

2018

Town of Greenwood Maine Ordinances

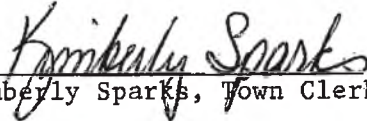
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Kimberly Sparks, Town Clerk

TOWN OF GREENWOOD CONSUMER FIREWORKS ORDINANCE

Section 1. Purpose

The purpose of this Ordinance is to restrict the use and prohibit the sale of consumer fireworks to ensure the safety of the residents and property owners of the Town of Greenwood and of the general public.

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 30-A M.R.S. § 3001, and the provisions of 8 M.R.S. § 223-A.

Section 3. Definitions

The following words, terms and phrases, when used in this Ordinance, shall have the same meanings ascribed to them as in 8 M.R.S. § 221-A, as may be amended from time to time, except where the context clearly indicates a different meaning:

Consumer Fireworks. "Consumer fireworks" has the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provision, but includes only products that are tested and certified by a 3rd-party testing laboratory as conforming with United States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47. "Consumer fireworks" does not include the following products:

- A. Missile-type rockets, as defined by the State Fire Marshal by rule;
- B. Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and
- C. Sky rockets and bottle rockets. For purposes of this definition, "sky rockets and bottle rockets" means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule, with a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.

[Editor's note: The products listed above in subsections A, B, and C are illegal to sell, use or possess in Maine except by State licensed pyrotechnicians as part of a permitted fireworks display.]

4. Fireworks. "Fireworks" means any:

- A. Combustible or explosive composition or substance;
- B. Combination of explosive compositions or substances;
- C. Other article that was prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, including blank cartridges or toy cannons in which explosives are used, the type of balloon that requires fire underneath to propel it, firecrackers, torpedoes, skyrockets, roman candles, bombs, rockets, wheels, colored fires, fountains, mines, serpents and other fireworks of like construction;
- D. Fireworks containing any explosive or flammable compound;
or
- E. Tablets or other device containing any explosive substance or flammable compound.

The term "fireworks" does not include consumer fireworks or toy pistols, toy canes, toy guns or other devices in which paper caps or plastic caps containing 25/100 grains or less of explosive compound are used if they are constructed so that the hand cannot come in contact with the cap when in place for the explosion, toy pistol paper caps or plastic caps that contain less than 20/100 grains of explosive mixture, sparklers that do not contain magnesium chlorates or perchlorates or signal, antique or replica cannons if no projectile is fired.

Section 4. Use of Consumer Fireworks Restricted

No person shall use, display, fire, or cause to be exploded consumer fireworks within the Town of Greenwood except on the following days and during the following times:

- a) July 3rd, beginning at 10:00 a.m. and ending at 10:00 p.m.;
- b) July 4th, beginning at 10:00 a.m. and ending at 12:30 a.m. the following day;
- c) July 5th, beginning at 10:00 a.m. and ending at 10:00 p.m.;
- d) The Saturday and Sunday immediately before Labor Day Monday, but not Labor Day Monday itself, beginning at 10:00 a.m. and ending at 10:00 p.m.;

- e) December 31st, beginning at 10:00 a.m. and ending at 12:30 a.m. the following day; and
- f) January 1st, beginning at 10:00 a.m. and ending at 10:00 p.m.

A person may only use consumer fireworks within the Town of Greenwood on reported Class 1 or Class 2 days, as determined by the State Forestry Fire Class Day Report prepared by the Maine Forest Service.

[Editor's note: Class 1 and Class 2 days are considered low fire danger days. The Class Day Report can be viewed online at <http://www.maine.gov/doc/mfs/firedanger/fire.shtml> (last visited August 16, 2012).]

Section 5. Sale of Consumer Fireworks Prohibited

No person shall sell or offer for sale consumer fireworks within the Town of Greenwood.

Section 6. Violation and Enforcement

- (a) **Penalty for use violation.** Any person who uses consumer fireworks in violation of the provisions of this Ordinance shall commit a civil violation punishable by a penalty of two hundred dollars (\$200.00) plus attorney's fees and costs, to be recovered by the Town of Greenwood for its use. Each day such violation occurs or continues to occur shall constitute a separate violation.
- (b) **Penalty for sale violation.** Any person who sells consumer fireworks in violation of the provisions of this Ordinance shall commit a civil violation punishable by a penalty of one thousand dollars (\$1,000.00) plus attorney's fees and costs, to be recovered by the Town of Greenwood for its use. Each day such violation occurs or continues to occur shall constitute a separate violation.
- (c) **Injunction.** In addition to any other remedies available at law or equity, the Town of Greenwood, acting through its Town Manager, may apply to any court of competent jurisdiction to enjoin any planned, anticipated or threatened violation of this Ordinance.
- (d) **Seizure & disposal of consumer fireworks.** The Town may seize consumer fireworks that the Town has probable cause to believe are used in violation of this Ordinance and shall forfeit seized consumer fireworks to the State for disposal.

Section 7. Exemption

This Ordinance does not apply to a person issued a fireworks display permit by the Town of Greenwood and/or the State of Maine pursuant to 8 M.R.S. § 227-A. Display has the same meaning as in 8 M.R.S. § 221-A(3).

Section 8. Severability

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

Section 9. Effective Date

This Ordinance shall become immediately effective upon approval at Town Meeting.

DATE ADOPTED: *October 30, 2012 - Special Town Meeting*

[Editor's note: State law prohibits the sale and possession of all fireworks, with the exception of consumer fireworks, which are small fireworks as defined under state law. See 8 M.R.S. §§ 221-A, 223. By prohibiting the sale and restricting the use of consumer fireworks, the Town is effectively regulating the sale and use of all fireworks in the Town of Greenwood.]

Ordinance Prohibiting Retail Marijuana Establishments and Retail Marijuana Social Clubs
in the Municipality of Greenwood

Section 1. Authority.

This ordinance is enacted pursuant to the Marijuana Legalization Act, 7 M.R.S.A. c. 417; and Municipal Home Rule Authority, Me. Const., art. VIII, pt. 2; and 30-A M.R.S.A. § 3001.

Section 2. Definitions.

For purposes of this ordinance, retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, and retail marijuana social clubs are defined as set forth in 7 M.R.S.A. § 2442.

Section 3. Prohibition on Retail Marijuana Establishments and Retail Marijuana Social Clubs.

Retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, and retail marijuana social clubs, are expressly prohibited in this municipality.

No person or organization shall develop or operate a business that engages in retail or wholesale sales of a retail marijuana product, as defined by 7 M.R.S.A. § 2442.

Nothing in this ordinance is intended to prohibit any lawful use, possession or conduct pursuant to the Maine Medical Use of Marijuana Act, 22 M.R.S.A. c. 558-C.

Section 4. Effective date; duration.

This ordinance shall take effect immediately upon enactment by the municipal legislative body unless otherwise provided and shall remain in effect until it is amended or repealed.

Section 5. Penalties.

This ordinance shall be enforced by the municipal officers or their designee. Violations of this ordinance shall be subject to the enforcement and penalty provisions of 30-A M.R.S.A. § 4452.

Date: May 20, 2017 – passed at our Annual Town Meeting

s/Fred Henderson, Chair

s/Arnold Jordan

s/Amy Chapman

Greenwood Board of Selectmen

TOWN OF GREENWOOD, MAