration Contract. Pursuant to 35-A M.R.S.A. §10154(2)(A)(2) and (B), the Municipality will enter into a PACE administration contract with the Trust to administer the functions of the PACE program for the Municipality. The PACE administration contract with the Trust will establish the administration of the PACE program including, without limitation, that:

- i. the Trust will enter into PACE agreements with owners of qualifying property in the Municipality's PACE district;
- ii. the Trust, or its agent, will create and record a Notice of the PACE agreement in the appropriate County Registry of Deeds to create a PACE mortgage;
- iii. the Trust, or its agent, will disburse the PACE loan to the property owner;
- iv. the Trust, or its agent, will send PACE assessment statements with payment deadlines to the property owner;
- v. the Trust, or its agent, will be responsible for collection of the PACE assessments;
- vi. the Trust, or its agent, will record any lien, if needed, due to nonpayment of the assessment;
- vii. the Trust or its agent on behalf of the Municipality, promptly shall record the discharges of PACE mortgages upon full payment of the PACE loan.

- B. Adoption of Education and Outreach Program.** In conjunction with adopting this Ordinance, the Municipality shall adopt and implement an education and outreach program so that citizens of the Municipality are made aware of home energy saving opportunities, including the opportunity to finance energy saving improvements with a PACE loan.
- C. Assistance and Cooperation.** The Municipality will assist and cooperate with the Trust in its administration of the Municipality's PACE program.
- D. Assessments Not a Tax.** PACE assessments do not constitute a tax but may be assessed and collected by the Trust in any manner determined by the Trust and consistent with applicable law.

2. Liability of Municipal Officials; Liability of Municipality

- A.** Notwithstanding any other provision of law to the contrary, municipal officers and municipal officials, including, without limitation, tax assessors and tax collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under or related to a PACE program, including, without limitation, claims for or related to uncollected PACE assessments.
- B.** Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under Article V, §1(A) above, a municipality has no liability to a property owner for or related to energy savings improvements financed under a PACE program.

Yvonne P. Wilkinson
Attested
Yvonne P. Wilkinson
Town Clerk of Gouldsboro

June 12, 2013
Date

PARKING ORDINANCE FOR THE TOWN OF GOULDSBORO, MAINE

1. **AUTHORITY AND PURPOSE:** This ordinance is adopted by the Board of Selectmen of the Town of Gouldsboro in accordance with 30-A MRSA Section 3009. The Board of Selectmen find that unrestricted parking of motor vehicles on certain portions of public ways in the Town of Gouldsboro creates a traffic hazard and is dangerous to motorists and pedestrians alike. Unrestricted parking causes traffic congestion, reduces sight distances for motorists, impedes winter maintenance, and causes motorists to drive outside the designated travel lane and into oncoming traffic. The purpose of this ordinance is to regulate parking as necessary to protect the public health, safety and welfare.
2. **Definitions:** Words used in this ordinance shall be defined in accordance with 29 MRSA Section 1; any undefined word shall have its common, ordinary meaning.
3. **RESTRICTIONS:** No person shall park a motor vehicle on the following public ways (see list attached as Exhibit A) or portions of public ways, where "No Parking/Tow Away Zone" signs or signs bearing similar language have been erected by the Town of Gouldsboro.
4. **TOWING:** A motor vehicle parked in violation of this ordinance may be towed by a wrecker authorized by the Town of Gouldsboro, at the request of and under the supervision of the town constable or other official duly authorized and appointed by the Board of Selectmen. Towing under this section shall not be allowed unless, at the time of the tow, there is at least 1 sign stating that violators may be towed and indication the telephone number and address of the place at which a towed car can be recovered. Within 5 days of the tow the municipal official who supervised the tow shall send to the registered owner a notice stating the date and time of the tow, the location where the motor vehicle is impounded, and the requirements for release of the motor vehicle.
5. **RELEASE OF TOWED VEHICLE:** Any person seeking release of a motor vehicle towed pursuant to this ordinance must first (a) pay all towing charges and storage charges and (b) present satisfactory evidence of his or her right to possession and sign a receipt for the vehicle.
6. **PRIMA FACIE EVIDENCE OF OPERATION:** No person shall cause, allow or permit a motor vehicle registered in his or her name to park in violation of this ordinance. The fact that a motor vehicle is unlawfully parked shall be prima facie evidence of the unlawful parking of such vehicle by the person in whose name such vehicle is registered.

7. **ENFORCEMENT AND PENALTIES:** This ordinance shall be enforced by the town constable or other official duly appointed and authorized by the Board of Selectmen. A violation of this ordinance is a civil violation punishable by a fine of \$50.00. Any person charged with a violation of this ordinance may waive court action by paying a fee of \$15.00 to the Town Clerk within 30 days of the violation.
8. **SEVERABILITY AND EFFECTIVE DATE:** In the event that any provision of this ordinance is declared by a court to be unenforceable, the remaining provisions continue in full force and effect. This ordinance shall become effective when adopted by a majority of the Board of Selectmen.

Date adopted: February 28, 2002

BOARD OF SELECTMEN

Karl D. Dyer
James P. Dyer
William H. Dyer

Susan Bagley
John D.

Attest:

Yvonne P. Wilkinson
Yvonne P. Wilkinson
Town Clerk

APPENDIX A

1. No person shall park a motor vehicle on any public way within the Town of Gouldsboro between the hours of 1:00 A.M. and 7:00 A.M. between November 1st and April 1st.
2. No parking on one side of Gouldsboro Point Road where posted; side to be determined by road commissioner.
3. No parking on the north side of Corea Road where posted along the properties owned by Sundaram, Inc. and Prospect Harbor Sands, Inc. as shown on the Town of Gouldsboro Tax Maps as Map: 48, Lot:2; Map:48, Lot:3; and Map:5, Lot:24.
4. No parking on the south side of Corea Road where posted along the properties owned by Sundaram, Inc. as shown on the Town of Gouldsboro Tax Maps as Map:5, Lot:25 and Map: 47, Lot:15 except for a length from the west boundary line of Map:5, Lot:25 to a point of 220 feet in an easterly direction.
5. No parking on the Pond Road in the area of the Gouldsboro Grammar School, contingent upon MDOT measurements (yet to be determined).
6. Pond Road: No parking area to be expanded to include both sides of Pond Road from area of school driveway to school zone sign southeast of school.
7. Jones Pond: Areas designated by signs that read: No Parking, No Parking between Signs, and No Parking Fire Lane.

Town of Gouldsboro

Box 68
Prospect Harbor, ME 04669
(207) 963-5589

PAWNBROKERS ORDINANCE

Enacted June, 1994

PURPOSE - This ordinance is designed to comply with Title 30-A M.R.S.A. Subchapter VI, Sections 3961, 3962, 3963, 3964-A Chapter 183. Pawnbrokers are subject to Title 9-A M.R.S.A., Sections 6-104, 6-106, 6-202, 6-203.

SCOPE - The provisions of this ordinance shall apply to any individual, partnership, corporation or entity involved in a pawn transaction.

APPLICATION - The application for a pawnbrokers license shall be in writing on the standard town form. The application shall be completed and shall contain an accurate description of business-related information. The application can be obtained at the Town Office.

LICENSE - The municipal officers (Board of Selectmen) of the Town of Gouldsboro may grant a pawnbroker license to any applicant of good moral character for one (1) year from the date of approval, unless sooner revoked by the municipal officers for violation of law.

FEE - A fee of \$25.00 (twenty-five dollars) shall be submitted along with the application to the town clerk, in which it will be filed at the town office. The fee shall be valid for one (1) year.

DISCLOSURE - The pawnbroker shall allow the municipal officers or designee for the Town of Gouldsboro to inspect recordkeeping books at all reasonable times. This ordinance shall require an account of business done and a disclosure to consumers which shall contain the following:

ACCOUNTS - Every pawnbroker shall maintain records in which the pawnbroker shall enter:

- A. - The name, address, date, duration, amount, periodic rate of interest and annual rate of every loan that is made;
- B. - The finance charge, due dates for payments and total payment needed to redeem or repurchase the pawned property;
- C. - An accurate account and description of the property that was pawned.

FINANCE CHARGE AND TIME -

- A. - Time period - The initial or purchase period of a pawn transaction, not including an extension under subsection 3, may not exceed 60 days.
- B. - Extension requirement - A consumer is entitled to at least one extension of the pawn transaction of thirty-one (31) days at the same rate of interest upon request in writing or in person.

DISPLAY OF LICENSE - This ordinance shall require that all pawnbrokers display their license in a conspicuous location to ensure visibility by consumers and authorized officials.

AMENDMENTS - This ordinance may be amended in part or in whole by a majority vote of the voters at a regular or a special town meeting.

VIOLATIONS - Any person found guilty of violating any provisions of this ordinance shall be subject to revocation of existing license and/or to civil penalties and costs, which shall be no more than one hundred dollars (\$100) as provided under Title 30-A, M.R.S.A. section 3961.

DEFINITIONS -

Pawnbroker - A person or entity who engages in a pawn transaction.

Pawn Transaction - The lending of money on the security of pledged tangible personal property. The term includes the purchase of tangible personal property on the condition that it may be repurchased by the seller for a fixed price within a fixed period of time.

Yvonne P. Wilkinson

Attested

Yvonne P. Wilkinson
Clerk, Town of Gouldsboro

August 15, 1994

Date

Approved June 23, 1994

LICENSE TO BE DISPLAYED ON PREMISES

TOWN OF GOULDSBORO

County of Hancock
State of Maine

PAWNBROKERS LICENSE

_____
Name of Business

Is granted permission to establish, operate or maintain a pawnbrokers shop, subject to existing rules, regulations and any amendments that may be made thereto, under the provisions of Title 30-A, M.R.S.A. Section 3961. This license is hereby granted upon condition that the pawnbrokers shop does not violate the applicable sections of Title 30A.

OWNER'S NAME _____

STREET NAME _____

MAILING ADDRESS _____

TOWN _____

This license expires December 31, 19__ unless revoked sooner by the Municipal Officers.

Dated at Gouldsboro this ____ day of _____, 199__.

Municipal Officers: _____
_____
_____
_____
_____

License # _____
Fee Paid-Amt _____

Certified True Copy:

_____
Town Clerk

8/12/94

TOWN OF GOULDSBORO ESTABLISHMENT OF THE PLANNING BOARD ORDINANCE

Revised: June 1997

1. Establishment.

Pursuant to M.R.S.A. Const. Art. VIII-A and **30A M.R.S.A., #3001**, the Town of Gouldsboro hereby establishes the Gouldsboro Planning Board.

2. Membership.

- A. Election to the board **shall** be by the same process as election of municipal officers. **Alternate** members shall be appointed by the municipal officers **after having received recommendation from the planning board**.
- B. The board shall consist of five members and two alternate members.
- C. Members of the existing planning board shall continue to serve out their appointed terms on the board re-established by this ordinance.
- D. The term of each member shall be **three years**. The term of office of an **alternate** member shall be until the next municipal election.
- E. When there is a vacancy, the municipal officers shall, within 60 days of its occurrence, appoint an **alternate** to serve until the next municipal election. **Said election shall be to fulfill the unexpired term of the former vacancy.**
- F. No municipal officer may serve as a member or **alternate** member.
- G. No non-resident of the Town of Gouldsboro may serve as a member or alternate member.

3. Organization and Rules.

- A. The board shall elect a **chair**, vice-chair, secretary and **treasurer** 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 absent the chairman shall designate an **alternate** member to sit in his stead.
- C. An **alternate** 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 chairman shall call at least one regular meeting of the board each month.

**TOWN OF GOULDSBORO
ESTABLISHMENT OF THE PLANNING BOARD
ORDINANCE**

Pg. 2

- F. No meeting of the board shall be held without a quorum consisting of three members or **alternate** members authorized to vote.
- G. The board shall adopt rules for transaction of business and the secretary shall keep a record of its resolutions, transactions, correspondence, findings and determinations. All records shall be deemed public and may be inspected at reasonable times.

4. Duties; Powers.

- A. The board shall prepare a Comprehensive Plan as defined by **30A M.R.S.A. #4961**. A comprehensive plan that is adopted by the board shall control until superseded by provisions adopted by the town legislative body.
- B. The board shall perform such duties and exercise such powers as are provided by town ordinance and the laws of the State of Maine.
- C. The boards may obtain goods and services necessary to its proper function within the limits of available monies.

Yvonne P. Wilkinson
Attested

Yvonne P. Wilkinson
Clerk of Gouldsboro

June 23, 1997 TM
Date

TOWN OF GOULDSBORO

ORDINANCE FOR THE RECALL OF ELECTED OFFICIALS

Revised: June 22, 1999
COMPLETE ORDINANCE REVISION

The purpose of this ordinance is to provide the residents of Gouldsboro a means by which an elected municipal official may be removed from office when such removal is warranted by just cause, while ensuring due process for all parties.

SECTION 1

All elected municipal officials except those exempt by virtue of state statute are subject to this ordinance.

SECTION 2

A recall of an elected official may be initiated when a petition is filed alleging that one or more of the following has occurred, any one of which, if proven at the public hearing shall constitute just cause for removal from office:

- a. Malfeasance in office - Acts which are in and of themselves illegal or contrary to official obligation;
- b. Misfeasance in office - The improper and unlawful execution of some act that in itself is lawful and proper; or,
- c. Nonfeasance in office - The failure to perform some act which is an official obligation or requirement.

SECTION 3

When one or more registered voter(s) in the Town of Gouldsboro believes there is just cause which warrants initiation of a recall, said voter(s) shall complete an affidavit and petition (in the format provided in Appendix A of this Ordinance) itemizing and describing the complaint against the named municipal official, and secure no fewer than fifty (50) signatures of registered voters of the Town of Gouldsboro to the same (see Appendix B). The circulator's statement attesting that he or she has witnessed each signature, shall be sworn and acknowledged before a notary public.

SECTION 4

The petition shall then be delivered to the Town Clerk. After notation of receipt, the Clerk shall deliver, within two (2) working days, the petition to the Registrar of Voters. The Registrar of Voters shall have five (5) working days to determine that the signatures on the petition are those of registered voters. If the Registrar finds that the petition does not have a sufficient number of qualified signatures, the Town Clerk shall be informed in writing and the Town Clerk shall, within the next business day, notify the circulator of the

petition of the deficiency by certified mail, return receipt requested. In the event of insufficient signatures, the circulator of the petition shall have five (5) working days from receipt of notification to remedy the deficiency. Should the additional signatures not be provided within five (5) working days the petition shall become null and void.

SECTION 5

When fifty (50) signatures to the petition have been validated by the Registrar of Voters, the petition shall be forwarded to the Town Clerk who shall, within the next business day, notify the official(s) whose recall is being sought, in writing by certified mail, return receipt requested, with a copy of the petition and notice that a challenge, if desired, must be made within five (5) working days.

SECTION 6

The municipal official whose recall is being sought has five (5) working days from the date of receipt of certified mailing to challenge in writing the validity of the signatures on the petition. The validity of the challenge shall be decided by the Registrar of Voters within five (5) working days after the challenge is presented. The Registrar of Voters shall then notify in writing the challenger, the petitioner and the Board of Selectmen within one working day of the decision on the challenge.

SECTION 7

The Chairman of the Board of Selectmen (or the next senior member of the Board if the Chair is a subject of the Recall) shall, within five working days, appoint an independent Examiner who neither owns property nor resides in the Town of Gouldsboro and who has experience in mediation, legal proceedings or arbitration. The Examiner's shall receive from the Town Clerk a copy of the petition in order to determine if one or more of the criteria stated in Section 2 above are met. For his or her services hereunder the Examiner shall be entitled to reasonable compensation from the Town and shall be indemnified by the Town for his or her services to the same extent as a member of the Board of Selectmen.

Within 15 days of receipt of such evidence the Examiner shall submit a written Report to the Board of Selectmen and state whether the petition meets one or more of the criteria stated in Section 2 above. If, in the opinion of the Examiner the petition does not meet one or more of the criteria as stated in Section 2 the petition is null and void and of no further effect.

SECTION 8

If the Examiner determines that the petition meets the one or more of the criteria stated in Section 2, the Board of Selectmen shall within ten (10) days set a date and time for a Public Hearing and Special Town Meeting to be held no sooner than 40 nor more than 55 calendar days from the receipt of the Examiner's Report. The affected official shall be given written notice of the Public Hearing and Special Town Meeting, a copy of the petitioner's charges and be advised of his or her right to counsel and be provided with a copy of the Rules of Order. The Public Hearing shall be held in accordance with the Rules

of Order contained in Section 10 of this Ordinance. Within three (3) working days of the scheduling of the Public Hearing and Special Town Meeting the Examiner's Report shall be posted along with the Notice of Public Hearing and Special Town Meeting. The notice of Public Hearing and Special Town Meeting shall be advertised for two consecutive weeks in two newspapers with local circulation. The advertisement shall include the fact that a Special Town Meeting will be held at the conclusion of the Public Hearing for the purpose of voting on the Recall.

SECTION 9

The Public Hearing and Special Town Meeting shall require a quorum of at least 20% of the voters at the last gubernatorial election. The determination of the quorum shall be the first order of business for both the Public Hearing and the Special Town Meeting. Failure to achieve a quorum for either the Public Hearing or the Special Town Meeting renders the Recall Petition null and void. At the conclusion of the public hearing, the Town Clerk shall convene a Special Town Meeting and determine whether a quorum exists. The next order of business shall be the election of the moderator. The vote to recall shall require a simple majority.

SECTION 10

The following Rules of Order shall govern the Public Hearing:

- The presiding officer at the Public Hearing shall be the Examiner selected in accordance with this Ordinance. He or she shall have the authority to: rule upon issues of evidence; regulate the course of the hearing and rule upon issues of procedure.
- These rules govern the practice, procedure, and conduct of a Public Hearing for the disposition of a recall petition. When good cause appears, the Examiner may permit deviation from these rules insofar as he or she may find compliance therewith to be impractical or unnecessary.
- The presiding officer shall open the hearing by describing in general terms the purpose of the hearing and the general procedure governing its conduct. At this time, the Report of the Examiner shall be read. A recording of the hearing shall be made by a court reporter. Recording devices shall be allowed when, in the determination of the presiding officer, they will not interfere with the conduct of the hearing or be used to intimidate witnesses. After being sworn, all witnesses shall be required to state for the record their name and address of residence.
- Evidence which is relevant and material to the subject matter of the hearing and of a type commonly relied upon by reasonable prudent individuals in the conduct of their affairs shall be admissible. Evidence which is irrelevant, immaterial or unduly repetitious shall be excluded. The presiding officer may, at any time, take notice of judicially cognizable fact, generally recognized facts of common knowledge to the general public. All documents, materials, and objects (of which the Town Clerk shall become the custodian) offered as evidence shall, if accepted, be numbered or otherwise identified. Documentary evidence may be received in the form of copies if the original is not readily available. All such evidence shall be available for public examination and explanation both during the hearing and following. All objections to the rulings of the presiding officer regarding evidence or procedure shall be made in a timely manner during the course of the hearing.

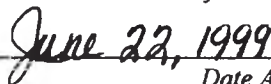
-The petitioner shall be first to testify and shall submit all evidence supporting the petition. Others who wish to present evidence regarding the recall will do so at this time. The person subject to recall and his or her counsel may ask questions of those presenting evidence in support of the petition at the conclusion of each witness' testimony. At the conclusion of the testimony of each witness all other persons shall have the opportunity to question such witnesses through the presiding officer.

-At the conclusion of the testimony of the petitioners, all persons, beginning with the official being recalled, shall have the opportunity to present rebuttal testimony. Rebuttal testimony shall be limited to those matters which were raised during direct testimony, and no new subject matter may be introduced into evidence by way of rebuttal.

SECTION 11

The cost of the Public Hearing and legal counsel for the official being recalled shall be borne by the town up to and including the Special Town Meeting. Total cost of the official's legal fees shall not exceed \$2,500 and said monies may be appropriated from unappropriated surplus by the Board of Selectmen.


_____
Yvonne P. Wilkinson
Town Clerk of Gouldsboro


_____
Date Adopted

AFFIDAVIT

I, _____, being first duly sworn, do depose and say as follows:

1. I reside at _____. I am of legal age and competent to give testimony in this Affidavit. I make the following statements upon my personal knowledge, information and belief, and, to the extent based upon information and belief, I believe them to be true.

2. The following qualified voters of the Town of Gouldsboro constitute the Petitioners Committee and have been responsible for circulating the attached Recall Petition and for filing it in proper form:

_____
(Name)

_____
(Address)

_____
(Address)

_____
(Name)

_____
(Address)

_____
(Address)

_____
(Name)

_____
(Address)

_____
(Address)

_____
(Name)

_____
(Address)

_____
(Address)

_____
(Name)

_____
(Address)

_____
(Address)

3. The mailing address to which all notices to the Committee are to be sent is:

_____
(Name)

_____
(Address)

_____
(Address)

4. The Petition supporting the recall of _____
is attached hereto as Exhibit A.

_____
Date

_____
Affiant

STATE OF MAINE
HANCOCK, ss

Date: _____

Personally appeared the above-named Affiant, _____
and made oath that the foregoing statements by him/her made are true and are based upon his/her
own personal knowledge, information and belief, and to the extent based upon information and
belief, he/she believes them to be true.

Before me,

_____
Notary Public/Attorney at Law

_____
(Print or type name as signed)

PETITION

The undersigned voters of the Town of Gouldsboro hereby petition the Selectmen of the Town of Gouldsboro to convene a recall proceeding for the purpose of determining whether _____ shall be recalled from office as a member of the _____ on account of the following acts or failures to act, which constitute, in the opinion of the undersigned, malfeasance, misfeasance, misfeasance in office:

(Note to circulators: The acts constituting the basis for the petition must be "itemized and described" in accordance with the Recall Ordinance.)

[illegible]

AFFIDAVIT

I, _____, the circulator of this Petition, being first duly sworn,
hereby certify and attest that I witnessed each signature hereon.

STATE OF MAINE
HANCOCK, ss.

Circulator

Date _____

Subscribed and sworn to before me.

Notary Public/Attorney at Law

(Print or type name as signed)

Affidavit and petition
delivered to Town Clerk
(Section III)



Petition delivered
to Registrar of Voters
(Section IV)



Signatures validated
or invalidated
(Section IV)



When 50 signatures validated,
petition delivered to Town Clerk
(Section V)



Town Clerk transmits copy of
petition to Municipal Official
whose recall is being sought
(Section VI)



Challenge period
(Section VI)



Independent Examiner appointed.
(Section VII)



Examiner reports to
Board of Selectmen
whether or not criterion met.
(Section VII)



Board of Selectmen set date
and time for Public Hearing
and Special Town Meeting.
(Section VIII)

TOWN OF GOULDSBORO, MAINE

RECREATION COMMITTEE ORDINANCE

Adopted: March 1981

Revisions:

June 1995

Town of Gouldsboro

Box 68
Prospect Harbor, ME 04669
(207) 963-5589

RECREATION COMMITTEE ORDINANCE

Revised: June, 1995

(Note: Revisions and additions appear in **bold print**)

- I. - The Town of Gouldsboro hereby establishes the Gouldsboro Recreation Committee.
- II. - **Seven** members will be selected by the **Board of Selectmen** and will serve without pay. **The Recreation Committee may select as many alternate members as it feels are necessary to accomplish the tasks assigned. Alternates may vote only when they have been assigned to take the place of a member.**
- III. - The term of office **will be three years and the terms will staggered such that no more than three members are selected each year.**
- IV. - Vacancies will be filled by the Board of Selectmen, **preferably with recommendations from the Recreation Committee members.**
- V. - The function of the Gouldsboro Recreation Committee will be to hold regular meetings to advise and cooperate with the Town Officers in overseeing projects and policies related to town recreation and will be responsible to the Board of Selectmen for performing these and other duties delegated to it.

Yvonne P. Wilkinson

Attested

Yvonne P. Wilkinson
Clerk, Town of Gouldsboro

June 21, 1995

Date

RESOLUTION OF THE SELECT BOARD OF THE TOWN OF GOULDSBORO, MAINE

WHEREAS, the Governor's biennial budget proposal places towns in an uncertain fiscal situation: and

WHEREAS, the proposal includes elimination of \$283 million in municipal revenue sharing and falls \$200 million short of funding local schools at the 55% level passed in referendum; would eliminate the Homestead Exemption for anyone under the age of 65; would eliminate the "circuit breaker" property tax and rent relief program for anyone under the age of 65; would take \$8 million in truck excise revenue from towns; and would create a corporate tax exemption for large amounts of currently taxable property; all resulting in significant losses of revenue for Gouldsboro; and

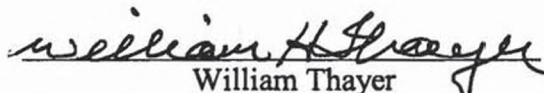
WHEREAS, all the above would shift part of the costs to the Town of Gouldsboro, approximately \$83,000, whose only major means of raising revenue is property taxes; be it

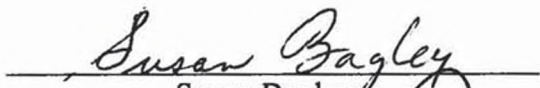
RESOLVED, the Gouldsboro Select Board calls upon the Maine Legislature to reject these proposals, identify less harmful cost savings, and raise revenue in an equitable fashion to avoid this added revenue burden on the Town.

Given under our hands and sealed in Gouldsboro, Maine this 14th day of February, 2013

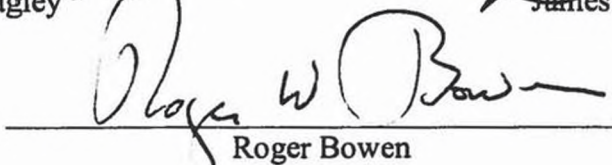
MUNICIPAL OFFICERS OF THE TOWN OF GOULDSBORO


Dana Rice


William Thayer


Susan Bagley


James McLean


Roger Bowen

(municipal seal)


Attest: Yvonne P. Wilkinson, Town Clerk

**TOWN OF GOULDSBORO
SHELLFISH CONSERVATION ORDINANCE**

Adopted: June 19, 2001
Amended: June 11, 2008
Amended: June 12, 2013
Amended: June 10, 2015
Rewrite approved – June 15, 2016
Amended – June 14, 2017

1. AUTHORITY

This ordinance is enacted in accordance with 12 M.R.S.A. Section 6671.

2. PURPOSE:

To establish a shellfish conservation program for the Town of Gouldsboro which will ensure the protection and optimum utilization of shellfish resources within its limits. These goals will be achieved by means which may include:

- A. Licensing
- B. Limiting the number of shellfish harvesters
- C. Restricting the number and area where digging is permitted
- D. Limiting the minimum size of clams taken
- E. Limiting the amount of clams taken daily by a harvester

3. SHELLFISH CONSERVATION COMMITTEE:

The Shellfish Conservation Committee consisting of five (5) members to be appointed by the selectmen for terms of one (1) year will administer the Shellfish Conservation Program for the Town of Gouldsboro. In order to be a Board Member of the Gouldsboro Shellfish Committee you must be a resident of the Town of Gouldsboro.

The Committee's responsibilities include:

- A. Submitting to the Board of Selectmen proposals for the expenditures of funds for the purposes of shellfish conservation;
- B. Keeping this ordinance under review and making recommendations for its amendments;
- C. Securing and maintaining records of shellfish harvest from the town's managed shellfish areas and closed areas that are conditionally opened by the Department of Marine Resources;
- D. Recommending conservation closures and openings to the Board of Selectmen in conjunction with area biologists of the Department of Marine Resources;
- E. Submitting an annual report to the Municipality and Department of Marine Resources covering the above topics and all other committee activities;
- F. Conducting conservation programs.

4. AUTHORIZATION TO MAKE CONSERVATION CHANGES:

The Board of Selectmen are authorized to make changes to certain conservation limits in this ordinance after receiving recommendations from the Shellfish Committee and after following

proper hearing procedures. These changes will take effect five days from the date of approval and with public notification.

5. DEFINITIONS:

- A. Resident: The term "resident" refers to a person who has been domiciled in this municipality for at least three (3) months directly prior to the time his/her claim of such residence is made. In order to determine resident eligibility new residents shall provide two forms of proof of residency from the lists below. At least one shall be from Section 3 in the chart below. All harvesters will provide proof of residency on an annual basis or as requested.

SECTION 1

*Copy of deed AND record of most recent mortgage payment

*Copy of Lease AND record of most recent legal affidavit from landlord affirming tenancy.

*Legal affidavit from landlord affirming tenancy AND record of most recent rent payment.

SECTION 2

A utility bill or other work order dated within the past 60 days including:

*Gas bill

*Oil Bill

*Electric Bill

*Telephone Bill

*Cable or Satellite Bill

Dated within the past year:

*W-2

*Excise (vehicle) tax bill

*Property tax bill

Dated within the past 60 days:

*Letter from approved Government agency

*Payroll stub

*Bank or credit card statement

SECTION 3

*Valid Driver's License displaying physical address

*Valid Maine photo ID card displaying physical address

*Valid Passport displaying physical address

*Current vehicle registration displaying physical address

B. Nonresident: The term “nonresident” means anyone not qualified as a resident under this ordinance.

C. Municipality: Refers to the Town of Gouldsboro, Maine.

D. Conservation Time: Those measures and activities approved by the Shellfish Committee for the purposes of resource enhancement and the support of the Gouldsboro Shellfish Conservation Ordinance. Conservation time must be completed to be eligible for a commercial shellfish license in accordance with the shellfish ordinance.

E. Municipal License Allocation Request: Annually, as indicated by the ordinance, the Municipality must submit a request for the number of licenses to be sold during the next licensing period.

F. Shellfish: When used in the context of this ordinance, the word “shellfish” means soft-shell clams, *Mya arenaria*.

G. Bulk Pile. “Bulk Pile” means any pile or contents of any box, barrel or other container.

H. Lot: The word “Lot” as used in this ordinance means the total number of soft shell clams in any bulk pile. Where soft shell clams are in a box, barrel, or other container, the contents of each box, barrel, or container, constitutes a separate lot.

I. Possess: For the purpose of this section, “possess” means dig, take, harvest, ship, transport, hold, buy and sell retail and wholesale soft shell clam stock.

J. Harvest: Means to take, dig or pull shellfish from the flats.

6. LICENSING:

A Gouldsboro Municipal Shellfish License is required to harvest shellfish within the jurisdiction of this ordinance. It is unlawful for any person to harvest or take shellfish from the shores and flats of this municipality as provided by this ordinance. Additionally, a commercial harvester must also have a valid State of Maine Commercial Shellfish License issued by the Department of Marine Resources prior to harvesting clams for commercial purposes.

6.1 Designation, Scope and Qualifications

A. Resident Commercial Shellfish License: This license is available to residents of the Town of Gouldsboro who have completed the shellfish conservation requirement and entitles the holder to harvest and take any amount of shellfish from the shores and flats of this municipality.

B. Nonresident Commercial Shellfish License: This license is available to nonresidents of this municipality who have completed conservation requirements

and entitles the holder to harvest and take any amount of shellfish from the shores and flats of this municipality.

C. Resident Junior Commercial License: This license is available to any resident, who has attained his or her 13th birthday, but has not yet attained his or her 18th birthday as of 30 June of the application year. Conservation work will be required of anyone 16 years of age by June 30th. This license entitles the holder to harvest and take any amount of shellfish from the shores and flats of this municipality.

D. Nonresident Junior Commercial License: This license is available to any nonresident, who has attained his or her 13th birthday but has not yet attained his or her 18th birthday as of 30 June of the application year. Conservation work will be required of anyone 16 years of age by June 30th. This license entitles the holder to harvest and take any amount of shellfish from the shores and flats of this municipality.

E. Resident Recreational Shellfish License: This license is available to residents and Maine real estate tax payers of this municipality who do not hold a valid Maine State Commercial Shellfish License and entitles the holder to harvest and take no more than one peck of shellfish in any one day for personal use.

F. Nonresident Recreational Shellfish License: This license is available to any person that is not a resident or real estate tax payer of this municipality who does not hold a valid Maine State Commercial Shellfish License and entitles the holder to harvest and take no more than one peck of shellfish in any one day for personal use.

G. License must be signed: The licensee must sign the license to make it valid. The license must be in the holder's possession when engaged in harvesting. By signing the license the harvester acknowledges that he/she must submit to inspection by the Municipal Shellfish Warden.

H. A person over 18 years of age enrolled in a secondary education program will be exempted from the 5 meeting requirements, but they will still be required to complete the 5 hours of conservation time in the field to obtain a shellfish license.

6.2 Application Procedure: A person may apply to the Town Clerk for licenses required by this ordinance on forms provided by the municipality. Notice of available licenses shall be published in a trade or industry publication, or in a newspaper or combination of newspapers with general circulation, which the Selectmen consider effective in reaching persons affected, not less than 10 days prior to the period of issuance and shall be posted in the Municipal Office until the period expires. A copy of the notice shall be provided to the Commissioner of Marine Resources.

A. Contents of Application: The application must be in the form of an affidavit and must contain the applicant's name, current address, birth date, height, weight,

signature and whatever information the municipality may require. The applicant must provide proof of residency consistent with the standard of proof that is required to register to vote.

B. In addition to completing an application, an applicant for a junior commercial license shall also provide:

- (a) Proof that the applicant has attained his or her 13th birthday but has not yet attained his or her 18th birthday.
- (b) Proof of residency.
- (c) The junior's parent or legal guardian must sign the application, in person at the town office.

C. Misrepresentation: Any person who gives false information on a license application will cause said application to become invalid and void. If a license is issued as a result of the false information, said license shall become invalid and void. Licenses that are voided may be reissued to another person at the current fee according to the priorities established in this section. Fees for voided licenses are nonrefundable.

D. Change of Residency: A person applying for or holding a commercial shellfish license under this ordinance shall notify the Town Clerk within ninety (90) days of residency change. The Shellfish Committee shall vote to void a resident license after a license holder has moved from Gouldsboro and is domiciled elsewhere for ninety days.

6.3 Use of Fees and Fines, Funding: Fees for the license must accompany, in full, the application for the respective license. The Town Clerk shall pay all fees received to the Town Treasurer except for \$1.00 for each license which will be retained by the Clerk as payment for issuing the license. Fees and fines received for shellfish licensing shall be used by the Town for costs incurred in the shellfish management, conservation and enforcement of this ordinance.

6.4 License Allocation Procedures: License sales procedures shall be determined by the Shellfish Committee, approved by the Selectmen, and submitted to the Department of Marine Resources for their approval at least thirty (30) days prior to the date of issuance. Notices of the number of licenses to be issued and the procedure for application shall be defined annually by the Municipal License Allocation Request.

A. The Town Clerk shall issue commercial licenses to those residents and nonresidents who have met the requirements of obtaining a commercial license. The Town Clerk shall issue licenses as allocated starting July 1st or the next business day. Nonresident licenses will be issued at a rate of 10% of all resident licenses issued on a first-come first-serve basis or by lottery.

B. Applicants who have held a commercial license for a longer period of time will have a greater opportunity of obtaining a license compared to those who have

held a commercial license for a lesser period of time. In addition, those who have accomplished the required conservation time for a given year will have a greater opportunity of obtaining a license compared to those who have not completed their time. Licenses will be allocated from a list of qualified applicants prepared by the Shellfish Committee. Applicants will be prioritized in the following order and will only be eligible after completing required conservation time.

- i. Applicants who have held a commercial license for three (3) of the last three (3) years.
- ii. Applicants who have held a commercial license for two (2) of the last three (3) years.
- ii. Applicants who have held a commercial license for one (1) of the last three (3) years.
- iv. Applicants who are applying for a commercial license for the first time in the last three (3) years.

6.5 Limitation of Diggers: The number of licenses issued may be limited and will be issued according to the Municipal License Allocation Request as approved by Marine Resources.

A. Limited License Sales: If it is determined that Limited Licenses are necessary the Town Clerk shall issue licenses to residents and nonresidents as allocated from July 1st or the next business day and then for 90 days, after which licenses shall be sold without regard to residency on a first-come first-serve basis or by lottery.

B. Open License Sales: When the Shellfish Conservation Committee determines limiting shellfish licenses is not an appropriate shellfish management option for one or more license categories for the following year.

- 1. The Town Clerk shall issue licenses as allocated. On the first day of license sales, the total number of non- resident commercial licenses shall be issued in accordance with DMR regulations Chapter 7.4 section 1. Thereafter, non-resident licenses will be issued in accordance with the 10% rule as described in 12 M.R.S.A. § 6671(3-E) and DMR Regulations Chapter 7.4, Section 2, Table 1.

6.6 License Expiration Date: Each license issued under the authority of this ordinance expires at midnight on the 30th day of June of the next year following date of issue.

6.7 Reciprocal Harvesting Privileges: Not available.

6.8 Military Exemption Clause: Residents serving or completing full time active duty in the U. S. Armed Forces will be exempt from Municipal licensing requirements for up to thirty (30) days after separation from those services. The Selectmen may waive the conservation requirements on a case by case basis.

6.9 Fees Waived: Recreation and Commercial Shellfish license fees will be waived for residents and nonresidents sixty-five (65) years or older and twelve (12) years or younger.

A. This amendment would make a Resident Recreation Shellfish license for a person 65 years of age or older a Lifetime License.

B. This amendment would make a Nonresident Recreational Shellfish License for a person 65 years of age or older a Lifetime License. The license holder must notify the Town each year of their intent to use the Shellfish license or the license will be invalid.

7. VIOLATIONS, SUSPENSION OF LICENSES, AND FINES:

Any person who violates this Ordinance shall be punished as provided by 12 M.R.S.A. Section 6671 and/or 6681.

A. A licensee whose shellfish license has been suspended pursuant to this Ordinance may request return of their license only after the suspension period has expired. A suspended license is not to be returned until the fine is paid in accordance to the court's decree.

B. The suspension shall be effective from the date of mailing of a Notice of Suspension by the Town Clerk to the licensee.

C. Any violation of this ordinance may result in a license suspension.

D. Any shellfish licensee having three (3) convictions for any other violations of this ordinance shall have his/her shellfish license suspended for a period of thirty (30) days.

E. Any person who has their State of Maine Commercial Shellfish License or their right to obtain a license suspended by The Dept. of Maine Resources for any reason shall have their Municipal Shellfish License from the Town of Gouldsboro suspended or right to obtain a license suspended until reinstated by DMR.

F. It shall be unlawful to engage in the activity of harvesting shellfish while the right to do so is under suspension. If an individual is caught harvesting soft shell clams while under suspension he/she will be charged as if he/she is harvesting soft shell clams without a license.

G. It shall be unlawful to harvest shellfish beyond restriction of the municipal license held by the individual engaging in the activity of harvesting shellfish. The fine shall be no less than \$100 or no more than \$500.

H. A non-license holder or a recreational license holder may not accompany a licensed commercial harvester with the intent of assisting in the harvesting and taking of shellfish.

7.1 A. Any licensee whose shellfish license has automatically been suspended pursuant to this section shall be entitled to a hearing before the Shellfish Committee upon the filing

of a written request for hearing with the Town Clerk within thirty (30) days following the effective date of the suspension.

B. The licensee may appeal the decision of the Shellfish Committee before the Board of Selectmen by filing a written request of appeal with the Town Clerk within seven (7) days of the decision of the Shellfish Committee.

7.2 A. Harvesting of Clams in a Closed Area: Any shellfish licensee convicted of harvesting in an area closed for conservation shall have his/her license automatically suspended for thirty (30) days.

B. Harvesting Clams at Night: Any shellfish licensee convicted of night harvesting shall have his/her license automatically suspended for thirty (30) days.

8. CONSERVATION TIME:

All commercial license applicants will be required to complete ten (10) hours of conservation time for the purpose of executing shellfish conservation measures, including, but not limited to, reseeding and brushing projects, shellfish surveys, seven (7) hours attending conservation committee meetings, or ten (10) hours of conservation time in the field with Shellfish Committee approval.

A. At 65 years of age an applicant may earn their entire ten hours of conservation time by attending Shellfish Committee meetings. (This requirement is effective as of 1 July 2008.)

B. Applicants for Junior Commercial Licenses must complete five (5) hours of conservation time. The entire five (5) hours must be completed as work in the field. (This requirement is effective as of 1 July 2008.)

Conservation time can be earned in three ways throughout the year:

1. By participating in conservation work days scheduled by the Shellfish Conservation Committee.

2. By attending the Shellfish Conservation Meetings. Attendance will be counted for conservation time to the nearest half hour in fifteen (15) minute increments. The applicant must attend the entire meeting to earn the conservation hours. Up to one half of the total conservation hours required to purchase a commercial license can be earned by attending Shellfish Conservation Meetings.

3. For those individuals who have completed their conservation time and who are not offered a shellfish license due to license limitations can carry their time forward until such time they are offered a license. The individual must apply for a shellfish license each year in order for their conservation time to carry forward. If they fail to apply for a license each year or they refuse a license after being offered one their conservation time will be taken off the books.

4. By contacting the Shellfish Warden, with at least seven working days' notice, an applicant may schedule to complete conservation hours under the supervision of the Shellfish Warden.

9. OPENING AND CLOSING OF FLATS:

The Municipal Officers, upon the approval of the Commissioner of Marine Resources, may open and close areas for shellfish harvest. Upon recommendations of the Shellfish Conservation Committee and concurrence of the Department of Marine Resources Area Biologist that the status of shellfish resource and other factors bearing on sound management indicate that an area should be opened or closed, the Municipal Officers may call a public hearing, and shall send a copy of the notice to the Department of Marine Resources. The decision of the Municipal Officers made after the hearing shall be based on findings of fact. Any area within the Town of Gouldsboro which is closed by the Department of Marine Resources to the harvesting of shellfish shall be considered a town closure. The municipality will provide notification to the public of conservation closures/openings in accordance with DMR Regulations Chapter 7.50(1) (c). This section requires a 5 day notice of Openings and Closings.

A. It shall be unlawful for any person to harvest, take or possess shellfish from any closed area in the Town of Gouldsboro. Harvesting shellfish in a closed area is a violation of this ordinance. Harvesting in a closed area is a violation of this ordinance and is punishable under section 6671.

10. MOLESTING MUNICIPAL SHELLFISH GEAR PLACED IN A PROTECTED AREA:

The Town of Gouldsboro may, as part of its municipal shellfish program, place protective netting, fencing, traps or other gear in the intertidal zone to provide protection from shellfish predators. Any netting, fencing, traps or other gear placed for the purpose must be clearly marked with signs or tags that state that the gear belongs to the Town of Gouldsboro and indicate the purpose for the gear.

A. A person may not tamper with, molest, disturb, alter, destroy or in any manner handle gear placed by the Town of Gouldsboro in accordance with the above section.

B. A person who violates Section A commits a civil violation for which a fine of not less than \$300 and not more than \$1000 may be adjudged.

11. MINIMUM LEGAL SIZE OF SOFT SHELL CLAMS:

It is unlawful for any person to possess soft shell clams within the Town of Gouldsboro, County of Hancock which are less than two (2) inches in the longest diameter except as provided by Subsection A of this section.

A. Tolerance: Any person may possess soft shell clams that are less than two inches if they comprise less than 5% of any lot. The tolerance shall be determined by numerical count of not less than one (1) peck or more than four (4) pecks,

taken at random from various parts of the lot or by a count of the entire lot if it contains less than one (1) peck.

B. Penalty: Whoever violates any provision of this section shall be punished by a fine of not less than \$100 for 5% to 10% short clams under 2 inches and not less than \$300 for over 15% short clams under 2 inches.

12. MAXIMUM SIZE OF SOFT SHELL CLAMS:

It shall be unlawful for any person to possess soft shell clams within the Town of Gouldsboro, Hancock County which are greater than four (4) inches in the longest diameter except as provided by subsection A.

A. Tolerance: Any person may possess soft shell clams that are greater than (4) four inches if they comprise less than 10 % of any lot. The tolerance shall be determined by using the same method listed in above in subsection A.

B. Penalty: Whoever violates any provision of this section shall be punished by a fine of not less than \$100 for 10% to 20% large clams over 4 inches in length in its longest diameter and not less than \$300 for over 20% clams over 4 inches.

13. VOLUME LIMITS:

The volume of clams harvested is subject to a limited take. The volume limit may vary from flat to flat. Exceptions to this section shall be regulated by the Selectmen upon recommendation from the shellfish committee. Exceptions shall be listed in the back of the ordinance packet.

14. NIGHT DIGGING:

Clams in the Town of Gouldsboro can be harvested 30 minutes before sunrise and 30 minutes after sunset all year long. Exceptions shall be regulated by the Selectmen upon recommendation from the shellfish committee. Exceptions shall be listed in the back of this ordinance packet.

15. SUNDAY HARVESTING:

It shall be unlawful for commercial license holders to harvest shellfish on Sundays. Recreation harvesters may harvest shellfish on Sunday. Exceptions shall be regulated by the Selectmen upon recommendation of the shellfish committee. Exceptions shall be listed in the back of this ordinance packet.

16. INTERTIDAL MUSSEL HARVESTING:

This section is enacted in accordance with 12 M.R.S.A. Section 6671(12) and 13-188 Chapter 7 (7.70). A copy of the Intertidal Management Plan will be made available through the Town Clerk or on the Department of Marine Resources website.

17. PENALTY:

A person who violates any provision of this ordinance shall be punished as provided by 12 M.R.S.A. Section 6671 (10), (10-A).

18. CERTIFICATE AS EVIDENCE:

A certificate of the clerk of the municipality or any other custodian of the records of a municipal shellfish conservation ordinance adopted under this section stating what the records of the municipality show is admissible as evidence in all courts as proof of the municipal records. A certificate stating that the records do not show that a person held a license is prima facie evidence that a person did not hold the license on the date specified in the certificate. A certificate stating that the records show that a shellfish conservation ordinance or portions of an ordinance were in effect on particular date is prima facie evidence that the ordinance was in effect on the date specified in the certificate. The certified copy is admissible in evidence on the testimony of a municipal shellfish conservation warden that the warden received the certificate after requesting it from the municipality. Further foundation is not necessary for admission of the certificate.

19. EFFECTIVE DATE:

This ordinance, which has been approved by the Commissioner of Marine Resources, shall become effective after its adoption by the municipality provided a certified copy of the ordinance is filed with the Commissioner within twenty (20) days of its adoption.

20. AMENDMENTS:

20.1 Initiation: A proposal for an amendment to this ordinance may be initiated by the following:

- A. A written proposal submitted to the Shellfish Committee;
- B. A recommendation of the Shellfish Committee; or
- C. A recommendation of the Board of Selectmen.

20.2 Procedure:

A. Any proposal for an amendment shall be made to the Board of Selectmen in writing stating the specific changes requested. All such proposals shall be transmitted to the Shellfish Committee for their review and recommendation.

B. Within thirty (30) days of receiving a properly initiated amendment, the Board of Selectmen shall hold a public hearing on the proposal. Notice of the hearing shall be posted and advertised in a newspaper of general circulation within the community at least seven (7) days prior to the hearing. The notice shall contain the time, date, and place of the hearing and sufficient detail about the proposed changes as to give adequate notice of their content. If the proposed changes are extensive, a brief summary of the changes together with an indication that a full text is available at the Town Clerk's Office shall be adequate notice.

20.3 Amendment: This ordinance may be amended after proposed changes have been reviewed by the Department of Marine Resources by a majority vote of the Board of Selectmen and approved by the legislative body of the municipality.

20.4 State Law Changes: Any change to referenced State Laws in this Ordinance shall automatically update in the Ordinance upon enactment.

21. SEPARABILITY:

If any section, subsection, sentence or part of this ordinance is for any reason held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining portions of this ordinance.

22. REPEAL:

Any ordinance regulating the harvesting or conservation of shellfish in the town and any provisions of any other town ordinance, which is inconsistent with this ordinance, is hereby repealed.

23. PERIOD OF ORDINANCE:

This ordinance shall remain in effect until amended or repealed by the town.



Attested

Bryan Kaenrath

Clerk, Town of Gouldsboro

6/14/17

Date Adopted

CONSERVATION EXCEPTIONS

The Board of Selectmen are authorized to make changes to certain conservation limits in this ordinance after receiving recommendations from the Shellfish Committee and after following proper hearing procedures. These changes will take effect five days from the date of approval and with public notification.

Exception: Night Harvesting: The change would allow the harvest of clams 2 hours before sunrise and 2 hours after sunset from November 1 until March 1.

Exception: Sunday Harvesting: Clams can't be harvested commercially on Sunday but can be harvested recreationally on Sunday. The change allows the commercial harvest of clams on Sunday from November 1 until March 1.

Exception: Volume Limits: It shall unlawful to take or harvest more than 1 bushel of softshell clams from Stave Island Bar in 1 day.

Exception: Conservation Hours: Conservation hours will be changed to 7 hours per year for physical flat time or other activities determined by the Shellfish Warden to meet the above requirement of flat time.

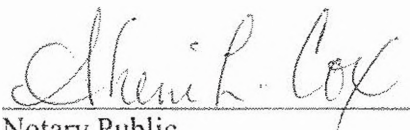
I, Cheryl A. Robinson, hereby certify that the attached Municipal Shellfish Ordinance for the Town of Gouldsboro was voted on and approved at the Town Meeting on June 14, 2017.


Cheryl A. Robinson

State of Maine
Hancock, ss.

Then personally appeared the above named, Cheryl A. Robinson, and acknowledged the foregoing instrument to be her free act and deed,

Dated:


Notary Public

SHERRI L. COX
NOTARY PUBLIC
State of Maine
My Commission Expires
January 11, 2024

TOWN OF GOULDSBORO, MAINE
SHORELAND ZONING ORDINANCE
ADOPTED 1974

Revisions:
1975
1976
1983
1987
January 1992
June 1992
2003
2009
2013
2015
June 2016

Shoreland Zoning Ordinance for GOULDSBORO

TABLE OF CONTENTS

	Page
1. Purposes.....	1
2. Authority.....	1
3. Applicability.....	1
4. Effective Date.....	1
5. Availability.....	1
6. Severability.....	2
7. Conflicts with Other Ordinances.....	2
8. Amendments.....	2
9. Districts and Zoning Map.....	2
A. Official Shoreland Zoning Map.....	2
B. Scale of Map.....	2
C. Certification of Official Shoreland Zoning Map.....	2
D. Changes to the Official Shoreland Zoning Map.....	2
10. Interpretation of District Boundaries.....	3
11. Land Use Requirements.....	3
12. Non-conformance.....	3
A. Purpose.....	3
B. General.....	3
C. Non-conforming Structures.....	3
D. Non-conforming Uses.....	7
E. Non-conforming Lots.....	8
13. Establishment of Districts.....	9
A. Resource Protection District.....	9
B. Stream Protection District.....	11
C. Commercial Fisheries/Maritime Activities District.....	11
D. Limited Residential District.....	11
14. Table of Land Uses.....	11
15. Land Use Standards.....	15
A. Minimum Lot Standards.....	15
B. Principal and Accessory Structures.....	16
C. Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water body or Within a Wetland.....	19
D. Campgrounds.....	21
E. Individual Private Campsites.....	21
F. Commercial and Industrial Uses.....	22
G. Parking Areas.....	23
H. Roads and Driveways.....	23
I. Signs.....	25
J. Storm Water Runoff.....	26

K. Septic Waste Disposal.....	26
L. Essential Services.....	27
M. Mineral Exploration and Extraction.....	28
N. Agriculture.....	29
O. Timber Harvesting – Statewide Standards.....	30
P. Clearing or Removal of Vegetation for Activities Other than Harvesting Timber.....	40
Q. Hazard Trees, Storm-damaged Trees, and Dead Tree Removal.....	43
R. Exemptions to Clearing and Vegetation Removal Requirements.....	45
S. Revegetation Requirements.....	46
T. Erosion and Sedimentation Control.....	48
U. Soils.....	49
V. Water Quality.....	50
W. Archaeological Site.....	50
16. Administration.....	50
A. Administering Bodies and Agents.....	50
B. Permits Required.....	50
C. Permit Application.....	51
D. Procedure for Administering Permits.....	52
E. Special Exceptions.....	53
F. Expiration of Permit.....	54
G. Installation of Public Utility Service.....	54
H. Appeals.....	54
(1) Powers and Duties of the Board of Appeals.....	54
(2) Variance Appeals.....	55
(3) Administrative Appeals.....	56
(4) Appeal Procedure.....	57
(5) Appeal to Superior Court.....	58
(6) Reconsideration.....	58
I. Enforcement.....	58
(1) Nuisances.....	58
(2) Code Enforcement Officer.....	58
(3) Legal Actions.....	59
(4) Fines.....	59
17. Definitions.....	60

Shoreland Zoning Ordinance for GOULDSBORO

1. **Purposes.** The purposes 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 commercial fishing and maritime industries; to protect freshwater and coastal 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 and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.
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.).
3. **Applicability.** This Ordinance applies to all land areas within 250 feet, horizontal distance, of the
  - normal high-water line of any great pond or river,
  - upland edge of a coastal wetland, including all areas affected by tidal action, or
  - upland edge of a freshwater wetland,

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

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

4. **Effective Date of Ordinance and Ordinance Amendments.** This Ordinance, which was adopted by the municipal legislative body in 1974, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or the Ordinance Amendment, attested and signed by the Town shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment, within forty-five (45) days of his/her receipt of the Ordinance, or Ordinance Amendment, it shall be automatically approved.

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

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

6. **Severability.** Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.
7. **Conflicts with Other Ordinances.** Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the municipality, the more restrictive provision shall control.
8. **Amendments.** This Ordinance may be amended by majority vote at a town meeting. Copies of amendments, attested and signed by the Town Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by Town Meeting, and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment with 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.

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:

- (1a) 125' Resource Protection*
- (1b) 250' Resource Protection*
- (2) Stream Protection District*
- (3) Commercial Fisheries/Maritime Activities District*
- (4) Limited Residential District*

- 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 Town Clerk and shall be located in the Town 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.

- 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.
- 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.
- 12. Non-conformance.**
  - A. Purpose.** It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in Section 12. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.
  - B. General**
    - (1) Transfer of Ownership.** Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.
    - (2) Repair and Maintenance.** This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations that do not involve expansion of the non-conforming use or structure and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.
  - C. Non-conforming Structures.**
    - (1) Expansions.** All new principal and accessory structures, excluding functionally water-dependent uses, must meet the water body, tributary stream, or wetland setback requirements contained in Section 15(B)(1). A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs (a) and (b) below.

- (a) Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement.
- (b) Notwithstanding paragraph (a), above, if a legally existing non-conforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable municipal land use standards are met and the expansion is not prohibited by Section 12(C)(1).
  - (i) The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.
- (c) All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal land use standards are met and the expansion is not prohibited by Section 12(C)(1) or Section 12(C)(1)(a), above.
  - (i) For that portion of structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.
  - (ii) For structures located less than 100 feet 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 such structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The

maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater. Any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(C)(1)(b)(i) and Section 12(C)(1)(c)(i), above.

(iii) In addition to the limitations in subparagraphs (i) and (ii), for structures that are legally nonconforming due to their location within the Resource Protection District when located at less than 250 feet from the normal high-water line of a water body or the upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed at the time the Resource Protection District was established on the lot, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(C)(1)(b)(i) and Section 12(C)(1)(c)(i), above.

(d) An approved plan for expansion of a nonconforming structure must be recorded by the applicant with the registry of deeds, within 90 days of approval. The recorded plan must show the existing and proposed footprint of the nonconforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the shoreland zone boundary and evidence of approval by the municipal review authority.

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

(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 or its designee, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board or its designee shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation in accordance with Section 15(S). 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 re-established within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

- (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 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 50% of the market value of the structure (Applicant has the burden of the proof) 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 body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board or its designee in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall

not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above as determined by the non-conforming 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 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board or its designee shall consider, in addition to the criteria in Section 12(C)(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, tributary stream, or wetland, or on the subject or adjacent properties and resources than the existing use.

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources, and commercial fishing and maritime activities, and other 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 approval from the Planning Board, subsequent to review by the Code Enforcement Officer, be expanded within existing residential structures or within expansions of such structures as allowed in Section 12(C)(1) above.

- (2) **Resumption Prohibited.** A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a 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, including water dependent uses in the CFMA district, 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)(5) above.

E. Non-conforming Lots

- (1) **Non-conforming Lots:** A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals.
- (2) **Contiguous Built Lots:** If two or more contiguous lots or parcels are in single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

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

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

This provision shall not apply to two or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on or before January 27, 1992 and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

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

13. Establishment of Districts

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

- (1) **Areas within 250 feet, horizontal distance,** of the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with great ponds and rivers, which are rated “moderate” or “high” value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department. Ratings for freshwater wetlands are mapped as of May 1, 2006. Coastal wetlands are mapped as of January 1, 1973. For the purposes of this paragraph “wetlands associated with great ponds and rivers” shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. “Wetlands associated with great ponds or rivers” are considered to be part of that great pond or river.

NOTE: The Natural Resources Protection Act, 38 M.S.R.A. sections 480-A through 480-Z, requires the Department of Environmental Protection to designate areas of “significant wildlife habitat”. Significant wildlife habitat includes:

Habitat for species appearing on the official state or federal lists of endangered or threatened species; high and moderate value deer wintering areas and travel corridors as defined by the Department of Inland Fisheries and Wildlife; high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas as defined by the Department of Inland Fisheries and Wildlife; critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Sea Run Salmon Commission; and shorebird nesting, feeding and staging areas and seabird nesting islands as defined by the Department of Inland Fisheries and Wildlife.

- (2) **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 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.
  - (3) **Areas of two or more contiguous acres** with sustained slopes of 20% or greater.
  - (4) **Areas of two (2) or more contiguous acres** supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficially connected to a water body during the period of normal high water.
-

NOTE: These areas usually consist of forested wetlands abutting water bodies and non-forested wetlands.

- (5) **The 125' setback** as indicated on the official Shoreland Zoning Map in the five locations as determined by the Department of Environmental Protection land topography definitions is also designated Resource Protection District.
- (6) **Land areas along rivers subject to severe bank erosion**, undercutting, or river bed movement, and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.

B. Stream Protection District. The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater or coastal wetland. Where a stream and its associated shoreland area are located within two hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

C. Commercial Fisheries/Maritime Activities District. The Commercial Fisheries/Maritime Activities District includes areas where the existing predominant pattern of development is consistent with the allowed uses for this district as indicated in the Table of Land Uses, Section 14, and other areas which are suitable for functionally water-dependent uses, taking into consideration such factors as:

- (1) Shelter from prevailing winds and waves;
- (2) Slope of the land within 250 feet, horizontal distance, of the shoreline;
- (3) Depth of the water within 150 feet, horizontal distance, of the shoreline;
- (4) Available support facilities including utilities and transportation facilities; and
- (5) Compatibility with adjacent upland uses.

D. 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 used less intensively than those in the Commercial Fisheries/Maritime Activities District.

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

Key to Table 1:

- Yes - Allowed (no permit required but the use must comply with all applicable land use standards.)
- No - Prohibited
- PB - Allowed with permit issue by the Planning Board
- CEO - Allowed with permit issued by the Code Enforcement Officer
- LPI - Allowed with permit issued by the Local Plumbing Inspector

Abbreviations:

RP - Resource Protection (including 125' Resource Protection and 250' Resource Protection)
CFMA - Commercial Fisheries/Maritime Activities
SP - Stream Protection
LR - Limited Residential

The following notes are applicable to the Land Uses Table on the following page:

NOTE: Recreational water-dependent uses such as marinas and excursion vessels may displace or threaten to displace traditional commercial fisheries and maritime activities. Therefore Gouldsboro may wish to preclude or further limit these types of uses in this district in order to protect berthing space and onshore staging areas for commercial fishing enterprises.

TABLE 1. LAND USES IN THE SHORELAND ZONE

LAND USES	DISTRICT			
	SP	RP	LR	CFMA
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 and land management roads	yes ¹⁴	yes ¹⁴	yes ¹⁴	yes ¹⁴
4. Timber harvesting	yes	CEO	yes	yes
5. Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO ¹	yes	yes
6. Fireprevention activities	yes	yes	yes	yes
7. Wildlife management practices	yes	yes	yes	yes
8. Soil and water conservation practices	yes	yes ²	yes ²	yes ²
9. Mineral exploration	no	yes ³	yes	yes
10. Mineral extraction including sand and gravel extraction	no	PB	PB	PB
11. Surveying and resource analysis	yes	yes	yes	yes
12. Emergency: Operations	yes	yes	yes	yes
13. Agriculture	PB	PB	yes	yes
14. Aquaculture	PB	PB	PB	PB
15. Principal structures and uses				
A. One and two family residential, including driveways	PB ⁴	PB ⁹	CEO	no
B. Multi-unit residential	no	no ¹⁰	PB ¹⁰	no ⁵
C. Commercial	no	no	no	PB ⁵
D. Industrial	no	no	no	PB ⁵
E. Governmental and institutional	no	no	PB	PB ⁵
F. Small non-residential facilities for Educational, Scientific, or nature interpretation purposes	PB ⁴	PB	CEO	PB ⁵
16. Structures accessory to allowed uses	PB	PB	CEO	yes
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 ¹¹	CEO ¹¹	CEO ¹¹	CEO ¹¹
b. Permanent	PB	PB	PB	PB ⁵
18. Conversions of seasonal residences to year-round Residences	LPI	LPI	LPI	no
19. Home occupations	PB	PB	PB	yes
20. Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI
21. Essential services				
A. Roadside distribution lines (34.5kV and lower)	CEO ⁶	CEO ⁶	yes ¹²	yes ¹²
B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	PB ⁶	PB ⁶	CEO	CEO

C. Non-roadside or cross-country distribution lines				
involving eleven or more poles in the shoreland zone	PB ⁶	PB ⁶	PB	PB
D. Other essential services	PB ⁶	PB ⁶	PB	PB
22. Service drops, as defined to allowed uses	yes	yes	yes	yes
23. Public and private recreational areas involving minimal structural development	PB	PB	PB	CEO ⁵
24. Individual, (private camp sites)	CEO	CEO	CEO	CEO
25. Campgrounds	no	no ⁷	PB	no ⁵
26. Road construction	PB	no ⁸	PB	PB ⁵
27. Land management roads	yes	PB ¹³	yes	yes ⁵
28. Parking facilities	no	no ⁷	PB	PB ⁵
29. Marinas	no	no	PB	PB
30. Restaurants	no	no	PB	PB
31. Filling and earth moving of <10 cubic yards	CEO ¹³	CEO ¹³	yes ¹³	yes ¹³
32. Filling and earth moving of >10 cubic yards	PB ¹³	PB ¹³	CEO ¹³	CEO ¹³
33. Signs	PB	PB	PB	PB
34. Uses similar to allowed uses	CEO	CEO	CEO	CEO
35. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO
36. Uses similar to uses requiring a PB permit	PB	PB	PB	PB

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

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

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

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

⁵ Functionally water-dependent uses and uses accessory to such water dependent uses only (See note on previous page).

⁶ See further restrictions in Section 15(L)(2) on page 27.

⁷ Except when area is zoned for resource protection due to flood plain criteria in which case a permit is required from the PB.

⁸ Except as provided in Section 15(H)(3).

⁹ Single family residential structures may be allowed by special exception only according to the provisions of Section 16E, Special Exceptions. Two-family residential structures are prohibited.

¹⁰ Except or commercial uses otherwise listed in this table, such as marinas, campgrounds and restaurants that are allowed in the respective district.

¹¹ Excluding bridges and other crossings not involving earthwork, in which case no permit is required.

¹² Permit not required, but must file a written "notice of intent to construct" with CEO.

¹³ More than 1 yard requires a state certified contractor.

¹⁴ Notification to CEO of intent required during Department of Forestry permitting process.

NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to 38 M.R.S.A., section 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:

- A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
- B. Draining or otherwise dewatering;
- C. Filling, including adding sand or other material to a sand dune; or
- D. Any construction or alteration of any permanent structure.

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

	Minimum Lot Area (sq. ft.)	Minimum Shore Frontage (ft.)
A. Minimum Lot Standards		
(1)		
(a) Residential per dwelling unit		
(i) Within the Shoreland Zone Adjacent to Tidal Areas	40,000	200
(ii) Within the Shoreland Zone Adjacent to Non-tidal Areas	40,000	200
(b) Governmental, Institutional, Commercial or Industrial per principal structure		
(i) Within the Shoreland Zone Adjacent to Tidal Areas Exclusive of Those Areas Utilized for Commercial Fisheries and Maritime Activities	40,000	200
(ii) Within the Shoreland Zone Adjacent to Tidal Areas Utilized for Commercial Fisheries and Maritime Activities	NONE	NONE
(iii) Within the Shoreland Zone Adjacent to Non-tidal Areas	60,000	300
(c) Public and Private Recreational Facilities		
(i) Within the Shoreland Zone Adjacent to Tidal and Non-tidal Areas	40,000	200

- (2) **Land below the normal high-water line** of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.
- (3) **Lots located on opposite sides of a public or private road** shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.
- (4) **The minimum width of any portion** of any lot within one hundred (100) feet horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.
- (5) **If more than one residential dwelling unit**, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

B. Principal and Accessory Structures

- (1) **All new principal and accessory structures** shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the Commercial Fisheries/Maritime Activities District there shall be no minimum setback for functional water use. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

In addition:

- (a) The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
- (b) For principal structures, water and wetland setback measurements shall be taken from the top of a coastal bluff that has been identified on Coastal Bluff maps as being “highly unstable” or “unstable” by the Maine Geological Survey pursuant to its “Classification of Coastal Bluffs” and published on the most recent Coastal Bluff map. If the applicant and the permitting official(s) are in disagreement as to the specific location of a “highly unstable” or “unstable” bluff, or where the top of the bluff is located, the applicant may

at his or her expense, employ a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, a Maine State Geologist, or other qualified individual to make a determination. If agreement is still not reached, the applicant may appeal the matter to the board of appeals.

- (c) On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the Code Enforcement Officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.
- (d) The Planning Board may choose to increase the required setback of a proposed structure, as a condition to permit approval, if necessary to accomplish the purposes of this ordinance. Instances where a greater setback may be appropriate include, but not be limited to: areas of steep slope; shallow or erodible soils; or where an adequate vegetative buffer does not exist.
- (2) **Principal or accessory structures shall not exceed thirty-five (35) feet in height.** This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.
- (3) **The lowest floor elevation or openings of all buildings** and structures including basements shall be elevated at least one foot above the elevation of the 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.
- (4) **The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed, except in the Commercial Fisheries/Maritime Activities District, where lot coverage shall not exceed seventy (70) percent.** For the purposes of calculating lot coverage, non-vegetated surfaces include, but are not limited to the following: structures, driveways, parking areas, and other areas from which vegetation has been removed. Naturally occurring ledge and outcroppings are not counted as nonvegetated surfaces when calculating lot coverage for lots of record on March 24, 1990 and in contiguous existence since that date.

- (5) Retaining walls that are not necessary for erosion control** shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:
- (a) The site has been previously altered and an effective vegetated buffer does not exist;
  - (b) The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;
  - (c) The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
  - (d) The total height of the wall(s), in the aggregate, are no more than 24 inches;
  - (e) Retaining walls are located outside of the 100-year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.
  - (f) The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and
  - (g) A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:
    - (i) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;
    - (ii) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
    - (iii) Only native species may be used to establish the buffer area;
    - (iv) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;

- (v) A footpath not to exceed the standards in Section 15(P)(2)(a), may traverse the buffer;

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

- (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 (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A., section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

C. Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland, and Shoreline Stabilization.

- (1) **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 secondary structure may be allowed and may remain as long as the lot is not further divided. Pre-existing structures are excluded prior to June 15, 2016.
- (2) **Access from shore** shall be developed on soils appropriate for such use and constructed so as to control erosion.
- (3) **The location shall not interfere with existing developed or natural beach areas.**
- (4) **The facility shall be located so as to minimize adverse effects on fisheries.**
- (5) **The facility shall be no larger** in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf in non-tidal waters shall not be wider than six feet for non-commercial uses.

- (6) **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 body or wetland as an operational necessity.**
-

NOTE: A structure constructed on a float or floats is prohibited unless it is designed to function as, and is registered with the Maine Department of Inland Fisheries and Wildlife as a watercraft.

- (7) **New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.**
- (8) **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.**
- (9) **Except in the Commercial Fisheries/Maritime Activities Districts, 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 (20) feet in height above the pier, wharf, dock or other structure.**
- (10) **Vegetation may be removed in excess of the standards in Section 15(P) of this Ordinance in order to conduct shoreline stabilization of an eroding shoreline, providing that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.**
- (a) **When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than 12 feet in width. When the stabilization project is complete the construction equipment accessway must be restored.**
- (b) **Revegetation must occur in accordance with Section 15(S).**
-

NOTE: A permit pursuant to the *Natural Resource Protection Act* is required from the Department of Environmental Protection for Shoreline Stabilization activities.

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

D. Campgrounds.

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

- (1) **Campgrounds shall contain a minimum of five thousand (5,000) square feet of land**, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.
- (2) **The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings** shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

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

- (1) **One campsite per lot** existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.
- (2) **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 (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75), horizontal distance, feet 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.** The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.
- (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 (1000) 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 and adjacent to great ponds classified GPA, and rivers and streams which flow to great ponds classified GPA:

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

(11) Photographic processing

(12) Printing

G. Parking Areas

- (1) Parking areas shall meet the shoreline and tributary stream setback requirements** for structures for the district in which such areas are located, except that in the Commercial Fisheries/Maritime Activities District parking areas shall be set back at least twenty-five (25) feet, horizontal distance, from the shoreline. The setback requirement for parking areas serving public boat launching facilities in Districts other than the Commercial Fisheries/Maritime Activities District shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.
- (2) Parking areas shall be adequately sized** for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site. No impervious surfaces within 50 feet. (see 1 above).
- (3) In determining the appropriate size of proposed parking facilities, the following shall apply:**
  - (a) Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
  - (b) Internal travel aisles: Approximately twenty (20) feet wide.

H. Roads and Driveways. The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

- (1) Roads and driveways shall be set back** at least one-hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river that flows to a great pond classified GPA, and seventy-five (75) feet, horizontal distance from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

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

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

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

- (7) **Ditch relief (cross drainage) culverts, drainage dips and water turnouts** shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:

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

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

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

I. Signs. The following provisions shall govern the use of signs:

- (1) **Signs relating to goods and services sold on the premises** shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.
- (2) **Name signs are allowed**, provided such signs shall not exceed two (2) signs per premise, and shall not exceed twelve (12) square feet in the aggregate.

- (3) **Residential users may display a single** sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.
- (4) **Signs relating to trespassing and hunting** shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
- (5) **Signs relating to public safety** shall be allowed without restriction.
- (6) **No sign shall extend higher** than twenty (20) feet above the ground.
- (7) **Signs may be illuminated** only by shielded, non-flashing lights.

J. Storm Water Runoff

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

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

K. Septic Waste Disposal

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

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

- (2) **Privies (Latrines)** - may be permitted in areas not served by community sewer facilities under the following conditions and review by the Local Plumbing Inspector:
  - a. No plumbing of any kind shall be connected to or discharged into the privy pit.
  - b. The privy shall be located at a minimum horizontal distance of 100 feet from the normal high water (mark) line of a water body.
  - c. The bottom of the privy pit shall be at least two feet above bedrock and groundwater table at its highest point during the year or have a water-tight vault.
  - d. Privies shall not be permitted on recent floodplain soils.
- (3) **Other systems - other systems of sanitary waste disposal** may be permitted after approval by the Maine Department of Health and Human Services and after a permit has been issued by the by the Local Plumbing Inspector.

L. Essential Services

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

M. Mineral Exploration and Extraction.

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

Mineral extraction may be permitted under the following conditions:

- (1) **A reclamation plan** shall be filed with, and approved, by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 15 (M)(4) below.
- (2) **No part of any extraction operation**, including drainage and runoff control features, shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within seventy-five (75) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.
- (3) **Within twelve (12) months** following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
  - (a) All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

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

-
-
- (b) The final graded slope shall be two 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 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 (100) feet,** horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.
- (3) **Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area,** within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

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

- (4) **There shall be no new tilling of soil** within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies and coastal wetlands; nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.
- (5) **Newly established livestock grazing areas shall not be permitted within one hundred (100) feet,** horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, of other water bodies and coastal wetlands; nor within twenty-five (25) feet,

horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan that has been filed with the Planning Board.

NOTE: 7 M.R.S.A. section 155 requires a municipality to provide the Commissioner of Agriculture, Conservation and Forestry with a copy of any proposed ordinance that impacts farm operations. The law further requires the Commissioner to review the proposed ordinance and advise the municipality if the proposed ordinance would restrict or prohibit the use of best management practices. A copy of a shoreland zoning ordinance that regulates no more restrictively than contained in these Guidelines need not be provided to the Commissioner of Agriculture, Conservation and Forestry.

O. Timber Harvesting Statewide Standards

Gouldsboro will regulate timber harvesting and timber harvesting activities identically to the statewide standards. A municipality that adopts an ordinance under this subsection may request the director (of the Bureau of Forestry) to administer and enforce the ordinance or to participate in joint administration and enforcement of the ordinance with the municipality beginning on the effective date of the statewide standards (January 1, 2013) or within 60 days of the director's receiving a request. When a municipality requests joint responsibilities, the director and the municipality shall enter into an agreement that delineates the administrative and enforcement duties of each. To continue to receive administrative and enforcement assistance from the (Bureau of Forestry) under this subsection, a municipality must amend its ordinance as necessary to maintain identical provisions with the statewide standards.

Section 438-B(6) provides that, notwithstanding any provision in a local ordinance to the contrary, beginning January 1, 2013 rules adopted by the Bureau of Forestry under Title 12, section 8867-B will apply in all municipalities that have adopted an ordinance identical to the statewide standards.

Provisions for culvert sizing in this section 15.O have been updated to comply with current NRPA standards, and a reference to Bureau of Forestry definitions for terms used in this section has been added. However, before a municipality adopts or amends this section they should consult with the Bureau of Forestry to get the latest version of Chapter 21. A municipality amending their own forestry standards is required to coordinate with the Bureau of Forestry through the Title 12, section 8869, subsection 8 process to ensure that any local amendments are consistent with the statewide standards in effect at the time of the local ordinance amendments.

- (1) Shoreline integrity and sedimentation.** Persons conducting timber harvesting and related activities must take reasonable measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water, and the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water, or the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and wetlands occurs, such conditions must be corrected.
- (2) Slash treatment.** Timber harvesting and related activities shall be conducted such that slash or debris is not left below the normal high-water line of any water body or tributary stream, or the upland edge of a wetland. Section 15(O) (2) does not apply to minor, incidental amounts of slash that result from timber harvesting and related activities otherwise conducted in compliance with this section.

  - (a) Slash actively used to protect soil from disturbance by equipment or to stabilize exposed soil, may be left in place, provided that no part thereof extends more than 4 feet above the ground.
  - (b) Adjacent to great ponds, rivers and wetlands:

    - (i) No accumulation of slash shall be left within 50 feet, horizontal distance, of the normal high-water line or upland edge of a wetland; and
    - (ii) Between 50 feet and 250 feet, horizontal distance, of the normal high-water line or upland edge of a wetland, all slash larger than 3 inches in diameter must be disposed of in such a manner that no part thereof extends more than 4 feet above the ground.
- (3) Timber harvesting and related activities** must leave adequate tree cover and shall be conducted so that a well-distributed stand of trees is retained. This requirement may be satisfied by following one of the following three options:

  - (a) Option 1 (40% volume removal), as follows:

    - (i) Harvesting of no more than 40 percent of the total volume on each acre of trees 4½ inches DBH or greater in any 10 year period is allowed. Volume may be considered to be equivalent to basal area;

Revised Shoreland Zoning Ordinance 2016

- (ii) A well-distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and,
  - (iii) Within 75 feet, horizontal distance, of the normal high-water line of rivers, streams, and great ponds, and within 75 feet, horizontal distance, of the upland edge of freshwater or coastal wetlands, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the normal high-water line of a river or great pond or upland edge of a wetland, timber harvesting and related activities must not create single cleared openings greater than 14,000 square feet in the forest canopy. Where such openings exceed 10,000 square feet, they must be at least 100 feet, horizontal distance, apart. Such cleared openings will be included in the calculation of total volume removal. Volume may be considered equivalent to basal area.
- (b) Option 2 (60 square foot basal area retention), as follows:
  - (i) The residual stand must contain an average basal area of at least 60 square feet per acre of woody vegetation greater than or equal to 1.0 inch DBH, of which 40 square feet per acre must be greater than or equal to 4½ inches DBH;
  - (ii) A well-distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and,
  - (iii) Within 75 feet, horizontal distance, of the normal high-water line of water bodies and within 75 feet, horizontal distance, of the upland edge of wetlands, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the normal high-water line of a river or great pond, or upland edge of a wetland, timber harvesting and related activities must not create single cleared openings greater than 14,000 square feet in the forest canopy. Where such openings exceed 10,000 square feet, they must be at least 100 feet, horizontal distance, apart. Such cleared openings will be included in the calculation of the average basal area. Volume may be considered equivalent to basal area.
- (c) Option 3 (Outcome based), which requires: An alternative method proposed in an application, signed by a Licensed Forester or certified wildlife professional, submitted by the landowner or designated agent to the State of Maine Department of Conservation's Bureau of Forestry (Bureau) for review and approval, which provides equal or better protection of the shoreland area than this rule.

Landowners must designate on the Forest Operations Notification form required by 12 M.R.S.A. chapter 805, subchapter 5 which option they choose to use. If landowners choose Option 1 or Option 2, compliance will be determined solely on the criteria for the option chosen. If landowners choose Option 3, timber harvesting and related activities may not begin until the Bureau has approved the alternative method.

The Bureau may verify that adequate tree cover and a well-distributed stand of trees is retained through a field procedure that uses sample plots that are located randomly or systematically to provide a fair representation of the harvest area.

(4) Skid trails, yards, and equipment operation. This requirement applies to the construction, maintenance, and use of skid trails and yards in shoreland areas.

- (a) Equipment used in timber harvesting and related activities shall not use river, stream or tributary stream channels as travel routes except when surface waters are frozen and snow covered, and the activity will not result in any ground disturbance.
- (b) Skid trails and yards must be designed and constructed to prevent sediment and concentrated water runoff from entering a water body, tributary stream, or wetland. Upon termination of their use, skid trails and yards must be stabilized.
- (c) Setbacks
  - (i) Equipment must be operated to avoid the exposure of mineral soil within 25 feet, horizontal distance, of any water body, tributary stream, or wetland. On slopes of 10 percent or greater, the setback for equipment operation must be increased by 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5 percent increase in slope above 10 percent. Where slopes fall away from the resource, no increase in the 25-foot setback is required.
  - (ii) Where such setbacks are impracticable, appropriate techniques shall be used to avoid sedimentation of the water body, tributary stream or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

(5) Land Management Roads. Land management roads, including approaches to crossings of water bodies, tributary stream channels, and freshwater wetlands, ditches and other related structures, must be designed, constructed, and maintained to prevent sediment and concentrated water runoff from directly entering the water body, tributary stream or wetland. Surface water on or adjacent to water crossing approaches must be diverted through vegetative filter strips to avoid sedimentation of the watercourse or wetland. Because roadside ditches may not extend to the resource being crossed, vegetative filter strips must be established in accordance with the setback requirements in Section 15(O)(7) of this rule.

(a) Land management roads and associated ditches, excavation, and fill must be set back at least:

(i) 100 feet, horizontal distance, from the normal high-water line of a great pond, river or freshwater or coastal wetland;

(ii) 50 feet, horizontal distance, from the normal high-water line of streams; and

(iii) 25 feet, horizontal distance, from the normal high-water line of tributary streams

(b) The minimum 100 foot setback specified in Section 15(O)(5)(a)(i) above may be reduced to no less than 50 feet, horizontal distance, and the 50 foot setback specified in Section 15(O)(5)(a)(ii) above may be reduced to no less than 25 feet, horizontal distance, if, prior to construction, the landowner or the landowner's designated agent demonstrates* to the Planning Board's satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

(c) On slopes of 10 percent or greater, the land management road setback must be increased by at least 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5 percent increase in slope above 10 percent.

- (d) New land management roads are not allowed within the shoreland area in a Resource Protection District, unless, prior to construction, the landowner or the landowner's designated agent makes a clear demonstration to the Planning Board's satisfaction that no reasonable alternative route exists outside the shoreland zone, and that the new road must be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.
- (e) Ditches, culverts, bridges, dips, water turnouts and other water control installations associated with roads must be maintained on a regular basis to assure effective functioning. Drainage structures shall deliver a dispersed flow of water into an unscarified filter strip no less than the width indicated in the setback requirements in Section 15(O)(7). Where such a filter strip is impracticable, appropriate techniques shall be used to avoid sedimentation of the water body, tributary stream, or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.
- (f) Road closeout and discontinuance. Maintenance of the water control installations required in Section 15(O)(5)(e) must continue until use of the road is discontinued and the road is put to bed by effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to avoid surface water flowing over or under the water bar, and extending a sufficient distance beyond the traveled way so that water does not reenter the road surface.
- (g) Upgrading existing roads. Extension or enlargement of presently existing roads must conform to the provisions of Section 15(O). Any non-conforming existing road may continue to exist and to be maintained, as long as the non-conforming conditions are not made more non-conforming.
- (h) Exception. Extension or enlargement of presently existing roads need not conform to the setback requirements of Section 15(O)(5)(a) if, prior to extension or enlargement, the landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

- (i) Additional measures. In addition to the foregoing minimum requirements, persons undertaking construction and maintenance of roads and river, stream and tributary stream crossings must take reasonable measures to avoid sedimentation of surface waters.
- (6) **Crossings of waterbodies.** Crossings of rivers, streams, and tributary streams must allow for fish passage at all times of the year, must not impound water, and must allow for the maintenance of normal flows.
  - (a) Determination of flow. Provided they are properly applied and used for the circumstances for which they are designed, methods including but not limited to the following are acceptable as a means of calculating the 10-year and 25-year frequency water flows and thereby determining water crossing sizes as required in Section 15(O): The United States Geological Survey (USGS) Methods; specifically: Hodgkins, G. 1999. Estimating the Magnitude of Peak Flows for Streams in Maine for Selected Recurrence Intervals. U.S. Geological Survey. Water Resources Investigations Report 99-4008. 45 pp.
  - (b) Upgrading existing water crossings. Extension or enlargement of presently existing water crossings must conform to the provisions of Section 15(O). Any non-conforming existing water crossing may continue to exist and be maintained, as long as the non-conforming conditions are not made more non-conforming; however, any maintenance or repair work done below the normal high-water line must conform to the provisions of Section 15(O).
  - (c) Other Agency Permits. Any timber harvesting and related activities involving the design, construction, and maintenance of crossings on waterbodies other than a river, stream or tributary stream may require a permit from the Land Use Regulation Commission, the Department of Environmental Protection, or the US Army Corps of Engineers.
  - (d) Any timber harvesting and related activities involving the design, construction, and maintenance of crossings of freshwater wetlands identified by the Department of Inland Fisheries and Wildlife as essential wildlife habitat require prior consultation with the Department of Inland Fisheries and Wildlife.
  - (e) Notice to Bureau of Forestry. Written notice of all water crossing construction maintenance, alteration and replacement activities in shoreland areas must be given to the Bureau prior to the commencement of such activities. Such notice must contain all information required by the Bureau, including:

- (i) a map showing the location of all proposed permanent crossings;
  - (ii) the GPS location of all proposed permanent crossings;
  - (iii) for any temporary or permanent crossing that requires a permit from state or federal agencies, a copy of the approved permit or permits; and
  - (iv) a statement signed by the responsible party that all temporary and permanent crossings will be constructed, maintained, and closed out in accordance with the requirements of this Section.
- (f) Water crossing standards. All crossings of rivers require a bridge or culvert sized according to the requirements of Section 15(O)(6)(g) below. Streams and tributary streams may be crossed using temporary structures that are not bridges or culverts provided:
- (i) concentrated water runoff does not enter the stream or tributary stream;
  - (ii) sedimentation of surface waters is reasonably avoided;
  - (iii) there is no substantial disturbance of the bank, or stream or tributary stream channel;
  - (iv) fish passage is not impeded; and,
  - (v) water flow is not unreasonably impeded.

Subject to Section 15(O)(6)(f)(i-v) above, skid trail crossings of streams and tributary streams when channels of such streams and tributary streams are frozen and snow-covered or are composed of a hard surface which will not be eroded or otherwise damaged are not required to use permanent or temporary structures.

- (g) Bridge and Culvert Sizing. For crossings of river, stream and tributary stream channels with a bridge or culvert, the following requirements apply:
- (i) Bridges and culverts must be installed and maintained to provide an opening sufficient in size and structure to accommodate 25-year-frequency water flows or with a cross-sectional area at least equal to 3 times the cross-sectional area of the river, stream, or tributary stream channel.
  - (ii) Temporary bridge and culvert sizes may be smaller than provided in Section 15 (O)(6)(g)(i) if techniques are effectively employed such that in the event off culvert or bridge failure, the natural course of water flow is maintained and sedimentation of the water body or tributary stream is avoided. Such crossing structures must be at least as wide as the channel and placed above the normal high-water line. Techniques may include, but are not limited to, the effective use of any, a combination of, or all of the following:

Revised Shoreland Zoning Ordinance 2016

1. use of temporary skidder bridges;
  2. removing culverts prior to the onset of frozen ground conditions;
  3. using water bars in conjunction with culverts;
  4. using road dips in conjunction with culverts.
- (iii) Culverts utilized in river, stream and tributary stream crossings must:
1. be installed at or below river, stream or tributary stream bed elevation;
  2. be seated on firm ground;
  3. have soil compacted at least halfway up the side of the culvert;
  4. be covered by soil to a minimum depth of 1 foot or according to the culvert manufacturer's specifications, whichever is greater; and
  5. have a headwall at the inlet end which is adequately stabilized by riprap or other suitable means to reasonably avoid erosion of material around the culvert.
- (iv) River, stream and tributary stream crossings allowed under Section 15(O), but located in flood hazard areas (i.e. A zones) as identified on a community's Flood Insurance Rate Maps (FIRM) or Flood Hazard Boundary Maps (FHBM), must be designed and constructed under the stricter standards contained in that community's National Flood Insurance Program (NFIP). For example, a water crossing may be required to pass a 100-year flood event.
- (v) Exception. Skid trail crossings of tributary streams within shoreland areas and wetlands adjacent to such streams may be undertaken in a manner not in conformity with the requirements of the foregoing subsections provided persons conducting such activities take reasonable measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water, and the disturbance of stream banks, stream channels, shorelines, and soil lying within ponds and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water, or the disturbance of stream banks, stream channels, shorelines, and soil lying within ponds and wetlands occurs, such conditions must be corrected.
- (h) Skid trail closeout. Upon completion of timber harvesting and related activities, or upon the expiration of a Forest Operations Notification, whichever is earlier, the following requirements apply:
- (i) Bridges and culverts installed for river, stream and tributary stream crossings by skid trails must either be removed and areas of exposed soil stabilized, or upgraded to comply with the closeout standards for land management roads in Section 15(O)(6)(i) below.

- (ii) Water crossing structures that are not bridges or culverts must either be removed immediately following timber harvesting and related activities, or, if frozen into the river, stream or tributary stream bed or bank, as soon as practical after snowmelt.
  - (iii) River, stream and tributary stream channels, banks and approaches to crossings of water bodies and tributary streams must be immediately stabilized on completion of harvest, or if the ground is frozen and/or snow-covered, as soon as practical after snowmelt. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.
- (i) Land management road closeout. Maintenance of the water control features must continue until use of the road is discontinued and the road is put to bed by taking the following actions:
- (i) Effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to reasonably avoid surface water flowing over or under the water bar, and extending sufficient distance beyond the traveled way so that water does not reenter the road surface.
  - (ii) Water crossing structures must be appropriately sized or dismantled and removed in a manner that reasonably avoids sedimentation of the water body or tributary stream.
  - (iii) Any bridge or water crossing culvert in roads to be discontinued shall satisfy one of the following requirements:
    - 1. it shall be designed to provide an opening sufficient in size and structure to accommodate 25-year frequency water flows;
    - 2. it shall be designed to provide an opening with a cross-sectional area at least 3½ times the cross-sectional area of the river, stream or tributary stream channel; or
    - 3. it shall be dismantled and removed in a fashion to reasonably avoid sedimentation of the river, stream or tributary stream.

If despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

(7) Slope Table

Filter strips, skid trail setbacks, and land management road setbacks must be maintained as specified in Section 15(O), but in no case shall be less than shown in the following table.

Average slope of land between exposed mineral soil and shoreline (percent)	Width of strip between exposed mineral soil and shoreline (feet along surface of the ground)
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

- (8) Definitions.** Unless otherwise provided herein, this Section O incorporates by reference the definitions contained in the Maine Forest Service Rules Chapter 20, "Forest Regeneration and Clearcutting Standards", and Chapter 21, "Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas".

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

- (1) In a Resource Protection District abutting a great pond,** there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove hazard trees as described in section 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 strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, or within a strip extending seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

- (a) There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a single footpath not to exceed six (6) feet 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 buffer strip is not created.
- (b) Selective cutting of trees within the buffer strip is allowed provided that a well distributed stand of trees and other natural vegetation is retained. For the purposes of Section 15(P)(2)(b) a “well-distributed stand of trees” adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

Diameter of Tree at 4½ feet Above	
Ground Level (inches)	Points
2 to <4 inches	1
4 to <8 inches	2
8 to <12 inches	4
12 inches or greater	8

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

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

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

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

Revised Shoreland Zoning Ordinance 2016

The following shall govern in applying this point system:

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

For the purposes of Section 15(P)(2)(b) “other natural vegetation” is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4½) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4½ feet above ground level may be removed in any ten (10) year period.

- (c) In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 15(P) paragraphs (2) and (2)(a) above.
- (d) Pruning of tree branches, on the bottom ⅓ of the tree is allowed.
- (e) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, dead or hazard 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 (100) feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4½ feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.**

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared. This provision applies to the portion of a lot within the shoreland zone, including the buffer area, but shall not apply to the Commercial Fisheries/ Maritime Activities District.

- (4) Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.**
- (5) Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 15(P).**

Q. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal

- (1) Hazard trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if 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, 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 (4½) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four (4) feet in height, and be no less than two (2) inches in diameter. Stumps may not be removed.**

- (b) Outside of the shoreline buffer, when the removal of hazard trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4½) feet above ground level in any ten (10) year period, and/or results in cleared openings exceeding twenty-five (25) percent of the lot area within the shoreland zone, or 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 (4½) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (4½) feet above the ground level.
  - (c) The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those trees that contain no foliage during the growing season.
  - (d) The Code Enforcement Officer may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.
  - (e) The Code Enforcement Officer may require more than a one-for-one replacement for hazard trees removed that exceed eight (8) inches in diameter measured at four and one half (4½) feet above the ground level.
- (2) Storm-damaged trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:**
- (a) Within the shoreline buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:
    - (i) The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;
    - (ii) Stumps from the storm-damaged trees may not be removed;
    - (iii) Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (⅓) of the tree; and

- (iv) If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every eighty (80) square feet of lost canopy.
- (b) Outside of the shoreline buffer, if the removal of storm damaged trees exceeds 40% of the volume of trees four (4) inches or more in diameter, measured at four and one half (4½) feet above the ground level in any ten (10) year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

R. Exemptions to Clearing and Vegetation Removal Requirements

The following activities are exempt from the clearing and vegetation removal standards set forth in Section 15(P), provided that all other applicable requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary:

- (1) **The removal of vegetation** that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of removal of vegetation every two (2) years, reverts back to primarily woody vegetation, the requirements of Section 15(P) apply;
- (2) **The removal of vegetation from the location of allowed structures** or allowed uses, when the shoreline setback requirements of section 15(B) are not applicable;
- (3) **The removal of vegetation from the location of public swimming areas** associated with an allowed public recreational facility;
- (4) **The removal of vegetation associated with allowed agricultural uses**, provided best management practices are utilized, and provided all requirements of section 15(N) are complied with;
- (5) **The removal of vegetation associated with brownfields** or voluntary response action program (VRAP) projects provided that the removal of vegetation is necessary for remediation activities to clean-up contamination on a site in commercial fisheries and maritime activities district or other equivalent zoning district approved by the Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant 38 M.R.S.A section 343-E, and that is located along:

Revised Shoreland Zoning Ordinance 2016

- (a) A coastal wetland; or
  - (b) A river that does not flow to a great pond classified as GPA pursuant to 38 M.R.S.A section 465-A.
- (6) The removal of non-native invasive vegetation species** provided the following minimum requirements are met:
- (a) If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least twenty-five (25) feet, horizontal distance, from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;
  - (b) Removal of vegetation within twenty-five (25) feet, horizontal distance, from the shoreline occurs via hand tools; and
  - (c) If applicable clearing and vegetation removal standards are exceeded due to the removal of non-native invasive species vegetation, the area shall be revegetated with native species to achieve compliance.

NOTE: An updated list of non-native invasive vegetation is maintained by the Department of Agriculture, Conservation and Forestry's Natural Areas Program:
http://www.maine.gov/dacf/mnap/features/invasive_plants/invasives.htm

---

- (7) The removal of vegetation associated with emergency response activities** conducted by the Department, the U.S. Environmental Protection Agency, the U.S. Coast Guard and their agents.

S. Revegetation Requirements

When revegetation is required in response to violations of the vegetation standards set forth in Section 15(P), to address the removal of non-native invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements.

- (1) The property owner 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 at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case 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 at a minimum consist of saplings;
  - (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;
  - (e) If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or sapling 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 or saplings is required for a minimum five (5) year period.
- (5) Revegetation activities must meet the following requirements for woody vegetation and 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 within this chapter 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, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark mulch 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 chapter for a minimum of five (5) years.

T. Erosion and Sedimentation Control

- (1) **All activities which involve filling, grading, excavation** or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
  - (a) Mulching and revegetation of disturbed soil.
  - (b) Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
  - (c) Permanent stabilization structures such as retaining walls or riprap.
- (2) **In order to create the least potential for erosion**, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

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

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

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

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

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

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

U. 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, and 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.

- V. Water Quality.** No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that runoff, seep, percolate, or wash into surface or ground water so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life. 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 for the water classification of the water body, tributary stream or wetland.
- W. Archaeological Site.** Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

16. Administration

A. Administering Bodies and Agents

- (1) Code Enforcement Officer.** A Code Enforcement Officer shall be appointed or reappointed annually by July 1st.
- (2) Board of Appeals.** A Board of Appeals shall be created in accordance with the provisions of 30-A M.R.S.A section 2691.
- (3) Planning Board.** A Planning Board shall be created in accordance with the provisions of State law.

- B. Permits Required.** After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

NOTE: Culverts crossing or adjacent to a town road require CEO permitting and Road Commissioner review.

- (1) A permit is not required for the replacement of an existing road culvert as long as:**
  - (a) The replacement culvert is not more than 25% longer than the culvert being replaced;
  - (b) The replacement culvert is not longer than 75 feet; and
  - (c) Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the water course.
- (2) A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation are prevented by means of adequate and timely temporary and permanent stabilization measures.**
- (3) Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.**

C. Permit Application

- (1) Every applicant for a permit shall submit a written application,** including a scaled site plan to the appropriate official as indicated in Section 14.
- (2) All applications shall be signed by an owner or individual** who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.
- (3) All applications shall be dated,** and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
- (4) If the property is not served by a public sewer,** a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.

- (5) When an excavation contractor will perform an activity** that requires or results in more than one (1) cubic yard of soil disturbance, the person responsible for management of erosion and sedimentation control practices at the site must be certified in erosion control practices by the Maine Department of Environmental Protection. This person must be present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation control measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion. The name and certification number of the person who will oversee the activity causing or resulting in soil disturbance shall be included on the permit application. This requirement does not apply to a person or firm engaged in agriculture or timber harvesting if best management practices for erosion and sedimentation control are used; and municipal, state and federal employees engaged in projects associated with that employment.
- D. Procedure for Administering Permits.** Within 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 that the application is either complete, or, if application is incomplete, to what specific additional material needed. The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within 35 days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 35 days of the public hearing, if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance. The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

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

- (1) Will maintain safe and healthful conditions;**
- (2) Will not result in water pollution, erosion, or sedimentation to surface waters**
- (3) Will adequately provide for the disposal of all wastewater;**
- (4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;**

- (5) **Will conserve shore cover, natural beauty, and visual**, as well as actual, points of access to inland and coastal waters;
- (6) **Will protect archaeological and historic resources** as designated in the comprehensive plan;
- (7) **Will not adversely affect existing commercial fishing or maritime activities** in a Commercial Fisheries/Maritime Activities district;
- (8) **Will avoid problems associated with flood-plain development and use**; and
- (9) **Is in conformance with the provisions of Section 15, Land Use Standards.**

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

Any person or entity under review or charged with an existing land use, shoreland or similar violation with respect to any property in the Town of Gouldsboro shall be ineligible for any land use or other permit relating to that or any other property, unless and until the land use violation is resolved by the CEO, Planning Board or Court.

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

- (1) **There is no location on the property**, other than a location within the Resource Protection District, where the structure can be built.
- (2) **The lot on which the structure is proposed is undeveloped** and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.
- (3) **All proposed buildings, sewage disposal systems and other improvements are**
  - (a) Located on natural ground slopes of less than 20%; and

- (b) Located outside the floodway of the 100-year flood-plain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year flood-plain elevation; and the development is otherwise in compliance with any applicable municipal flood-plain ordinance.

If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be ½ the width of the 100-year flood-plain.

- (4) **The total footprint including cantilevered or similar overhanging extensions**, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.
- (5) **All structures, except functionally water-dependent structures**, are set back from the normal high-water line of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than 75 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the floodplain, and its proximity to moderate-value and high-value wetlands.

F. Expiration of Permit. Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have two additional years to complete the project, at which time the permit shall expire.

G. Installation of Public Utility Service. A public utility, water district, sanitary district or any utility company of any kind may not install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance, has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officials and the utility.

H. Appeals

- (1) **Powers and Duties of the Board of Appeals.** The Board of Appeals shall have the following powers:

- (a) **Administrative Appeals:** To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a “de novo” basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this Ordinance is not appealable to the Board of Appeals.
- (b) **Variance Appeals:** To authorize variances upon appeal within the limitations set forth in this Ordinance.

(2) Variance Appeals. Variances may be granted only under the following conditions:

- (a) **Variances may be granted only from dimensional requirements** including, but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
- (b) **Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.**
- (c) **The Board shall not grant a variance unless it finds that:**
  - (i) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and
  - (ii) The strict application of the terms of this Ordinance would result in undue hardship. The term “undue hardship” shall mean:
    - a. That the land in question cannot yield a reasonable return unless a variance is granted;
    - b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
    - c. That the granting of a variance will not alter the essential character of the locality; and
    - d. That the hardship is not the result of action taken by the applicant or a prior owner.

- (d) **Notwithstanding Section 16(H)(2)(c)(ii) above**, the Board of Appeals, or the Code Enforcement Officer if authorized in accordance with 30-A M.R.S.A. §4353-A, 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. Any permit issued pursuant to this subsection is subject to Sections 16(H)(2)(f) and 16(H)(4)(b)(iv) below.
- (e) **The Board of Appeals shall limit any variances granted as strictly as possible** in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.
- (f) **A copy of each variance request**, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

(3) Administrative Appeals

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

When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board 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.

(4) Appeal Procedure

(a) Making an Appeal

- (i) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-related matters as described in Section 16(H)(1)(a) above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.
- (ii) Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:
  - a. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.
  - b. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
- (iii) Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
- (iv) The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.

(b) Decision by Board of Appeals

- (i) A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.

- (ii) The person filing the appeal shall have the burden of proof.
  - (iii) The Board shall decide all administrative appeals and variance appeals within thirty-five (35) days after the close of the hearing, and shall issue a written decision on all appeals.
  - (iv) The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board's decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.
- (5) **Appeal to Superior Court.** Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.
- (6) **Reconsideration.** In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, Planning Board, Code

Enforcement Officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

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

I. Enforcement

- (1) **Nuisances.** Any violation of this Ordinance shall be deemed to be a nuisance.
- (2) **Code Enforcement Officer**

- (a) **It shall be the duty of the Code Enforcement Officer** to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
- (b) **The Code Enforcement Officer shall conduct on-site inspections** to 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.
- (c) **The Code Enforcement Officer shall keep a complete** record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected.
- (3) **Legal Actions.** When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.
- (4) **Fines.** Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A. section 4452.

NOTE: Current penalties include fines of not less than \$100 nor more than \$2500 per violation for each day that the violation continues. However, in a resource protection district the maximum penalty is increased to \$5000 (38 M.R.S.A. section 4452).

---

17. Definitions.

NOTE: Terms not defined shall have the customary dictionary meaning.

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

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

Agriculture - the production, keeping or maintenance for sale or lease of plants 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 green house products. Agriculture does not include forest management and timber harvesting activities.

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

Basal Area - the area of cross-section of a tree stem at 4½ feet above ground level and inclusive of bark.

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

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

Bureau of Forestry - State of Maine Department of Agriculture, Conservation, and Forestry, Bureau of Forestry.

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

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

Revised Shoreland Zoning Ordinance 2016

Coastal wetland - all tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes.

NOTE: All areas below the highest annual tide level are coastal wetlands. These areas may consist of rocky ledges, sand and cobble beaches, mud flats, etc., in addition to salt marshes and salt meadows.

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.

Cross-sectional area - the cross-sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream channel width is the straight line distance from the normal high-water line on one side of the channel to the normal high-water line on the opposite side of the channel. The average stream or tributary stream channel depth is the average of the vertical distances from a straight line between the normal high-water lines of the stream or tributary stream channel to the bottom of the channel.

DBH - the diameter of a standing tree measured 4½ feet from ground level.

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

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

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

Disruption of shoreline integrity - the alteration of the physical shape, properties, or condition of a shoreline at any location by timber harvesting and related activities. A shoreline where shoreline integrity has been disrupted is recognized by compacted, scarified and/or rutted soil, an abnormal channel or shoreline cross-section, and in the case of flowing waters, a profile and character altered from natural conditions.

Revised Shoreland Zoning Ordinance 2016

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

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

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

Expansion of a structure - an increase in 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 one or more months to a use's operating season; or the use of more of the footprint of a structure or ground area devoted to a particular use.

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

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

Floor area - the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls.

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.

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.

Forest Stand - a contiguous group of trees sufficiently uniform in age class distribution, composition, and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit.

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

Revised Shoreland Zoning Ordinance 2016

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

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

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

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

Functionally water-dependent uses - those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that 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, shoreline structures necessary for erosion control purposes, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that cannot reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters. Recreational boat storage buildings are not considered to be a functionally water-dependent use.

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

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

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

Revised Shoreland Zoning Ordinance 2016

Harvest Area - the area where timber harvesting and related activities, including the cutting of trees, skidding, yarding, and associated road construction take place. The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting unharvested areas greater than ten (10) acres within the area affected by a harvest.

Hazard tree - a tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes; hurricane-force winds; tornadoes; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree falls. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

Height of a structure - the vertical distance between the lowest final grade immediately proximate to the building and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

Home occupation - An occupation or profession which is carried out on or in a residential structure, accessory structure or property by the occupants of the dwelling and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses and 2) employs no more than two (2) persons other than family members residing in the home. By way of illustration and not limitation, the term home occupation shall include making foods, such as breads, cookies, or preserves, rugs, birdhouses, fishing flies and quilts. The term "home occupation" shall also include both professional and personal services offered for remuneration.

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

Revised Shoreland Zoning Ordinance 2016

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 a gravel pad, parking area, fire place, or tent platform.

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

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

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

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

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

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

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

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

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

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

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

Native - indigenous to the local forests.

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

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 allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-native invasive species of vegetation - species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.

Normal high-water line (non-tidal 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. 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.

NOTE: Adjacent to tidal waters, setbacks are measured from the upland edge of the “coastal wetland.”

Outlet stream - any perennial or intermittent stream, as shown on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, that flows from a freshwater wetland.

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

Piers, docks, wharves, bridges and other structures and uses extending over or 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 or public entity.

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

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

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

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.

Revised Shoreland Zoning Ordinance 2016

Residential dwelling unit - a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

Residual basal area - the sum of the basal area of trees remaining on a harvested site.

Residual Stand - a stand of trees remaining in the forest following timber harvesting and related activities.

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

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

NOTE: The portion of a river that is subject to tidal action is a coastal wetland.

Road - a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined.

Salt marsh - Areas of coastal wetland (most often along coastal bays) that support salt tolerant species, and where at average high tide during the growing season, the soil is irregularly inundated by tidal waters. The predominant species is saltmarsh cordgrass (*Spartina alterniflora*). More open areas often support widgeon grass, eelgrass, and Sago pondweed.

Salt meadow - Areas of a coastal wetland that support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (*Spartina patens*) and black rush; common three square occurs in fresher areas.

Sapling - a tree species that is less than two (2) inches in diameter at four and one half (4½) feet above ground level.

Seedling - a young tree species that is less than four and one half (4½) feet in height above ground level.

Revised Shoreland Zoning Ordinance 2016

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

(1) in the case of electric service

- (a) the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
- (b) the total length of the extension is less than one thousand (1,000) feet.

(2) in the case of telephone service

- (a) the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
- (b) the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

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

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

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

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

Sign - a name identification, description, display or illustration which is affixed to, painted or represented, directly or indirectly upon a building, structure, parcel or lot and which relates to an object, product, place, activity, person, institution, organization or business on the premises.

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

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

Revised Shoreland Zoning Ordinance 2016

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

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

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

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

Tidal waters - all waters affected by tidal action during the highest annual tide.

Timber harvesting - the cutting and removal of timber for the primary purpose of selling or processing forest products. "Timber harvesting" does not include the cutting or removal of vegetation within the shoreland zone when associated with any other land use activities. 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 trees shall be regulated pursuant to Section 15 (P), *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting*.

Timber harvesting and related activities - timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.

Revised Shoreland Zoning Ordinance 2016

Tree - a woody perennial plant with a well-defined trunk(s) at least two (2) inches in diameter at four and one half (4½) feet above the ground, with a more or less definite crown, and reaching a height of at least ten (10) feet at maturity.

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

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.

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

Upland edge of a wetland - the boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the highest annual tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) feet) tall or taller.

Vegetation - all live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4½ feet above ground level.

Velocity zone - an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

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

Water body - any great pond, river or stream.

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

Revised Shoreland Zoning Ordinance 2016

Wetland - a freshwater or coastal wetland.

Windfirm - the ability of a forest stand to withstand strong winds and resist wind throw, wind rocking, and major breakage.

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


_____
Attested by
Bryan Kaenwrath
Town Clerk of Gouldsboro
7/7/16
_____
Date

TOWN OF GOULDSBORO, MAINE

SITE PLAN REVIEW ORDINANCE

ADOPTED: June 18, 2002

*Revised:
June 2010
June 2013
June 2015*



SEC. 3. DEFINITIONS

3.1. Meaning of Words

All words not defined herein shall carry their customary and usual meanings. Words used in the present tense shall include the future. Words used in the singular shall include the plural.

3.2. Definitions

ABUTTING PROPERTY: Any lot which is physically contiguous with the subject lot even if only at a point and any lot which is located directly across a street or right-of-way from the subject lot such that the extension of the side lot lines of the subject lot would touch or enclose the abutting property.

ACCESSORY BUILDING: A detached, subordinate building, the use of which is clearly incidental and related to that of the principal building or use of the land, and which is located on the same lot as that of the principal building or use.

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

AGGRIEVED PARTY: An owner of land whose property is directly or indirectly affected by the granting or denial of an approval under this ordinance; a person whose land abuts land for which approval 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 approval. A person seeking to appeal to the Board of Appeals must have participated in the Planning Board proceedings and made his/her objections known.

Participation need not involve actual presence; for example it could consist of a letter of objection from a summer resident.

ARTERIAL: A controlled access road or a street or road with traffic signals at important intersections and/or stop signs on side streets or which is functionally classified by the Maine Department of Transportation as an arterial, i.e. Route One.

BUILDING: Any permanent structure, having one or more floors and a roof, which is used for the housing or enclosure of persons, animals or property. When a division wall without opening thereof separates any portion, then each such portion shall be deemed a separate building.

BUILDING FOOTPRINT: The area covered by a building measured from the exterior surface of the exterior walls at grade level exclusive of cantilevered portions of the building. Where the building is elevated above grade level on posts or similar devices, the building footprint is the area the building would cover if it were located at ground level

SEC. 3. DEFINITIONS

3.1. Meaning of Words

All words not defined herein shall carry their customary and usual meanings. Words used in the present tense shall include the future. Words used in the singular shall include the plural.

3.2. Definitions

ABUTTING PROPERTY: Any lot which is physically contiguous with the subject lot even if only at a point and any lot which is located directly across a street or right-of-way from the subject lot such that the extension of the side lot lines of the subject lot would touch or enclose the abutting property.

ACCESSORY BUILDING: A detached, subordinate building, the use of which is clearly incidental and related to that of the principal building or use of the land, and which is located on the same lot as that of the principal building or use.

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

AGGRIEVED PARTY: An owner of land whose property is directly or indirectly affected by the granting or denial of an approval under this ordinance; a person whose land abuts land for which approval 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 approval. A person seeking to appeal to the Board of Appeals must have participated in the Planning Board proceedings and made his/her objections known.

Participation need not involve actual presence; for example it could consist of a letter of objection from a summer resident.

ARTERIAL: A controlled access road or a street or road with traffic signals at important intersections and/or stop signs on side streets or which is functionally classified by the Maine Department of Transportation as an arterial, i.e. Route One.

BUILDING: Any permanent structure, having one or more floors and a roof, which is used for the housing or enclosure of persons, animals or property. When a division wall without opening thereof separates any portion, then each such portion shall be deemed a separate building.

BUILDING FOOTPRINT: The area covered by a building measured from the exterior surface of the exterior walls at grade level exclusive of cantilevered portions of the building. Where the building is elevated above grade level on posts or similar devices, the building footprint is the area the building would cover if it were located at ground level

CHANGE FROM ONE CATEGORY OF NONRESIDENTIAL USE TO

ANOTHER CATEGORY OF NONRESIDENTIAL USE: A change in the type of occupancy of a nonresidential building or structure, or a portion thereof, such that the basic type of use is changed, such as from retail to office or storage to a restaurant, but not including a change in the occupants.

COLLECTOR STREET: A street that collects traffic from local streets and connects with arterials or a street or road functionally classified as a collector by the Maine Department of Transportation.

CURB CUT: The opening along the curb line or street right-of-way line at which point vehicles may enter or leave the street.

ENLARGEMENT OR EXPANSION OF A STRUCTURE: An increase of the building footprint and/or increase in the height of the structure beyond its present highest point. Alterations of existing buildings which are required in order to meet the requirements of the Americans with Disabilities Act (ADA) and/or the State Fire Code are not considered to be enlargements or expansions of a structure and are not required to meet otherwise applicable setback requirements, provided the alterations are the minimum necessary to satisfy the ADA and/or State Fire Code.

ENLARGEMENT OR EXPANSION OF USE: Any intensification of use or function, whether or not resulting from an increase in the footprint, height, floor area, land area or cubic volume occupied by a particular use. Increases which are required in order to meet the requirements of the Americans with Disabilities Act and/or the State Fire Code are not considered to be enlargements or expansions of use.

FISHERIES, SIGNIFICANT FISHERIES: Areas identified by a governmental agency such as the Maine Department of Inland Fisheries and Wildlife, Atlantic Salmon Authority, or Maine Department of Marine Resources as having significant value as fisheries and any areas so identified in the municipality's comprehensive plan.

FLOOR AREA: The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, measured from the interior side, excluding non-functional attics.

GROUNDWATER: All of the water found beneath the surface of the ground. For purposes of aquifer protection, this term refers to the subsurface water present in aquifers and recharge areas.

HEIGHT: (See Gouldsboro Land Use Ordinance).

HISTORIC OR ARCHAEOLOGICAL RESOURCES: Areas identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as an historic or archaeological resource and any areas identified in the municipality's comprehensive plan.

HOME OCCUPATION: An occupation or profession which is carried out on or in a residential structure, accessory structure or property by the occupants of the dwelling and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses and 2) employs no more than two (2) persons other than family members residing in the home. By way of illustration and not limitation, the term home occupation shall include making foods, such as breads, cookies, or preserves, rugs, birdhouses, fishing flies and quilts. The term "home occupation" shall also include both professional and personal services offered for remuneration.

IMPERVIOUS SURFACE: The area covered by buildings and associated constructed facilities, areas which have been or will be covered by a low-permeability material, such as asphalt or concrete, and areas such as gravel roads and unpaved parking areas, which have been or will be compacted through design or use to reduce their permeability. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam, or other surfaces which similarly impede the natural infiltration of stormwater.

LOCAL STREET: A public street or road which is not identified as an arterial or collector. A local street includes a proposed street shown on an approved and recorded subdivision.

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.

MOBILE FOOD SERVICE: Food Service establishments in mobile units, either towed or self-propelled registered vehicles, preparing and serving food products on a particular site, open to the public.

NATURAL AREAS AND NATURAL COMMUNITIES, UNIQUE NATURAL AREAS AND NATURAL COMMUNITIES: Areas identified by a governmental agency such as the Maine Department of Conservation Natural Areas Program as having significant value as a natural area and any areas identified in the municipality's comprehensive plan.

PHASED DEVELOPMENT: Any such plans consisting of two or more sections requiring different completion dates.

PRINCIPAL STRUCTURE: Any building or structure in which the main use of the premises takes place.

PRINCIPAL USE: The primary function of the said building or land.

RECHARGE AREA: Area composed of permeable, porous material through which precipitation and surface water infiltrate and directly replenish groundwater in aquifers.

SETBACK, FRONT: An open area extending the entire width of a lot from lot sideline to lot sideline and extending in depth at a right angle from the street right-of-way to such depth as specified. Such area shall be unoccupied and unobstructed by any building from the ground upward.

SETBACK, REAR: An open area extending the entire width of a lot from lot sideline to lot sideline and extending at a right angle from the rear property line of such lot to such depth as specified. Such area shall be unoccupied and unobstructed by any building from the ground upward.

SETBACK, SIDE: An open area extending along each sideline of a lot between the front setback and the rear setback on such lot and extending at a right angle from the sidelines of such lot to such depth as specified. Such area shall be unoccupied and unobstructed by any building from the ground upward.

STRUCTURE: Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground, but not including a tent or vehicle.

USE: The purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

VEGETATION: All live trees, shrubs, ground cover, and other plants.

WILDLIFE HABITAT, SIGNIFICANT WILDLIFE HABITAT: Areas identified by a governmental agency such as the Maine Department of Inland Fisheries and Wildlife as having significant value as habitat for animals and any areas identified in the municipality's comprehensive plan.

SEC. 4. ADMINISTRATION AND ENFORCEMENT

This ordinance shall be administered by the Planning Board, and enforced by a Code Enforcement Officer (CEO) appointed by the Municipal Officers.

It shall be the duty of the CEO or his/her agent to enforce the provisions of this ordinance, and to conduct an inspection of the premises, as necessary. If the CEO or his/her agent shall find that any provision of this ordinance is being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of buildings, structures, additions, or work being done, or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.

The CEO is hereby authorized to institute or cause to be instituted, in the name of the municipality, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of this ordinance; provided, however, that this section shall not prevent any person entitled to equitable relief from enjoining any act contrary to the provisions of this ordinance. In addition, the CEO, may initiate a rule 80k action if he/she has been certified by the DHS and if he/she has been so authorized by the selectmen.

Any person, entity, or corporation being the owner of or having control or use of any building or premises who violated any of the provisions of this ordinance, shall be fined in accordance with Title 30-A §4452. Each day such a violation is permitted to exist after notification shall constitute a separate offense. 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 illegal construction, 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.

INTERPRETATION OF THE ORDINANCE

The Code Enforcement Officer (CEO) shall be responsible for administering the provisions of this ordinance including interpreting the provisions hereof.

Any person who believes that the CEO has made an error in the interpretation or application of the provisions of this ordinance, may appeal such determination in writing to the Board of Appeals as an administrative appeal. If the Board finds that the CEO erred in his/her interpretation of the ordinance, it shall modify or reverse the action accordingly.

SEC. 6. REVIEW AND APPROVAL AUTHORITY

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

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

SEC. 7. REVIEW PROCEDURES

The Planning Board shall use the following procedures in reviewing applications for site plan review.

7.1. Preapplication

Prior to submitting a formal application, the applicant or his/her representative may request a preapplication conference with the Planning Board. A preapplication conference is strongly advised. The preapplication conference shall be informal and informational in nature. There shall be no fee for a preapplication review, and such review shall not cause the plan to be a pending application or proceeding under Title 1 M.R.S.A. §302. No decision on the substance of the plan shall be made at the preapplication conference.

7.1.1. Purpose

The purposes of the pre-application conference are to:

- (1) Allow the Planning Board to understand the nature of the proposed use and the issues involved in the proposal,
- (2) Allow the applicant to understand the development review process and required submissions,
- (3) Identify issues that need to be addressed in future submissions, and
- (4) Make the applicant aware of any opportunities for coordinating the development with community policies, programs, or facilities.
- (5) Make certain that the proposed business is consistent with the comprehensive plan. In addition, the Board may schedule a site inspection in accordance with subsection 7.2(5) if deemed necessary and resolve any requests for waivers and variations from the submission requirements.

7.1.2. Information Required

There are no formal submission requirements for a preapplication conference. However, the applicant should be prepared to discuss the following with the Board:

- (1) The proposed site, including its location, size, and general characteristics,
- (2) The nature of the proposed use and potential development,
- (3) Any issues or questions about existing municipal regulations and their applicability to the project, and
- (4) Any requests for waivers from the submission requirements.

7.2. Application Submission and Review Procedures

The applicant must prepare and submit a site plan review application.

- (1) At the first meeting at which the application is considered, the Planning Board shall give a dated receipt to the applicant and, at the discretion of the Planning Board, shall notify by first-class mail property owners within one thousand (1000) feet of the parcel on which the proposed development is located. Written notification of the pending application may be provided to the Selectmen, Town Manager, Fire Chief, and Code Enforcement Officer/Plumbing Inspector.

- (2) Within thirty (30) days of the receipt of a formal site plan review application, the Planning Board shall review the material and determine whether or not the submission is complete. If the application is determined to be incomplete, the Board shall notify the applicant in writing of this finding, shall specify the additional materials required to make the application complete and shall advise the applicant that the Board will not consider the application until the additional information is submitted to the Board. These steps, except the notification requirements, shall be repeated until the application is found to be complete.
- (3) The Planning Board will, at its discretion, hold an on-site inspection of the site to review the existing conditions, field verify the information submitted and investigate the development proposal. The Board may schedule this visit either before or after the first meeting at which the application is submitted. The Board may decide not to hold an on site inspection when the site is snow covered. If an application is pending during a period when there is snow cover, the deadline by which the Planning Board shall take final action on the application as specified in (6) may be extended, which extension shall not exceed thirty (30) days after the Board is able to conduct an on-site inspection. Written notice of the on-site inspection may be provided to all parties entitled to notice under subsection (1).
- (4) As soon as the Board determines that the application is complete, the Board may: notify the applicant in writing of this finding, meet the notification requirements of subsection (4) below, and place the item on the agenda for substantive review within thirty (30) days of this finding.
- (5) The Planning Board shall give written notice of the date, time, and place of the public hearing meeting at which the application will be considered to the applicant and all persons who received the notice in (1).
- (6) The Planning Board shall take final action on said application within thirty (30) days of the public hearing determining that the application is complete. The Board shall act to deny, to approve, or to approve the application with conditions. The Board may impose such conditions as are deemed advisable to assure compliance with the standards of approval within thirty (30) days.

In issuing its decision, the Planning Board shall make written findings of fact establishing that the proposed development does or does not meet the standards of approval and other requirements of the Town. The Board shall notify the applicant, all officials who received notice under (1), and all parties who requested to be notified of the action of the Board, including the findings of fact, and any conditions of approval. This requirement can be met through the distribution of minutes of the meeting containing the findings of fact and decision of the Board.

All time limits provided for in this section may be extended by mutual agreement of the applicant and Planning Board.

7.3. Final Approval and Filing

Upon completion of the requirements of this Section and an approval vote by the majority (or unanimous quorum) of the Planning Board, the application shall be deemed to have final approval and the site plan shall be signed by a majority of the members of the Board and must be filed with the Code Enforcement Officer. In addition, the signed plan must be recorded in the Hancock County Registry of Deeds within ninety (90) days of the vote to approve the plan, if land boundaries or features are changed. The Planning Board, by vote, may extend the filing period for good cause.

7.4. Fees

7.4.1. Application Fee

Every application for a site plan permit shall be accompanied by an application fee of either twenty-five (\$25) or one hundred dollars (\$100) as to be determined by appropriate application, to be paid by a check made payable to the Town of Gouldsboro, stating the specific purpose of the fee.

7.4.2. Site Plan Trust Account Fee

Every application for a site plan permit shall also be accompanied by the payment of two hundred dollars 200. The check(s) shall be made payable to the Town of Gouldsboro.

The Town Treasurer shall deposit the site plan review's Trust Account fee in a special interest bearing bank account separate from any and all other municipal accounts.

The Site Plan Trust Account Fee may be used by the Planning Board to pay reasonable costs incurred by the Board, at its discretion, which relate directly to the review of the application pursuant to the review criteria. Such services may include, but need not be limited to postage, public notice advertising, clerical costs, consulting engineering or fees, architectural fees, other professional fees, attorney fees, recording fees, and appraisal fees. The Town shall provide the applicant, upon written request, with a quarterly accounting of this account and the Town Treasurer shall refund all of the remaining monies, including accrued interest, in the account upon the payment of all costs and services related to the review. Such payment of remaining monies shall be made no later than sixty (60) days upon denial of the application, or, if approved, upon the applicant's compliance with all the terms of these regulations, ordinances of the Town of Gouldsboro and conditions of approval of the site plan. The refund shall be accompanied by a final accounting by the Treasurer.

The applicant shall be liable for reasonable costs incurred by or costs of services contracted for by the Planning Board which exceed the amount of the Trust Account Fee.

SEC. 8. SUBMISSION REQUIREMENTS

Applications for site plan review must be submitted on application forms provided by the municipality. The complete application form, evidence of payment of the required fees, and the required plans and related information must be submitted to the Chair of the Planning Board.

The Planning Board may waive any of the submission requirements based upon a written request of the applicant. Such request must be made at the time of the preapplication conference or at the initial review of the application if no preapplication conference is held. A waiver of any submission requirement may be granted only if the Board makes a written finding that the information is not required to determine compliance with the standards.

All applications for site plan review must contain the following information:

- (1) A fully executed and signed copy of the application for site plan review.
- (2) Evidence of payment of the application and technical review fees.
- (3) Eight (8) copies of written materials plus eight (8) sets of maps or drawings containing the information listed below. The written materials must be contained in a bound report. The maps or drawings must be at a scale sufficient to allow review of the items listed under the approval standards and criteria, but in no case shall be more than one hundred (100) feet to the inch for that portion of the tract of land being proposed for development:

8.1. General Information

- (1) record owner's name, address, and phone number and applicant's name, address and phone number if different.
- (2) the location of all required building setbacks, yards, and buffers.
- (3) names and addresses of all property owners within one thousand (1000) feet of any and all property boundaries.
- (4) sketch map showing general location of the site within the municipality based upon a reduction of the tax maps.
- (5) boundaries of all contiguous property under the total or partial control of the owner or applicant regardless of whether all or part is being developed at this time.
- (6) a stamped, certified survey map of the site to be developed, produced by a registered land surveyor.
- (7) the tax map and lot number of the parcel or parcels on which the project is located.
- (8) a copy of the deed to the property, an option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant.
- (9) the name, registration number, and seal of the person who prepared the plan, if applicable.
- (10) in addition, the Planning Board may request evidence of the applicant's technical and

financial capability to carry out the project as proposed.

8.2. Existing Conditions

- (1) Zoning classification(s), including overlay and/or subdistricts, of the property and the location of zoning district boundaries if the property is located in two (2) or more zoning districts or subdistricts or abuts a different district. (See Shoreland Zoning Ordinance).
- (2) the bearings and length of all surveyed property lines of the property to be developed and the source of this information.
- (3) location and size of any existing sewer and water mains, culverts and drains, on-site sewage disposal systems, wells, underground tanks or installations, and power and telephone lines and poles on the property to be developed.
- (4) location, names, and present widths of existing public and/or private streets and rights-of-way within or adjacent to the proposed development.
- (5) the location, dimensions and ground floor elevation of all existing buildings on the site.
- (6) the location and dimensions of existing driveways, parking and loading areas, walkways, and sidewalks on or immediately adjacent to the site.
- (7) location of intersecting roads or driveways within three hundred (300) feet of the site.
- (8) the location, front view, dimensions, and lighting of existing signs.
- (9) location and dimensions of any existing easements and copies of existing covenants or deed restrictions.

8.3. Proposed Development Activity

- (1) estimated demand for water supply and sewage disposal together with the location and dimensions of all provisions for water supply and wastewater disposal, and evidence of their adequacy for the proposed use, including soils test pit data if on-site sewage disposal is proposed.
- (2) provisions for handling all solid wastes and the location and proposed visual screening of any on-site collection or storage facilities.

- (3) the location and dimensions of proposed driveways, parking and loading areas, (paved or unpaved) and walkways and any changes in traffic flow onto or off-site.
- (4) proposed landscaping and buffering.
- (5) the location, dimensions, and ground floor elevation of all proposed buildings or building expansion proposed on the site.
- (6) a general description of the proposed use or activity.
- (7) an estimate of the peak hour and daily traffic to be generated by the project.

8.4. Approval Block

Space must be provided on the plan drawing for the signatures of the Planning Board and date together with the following words, "Approved: Town of Gouldsboro Planning Board.

SEC. 9. APPROVAL STANDARDS AND CRITERIA

The following criteria shall be used by the Planning Board in reviewing applications for site plan review and may serve as minimum requirements for approval of the application. The application may be approved unless the Planning Board determines that the applicant has failed to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable criteria have been met.

9.1. Utilization of the Site

The plan for the development must reflect the natural capabilities of the site to support development. Buildings, lots, and support facilities must be clustered in those portions of the site that have the most suitable conditions for development. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers must be maintained and preserved to the maximum extent. Natural drainage areas must also be preserved to the maximum extent. The development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

9.2. Adequacy of Road System

Vehicular access to the site must be on roads which have adequate capacity to accommodate the additional traffic generated by the development.

9.3. Access into the Site

- (1) Any driveway or proposed street must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation standards, to the maximum extent possible.
- (2) Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.
- (3) Where a lot has frontage on two (2) or more streets or roads, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and pedestrians hazards. Access from other streets/roads may be allowed if it is safe and does not promote shortcutting through the site.
- (4) Where it is necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets/roads.
- (5) Accessways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street/road.

9.4. Accessway Location and Spacing

Accessways must meet the following standards:

- (1) Private entrances/exits must be located at least fifty (50) feet from the closest unsignalized intersection and one hundred fifty (150) feet from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the accessway. This requirement may be reduced if the shape of the site does not allow conformance with this standard.
- (2) Private accessways in or out of a development must be separated by a minimum of one hundred (100) feet where possible.

9.5. Internal Vehicular Circulation

The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.

- (1) Nonresidential projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing for a minimum of WB-40 vehicles.
- (2) Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane- no parking).

- (3) The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.
- (4) All roadways must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction. The road network must provide for vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.

9.6. Parking Layout and Design

Off-street parking must conform to the following standards:

- (1) Parking areas with more than two (2) parking spaces must be arranged so that it is not necessary for vehicles to back into the street/road.
- (2) All parking spaces, access drives, and impervious surfaces must be located at least twenty-five (25) feet from any side or rear lot line, except where standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within twenty-five (25) feet of the front property line. Parking lots on adjoining lots may be connected by accessways not exceeding twenty-four (24) feet in width.
- (3) Parking stalls and aisle layout must conform to the following standards.

PARKING ANGLE	STALL WIDTH	SKEW WIDTH	STALL DEPTH	AISLE WIDTH	
90 degrees	9' - 0"	18' - 0"	24' - 0"		Two way only
60 degrees	8' - 6"	10' - 6"	18' - 0"	16' - 0"	One way only
45 degrees	8' - 6"	12' - 9"	17' - 6"	12' - 0"	One way only
30 degrees	8' - 6"	17' - 0"	17' - 0"	12' - 0"	One way only

- (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) 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.

9.7. Pedestrian Circulation

The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development.

- (1) This system must connect the major building entrances/exits with parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project. The pedestrian network may be located either in the street/road right-of way or outside of the right-of-way in open space or recreation areas.
- (2) The system, when deemed appropriate by the Planning Board, must be designed to link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect with amenities such as parks or open space on or adjacent to the site.

9.8. Stormwater Management

Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.

- (1) To the extent possible, the plan must retain stormwater on the site using the natural features of the site.
- (2) Unless the discharge is directly to the ocean or major river segment, stormwater runoff systems must detain or retain water such that the rate of flow from the site after development does not exceed the predevelopment rate.
- (3) The applicant must demonstrate that on- and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to flooding and erosion of shoreland areas, or that the developing entity will be responsible for whatever improvements are needed to provide the required increase in capacity and/or mitigation.
- (4) All natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the site plan review.
- (5) The design of the stormwater drainage system must provide for the disposal of stormwater without damage or ice buildup to streets/roads, adjacent properties, downstream properties, soils, and vegetation.
- (6) The design of the storm drainage systems must be fully cognizant of upstream runoff which must pass over or through the site to be developed and provide for this movement.

- (7) The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond.

9.9. Erosion Control

All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible such that filling, excavation and earth moving activity must be kept to a minimum. Parking lots on sloped sites must be terraced to avoid undue cut and fill, and/or the need for retaining walls. Natural vegetation must be preserved and protected.

9.10. Water Supply

The development must be provided with a system of water supply that provides each use with an adequate supply of water. The applicant must certify through a professional survey that adjacent water supplies are not adversely impacted.

9.11. Sewage Disposal

The development must be provided with a method of disposing of sewage, which is in compliance with the State Plumbing Code.

9.12. Natural Features

The landscape must be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as practical during construction. Grading and filling must be minimized as much as possible.

9.13. Water Quality Protection

All aspects of the project must be designed so that:

- (1) No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that may run off, seep, percolate, freeze, or wash into surface or groundwaters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.
- (2) All storage facilities for fuel, chemicals, chemical or industrial wastes, and bio-degradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshall's Office.

(3) If the project is located within the watershed of a 'body of water most at risk from development' as identified by the Maine Department of Environmental Protection (DEP), the project must comply with the standards of the DEP with respect to the export of total suspended solids and/or phosphorous.

(4) The applicant shall produce a restrictive covenant that he/she will record prior to any sale, and the restrictions should also appear on the site plan and in each deed.

9.14. Hazardous, Special and Radioactive Materials

The handling, storage, and use of all materials identified by the standards of a federal or state agency as hazardous, special or radioactive must be done in accordance with the standards of these agencies.

9.15. Technical and Financial Capacity

The applicant(s) or entity must demonstrate, if warranted or determined by the Board, that they have the financial and technical capacity to carry out the project in accordance with this ordinance and the approved plan.

9.16. Solid Waste Disposal

The proposed development must provide for adequate disposal of solid wastes. All solid waste must be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.

9.17. Historic and Archaeological Resources

If any portion of the site has been identified as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

9.18. Floodplain Management

If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use and development of that portion of the site must be consistent with the Town's Floodplain management ordinance.

SEC. 10. POST APPROVAL ACTIVITIES

10.1. Limitation of Approval

Substantial construction of the improvements covered by any site plan approval must be commenced within six (6) months of the date upon which the approval was granted. If construction has not been substantially commenced and substantially completed within the specified period, the approval shall be null and void. The applicant may request an extension of the approval deadline prior to the expiration of the period. Such request must be in writing and must be made to the Planning Board. The Planning Board may grant up to *two (2), six (6)* month extensions to the periods if the approved plan conforms to the ordinances in effect at the time the extension is granted and any and all federal and state approvals and permits are current.

At the time the Board grants final plan approval, it may permit the Plan to be divided into two or more sections subject to any conditions the Board deems necessary so as to ensure the orderly development of the Plan.

10.2. Incorporation of Approved Plan

One copy of the approved site plan must be included with the application for the building permit for the project and all construction activities must conform to the approved plan, including any conditions of approval and minor changes approved by the Code Enforcement Officer to address field conditions.

10.3. Recording of the Approved Plan

One copy of the approved site plan may be recorded in the Hancock County Registry of Deeds within thirty (30) days of approval and the book and page number provided to the Code Enforcement Officer.

10.4. Improvement Guarantees

10.4.1. Application

- (1) Improvement Guarantee - The Planning Board may require the posting of an improvement guarantee in such amount and form as specified in subsection 10.4.2. below as is reasonably necessary to ensure the proper installation of all off-site improvements required as conditions of approval. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the applicant.
- (2) Upon substantial completion of all required improvements, the developer must notify the Planning Board of the completion or substantial completion of improvements, and must send a copy of such notice to the Code Enforcement Officer / Building Inspector. The respective Municipal Officials shall inspect all improvements and must file a report indicating approval, partial approval, or rejection of such improvements with a statement of reasons for any rejection.

10.2. Incorporation of Approved Plan

One copy of the approved site plan must be included with the application for the building permit for the project and all construction activities must conform to the approved plan, including any conditions of approval and minor changes approved by the Code Enforcement Officer to address field conditions.

10.3. Recording of the Approved Plan

One copy of the approved site plan may be recorded in the Hancock County Registry of Deeds within thirty (30) days of approval and the book and page number provided to the Code Enforcement Officer.

10.4. Improvement Guarantees

10.4.1. Application

- (1) Improvement Guarantee - The Planning Board may require the posting of an improvement guarantee in such amount and form as specified in subsection 10.4.2. below as is reasonably necessary to ensure the proper installation of all off-site improvements required as conditions of approval. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the applicant.
- (2) Upon substantial completion of all required improvements, the developer must notify the Planning Board of the completion or substantial completion of improvements, and must send a copy of such notice to the Code Enforcement Officer / Building Inspector. The respective Municipal Officials shall inspect all improvements and must file a report indicating approval, partial approval, or rejection of such improvements with a statement of reasons for any rejection.
- (3) The Planning Board shall approve, partially approve, or reject the improvements on the basis of the report of the Code Enforcement Officer / Building Inspector.
- (4) If the improvements are approved, the guarantee shall be released. Where partial approval is granted, the developed shall be released from liability only for that portion of the improvements approved.

10.4.2 Form of Guarantee

Performance guarantees may be provided by a variety of means including, but not limited to, the following:

- (1) Security Bond - The applicant may obtain a security bond from a surety bonding company authorized to do business in the state.
- (2) Letter of Credit - The applicant may provide an irrevocable letter of credit from a bank or other reputable lending institution.
- (3) Escrow Account - The applicant may deposit cash, or other instruments readily convertible into cash at face value, either with the municipality, or in escrow with a bank. Any such account must require Town approval for withdrawal and must stipulate that the Town can withdraw the money upon forty-eight (48) hour advance notice to the applicant to complete the guaranteed improvements.

10.5. Minor Changes to Approved Plans

Minor changes in approved plans necessary to address field conditions may be approved by the Code Enforcement Officer provided that any such change does not affect compliance with the standards or alter the essential nature of the proposal. Any such change must be endorsed in writing on the approved plan by the Code Enforcement Officer/Building Inspector.

10.6. Amendments to Approved Plans

Approvals of site plans are dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals, and supporting documents that do not affect approval standards, is subject to review and approval.

SEC.11. APPEAL OF PLANNING BOARD ACTIONS

Appeal of any actions taken by the Planning Board with respect to this section shall be to the Appeals Board who will conduct a hearing de novo, and render its independent judgment. Any such appeal must be filed thirty (30) days of the date upon which the Planning Board voted to take action on the application. Any aggrieved party may appeal the action of the Planning Board.

SEC. 12. AMENDMENTS TO THE ORDINANCE

Amendments of this ordinance may be initiated by the Planning Board, or as specified in *Title 30-A M.R.S.A. §2522*.

No proposed amendments to this ordinance shall be referred to the Town Meeting until the Planning Board have held a public hearing on the proposal, notice of which shall be posted at least fourteen (14) days prior to such hearing and advertised in a newspaper of general circulation in the municipality at least two (2) times with the date of first publication being at least fourteen (14) days prior to the hearing and the second at least seven (7) days prior to the hearing.

The proposed amendments shall be adopted by a simple majority vote of the Town Meeting.

SEC. 13. SEVERABILITY

The invalidity of any section or provision of this ordinance shall not be held to invalidate any other section or provision of this ordinance.

Yvonne P. Wilkinson
Attested by
Yvonne P. Wilkinson
Town Clerk of Gouldsboro

June 10, 2015
Date

TOWN OF GOULDSBORO, MAINE

SOLID WASTE AND RECYCLING ORDINANCE

Adopted: August 20, 2008

Solid Waste and Recycling Ordinance

Adopted: August 20, 2008

Section 1- AUTHORITY

This Ordinance is created under the authority granted the town by Title 38 M.R.S.A., 1301 et seq. (the Maine Hazardous Waste, Septage and Solid Waste Management Act) and Title 30-A M.R.S.A., 3001 et seq. (Ordinance of Municipalities and Counties).

Section 2- PURPOSE

- 2.01 To control the costs of solid waste management which are increasing significantly and these costs are best borne by those who generate the waste.
- 2.02 To protect the health, safety and general well being of the citizens of Gouldsboro, Maine.
- 2.03 To enhance and maintain the quality of the environment, conserve natural resources and prevent water and air pollution by providing a comprehensive, rational and effective means of regulating the disposal of solid waste in the Town in accordance with the provisions of title 38 M.R.S.A., Section 1304-B as amended.
- 2.04 To control solid waste material in the Town by establishing limitations, prohibiting certain acts causing solid waste disposal problems and to provide for fines for violations of the provisions of this Ordinance.
- 2.05 To encourage and expand solid waste recycling.
- 2.06 To encourage and expand environmentally sound home composting of yard, leaf and vegetable waste that meets all State requirements.

Section 3- APPLICABILITY

This Ordinance applies to all waste and generators of solid waste in the Town of Gouldsboro, but excluding waste privately contracted for disposal outside the Town excepting the provisions of Section 7.09 which applies in all cases within the Town. Businesses and other parties that privately contract for waste storage (e.g. dumpster) and disposal shall accept responsibility to secure these facilities so they are available only for their own use.

Section 4- DEFINITIONS

The definitions set forth in 38 M.R.S.A. §1303 apply to this ordinance and are incorporated herein. Any word not otherwise defined shall have its dictionary meaning.

- 4.01 **ACCEPTABLE WASTE-** Solid waste generated in the Town of Gouldsboro which may include, but is not limited to: household waste, garbage, commercial waste, recyclables, white goods containing no CFCs, (chlorofluorocarbon - a fluorocarbon with chlorine; formerly used as a refrigerant and as a propellant in

aerosol cans;) automotive tires (without rims), construction and demolition debris, yard waste, and restaurant waste.

- 4.02 **UNACCEPTABLE WASTE-** Solid waste which is not defined as acceptable waste and includes, but is not limited to: sewage and its derivations, junk vehicles and parts therefrom (excluding tires), wet cell batteries, fluorescent lamps, compact fluorescent lights (CFL), dead animals or portions thereof, appliances containing CFC gases, petroleum-based liquids, hazardous waste, infectious waste or special waste such as asbestos, industrial process waste, or contaminated soil.
- 4.03 **RECYCLABLE MATERIALS** - Items that possess physical and economic characteristics that allow them to be recovered, separated, collected or reprocessed for sale or reuse other than use as fuel for the generation of heat, steam or electricity. These items include but are not limited to newspapers, magazines, phone books, mail, cereal boxes, used envelopes, white paper, colored paper, flattened and bundled cardboard, paper bags, bottles, cans, glass and #1 and #2 plastic.
- 4.04 **COMPOST MATERIAL** is defined as material privately stored for decomposition by natural means and includes but is not limited to horticultural waste such as grass clippings and other fibers, vegetables and other food waste, meat and fish waste.
- 4.05 **UNIVERSAL WASTE-** Radios, televisions, other electronic elements, materials containing mercury, cadmium and lead such as rechargeable batteries, cathode ray tubes, fluorescent lamps, mercury thermostats, motor vehicle switches, PCB ballast's and thermometers.
- 4.06 **WHITE GOODS-** Refrigerators, stoves, freezers, washing machines, clothes dryers, air conditioners and other large, predominantly metal household appliances.
- 4.07 **CONSTRUCTION and DEMOLITION DEBRIS (CDD)-**solid waste resulting from construction, remodeling, repair, and demolition of structures. It includes but is not limited to: lumber, bricks, masonry, shingles, building materials, discarded furniture, asphalt, insulation, wall board, pipes, metal structures, and metal conduits and other similar materials. It excludes: partially filled containers of glues, tars, solvents, resins, paints, or caulking compounds; friable asbestos; and other special wastes.
- 4.08 **GARBAGE-** Every accumulation of waste (animal, vegetable, and/or other matter) that results from the preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, grains or other animal or vegetable matter (including but not by way of limitation, used tin cans and the food containers and all putrescible or easily decomposable waste animal or vegetable matter that is likely to attract flies or rodents), except (in all cases) any matter included in the definition of bulky waste, construction and demolition debris, dead animals, hazardous waste, or stable matter.

- 4.09 **SOLID WASTE-** Unwanted or discarded material including, but not limited to: rubbish, garbage, refuse-derived fuel, scrap materials, junk, refuse and construction and demolition debris, inert fill material, and landscape refuse,. It does not include hazardous waste, biomedical waste, septic tank sludge, or agricultural waste. The fact that a solid waste, or constituent of the waste, may have value, be beneficially used, have other use, or be sold or exchanged, does not exclude it from this definition.
- 4.10 **RESIDUAL WASTE-** solid wastes generated from municipal, commercial or industrial facilities that may be suitable for agronomic utilization. These materials may include: food, fiber, vegetable and fish processing wastes; dredge materials; sludges; dewatered septage; and ash from wood or sludge fired boilers.
- Type I-A residual.** "Type IA residual" means a residual from a known source that does not contain hazardous substances above risk based standards in Appendix 418.A of DEP rules and that has a carbon to nitrogen ratio greater than or equal to 25:1, such as leaf and yard waste, wood chips and some vegetative wastes.
- Type I-B residual.** "Type IB residual" means a residual from a known source that does not contain hazardous substances above risk based standards in Appendix 418.A and that has a carbon to nitrogen ratio greater than 15:1 but less than 25:1, such as animal manure and most produce and vegetable wastes.
- Type I-C residual.** "Type IC residual" means a residual from a known source that does not contain hazardous substances above risk based standards in Appendix 418.A and that has a carbon to nitrogen ratio of 15:1 or less, such as fish wastes.
- 4.11 **MUNICIPAL SOLID WASTE-** solid waste emanating from household and normal commercial sources. Municipal solid waste includes front-end process residue from the processing of municipal solid waste.
- 4.12 **PUTRESCIBLE WASTE-** solid waste that contains organic matter that can be rapidly decomposed by microorganisms, which may give rise to foul smelling, offensive products during such decomposition or which is capable of attracting or providing food for birds and potential disease carrying organisms such as rodents and flies.
- 4.13 **SPECIAL WASTE-** waste designated by the Maine Board of Environmental Protection as Special Wastes.
- 4.14 **APPROVED STICKER-** a single-use tag purchased in quantity from the Town, which entitles the bearer to have a set maximum amount of solid waste picked up at their public curbside once.
- 4.15 **COMMERCIAL HAULER-** Any person who carries waste for compensation.
- 4.16 **PERMITTED USER-** Any resident or resident business owner that lives in the Town of Gouldsboro.

- 4.17 RESIDENT- A person who lives within the Town. It shall include persons who may own, rent, or lease a dwelling seasonally.
- 4.18 MUNICIPAL OFFICERS- The Selectmen of the Town of Gouldsboro.
- 4.19 TOWN MANAGER- The Town Manager of the Town of Gouldsboro.
- 4.20 SOLID WASTE COMMITTEE- The committee appointed by the Municipal Officers for the purpose of overseeing the management of solid waste.

Section 5- ADMINISTRATION

This Ordinance shall be administered by the Municipal Officers and/or their designees. Their powers and duties are as follows:

- 5.01 To institute all necessary procedures, either legal or equitable, to enforce this Ordinance.
- 5.02 To review any alleged violation of this Ordinance, and impose appropriate penalties subsequent to notice and hearing as required.
- 5.03 To provide education, on a continuing basis on the methods of solid waste disposal, including any changes in requirements.
- 5.04 To provide necessary pickup and disposal contracts, consistent with the lowest best cost and service provided. In the interest of the Town, to establish within these contracts what portion of commercial/industrial waste disposal is to be municipally funded.
- 5.05 To charge a fee for the purchase of stickers for curbside pickup and the disposal of household garbage. The amount of the fee shall be set by the Municipal Officers. Availability of these stickers will be the responsibility of the Municipal Officers and/or their designees. All fees collected shall be kept in a special account and used in the following year to offset solid waste disposal costs.
- 5.06 To establish the maximum volume and/or weight of solid waste which is eligible for curbside pickup under a single sticker.

Section 6- STORAGE REQUIREMENTS

It is the responsibility of each resident to provide proper storage of all solid waste generated on his or her premises in accordance with the requirements of this ordinance. This responsibility also includes the voluntary separation, composting and recycling of solid waste, and proper home storage of solid waste. Storage shall be in closed containers or by other similar methods to prevent problems with odors, animals, rodents, insects, or other public nuisances. Home composting of kitchen wastes, yard and garden wastes and other organic materials is encouraged.

- 6.01 Residual, unacceptable, and putrescible waste may temporarily be stored in closed containers until used or disposed so long as it does not present a public nuisance

or safety hazard. Disposal of this material, except that which can be successfully privately composted without public nuisance, shall be by legal means only.

Section 7- COLLECTION AND TRANSPORTATION

- 7.01 Household Garbage- Curbside collection is the approved means of disposing of garbage and other acceptable household wastes not held for composting
- 7.02 Household Recyclables- Curbside collection is the approved means of disposing of recyclables. The provisions of Section 7.07 and 7.08 below do not apply to recyclables. However if a recyclables tote or other container, intended to remain in the possession of the resident, is used to hold the separated recyclables, it should be removed within 12 hours after the scheduled pickup.
- 7.03 Universal waste, and other hazardous waste are to be disposed at regional universal waste collection sites or by waste disposal sites certified to handle such waste.
- 7.04 White goods are to be disposed of at the Town Transfer Station.
- 7.05 Construction and demolition debris is to be disposed of at the Town Transfer Station.
- 7.06 Unacceptable waste is not to be disposed within the Town and is to be removed from the Town by the owner of this waste by employing commercial businesses specializing in the type of waste to be removed.
- 7.07 Curbside Waste- Materials to be placed at curbside for disposal must be placed in a plastic bag with an APPROVED sticker attached. The plastic bag(s) may be placed in a container. Bags shall contain no unacceptable waste as defined by this ordinance and should be placed at curbside not more than 12 hours before the pickup. If placed to curbside pickup the night before, the bagged waste must be placed in solid containers with lids. Any empty container, such as wheeled carts, steel or plastic cans, etc. should be removed within 12 hours after the scheduled pickup.
- 7.08 Curbside Pickup Stickers- One sticker shall be used for disposal of up to an amount of waste set by the Municipal Officers and contained in a bag, or in a container of bags, of a combined weight that does not exceed the approved maximum amount. When bags are contained within containers the sticker must be affixed to a bag and clearly visible. Items not fitting in either a container or bag must display separate stickers. Only a bag displaying a sticker, a container of bags where one clearly visible bag displays a sticker, or individual items displaying a sticker will be picked up by the municipally contracted hauler.
- 7.09 Litter- No person operating a vehicle shall permit or cause any solid waste to leave such vehicle. No person shall transport any solid waste over any public way or street within the limits of the Town of Gouldsboro except when the material is covered in such a manner that the refuse shall not be strewn along public ways. Proof that solid waste or recyclables has blown or fallen from any truck or vehicle

shall be prima facie evidence that said truck or vehicle was not sufficiently enclosed or covered.

- 7.10 Illegal Dumping- No person shall throw or deposit or cause to be thrown or deposited any solid waste or recyclables within the Town in any street, gutter, sidewalk, parking area, park, wooded area, any public place, private property, or into any body of water within or adjacent to the Town.
- 7.11 Insurance- Commercial haulers shall provide proof of general liability insurance coverage at a minimum of \$1,000,000 and shall provide proof of workers compensation coverage, if applicable, at the time of applying for or renewing a license.
- 7.12 Financial Responsibility- Commercial haulers shall provide evidence of financial stability and may be required to obtain an irrevocable letter of credit or other financial guarantee for timely payment by the Town.
- 7.13 Incinerators, landfills, and transfer stations- Waste disposal operations such as these are permitted within the town only with the express approval of the Municipal Officers and the Town Planning Board as well as any State agencies having permitting responsibility and then only after full review of environmental and land use compatibility issues as well as acceptability within the Town Comprehensive plan.

Section 8- VIOLATIONS, ENFORCEMENT AND PENALTIES

- 8.01 General- Violations of this Ordinance shall be enforced under the provisions of 30-A M.R.S.A., 4452 as amended, as land use violations. The penalties set forth in the aforementioned statute shall apply to violations of this Ordinance.
- 8.02 Violations- The Municipal Officers and/or their designee shall review any alleged violation of this Ordinance and the Municipal Officers shall take the appropriate action required.
- 8.03 Enforcement- Enforcement of this Ordinance is the responsibility of the Municipal Officers.
- 8.04 Penalties- Any person found in violation of any provision of this Ordinance shall be subject to a civil penalty in the amount of not less than \$100 nor more than \$500 for each offense. Each act of violation and every day upon which any violation shall occur shall constitute a separate offense. All civil penalties shall accrue to the Town and be deposited in the Special Solid Waste account.
- 8.05 Municipal Costs of Enforcement- In addition to the foregoing penalty provisions, any person violating any provision of this ordinance shall be liable for reimbursement to the Town for costs of enforcement including reasonable attorney fees and court costs. This provision shall not preclude the town from seeking and obtaining equitable relief.
- 8.06 Costs of Disposal- In the case of illegal dumping upon private or public land, the costs of clean up and disposal shall be borne by the person or persons illegally

dumping, unless no person is so charged. The Town may pay for the disposal of illegally dumped material if reported to the Town Police Department or Municipal Officers and the person or persons responsible for the act cannot be determined.

Section 9- VALIDITY

In any of the provisions of this Ordinance or the application thereof is held invalid by any court of law, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions of this Ordinance are declared to be servable.

Section 10- REPEAL

All Ordinances and parts of Ordinances inconsistent with this Ordinance are hereby repealed.

Section 11- ORDINANCE IN FORCE

This Ordinance shall be in full force and effect from and after its passage, recording, and publication as provided by law.

Yvonne P. Wilkinson
Attest

Yvonne P. Wilkinson, Town Clerk
Town of Gouldsboro

8/20/2008
Date

Town of Gouldsboro

Box 68
Prospect Harbor, Maine 04669
(207) 963-5589

SPECIAL AMUSEMENT PERMIT ORDINANCE

Section 1. Purpose

The purpose of this Ordinance is to control, as required by Title 28A MRSA, Section 1054, as amended, the issuance of Special Permits for music, dancing or entertainment in facilities licensed by the State to sell liquor in the Town of Gouldsboro and to control the issuance of special Permits for music, dancing or entertainment in facilities in the Town of Gouldsboro.

Section 2. Definitions

Dancing - Includes all types of dancing, whether accompanied by music produced at the premises or recorded music, which is encouraged or allowed at the premises of the licensee.

Entertainment - Includes any amusement, performance, exhibitions or diversion for patrons or customers of the licensed premises.

Licensee - Includes the holder of a license issued by the Maine State Liquor Commission or any person, individual, partnership, firm, association, corporation or other legal entity or any agent or employee of any such license.

Municipal Officers - The Board of Selectmen

Music - Includes all types of music produced at the premises, including but not limited to vocal and instrumental. Radio, television, jukeboxes and other types of recorded music are specifically excluded from the requirements of this chapter except when played at the premises to encourage dancing.

Section 3. Permit Required

No licensee for the sale of liquor to be consumed on the licensed premises, situated in the Town of Gouldsboro, shall permit on said licensed 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 Board of Selectmen a Special Amusement Permit signed by at least a majority of the members of said Board of Selectmen.

Applications for all Special Amusement Permits shall be made in writing to the Gouldsboro Board of Selectmen and shall state the name of the applicant; location and nature of business; the location to be used; the specific type of Special Amusements to be offered; and any other information the Board of Selectmen may require in order to ascertain the impact of such activities on the public health, safety, or welfare, and to insure conformance with all State and local regulations.

Section 4. Fee

The fee for a Special Amusement Permit shall be five dollars (\$5.00) and any incidental costs to the Town of Gouldsboro, including advertising, for the posting of a public hearing prior to issuance of a Permit.

Section 5. Provisions

A- The Board of Selectmen shall, prior to the granting of a permit and after reasonable notice to the public and the applicant, hold a public hearing and render a written decision within fifteen (15) days of the date the request was received at which time the testimony of the applicant and that of any interested members of the public shall be taken.

B- The Board of Selectmen shall grant a permit unless it finds that the issuance of the permit will be detrimental to the public health, welfare, or safety or would violate any local code, ordinance, or regulation. No permit shall be granted for any thing, or act, or premises if the premises do not fully comply with all ordinances, codes and regulations of the Town of Gouldsboro, Maine unless the Code Enforcement Officer of the Town of Gouldsboro shall certify in writing that such use or premises constitute a lawful non-conforming use under state or local law.

In determining conditions that a breach of the peace or disorderly conduct has occurred or will continue if the licensed activity is permitted.

1. There is a clear danger that a breach of the peace or disorderly conduct will occur or continue if the licensed activity is permitted.

2. The licensed activity of persons patronizing the licensed premises will have, or have had a substantial adverse effect on the peace and quiet of the neighborhood, or any portion thereof, whether or not residential.

3. The licensed activity, or persons on the premises for the purpose of participating in the licensed activity or persons patronizing the licensed premises have caused one or more breaches of the peace.

4. The licensed activity causes, or is likely to cause a constriction of fire escape routes; an electrical fire hazard; or other clear hazards as certified by the Chief of the Gouldsboro Fire Department or his authorized agent.

5. The licensed activity causes or contributes to, or is likely to cause or contribute to Nuisance as provided in Title 17 MRSA, Chapter 91.

C- A permit shall be granted and valid only for the license year of the applicant's existing liquor license.

D- There shall be four (4) classes of permits and only those activities specified in each class shall be permissible under the Special Amusement Permit.

Class 1 - Live music without mechanical amplification

Class 2 - Live music with mechanical amplification

Class 3 - Dancing

Class 4 - Talent and performance of activities such as comedy, dramatics, narration, juggling, magic acts and similar amusements.

Section 6. Suspension or Revocation

The municipal officers may, after a public hearing preceded by written notice, sent by certified mail, to the permittee and such interested parties as those who have filed written complaints, of no less than thirty (30) days, revoke a permit or suspend it for a period of time to be decided by the municipal officers. Said notice of public hearing shall be posted in the usual accepted manner for authorized public hearings. Such action is warranted if the municipal officers find that the music, dancing or entertainment so permitted constitutes a detriment to the public health, safety or welfare or violates municipal ordinances, articles, bylaws, rules and regulations, including the provisions of this chapter.

Section 7. Inspections

Any licensee or licensed premises for which a Special Amusement Permit has been granted shall allow any authorized inspection agent of the Town of Gouldsboro to enter at reasonable times to inspect said premises to insure conformance with this Ordinance and other ordinances of the Town of Gouldsboro.

Section 8. Rules and Regulations

The municipal officers are hereby authorized, after public notice and hearing, to establish written rules and regulations governing the issuance, suspension, and revocation of special amusement permits, and other limitations on these activities required to protect the public health, safety and welfare. The 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 which the permitted activities are permitted.

Section 9. Permit and Appeal Procedures

Any licensee requesting a special amusement permit from the municipal officers shall be notified in writing of their decision no later than ten (10) days from the date of decision. In the event that a licensee is denied a permit, the licensee shall be provided with the reasons for denial in writing.

Any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may within thirty (30) days of the denial, suspension or revocation, appeal the decision to the municipal Board of Appeals as defined in Title 30A MRSA, Section 2691. The municipal Board of Appeals may grant or reinstate the permit if it finds that 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, bylaw, or rule or regulation of the municipality and/or was issued in an argumentative and capricious manner.

Section 10. 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 the designated areas approved by the municipal special amusement permit.

Section 11. Penalty

Any violator of this ordinance shall pay to the town, upon its complaint, a civil penalty assessed by the District Court in the minimum amount of one hundred (100) dollars and the maximum amount of twenty-five hundred (2500) dollars. In addition, the town may request from the court an order that the violator correct or abate the violations, and that the violator pay its reasonable attorney fees, expert witness fees, and costs.

The municipal officers are hereby authorized, in lieu of formal court action, to enter into a consent agreement with any violator which provides for the correction or abatement of the violation and may provide for the payments specified above.

Section 12. Separability

The invalidity of any provision of this article shall not invalidate any other part.

Section 13. Effective Date

The Special Amusement Permit Ordinance shall become effective immediately upon the adoption by a majority vote of the Town legislative body; any amendments shall become effective thirty (30) days after a majority vote of the Board of Selectmen as provided in Section 12 of this Ordinance.

Yvonne P. Wilkinson

Attested
Yvonne P. Wilkinson
Clerk, Town of Gouldsboro

June 1996

Date

TOWN OF GOULDSBORO, MAINE

SUBDIVISION ORDINANCE

Revisions:
June 11, 2008
June 13, 2012
May 2013
June 2015

SUBDIVISION ORDINANCE
TABLE OF CONTENTS

ARTICLE I.	PURPOSE.....	3
ARTICLE II.	AUTHORITY AND ADMINISTRATION.....	5
	A. Authority	5
	B. Administration	5
ARTICLE III.	DEFINITIONS	5
ARTICLE IV.	WAIVER AND MODIFICATION OF THESE REGULATIONS.....	11
	A. Waivers	11
	B. Exemptions.....	11
ARTICLE V.	ADMINISTRATIVE PROCEDURE FOR SUBDIVISION REVIEW.....	12
ARTICLE VI.	PREAPPLICATION MEETING, SKETCH PLAN AND SITE INSPECTION	12
ARTICLE VII.	SUBMISSION OF DOCUMENTS AND REVIEW SCHEDULE.....	13
	A. Application.....	13
	B. Public Hearing.....	14
	C. Decision	15
	D. Submissions	15
	E. Application.....	15
	F. Requests for Additional Information.....	18
	G. Submission of Evidence After Approval.....	20
	H. Final Approval and Filing.....	21
	I. Plan Revisions After Approval.....	21
	J. Guarantee, Security or Performance Bond.....	22
	K. Public Acceptance of Streets, Recreation Areas.....	24
	L. Certification of Compliance.....	25
	M. Fees.....	25
	N. Validity, Conflict of Ordinances, and Effective Date.....	26
ARTICLE VIII.	INSPECTIONS AND ENFORCEMENT.....	26
ARTICLE IX.	GENERAL REQUIREMENTS AND PERFORMANCE STANDARDS.....	28
	A. Plan Shall Conform to Comprehensive Plan.....	28
	B. Plan Shall Conform to Shoreland Zoning.....	29
	C. Relationship to Community.....	29
	D. Preservation of Natural and Historic Features.....	29

E. Land Not Suitable for Development	31
F. Lots.....	31
G. Easements for Natural Drainage Ways 31	
H. Utilities	32
I. Pollution.....	32
J. Soil Erosion.....	32
K. Traffic Conditions.....	32
L. Sewage Disposal.....	33
M. Impact on the Municipality's Ability to Dispose of Solid Waste.....	34
N. Impact on Ground Water Quality or Quantity.....	34
O. Phosphorus Loading.....	35
P. Additional Requirements.....	38
Q. Required Improvements.....	39
ARTICLE X. DESIGN STANDARDS.....	39
A. Monuments.....	39
B. Street Signs.....	39
C. Streets.....	39
D. Sidewalks.....	46
E. Water Supply.....	46
F. Storm Water Management Design Guidelines.....	47
ARTICLE XI. MOBILE HOME PARKS.....	48
ARTICLE XII. PHOSPHORUS EXPORT.....	48
ARTICLE XIII. CLUSTER DEVELOPMENT.....	49
ARTICLE XIV. APPEALS.....	49
ARTICLE XV. REVISIONS TO EXISTING PLAT OR PLAN.....	49
ARTICLE XVI. SEPARABILITY AND EFFECTIVE DATE.....	49

TOWN OF GOULDSBORO

SUBDIVISION ORDINANCE

Adopted:
Revised:

INTRODUCTION

The content of these regulations is based on the experiences of planning boards for both small and medium-sized towns in Maine over the past five years.

This Ordinance has been adopted in accordance with Title 30-A MRSA, Sections 4401-4407 as amended. It shall apply to all subdivisions as defined by said State law, including residential, commercial and industrial.

The purpose for this Ordinance is to establish an administrative review process which will provide the Gouldsboro Planning Board with sufficient evidence, data, and material to carry out its responsibilities as required by 30-A MRSA, Sections 4401-4407 as amended, the Gouldsboro Comprehensive Plan, Shoreland Zoning Ordinance, and other ordinances adopted by the Town. The Ordinance also has the purpose of providing a process by which the residents of Gouldsboro and others can evaluate the impact of the subdivision as well as providing clear procedure which applicants for subdivision permits shall follow.

It is the intention of this Ordinance to establish a process which requires only one application, one hearing and/or one decision in order to achieve a fair and expeditious review of all subdivision applications.

ARTICLE I. - PURPOSE

- A. The Purpose of this Ordinance shall be to assure the comfort, convenience, safety, health and welfare of the people, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Gouldsboro, Maine, the Planning Board shall consider the following criteria and before granting approval shall affirmatively determine that the proposed subdivision:
  - 1. Will not result in undue water or air pollution. In making this determination it shall at least consider:
    - a. the elevation of the land above sea level and its relation to the flood plains;
    - b. the nature of soils and subsoils and their ability to adequately support waste disposal;
    - c. the slope of the land and its effect on effluents;
    - d. the availability of streams for disposal of effluents;
    - e. the applicable state and local health and water resource rules and regulations.

2. Has sufficient water available for the reasonably foreseeable needs of the subdivision;
3. Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;
4. Will not cause an unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;
5. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;
6. Will provide for adequate sewage waste disposal;
7. Will not cause an unreasonable burden on the ability of the municipality to dispose of solid waste and sewage if municipal services are to be utilized;
8. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;
9. Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any. In making this determination, the municipal reviewing authority is authorized to interpret these ordinances and plans;
10. Is developed by a subdivider who has adequate financial and technical capacity to meet the above stated standards;
11. Whenever situated entirely or partially within the watershed of any pond or lake, or within 250 feet of the normal high water line of any great pond, river or saltwater body, or within 250 feet of the upland edge of a coastal or freshwater wetland, or within 75 feet of the high water line of a stream, WILL NOT adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.
12. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater;
13. The subdivider will make a preliminary determination, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, whether the subdivision is in a flood prone area. If the subdivision, or any part of it, is in such an area the subdivider will determine the one hundred (100) year flood elevation and the flood hazard boundaries within the subdivision. On the plan the subdivider must include,

as a condition of plan approval, a warranty, binding the subdivider and all subsequent owners, 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.

14. Any coastal wetland, great pond, river, stream, brook and actual or potential freshwater wetland (all as defined in 38 M.R.S.A., Section 480-B) as amended within or abutting the proposed subdivision has been identified on any maps or plans submitted as part of the application.

15. Will provide for adequate storm water management.

16. 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 MRSA, Section 480-B as amended (or successor provisions thereof), none of the lots created within the subdivision shall have a lot depth to shore frontage greater than 5 to 1.

17. The long-term cumulative effect of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the subdivision.

B. Access to Direct Sunlight

When it is necessary to protect and assure access to direct sunlight for solar energy systems on adjoining property, the Planning Board may require the imposition of reasonable restrictive covenants on specified lots in the subdivision stating the height restrictions for structures and vegetation, and side yard and setback requirements, that may exceed those imposed by other town ordinances. Before imposing those covenants, the Planning Board shall receive supporting data regarding the extent of the "solar envelope" required for the adjoining property during changing daily and seasonal positions of the sun.

ARTICLE II. -AUTHORITY AND ADMINISTRATION

A. Authority

1. These standards have been prepared in accordance with the provisions of Title 30-A, MRSA, Sections 4401-4407 as amended.
2. These standards shall be known and may be cited as "Subdivision Ordinance of the Town of Gouldsboro, Maine".

B. Administration

1. The Planning Board of the Town of Gouldsboro, hereinafter called the Board, shall administer these standards.

2. The provisions of these standards shall pertain to all the land proposed for subdivision as herein defined within the boundaries of the Town of Gouldsboro.

ARTICLE III. -DEFINITIONS

In general, words and terms used in these standards shall have their customary dictionary meanings. Terms not specifically defined here below but defined in Title 30-A MRSA, Section 4401 et seq. as amended shall have the meanings therein stated. More specifically, certain words and terms used herein are defined as follows:

Acceleration Lane - A speed-change lane for the purpose of enabling a vehicle entering a roadway to increase its speed to a rate at which it can safely merge with through traffic.

Access - The ability to enter or leave a public street or highway from an adjacent driveway or another public street.

Access Management- The design and regulatory control of curb cuts and driveways to maintain highway and roadway safety and the traffic carrying capacity of an arterial and major collector road.

Applicant - The person applying for subdivision approval under these regulations.

Average Daily Traffic (ADT) - The average number of vehicles per day that enter and exit the premises to travel over a specific section of road.

Base - That portion of the roadway constructed of special material on the subgrade and supporting the surface and pavement.

Buffer Area- A part of a property or 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 Improvement 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 - 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.

Commercial Use - The use of lands, buildings, or structures, 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.

Complete Application - An application shall be considered complete upon submission of the required fee and all information required by these regulations, or by a vote by the board to waive the submission of required information. The board shall issue a written statement to the applicant upon its determination that an application is complete.

Comprehensive Plan or Policy Statement - Any part or element of the overall plan or policy for development of the Town as defined in Title 30-A, M.R.S.A., Section 4326.

Complete Substantial Construction - The completion of a portion of the improvements which represents no less than thirty 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.

Construction Drawings - Drawings showing the location, profile, grades, size and type of drains, sewers, water mains, underground power ducts and underground telephone ducts, pavements, cross sections of streets, miscellaneous structures, etc.

Cul-de-sac- A local street, one end of which is closed and consists of a circular turn-around.

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 these regulations, 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 divide lies. If the board and the applicant cannot 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 accessway serving two dwelling units or less.

Dwelling Unit - A room or suite of rooms used as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, and sleeping facilities; includes single family houses, and units in a duplex, apartment house, multi-family dwellings, and residential condominiums.

Easement- The grant by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Engineer- Municipal Engineer or consulting engineer licensed by the State of Maine.

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 - 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 these regulations, 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 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 soils surveys.

100 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 arrowgrass, seaside lavender, silverweed, salt marsh bullrush, seaside plantain, orach, salt marsh edge,

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.

Home Occupation - An occupation or profession which is carried out on or in a residential structure, accessory structure or property by the occupants of the dwelling and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses and 2) employs no more than two (2) persons other than family members residing in the home. By way of illustration and not limitation, the term home occupation shall include making foods, such as breads, cookies, or preserves, rugs, birdhouses, fishing flies and quilts. The term "home occupation" shall also include both professional and personal services offered for remuneration.

Legislative Body - Special or regular Town meeting.

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.

Lot - Any separate or distinct unit of land, structure or part of structure, whether residential or non-residential, with a clearly separate but not necessarily different, use or intended use from the lot or lots adjacent to it, with the exception of auxiliary buildings for a single family residence, not intended for human occupancy. Included under this definition of lot would be any multi family dwelling, apartments, mobile home sites, campsites, trailer sites, recreational vehicle sites, shopping centers, and groups of non-residential buildings with different uses, even if owned by the same person.

Mobile Home Park - A parcel of land under unified ownership approved by the municipality for the placement of 3 or more manufactured homes, as defined in 30-A MRSA, Section 4358 (1)(A) as amended.

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

Mobile Home Subdivision or Development - A parcel of land approved by the municipal reviewing authority under Title 30-A, MRSA, Section 4401 et seq. as amended, for the placement of manufactured houses on individually owned lots.

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.

Municipality - Town of Gouldsboro, Maine.

Net Residential Acreage - The total acreage available for the subdivision, as shown on the proposed subdivision plan, minus the area for streets or access and the areas that are unsuitable for development as outlined in Section Article IX, Section E.

Net Residential Density - The average number of dwelling units per net residential acre.

Official Map - The map adopted by the Municipality showing the location of public property, ways used in common by more than two owners of abutting property, and approved subdivisions; and any amendments thereto adopted by the Municipality or additions thereto resulting from the approval of subdivision plans by the Planning Board and the subsequent filing for record of such approved plans.

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

Planning Board - The Planning Board of the Municipality created under Article 33, Town of Gouldsboro Ordinance, enacted March 1969.

Principal Structure - Any building or structure in which the main use of the premises takes place.

Resubdivision - The division of an existing subdivision or any change of lot size therein or the relocation of any street or lot in a subdivision.

Right-of-Way- All lands or other property interest provided or acquired for the development and operation of a road, which could include drainage and slope easements.

Roadbed - General term denoting the foundation and the surface of the road.

Roadside - General term denoting the area adjoining the outer edge of the roadway. Roadway - That portion of the highway within the limits of construction.

Shoulders - That portion of the roadway lying immediately outside of the pavement.

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 these regulations 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. The following roadways shall be considered arterial streets: U.S. Route 1

Collector Street - A street with average daily traffic of 200 vehicles per day or greater, or streets which serve as feeders to arterial streets, and collectors of traffic from minor streets.

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 - A street servicing only residential properties and which has an average daily traffic of less than 200 vehicles per day.

Private Right-of-Way - A minor residential street servicing no more than eight dwelling units, which is not intended to be dedicated as a public way.

Subdivision- A subdivision is the division of a parcel of land into three (3) or more lots within a five (5) year period. The division of a new structure or structures, or an existing structure previously used for commercial or industrial purposes, into three (3) or more dwelling units is a subdivision. The construction or placement of three (3) or more dwelling units on a parcel of land within a five (5) year period is a subdivision.

Subdivision Application - The final drawings on which the subdivider's plan of subdivision is presented to the Planning Board for approval and which, if approved, must be filed for record with the Municipal Clerk and

County Registry of Deeds and must comply with all requirements of Article V of this Ordinance.

Subgrade - That portion of the roadway upon which the base and shoulders are constructed. Surface Treatment - Any bituminous treatment applied on the surfacing course, such as a tarred surface pavement applied at a rate of one gallon per square yard with at least two (2) inches of penetration.

Surfacing - That portion of the roadway constructed on the base course to facilitate fine grading and produce good rideability.

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%.

Water-Related Terms:

The following terms have the meanings established in 38 M.R.S.A., Section 436-A and Section 480-B:

Coastal Wetlands River	Freshwater Wetlands
River, Stream or Brook	Great Ponds
High Water Line	Significant Wildlife Habitat

ARTICLE IV. –WAIVER AND MODIFICATION OF THESE REGULATIONS

A. Waivers

1. Waivers of 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 these regulations 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 these regulations.

2. Waiver of 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 these regulations, and further provided the performance standards of these regulations and the criteria of the subdivision statute have been or will be met by the proposed subdivision.

3. Conditions.

Waivers may only be granted in accordance with Sections IV.1 and IV.2. When granting waivers, the Board shall set conditions so that the purposes of these regulations are met.

4. Waivers to be shown on final plan.

When the Board grants a waiver to any of the improvements required by these regulations, the final plan, to be recorded at the Registry of Deeds within 90 days of plan approval, shall indicate the waivers granted and the date on which they were granted.

B. Exemptions

This section shall not apply to proposed subdivisions approved by the Planning Board or the municipal officials prior to September 23, 1971 in accordance with laws then in effect nor shall it apply to subdivisions as defined by this section in actual existence on September 23, 1971 that did not require approval under prior law or to a subdivision as defined by this section, a plan of which had been legally recorded in the registry of deeds prior to September 23, 1971. The division of a tract or parcel as defined by this section into three (3) or more lots and upon all of which lots permanent dwelling structures legally existed prior to September 23, 1971 is not a subdivision. 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 section, shall not become subject to this section by the subsequent dividing of a said tract or parcel of land or any portion thereof; however, the municipal reviewing authority shall consider the existence of such previously created lot or lots in reviewing a proposed subdivision created by such subsequent dividing.

ARTICLE V. -ADMINISTRATIVE PROCEDURE FOR SUBDIVISION REVIEW

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 shall prepare a written agenda for each regularly scheduled meeting. The agenda shall be prepared no less than one week in advance of the meeting, distributed to the Board members and any applicants appearing on the

agenda, and posted at the municipal offices. Subdivision applicants shall request to be placed on the Board's agenda at least ten days in advance of a regularly scheduled meeting by contacting the Chairperson. Subdivision applicants who attend a meeting but who are not on the Board's agenda may be heard only after all agenda items have been completed, and then only if a majority of the Board so votes. However, the Board shall take no action on any application not appearing on the Board's written agenda.

ARTICLE VI. - PREAPPLICATION MEETING, SKETCH PLAN AND SITE INSPECTION

1. Purpose

The purpose of the preapplication 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.

2. Procedure

- a. The applicant shall present the Preapplication 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 date of the on-site inspection is selected.

3. Submission

The Preapplication 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 unless the proposed subdivision is less than ten acres in size.
- b. A copy of that portion of the county soil survey covering the proposed subdivision, showing the outline of the proposed subdivision.
- c. For subdivisions of ten units or more in the Rural-Residential areas, as defined by Gouldsboro's Land Use Ordinance, a sketch showing how the subdivision could be developed as a cluster and as a conventional subdivision.

4. Contour Interval and On-Site Inspection

Within thirty days of the preapplication meeting, 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. The applicant shall place "flagging" at the centerline of any proposed streets, and at the approximate intersections of the street centerlines and lot comers, prior to the on-site inspection. The Board shall not conduct on-site inspections when there is more than one foot of snow on the ground.

5. Rights not Vested

The preapplication meeting, the submittal or review of the sketch plan or the on-site inspection shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1 M.R.S.A., 302.

6 Establishment of File

Following the preapplication meeting the Board shall establish a file for the proposed subdivision. All correspondence and submissions regarding the preapplication meeting and application shall be maintained in the file.

ARTICLE VII. - SUBMISSION OF DOCUMENTS AND REVIEW SCHEDULE

A. - Application

1. Within six months after the on-site inspection by the board, the applicant shall submit an application for subdivision approval at least ten days prior to a scheduled meeting of the board. Applications shall be submitted by mail or delivered by hand to the Town Manager or Town Clerk who shall forward it immediately to the Chairman of the Planning Board who shall issue to the applicant 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.
2. Upon receiving a **completed** application, the municipal reviewing authority shall notify the following by mail of the proposed subdivision: all abutting property owners and other owners of property within one thousand (1000) feet of the boundaries of the proposed subdivision, the clerk and the reviewing authority of municipalities that abut or include any portion of the proposed subdivision. The notice shall specify the location of the proposed subdivision and shall include a general description and site location map of the project.
3. Within thirty (30) days from the date of receipt, the Planning Board shall notify the applicant in writing either that the application is complete or, if the application is incomplete, the specific additional material needed to make a complete application.

Determination by the Planning Board that the application is complete in no way commits or binds the Planning Board as to the adequacy of the application to meet the criteria of 30-A MRSA, Section 4404 as amended, or the Gouldsboro Ordinance. The Planning Board shall make a determination as to the completeness of the application only once. The applicant assumes all risks as to its completeness for all subsequent applications.

4. After the Planning Board has determined that the complete application has been filed, it shall notify in writing the applicant, Selectmen, Fire Chief, Conservation Commission, Code Enforcement Officer, Superintendent of Schools, Bangor Daily News, Ellsworth American and any others. Said written notice shall briefly describe the proposed subdivision, state where the application may be inspected, and give notice that requests for a public hearing must be filed in writing to the Chairperson of the Planning Board within ten (10) days from the date of the notice. The Planning Board may then begin its full evaluation of the proposed subdivision.

B. - Public Hearing

Within fifteen (15) days of the notice of the receipt of the complete application, the Planning Board shall determine whether it shall hold a public hearing on an application. The decision to hold a public hearing is discretionary, and in making its decision the Planning Board may consider the size and type of subdivision, community impact, as well as written requests for a public hearing.

In the event that the Planning Board determines to hold a public hearing, it shall hold such hearing within thirty (30) days of the notice of the receipt of a completed application and shall cause written notice of the date, time and place of the hearing to be given to the applicant and all parties receiving the notice in Article VII, Section A, and all parties who requested a public hearing in writing and in addition shall cause a notice to be published in a newspaper of general circulation in Gouldsboro at least two (2) times, the date of the first publication to be at least seven (7) days prior to the hearing.

C. - Decision

The Planning Board shall, within thirty (30) days of a public hearing or within sixty (60) days of the notice of the receipt of a completed application if no hearing is held, or within such other time limits as may be otherwise mutually agreed to between the applicant and the Planning Board, issue an order denying or granting approval upon such terms and conditions as it may deem advisable to satisfy the criteria in Article I and other parts of this ordinance, and other requirements of the ordinances and Comprehensive Plan of the Town of Gouldsboro, and to protect and preserve the public's health, safety and general welfare.

In issuing its decision, the Planning Board shall make written findings of fact establishing that the proposed subdivision does or does not meet the criteria of 30-A

M.R.S.A., Section 4404, the ordinances and Comprehensive Plan of the Town of Gouldsboro and the regulations of the Planning Board.

In all instances, the burden of proof, persuasion and production of documents and data shall be upon the applicant. If the initial approval or any subsequent amendment of the subdivision is based in part on the granting of a variance, the subdivider must comply with 30-A M.R.S.A., Sec. 4406, Subsection 1, Paragraph B.

D. - Submissions

The applicant and all other parties shall submit four (4) copies of all documents, maps and other written or printed material.

E. - Application

The application shall consist of the following:

1. Location Map

A Location Map to be drawn at a scale of not over four hundred (400) feet to the inch to show the relationship of the proposed subdivision to the adjacent properties and to the general surrounding area and which shall show at least all the area within two thousand (2,000) feet of any property line of the proposed subdivision. Within such area the Location Map shall show:

- a. The name, registration number and seal of the land surveyor, architect, engineer or planning consultant who prepared the maps and other documents.
- b. Date, magnetic north point, graphic scale and grid points.
- c. All existing and proposed approximate property lines together with the names and mailing addresses of all owners of land on record for any property within one thousand (1000) feet of the boundaries of the proposed subdivision.
- d. Locations, widths, and names of existing filed or proposed streets, easements, and rights-of-way.
- e. The boundaries and designations of zoning districts and parks or other public lands.
- f. The location and property lines of all land to which the applicant has any title, right or interest in addition to the proposed subdivision, an indication of the future probable street system of the subdivider's entire holding, gravel pits and other existing excavations, and the sites of any future sources of gravel or fill.
- g. The location of all surface water bodies, fresh water wetlands regardless of size, coastal wetlands, rivers, streams, brooks, natural drainage ways and culverts within or abutting the subdivision, which shall be identified with arrows indicating direction of flow; wooded and open space areas; registered farm lands, and existing buildings, utility lines, hydrants, fire ponds and dry

hydrants, water and sewer lines. If any portion of the proposed subdivision is located in the direct watershed of a great pond, the application shall indicate which great pond.

- h. The location of sensitive areas including identified gravel and bedrock groundwater aquifers and recharge areas; the watershed boundaries of potable water supplies; the one hundred year floodplain as identified by the U.S. Department of Housing and Urban Development Flood Plain Insurance Program; slopes greater than fifteen (15) percent; highly erodible soils; non-discharge soils as defined by the State Plumbing Code; fragile or irreplaceable natural areas; historic and archaeological sites; areas of scenic and natural beauty; areas of significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife or the municipality.

2. Subdivision Plan

The Subdivision Plan shall be submitted in maps, drawings, overlays, or other documents with all dimensions shown in feet or decimals of a foot, drawn to a scale of one inch equals not more than one hundred (100) feet showing or accompanied by the following information:

- a. Proposed subdivision name or identifying title and the name of the municipality plus the assessor's map and lot numbers.
- b. Name and address of record owner of the subdivision and the subdivider if different.
- c. Name, registration number and seal of the land surveyor, architect, engineer or planning consultant who prepared the plan and date the plan was prepared.
- d. Number of acres within the proposed subdivision, date, magnetic north point, grid points and graphic scale.
- e. Contour map of the subdivision drawn with contour lines at intervals of not more than five (5) feet based on the United States Geological Survey datum or other data of existing grades.
- f. Proposed lot lines with approximate dimensions and locations of buildings.
- g. Location of temporary markers adequate to enable the Board to locate readily and evaluate the basic layout in the field.
- h. All parcels of land proposed to be dedicated to public use or to be commonly owned by the purchasers of land in the subdivision and the conditions of such dedication.
- i. Names and addresses of all owners of land on record for any property within 1,000 feet of subdivision boundaries.

- j. Location of existing buildings; natural features including ponds, streams, rivers, natural drainage ways within or abutting the subdivision; coastal wetlands; freshwater wetlands regardless of size; wooded and open space areas; ledges; rock outcroppings and gravel pits; other existing excavations and the sites of any future sources of gravel or fill within the subdivision.
- k. Location of sensitive areas including identified gravel and bedrock aquifers and recharge areas; the watershed boundaries of potable water supplies; the one hundred year flood plain as identified by the U.S. Department of Housing and Urban Development Flood Insurance Program; slopes greater than fifteen (15) percent; highly erodible soils; non-discharge soils as defined by the State Plumbing Code; fragile or irreplaceable natural areas; historic and archaeological sites; areas of scenic or natural beauty; and areas of significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife, the municipality, or the comprehensive plan.
- l. Soils report and high intensity soils survey prepared and signed by a soils scientist, identifying the soils names and soils boundaries in the proposed development. There shall be at least one soil test per lot.
- m. Location, names and widths of existing and proposed streets, highways, easements and rights-of-way, including grades and street profiles of all streets or other public ways proposed by the subdivider.
- n. Location and size of any existing water lines, sewer lines, utility lines, hydrants, fire ponds, culverts and drains on the property to be subdivided.
- o. Location of all proposed on-site sewage disposal systems and/or proposed sewer lines and their profile.
- p. Location of all proposed water lines, wells, reservoirs or other facilities.
- q. Provisions for collecting and treating storm drainage waters in the form of a Drainage Plan prepared by a Registered Professional Engineer in accordance with the latest revised edition of Technical Release 55, Urban Hydrology for Small Watersheds, published by the U. S. Soil Conservation Service, which includes all proposed facilities, such as culverts, catch basins, and detention or infiltration basins.
- r. A Soil Erosion and Sedimentation Control Plan, prepared in accordance with the standards contained in the latest revised edition of the Environmental Quality Handbook published by the U. S. Soil Conservation Service for construction and for permanent control. This may be incorporated into the Drainage Plan.
- s. Indication of the sections of the subdivision and the dates of their phased construction, if the subdivision is to be constructed over a period of more than two years.

- t. A list of construction items with cost estimates that will be completed by the developer prior to the sale of lots and evidence that the applicant has financial commitments or resources to cover these costs. A separate list of construction and maintenance items that may be required by the development, with both capital and annual operating cost estimates, that may be financed by the municipality, which shall include, but not be limited to:

Schools, including busing
Road maintenance and snow removal
Police and fire protection Solid waste disposal Sewer system
Recreation facilities
Storm water management facilities

The developer shall provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the subdivision.

- u. The location and method of disposal from land clearing and demolition debris.

3. Documents

When connection to the water district is not possible, all water supply facilities shall be shown to meet the minimum specifications of all pertinent State laws and regulations and all ordinances of the Town of Gouldsboro. The subdivider shall provide evidence as to the expected flow rate for these facilities which will satisfy the reasonable foreseeable needs of the proposed subdivision and, in addition, the location of all water available for firefighting shall be shown including existing and proposed fire ponds with the location of dry hydrants when specified.

Where available and feasible, the subdivision shall use the treatment facilities of the municipality. The subdivision's sewer system design shall be accompanied by certification from the municipality that they approve the design and will permit connection.

Evidence must be provided showing that the subdivider has adequate financial and technical capacity to meet the requirements of 30-A MRSA, Section 4404 as amended, and the Town of Gouldsboro ordinances and Comprehensive Plan. The subdivider shall also provide evidence of financial and technical capability for the adequate operation and maintenance of all private multiple-system waste disposal and storm drainage facilities.

The subdivider may submit any additional plans, maps, documents, evidence, or data that he/she may consider relevant to the application.

F. -Requests for Additional Information

Prior to its final decision, the Planning Board may request evidence and documentation in addition to that required in the application as provided for in Article VII, Section A. This additional information may include:

1. Impact on Community and Transportation Services

The Planning Board may request any additional information they deem necessary regarding the subdivision's effect upon existing services and facilities, as detailed in Article VII, Section E(2)(+)

2. Impact on Sensitive Natural and Cultural Resources

- a. The Planning Board may request as a condition of approval and prior to its decision that the developer submit an assessment of the expected impacts of the subdivision on sensitive natural and cultural resources, which shall include but not be limited to:

- Surface water bodies
- Identified gravel and bedrock groundwater aquifers and recharge areas
- One hundred year floodplain as identified by the H.U.D. Flood Insurance Program
- Slopes greater than fifteen percent
- Highly erodible soils
- Non-discharge soils as identified by the State Plumbing Code
- Fragile or irreplaceable natural areas
- Historic and archaeological sites
- Visual character and areas of scenic or natural beauty
- Significant wildlife habitat as identified by the Dept. of Inland Fisheries and Wildlife or the municipality

3. Impact on Phosphorus Loading

If any portion of the proposed subdivision is in the direct watershed of a great pond, and does not qualify for the simplified review procedure for phosphorus control, the following shall be submitted or indicated on the plan:

- a. A phosphorus impact analysis and control plan conducted using the procedures set forth in *Phosphorus Control In Lake Watershed: A Technical Guide for Evaluating New Development*, published by the Maine Department of Environmental Protection, revised September 1992 as amended. The analysis and control plan shall include all engineering calculations, and construction specifications and diagrams for control measures, as required by the *Technical Guide*.

- b. A long-term maintenance plan for all phosphorus control measures.
- c. The contour lines shown on the plan shall be at an interval of no less than five feet.
- d. Areas with sustained slopes greater than 25% covering more than one acre shall be delineated.

4. Recreation Area

Depending on the size and location of the subdivision, the Planning Board may request that the developer propose a plan for the provision of land area for recreational use.

Land reserved for park and/or recreational purposes shall be of a character, configuration and location suitable for the particular use intended. A site to be used for active recreational purposes, such as a playground or a play field, should be relatively level and dry. Sites selected primarily for scenic or passive recreation purposes shall have suitable access. The configuration of such sites shall be adequate with regard to scenic attributes to be preserved, together with sufficient areas for trails, lookouts etc. where necessary and appropriate.

5. Buffer Area

The Planning Board may request as a condition of approval and prior to its decision that the developer provide buffer areas when a proposed subdivision is located adjacent to a use where separation is desirable.

6. Landscaping

The Planning Board may request as a condition of approval and prior to its decision that the proposed subdivision design include: a landscape plan that will show graded contours and streams; the reasonable preservation of vegetation; the replacement of trees and vegetation; the planting of buffer areas; and the preservation of scenic, historic or environmentally desirable areas. Provisions for adapting the street and lot layout to the topography and avoiding extensive grading and filling as far as possible may also be requested.

7. Covenants, Deeds, Leases, Etc.

The Planning Board may request as a condition of approval and prior to its decision that the subdivider submit for review and approval copies of all proposed deeds; leases; restrictive covenants; easements; landowner association agreements and corporate papers; contracts; any documents, existing or proposed, which may determine or affect the land and the uses of the land in the subdivision; deeds to commonly held land; deeds and covenants to land to be held by the subdivider; deeds offering to convey land to the Town of Gouldsboro, or its agencies; or to the State of Maine, its agencies or departments; or to Hancock County or any other public body; or to any private organization or corporation.

G. -Submission of Evidence After Approval

The Planning Board may require the subdivider to submit the following evidence, data, and documents as a condition of approval and prior to the signing of the approved plan:

1. Sufficient data to determine readily the location, bearing and length of every street line, lot line and boundary line and to reproduce such lines upon the ground. Where practical these should be tied to reference points previously established.
2. The length of all straight lines, the deflection angle, radii, length of curves and central angles of all curves, tangent distances, and tangent bearings for each street.
3. By proper designation, all public open space for which offers of conveyance are made by the subdivider and those spaces to which title is reserved by him.
4. Written offers of conveyance to the Municipality of all public open space shown on the Plan, and copies of agreements or other documents listed in paragraph G.2 and F.(7).
5. Written evidence that the Municipal Officers are satisfied with the legal sufficiency of the documents referred to in paragraph 4 above regarding the land to be offered for conveyance to the Town. Such written evidence shall not constitute an acceptance by the Municipality of any public open space referred to in paragraph 4 above.
6. A plan of the approved subdivision including all the information required by Section VII of this Ordinance and in addition suitable space to record on the approved plan the date and conditions of approval if any. Said space shall be similar to the following example: Approved: Town of Gouldsboro Planning Board

Signed

Chairperson

_____
_____
_____
_____

Date _____

Conditions _____

H. -Final Approval and Filing

Upon completion of the requirements of this Ordinance and documentation through a written Findings of Fact and Conclusion of Law with an approved vote by the majority of the Planning Board members, and a notation to that effect upon the Plan, the Subdivision Plan shall be deemed to have final approval and shall be properly signed by a majority of the members of the Planning Board and shall be filed with the Hancock County Registry of Deeds. Any Subdivision Plan not so filed or recorded within ninety (90) days of the date upon which such Plan is approved and signed by the Planning Board as herein provided shall become null and void. Any Subdivision Plan filed with the Municipal Officers and the Hancock County Register of Deeds that is not initiated within three (3) years after approval by the Planning Board shall become null and void.

At the time the Planning Board grants Plan approval, it may permit the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to insure the orderly development of the Plan. The applicant may file a section of the approved Plan with the Municipal Officers and the Registry of Deeds if said section constitutes at least 10% of the total number of lots contained in the approved Plan. In these circumstances, Plan approval of the remaining sections of the Plan shall remain in effect for three years or a period of time mutually agreed to by the Municipal Officers, Planning Board and the subdivider.

Approval of a Plan is not transferable to any other party without the prior consent of the Planning Board.

I. -Plan Revisions After Approval

1. No changes, erasures, modifications, or revisions shall be made in any Plan after approval has been given by the Planning Board and endorsed in writing on the Plan, unless the Plan is first resubmitted and the Planning Board approves of any modifications. In the event that a Plan is recorded without complying with this requirement, the same shall be considered null and void.
2. Any application for subdivision approval which constitutes a revision or amendment to a subdivision plan which has been previously approved shall indicate that fact on the application and shall identify the original subdivision plan being revised or amended. In reviewing such an application, the Planning Board shall make findings of fact establishing that the proposed revisions do or do not meet the criteria of 30-A MRSA, Section 4404 as amended.
3. If a subdivision plat or plan is presented for recording to a Register of Deeds and that plat or plan is a revision or amendment to an existing plat or plan, the Register shall indicate on the index for the original plat or plan that it has been superseded by another plat or plan and shall reference the book and page or

cabinet and sheet on which the new plat or plan is recorded. In addition, the register shall insure that the book and page or cabinet and sheet on which the original plat or plan is recorded is referenced on the new plat or plan.

J. -Guarantee, Security or Performance Bond

1. The Board may require as a condition of approval that the subdivider file with the Board at the time of approval and prior to any construction a performance guarantee in an amount sufficient to defray all expenses of the proposed improvements - taking into account the time span of the construction schedule and the inflation rate for construction costs - including but not limited to streets, sidewalks, utilities, storm drains, landscaping, and publicly held open space. The Board will accept one or more of the following forms of guarantees:

- a. 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;
- b. A performance bond payable to the municipality issued by a surety company, approved by the municipal officers, or town manager;
- c. 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
- d. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed.

The conditions and amount of the performance guarantee shall be determined by the Board with the advice of the municipal engineer, road commissioner, municipal officers, and/or municipal attorney.

2. Contents of Guarantee

The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, construction delays provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and a date after which the applicant will be in default and the municipality shall have access to the funds to finish construction.

3. Escrow Account

A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account

opened by the applicant, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the 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.

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.

5. Letter of Credit

An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan.

6. Conditional Agreement

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 more than four lots may be sold or built upon until either:

- a. It is certified by the Board, or its agent, that all of the required improvements have been installed in accordance with these regulations and the regulations of the appropriate utilities; or
- b. A performance guarantee, acceptable to the municipality, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed.

Notice of the 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 Article VII.J.8.

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.

8. Release of Guarantee

Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction, in part upon the report of the municipal engineer 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.

9. Default

If upon inspection, the municipal engineer or other qualified individual retained by the Board and paid for by the subdivider's trust account provided for in Article (VII).N.2. 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.

10. Improvements Guaranteed

Performance guarantees shall be tendered for all improvements required to meet the standards of these regulations 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.

11. Extension

The Board may recommend a maximum extension of 12 months to the guaranteed performance period when the subdivider can demonstrate, to the satisfaction of the Board and other interested officials or agencies, good cause for such extension. An additional extension of 12 months may be granted at the planning board's discretion for good cause, provided that at least 30 percent of the development is complete.

K. - Public Acceptance of Streets, Recreation Areas

The approval by the Planning 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, approval of the Plan shall not constitute an acceptance by the municipality of such areas. The Plan shall be endorsed with appropriate notes to this effect. The Planning

Board may also require the filing of a written agreement between the applicant and the municipal officers covering future deeds and title matters, dedications, and provision for the costs of grading, development, equipment for and maintenance of any such recreation area.

L. -Certification of Compliance

No parcel, lot or structure shall be conveyed, leased, or occupied or offered for sale, conveyance, lease or occupancy without certification from the Planning Board that all the terms of the subdivision's approval have been complied with by the subdivider. This certificate may be issued for the various phases of completion.

M. -Fees

1. Application Fee

Every application for a subdivision permit shall be accompanied by an application fee of **one hundred dollars (\$100)** to be paid by a check made payable to the Town of Gouldsboro, stating the specific purpose of the fee.

2. Subdivision Trust Account Fee

Every application for a subdivision permit shall also be accompanied by the payment of one hundred dollars (\$100) for each parcel or lot, or for each dwelling or commercial unit, or for every two thousand (2,000) square feet of structure within the subdivision, or whichever results in the largest total. For the purpose of this section, "structures" shall mean floor space of buildings, including mobile homes, constructed or erected with a fixed location on or in the ground or attached to something on or in the ground and in addition shall include parking lots, roads, paved areas, wharves, gravel pits, ponds, or areas to be stripped, filled or graded and not be revegetated. The checks shall be made payable to the Town of Gouldsboro.

The Town Treasurer shall deposit the subdivision's Trust Account fee in a special interest-bearing bank account separate from any and all other municipal accounts.

Upon request by the Chairman of the Planning Board and with the approval of the Board of Selectmen and the Town Treasurer, may from time to time withdraw from the trust account in order to make reasonable payment for costs, expenses and services incurred by or contracted for the Planning Board at its discretion which relate directly to the review of the subdivision under the terms of these regulations; which relate directly to the inspection of the subdivision after approval; or which relate directly to the efforts of the Planning Board and Municipal Officers to assure that the subdivision complies with these regulations, 30-A MRSA, Section 4404 as amended, and the ordinances of the

Town of Gouldsboro. Such services may include, but need not be limited to, postage, public notice advertising, clerical costs, consulting engineering fees, architectural fees, attorney fees, recording fees, and appraisal fees. The Town shall, upon the request of the subdivider, provide the subdivider with a quarterly accounting of this account and the Town Treasurer shall refund all of the remaining monies, including any accrued interest, in the account upon the payment of all costs and services related to the subdivision and upon the subdivision application denial or if approved upon the subdivision's completion and compliance with all the terms of required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, he\she shall so report in writing to the municipal officers, Board, and the subdivider and builder. The municipal officers shall take any steps necessary to assure compliance with the approved plans. these regulations, ordinances of the Town of Gouldsboro and conditions of approval of the subdivision. The refund shall be accompanied by a final accounting by the Treasurer.

The subdivider shall be liable for reasonable costs incurred by or costs of services contracted for by the Planning Board which exceed the amount of the Trust Account Fee.

N. -Validity, Conflict of Ordinances, and Effective Date

1. The invalidity of any section, subsection, paragraph, sentence, clause, phrase or work of this Ordinance shall not be held to invalidate any other section, subsection, paragraph, sentence, clause, phrase, or work of this Ordinance; and to this end the provisions of this Ordinance are hereby declared to be severable.
2. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance, regulation, or code of the Town of Gouldsboro existing on the effective date of this ordinance, the provision which established the higher standard for the promotion and protection of health, safety and general welfare shall prevail.
3. This Ordinance and its provisions as amended shall take effect immediately upon adoption as provided for in 30-A MRSA, Section 4403 as amended.

ARTICLE VIII. -INSPECTIONS AND ENFORCEMENT

1. Inspection of Required Improvements.

- A. -At least five business 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 (s)he 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, he/she shall so report in writing to the 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.
- 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 was done on the site, the inspector shall submit a report to the Board based on that inspection, addressing whether storm water and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate. 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 a vote by the municipal officers to submit a proposed public way to a town meeting, 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 public way meets or exceeds the design and construction requirements of these regulations. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility. "As built" plans 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 a lot owners' association.

2. Violations and Enforcement.

- A. No plan of a subdivision of land within the municipal boundaries which would constitute a subdivision as defined herein shall hereafter be filed or recorded in the Registry of Deeds until said Plan thereof shall have been approved by the Planning Board in accordance with all of the requirements, design standard, and construction specifications set forth elsewhere in this Ordinance, nor until such approval shall have been entered on such Plan by the Planning Board.
- B. No person, firm, corporation or other legal entity may sell, lease, develop, build upon, convey for consideration, or offer or agree to sell, lease, develop, build upon or convey for consideration any land or dwelling unit in a subdivision which has not been approved by the Planning Board and recorded in the Registry of Deeds.
- C. Any person, firm, corporation or other legal entity who sells, leases, develops, builds upon, or conveys for consideration any land or dwelling unit in a subdivision which has not been approved as required by this section shall be penalized in accordance with 30-A M.R.S.A., Section 4452. The Attorney General, the municipality or the appropriate municipal officers may institute proceedings to enjoin the violation of this section.
- D. No public utility, water district, sanitary district or any utility company of any kind shall install services to any lot or dwelling unit in a subdivision for which a Plan has not been approved by the Planning Board and unless written authorization attesting to the validity and currency of all local permits required under this chapter has been issued. Following installation of service, the company or district shall forward the written authorization to the municipal officials indicating that installation has been completed.
- E. Not only is making a subdivision without Planning Board approval a violation of law, but so also within such subdivision is grading or construction of roads, grading of land or lots, or construction of buildings until such time as a Plan of such subdivision shall have been duly prepared, submitted, reviewed, approved and endorsed as provided in these standards, and until the original

Copy of the Plan so approved and endorsed has been duly recorded in the Hancock County 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 these regulations up to and including the entire frontage of the lot.
- G. Any person who, after receiving approval from the municipal reviewing authority and recording the plan at the Registry of Deeds, constructs or develops the subdivision, or transfers any lot, in a manner other than depicted on the approved plans or amendments shall be penalized in accordance with 30-A MRSA, Section 4452 as amended.
- H. Permanent Marker Requirement - No person may sell or convey any land in an approved subdivision without compliance with Article X, Section A of this Ordinance.

ARTICLE IX. - GENERAL REQUIREMENTS AND PERFORMANCE STANDARDS

In reviewing applications for the subdivision of land, the Board shall consider the following general requirements. In all instances, the burden of proof shall be upon the person proposing the subdivision.

- A. - Plan Shall Conform to Comprehensive Plan

Any proposed subdivision shall be in conformity with the Comprehensive Plan or policy statement of the municipality and with the provisions of all pertinent state and local codes and ordinances.

- B. - Plan Shall Conform to Shoreland Zoning

Any proposed subdivision shall conform to all applicable State laws and to the Shoreland Zoning Ordinance for the Town of Gouldsboro when situated, in whole or in part, within 250 feet of the high water line of any great pond, lake, river or tidal waters, or contains a stream as defined under Title 38 MRSA, Sections 438 as amended.

- C. -Relationship to Community

Any proposed subdivision shall be reviewed by the Board with respect to its effect upon existing services and facilities. The Plan shall include but not be limited to the list of construction items as specified under Article V, Section E(2)(T).

D. - Preservation of Natural and Historic Features

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.
- d. When a proposed subdivision street traverses open fields the plans shall include the planting of street trees.

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. The percentage of open space to be reserved shall depend on the identified needs for outdoor recreation in the portion of the municipality in which the subdivision is located according to the comprehensive plan, the proposed lot sizes within the subdivision, the expected demographic makeup of the occupants of the subdivision, and the site characteristics.
- 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

If any portion of a proposed subdivision lies within:

- a. 250 feet of the following areas identified and mapped by the Maine Department of Inland Fisheries and Wildlife or the comprehensive plan as:
  - 1. Habitat for species appearing on the official state or federal lists of endangered or threatened species;
  - 2. High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas;
  - 3. Shorebird nesting, feeding and staging areas and seabird nesting islands;
  - 4. Critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Sea Run Salmon Commission; or
  - 5. 1,320 feet of an area identified and mapped by the Maine Department of Inland Fisheries and Wildlife as a high or moderate value deer wintering area or travel corridor;
  - 6. Or 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 from the Maine Department of Inland Fisheries and Wildlife 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. 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.

E. -Land Not Suitable for Development

The Board shall not approve such portions of any proposed subdivision that:

1. Are situated below sea level.
2. Are located within the flood plain as identified by the Planning Board and on record at the Planning Board Office.
3. Are located on land which must be filled or drained or on land created by diverting a watercourse; except the Board may grant approval if a central sewage collection treatment system is provided. In no instance shall the Board approve any part of a subdivision located on filled tidal wetlands or filled or drained Great Ponds (natural body of water ten (10) acres or more in size).
4. Employs septic sewage disposal and is located on soils rated "poor" or "very poor" by the Soil Suitability Guide for Land Use Planning in Maine. Lots used for on-site sewage disposal shall meet or exceed the lot size guidelines for soil types and slopes as specified in Appendix I of "State of Maine Plumbing Code, Part II, Private Sewerage Disposal Regulations", April 1975, or as amended.

F. -Lots

1. The lot size, width, depth, shape and orientation and the minimum building setback lines from streets, sidelines, or boundaries shall be appropriate for the location of the subdivision, consistent with all state statutes and Town of Gouldsboro ordinances and for the type of development and use contemplated.
2. Depth and width of properties reserved or laid out for any purpose shall be adequate to provide for off-street parking and service facilities for vehicles required by the type of use and development contemplated.
3. The subdividing of the land shall be such as to provide that all lots shall have a minimum frontage of 100 feet on a public or private street abutting or within a subdivision unless stricter standards are required by other town ordinances.
4. Double frontage lots and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet, across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.
5. Side lot lines shall be substantially at right angles or radial to street lines.
6. Where a tract is subdivided into lots substantially larger than the minimum size required herein, the Board may require that streets and lots be laid out so as to permit

future resubdivision in accordance with the requirements contained in these standards.

7. All corners of individual lots shall be **located by a state certified engineer or surveyor and marked with iron stakes or approved markers as defined by the industry.**

G. -Easements for Natural Drainage Ways

Where a subdivision is traversed by a natural water course, drainage way, channel, or stream, there shall be provided a storm-water easement or drainage right-of-way conforming substantially with the lines of such water course and such width or construction, or both, as will assure that no flooding occurs and all storm-water be not less than thirty (30) feet in width.

H. -Utilities

1. The size, type and location of public utilities such as street lights, electricity, telephones, gas lines, fire hydrants, dry hydrants, sewer or septic lines shall be provided by the subdivider and shall be approved by the Board.
2. Utilities shall be installed underground except as otherwise approved by the Board.

I. - Pollution.

1. The proposed subdivision shall not discharge waste water 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 waterbodies. When the subdivision is within the watershed of a great pond, the storm water shall be treated in order to remove excess nutrients.

J. - Soil 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 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.

K. -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 vehicular access to the subdivision shall be arranged to avoid through traffic use of existing streets which the comprehensive plan has classified as residential access streets.
  - b. 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 to accommodate that traffic and avoid unreasonable congestion. No subdivision shall reduce the Level of Service (LOS) of the street giving access to the subdivision and neighboring streets and intersections to "E" or below, unless the comprehensive plan has indicated that Levels of Service "E" or "F" are acceptable for that street or intersection.
3. 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, bicycleways and traffic controls within existing public streets.
4. Accessways 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 study or analysis to determine the need for a left-turn storage lane shall be done.
5. 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:
  - a. Facilitate fire protection services as approved by the fire chief; or
  - b. Enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a public street.
6. 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. 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. Street lighting shall be installed as approved by the Board.

7. 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 site shall be indicated on the plan, and be suitably covered with fill and topsoil, limed, fertilized, and seeded.

L. - Sewage Disposal

1. Sewage disposal shall be private subsurface waste water disposal systems or a private treatment facility with surface discharge.
2. The applicant shall submit evidence of site suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.
  - a. 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 install a disposal area on soils which meet the Disposal Rules.
  - b. On lots in which the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted so as not to be built upon.
  - c. In no instance shall a disposal area be on a site which requires a New System Variance from the Subsurface Wastewater Disposal Rules.

M. - Impact on the Municipality's Ability to Dispose of Solid Waste

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 which is in compliance with its license. The Board may not require the alternate arrangement to exceed a period of five years.

N. -Impact on Ground Water Quality or Quantity

1. Ground Water Quality.

- a. When a hydrogeologic 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 waste water disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.
2. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
3. 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.
4. 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.
5. 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.
6. 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 note on the final plan, and as restrictions in the deeds to the affected lots.

a. Ground Water Quantity

1. Ground water withdrawals by a proposed subdivision shall not lower the water table beyond the boundaries of the subdivision.
2. 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.

0. Phosphorus Loading

1. Phosphorus Impacts on Great Ponds

A. Phosphorus Export

1. Any subdivision within the watershed of a great pond identified in the table below shall limit its post development phosphorus export to the standards contained in that table, dependent on the great pond in whose watershed the subdivision is located.

Table 1: Lake Watershed Protection Standards					
	Water Quality Protectio		Developable Acreage	Projected Developd Acreage	Allowable Phosphorus Export/Acre
Forbes Pond	moderate/		2,605	390.705	0.0686
Jones Pond	moderate/		1,805	270.81	0.1106
Lily Pond	moderate/	medium	211	31.59	0.0731
Lower West Bay Pond	moderate/ sensitive		1,226	183.84	0.1005
West Bay	moderate/	medium	1,322	198.36	0.0713

The board 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:

- a. Proposed subdivision of three or four lots with less than 200 feet of new or upgraded street with a cumulated 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 waste water disposal systems, and infiltration areas, and new or upgraded streets not exceeding 200 linear feet.

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.

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.

1. Wooded Buffers

Maintenance provisions for wooded buffers shall provide for either of the following two options.

(a) No Disturbance

Maintenance and use provisions for wooded buffer strips which are located on hydrologic soil group D soils and within 250 feet of the great pond or a tributary, or which are located on slopes over 20% shall include the following.

- (1) Buffers shall be inspected annually for evidence of erosion or concentrated flows through or around the buffer. All eroded areas must be seeded and mulched. A shallow stone trench must be installed as a level spreader to distribute flows evenly in any area showing concentrated flows.
- (2) All existing undergrowth (vegetation less than four feet high), forest floor duff layer, and leaf litter must remain undisturbed and intact, except that one winding walking path, no wider than six feet, is allowed through the buffer. This path shall not be a straight line to the great pond or tributary and shall remain stabilized.
- (3) Pruning of live tree branches that do not exceed twelve feet above the ground level is permitted provided that at least the top two-thirds of the tree canopy is maintained.
- (4) No cutting is allowed of trees except for normal maintenance of dead, wind blown, or damaged trees.
- (5) Buffers shall not be used for all-terrain vehicle or vehicular traffic.

b. Limited Disturbance

Maintenance and use provisions for other buffer strips may include the following:

- (1) There shall be no cleared openings. An evenly distributed stand of trees and other vegetation shall be maintained.
- (2) Activity within the buffer shall be conducted to minimize disturbance of existing forest floor, leaf litter and vegetation less than four feet in height. Where the existing ground cover is disturbed and results in exposed mineral soil, that area shall be immediately stabilized to avoid soil erosion.
- (3) Removal of vegetation less than four feet in height is limited to that necessary to create a winding foot path no wider than

six feet. This path shall not be a straight line to the great pond or a tributary. The path must remain stabilized.

- (4) Pruning of live tree branches that do not exceed 12 feet in height above the ground level is permitted provided that at least the top two-thirds of the tree canopy is maintained.
- (5) Where the removal of storm-damaged, diseased, unsafe, or dead trees results in a cleared opening, those openings shall be replanted with native trees at least three feet in height unless existing new tree growth is present.
- (6) Buffers shall not be used for all terrain vehicle or vehicular traffic.

c. Non-wooded Buffers

- (1) Non-wooded buffers may be allowed to revert or to be planted to forest, in which case the standards above shall apply.
- (2) 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.
- (3) Activity within the buffer shall be conducted so as to prevent damage to vegetation and exposure of mineral soil. Burning vegetation shall be prohibited.
- (4) Buffers shall not be used for all-terrain vehicles or other vehicular traffic.

d. 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, 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.

e. 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.

P. - Additional Requirements

1. Street trees, esplanades, and open green spaces may be required at the discretion of the Planning Board. Where such improvements are required, they shall be incorporated in the Final Plan and executed by the subdivider as construction of the subdivision progresses.
2. The subdivision design shall minimize the possibility of noise pollution either from within or without the development (from highway or industrial sources) by providing and maintaining a green strip at least 20 feet wide between abutting properties that are so endangered.

Q. - Required Improvements

The following are required improvements: monuments, street signs, streets, sidewalks, water supply, sewerage disposal and storm drainage, except where the Board may waive or vary such improvements in accordance with the provisions of these standards.

ARTICLE X.-DESIGN STANDARDS

A. - Monuments

1. Permanent monuments shall be set at all comers and angle points of the subdivision boundaries; and at all street intersections and points of curvature.
2. Monuments shall be concrete or stone, located in the ground at final grade level, and indicated on the Final Plan. After they are set, drill holes 1/2 inch deep shall locate the point or points described above.
3. All comers of individual lots shall be marked with iron stakes.

B. - Street Signs

1. Streets which join or are in alignment with streets of abutting or neighboring

properties shall bear the same name. Names of new streets shall not duplicate, or bear phonetic resemblance to the names of existing streets within the municipality and shall be subject to the approval of the Board.

2. Street name signs shall be furnished and installed by the subdivider. The type, size and location shall be subject to the approval of the Board.

C. -Streets

Access Control

1. Curb cuts onto existing public ways shall be minimized to assure traffic safety and reduce turning movements. Whenever practical, vehicular access shall be through a street other than an existing public way.

Where a subdivision abuts or contains an existing or proposed arterial street, no residential lot may have vehicular access directly on the arterial street. This requirement shall be noted on the plan and in the deed of any lot with frontage on the arterial street.

2. Where a lot has frontage on two or more streets, the access to the lot shall be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians. This restriction shall appear as a note on the plan and as a deed restriction to the affected lots.
3. Subdivision Access Design for Subdivisions Entering onto Route 1.

When the access to a subdivision is a street, the street design and construction standards of Section X.C.3 below shall be met. Where there is a conflict between the standards in this section and the standards of Section X.C.3, the stricter or more stringent shall apply.

a. General

Access design shall be based on the estimated volume using the access classification defined below. Traffic volume estimates shall be as defined in the *Trip Generation Manual*, 1991 edition, published by the Institute of Transportation Engineers.

1. Low Volume Access: An access with 50 vehicles trips per day or less.
2. Medium Volume Access: Any access with more than 50 vehicle trips per day but less than 200 peak hour vehicle trips per day.
3. High Volume Access: Peak hour volume of 200 vehicle trips or greater.

b. Sight Distances

Accesses shall be located and designed in profile and grading to provide the required sight distance measured in each direction. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curblane or edge of shoulder, with the height of the eye $3\frac{1}{2}$ feet, to the top of an object $4\frac{1}{4}$ feet above the pavement. The required sight distances are listed by road width and for various posted speed limits.

4. Two Lane Roads

A minimum sight distance of ten feet for each mile per hour of posted speed limit shall be maintained or provided.

a. Vertical Alignment

Access shall be flat enough to prevent the dragging of any vehicle undercarriage. Accesses shall slope upward or downward from the gutter line on a straight slope of 3 percent or less for at least 75 feet. The maximum grade over the entire length shall not exceed 8%.

b. Low Volume Accesses

1. Skew Angle

Low volume accesses shall be two-way operation and shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 60 degrees.

2. Curb Radius

The curb radius shall be between 10 feet and 15 feet, with a preferred radius of 15 feet.

3. Access Width

The width of the access shall be between 20 feet and 24 feet, with a preferred width of 20 feet.

c. Medium Volume Accesses

1. Skew Angle

Medium volume accesses shall be either one-way or two-way operation and shall intersect the road at an angle as nearly 90 as site conditions permit, but in no case less than 60 .

2. Curb Radius

Curb radii will vary depending if the access has one-way or two-way operation. On a two-way access the curb radii shall be between 25 feet and 40

feet with a preferred radius of 30 feet. On one-way accesses, the curb radii shall be 30 feet for right turns into and out of the site, with a 5 foot radius on the opposite curb.

3. Width

On a two-way access the width shall be between 24 and 26 feet, with a preferred width of 26 feet, however where truck traffic is anticipated, the width may be no more than 30 feet. On a one-way access the width shall be between 16 feet and 20, with a preferred width of 16 feet.

4. Curb-Cut Width

On a two-way access the curb-cut width shall be between 74 feet and 110 feet with a preferred width of 86 feet. On a one-way access the curb-cut width shall be between 46 feet and 70 feet with a preferred width of 51 feet.

d. High Volume Accesses

1. Skew Angle

High volume accesses shall intersect the road at an angle as nearly to 90 as site conditions permit, but in no case less than 60.

2. Curb Radius

Without channelization islands for right-turn movements into and out of the site, the curb radii shall be between 30 feet and 50 feet. With channelization islands, the curb radii shall be between 75 feet and 100 feet.

3. Curb Cut Width

Without channelization, curb-cut width shall be between 106 feet and 162 feet with a preferred width of 154 feet. With channelization, the curb-cut width shall be between 196 feet and 262 feet with a preferred width of 254 feet.

4. Entering and exiting accesses shall be separated by a raised median which shall be between 6 feet and 10 feet in width. Medians separating traffic flows shall be no less than 25 feet in length, with a preferred length of 100 feet.

5. Width

Access widths shall be between 20 feet and 26 feet on each side of the median, with a preferred width of 24 feet. Right turn only lanes established by a channelization island shall be between 16 feet and 20 feet, with a preferred width of 20 feet.

6. Appropriate traffic control signage shall be erected at the intersection of the access and the street and on medians and channelization islands.

7. Access location and spacing shall be in accordance with the "Standards which Limit the Number of Driveways" in Appendix A of Access Management: Improving the Efficiency of Maine Arterials, Maine Department of Transportation, 1994.

5. Layout

- a. Proposed streets shall conform, as far as practical, to the Comprehensive Plan or policy statement as may have been adopted, in whole or in part, prior to the submission of a Preliminary Plan.
- b. All streets in the subdivision shall be so designed that, in the opinion of the Board, they will provide safe vehicular travel while discouraging movement of through traffic.
- c. The arrangement, character, extent, width, grade, and location of all streets shall be considered in their relation to existing or planned streets, to topographical conditions, to public convenience and to safety, and their appropriate relation to the proposed use of the land to be served by such streets. Grades of streets shall conform as closely as possible to the original topography.
- d. In the case of dead-end streets, where needed or desirable, the Board may require the reservation of a twenty (20) foot wide easement in the line of the street to provide continuation of pedestrian traffic or utilities to the next street.
- e. Reserve strips controlling access to streets shall be prohibited, except where their control is definitely placed in the Town under conditions approved by the Planning Board.
- f. In front of areas designated for commercial use, or where a change to an area designated for commercial use is contemplated by the municipality, the street right-of-way and/or pavement width shall be increased by such amount on each side as may be deemed necessary by the Board to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such commercial or business district. In no case shall the street have a right-of-way width less than sixty (60) feet nor have less than two twelve (12) foot travel lanes and two eight (8) foot parking lanes.
- g. Adequate off-street loading space, suitably surfaced, shall be provided in connection with lots designed for commercial use.
- h. Where a subdivision borders an existing narrow road (below standards set herein) or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the subdivider shall be required to show areas for widening or realigning such roads on the Plan, marked "Reserved for Road Realignment (or Widening) Proposed". It shall be mandatory to indicate such reservation on the Plan when a proposed widening or realignment is shown on the Official Map. Land reserved for such purposes may not be counted in satisfying setback or yard or area requirements of the Zoning Ordinance.

- i. Where a subdivision abuts or contains an existing or proposed arterial street, the Board may require marginal access to streets (streets parallel to arterial street providing access to adjacent lots), reverse frontage (that is, frontage on a street other than the existing or proposed arterial street) with screen planting contained in a non-access reservation along the rear property line, or such other treatments as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- j. Subdivisions containing fifteen (15) lots or more shall have at least two street connections with existing public streets, or streets shown on the Official Map if such exists, or streets on an approved Subdivision Plan for which a bond or other performance guarantee has been filed.

6. Design and Construction Standards

- a. All private streets for a subdivision shall be designed and constructed to meet the following minimum standards for streets according to their classification as determined by the Planning Board and as overseen by the municipal road commissioner, engineer, or appointed engineer. Pervious road surfaces may be used in place of bituminous paving.

Minimum width	
Minimum width of pavement*	40'
Shoulder width (each side)	20'
Minimum grade	3'
Maximum grade	.5%
Maximum grade at intersection	6%
Minimum angle of intersection	3% within 50 ft. of intersection
Minimum center-line radii on curves	60 deg.
Minimum tangent length between reverse curves	200'
Road base (minimum) Road crown (minimum)	200'
Bituminous paving	18"
Sidewalks width (minimum where required) Based course (gravel)	4"/1 ft.
Surface Bituminous hot-top	3"
Dead-end or cul-de-sac streets width	5'
Length, not more than	8"
	60'
Property line (minimum)	3,000' Radii of turn-around at enclosed end of:
Pavement (minimum)	
Property line radii at intersection (minimum)	80'
	65'
	10'

Curb radii at intersection:

90 degree intersections	25'
Less than 90 degree intersections	30'

- In addition to the minimum pavement width, all streets in a mobile home park shall have a cleared area (no vegetation or appurtenances over three feet high) of 40 feet within the right-of-way to provide for maneuvering of mobile homes.
- b. Grade of all streets shall conform in general to the terrain and shall not be less than one-half (1/2) of one percent nor more than six (6) percent for all streets, but in no case more than three (3) percent within fifty (50) feet of any intersection.
- c. All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Board so that clear visibility shall be provided for a distance of two hundred (200) feet.
- d. Intersections of streets shall be at angles as close to ninety (90) degrees as possible and in no case shall two (2) streets intersect at an angle smaller than sixty (60) degrees. To this end, where one street approaches another between sixty to ninety (60-90) degrees, the former street should be curved approaching the intersection.
- e. Cross (four-cornered) street intersections or other important traffic intersections shall be avoided insofar as possible except as shown on the Comprehensive Plan. A distance of at least two hundred (200) feet shall be maintained between center lines of off-set intersecting streets.
- f. Street lines at intersections shall be cut back to provide for curb radii of not less than twenty-five (25) feet for ninety (90) degree intersections and thirty (30) feet for intersections less than ninety (90) degrees.
- g. Street intersections and curves shall be so designed as to permit adequate visibility for both pedestrian and vehicular traffic. That portion of any corner lot which is necessary to allow twenty-five (25) foot sight lines between intersecting streets shall be cleared of all growth (except isolated trees) and obstructions above the level three (3) feet higher than the center line of the street. If directed, ground shall be excavated to achieve visibility.
- h. A dead-end street or cul-de-sac shall not exceed **three thousand (3,000)** feet in length and shall be provided to a suitable turn-around at the closed end. When a turning circle is used, it shall have a minimum outside curb radius of sixty-five (65) feet.
- i. All streets shall be provided with adequate drainage facilities to provide for the removal of storm water to prevent flooding of the pavement and erosion of adjacent surfaces.
- j. Side slopes shall not be steeper than three (3) feet horizontal and one (1) foot vertical, graded, loamed (six (6) inches compacted), and seeded as required.

- k. Streets shall be **cleared** to the full width of the right-of-way.
- l. Guard rails shall be installed in all fill areas of five (5) feet or more. Shoulders shall be constructed three (3) feet wider in those areas to accommodate the railing.
- m. Street curbs and gutters shall be required on all streets defined as urban areas by the Maine State Department of Transportation and shall be required at the discretion of the Planning Board in rural areas.
- n. Where curb and gutter are not required, stabilized shoulders and proper drainage shall be the responsibility of the subdivider in compliance with the requirements herein.

7. Plantings

- a. All esplanade or planting strip areas at sides of streets shall receive at least six (6) inches of compacted top-soil (loam) free of stones over one (1) inch in diameter, sods, and clay. Base material shall be removed prior to placement of top-soil.
- b. Planting strips to be limed at the rate of one (1) pound per ten (10) square feet and fertilized at the rate of one (1) pound of a 10/10/10 fertilizer per fifty (50) square feet or equivalent and seeded with a conservation mix endorsed by the Hancock County Soil and Water Conservation District.
- c. When required by the Planning Board, street trees shall be planted in the esplanade areas of all new streets.
- d. Trees of the 1st magnitude (Birch, Beech, Linden, Oak, Pine, Sugar Maple, Basswood) shall be planted at forty to sixty (40-60) foot intervals.
- e. Trees of the 2nd magnitude (Hawthorne, Flowering Crabapple, etc.) may be planted at intervals of less than forty (40) feet.

8. Street Approval and Acceptance

- a. The board shall not approve any subdivision plan unless proposed streets are designed in accordance with any local ordinance or the specifications contained in these regulations. Approval of the final plan by the board shall not be deemed to constitute or be evidence of acceptance by the municipality of any street or easement.
- b. Where the applicant proposes improvements within existing public streets, the proposed design and construction details shall be approved in writing by the road commissioner or the Maine Department of Transportation, as appropriate.
- c. Where the subdivision streets are to remain private roads, the following words shall appear on the recorded plan.

"All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the town."

D. -Sidewalks

Sidewalks shall be installed at the expense of the subdivider where the subdivision abuts or fronts onto a major street and at such locations as the Board may deem necessary.

E. -Water Supply

1. Well Construction

- a. Due to the increased chance of contamination from surface water, dug wells shall be prohibited on lots of smaller than one acre. On lots of one acre or smaller, the applicant shall prohibit dug wells by deed restrictions and a note on the plan.
- b. Wells shall not be constructed within 75 feet of the traveled way of any street, if located downhill from the street, or within 50 feet 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 deed restriction to the effected lots.

2. Fire Protection

- a. Fire hydrants connected to a public water supply system shall be located no further than 500 feet from any building.
- b. A minimum storage capacity of 10,000 gallons shall be provided for a subdivision not served by a public water supply. Additional storage of 2,000 gallons per lot or principal building shall be provided. 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. **The pond shall be located no further than fifteen hundred feet (1500') from the furthest potential building site with the concurrence of the fire department.**
- 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 to the municipality shall be provided to allow access. A suitable accessway to the hydrant or other water source shall be constructed.
- e. **Fire pond maintenance, including minimum water volume, shall be the responsibility of the developer until it is assumed by a homeowners association or lot owners.**

F. -Storm Water Management Design Guidelines

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.
3. The minimum pipe size for any storm drainage pipe shall be 15 inches for driveway entrances and eighteen inches for cross culverts. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two feet. Pipe shall be bedded in a fine granular material, containing no stones larger than three inches, lumps of clay, or organic matter, reaching a minimum of six inches below the bottom of the pipe extending to six inches above the top of the pipe.
4. Catch basins shall be installed where necessary and when located within a street shall be located at the curb line.
5. Storm Drainage Construction Standards.
  - a. Materials.
    - i. Storm drainage pipes shall conform to the requirements of Maine Department of Transportation materials specifications Section 706 for non-metallic pipe and Section 707 for metallic pipe. Plastic (polyethylene) pipes shall not be installed except in closed systems such as street underdrains. Bituminous-coated steel pipes shall not be used.
    - ii. Where the storm drainage pipe is to be covered by ten feet or more of fill material, pipe material with a fifty year life shall be used. These materials include concrete pipe, polymer coated galvanized corrugated steel pipe, polyvinyl chloride (PVC) pipe, and corrugated aluminum alloy pipe.
    - iii. Where storm drainage pipe may come into contact with salt water, corrugated aluminum alloy pipes shall be used.
    - iv. Pipe Gauges.
Metallic storm drainage pipe shall meet the thickness requirements of Table X.F.1, depending on pipe diameter

Table X.F.1. Culvert Size and Thicknesses

Material

Galvanized CMP

Aluminum/Zinc Coated CMP Aluminum Coated CMP

Inside Diameter   Corrugated Aluminum Alloy   Polymer Coated CMP

15" to 24"	14 ga.	16 ga.
30" to 36"	12 ga.	14 ga.
42" to 54"	10 ga.	12 ga.
60" to 72"	8ga.	10 ga.

- v. Drain inlet alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvilinear drain is obtained in writing from the Board, after consultation with the municipal engineer.
- vi. Manholes shall be provided at all changes in vertical or horizontal alignment and at all junctions. On straight runs, manholes shall be placed at a maximum of 400 foot intervals.
- vii. Upon completion, each catch basin or manhole shall be cleaned of all accumulation of silt, debris or foreign matter and shall be kept clean until final acceptance.

ARTICLE XI. -MOBILE HOME PARKS

Mobile home park lots shall conform to the minimum requirements of municipal ordinances and shall meet the requirement of the subdivision law. A lot in a mobile home park shall meet the following lot size, width, and density requirements as follows:

A. - A mobile home lot served by public sewer:

- 6500 square feet, or
- The area of the smallest residential lot permitted in the municipality.

B. - A mobile home lot with on-site subsurface disposal:

- 20,000 square feet.

C. - A mobile home lot served by central on-site subsurface waste water disposal systems:

- 12,000 square feet.

D. -The overall density of a mobile home park served by a central subsurface sewage disposal system shall be no greater than one mobile home for every 20,000 square feet of total park area.

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

ARTICLE XII. -PHOSPHORUS EXPORT

A. When a proposed subdivision is within the direct watershed of a great pond protected by this ordinance and qualifies for the simplified review procedure, buffer strips shall be provided in accordance with the requirements of *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development* published by the Maine Department of Environmental Protection, revised September 1992 and the allowable per acre increase in phosphorus as shown for each applicable lake watershed in Article IX.O.A. Buffer strips shall be provided on the downhill side of all lots along all tributaries to great ponds and along the great pond.

The minimum required width of buffer strips depend on the watershed in which the proposed subdivision is located, the size of the lot, the hydrologic soil group, and whether deed restrictions are proposed to limit the area which may be cleared on each lot.

- B. When the proposed subdivision is within the direct watershed of a great pond and does not qualify for simplified review, 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.

ARTICLE XIII. - CLUSTER DEVELOPMENT

Cluster developments shall be designed in accordance with Gouldsboro's Land Use (zoning) Ordinance.

ARTICLE XIV. -APPEALS

An appeal from a decision of the Planning Board must be submitted to the Hancock County Superior Court within thirty (30) days from the date of written decision and findings of fact.

ARTICLE XV. -REVISIONS TO EXISTING PLAT OR PLAN

Any application for subdivision approval which constitutes a revision or amendment of a subdivision plan which has been previously approved shall indicate that fact on the application and shall identify the original subdivision plan being revised or amended. In reviewing such an application, the Planning Board shall make findings of fact establishing that the proposed revisions do or do not meet the criteria of Section 4404.

ARTICLE XVI. -SEPARABILITY AND EFFECTIVE DATE

- A. - The invalidity of any provision of this Ordinance shall not invalidate any other part.
B. - These standards shall take effect immediately upon adoption of the same by the legislative body of Gouldsboro.

Yvonne P. Wilkinson

Attested by
Yvonne P. Wilkinson
Town Clerk of Gouldsboro

June 10, 2015 Date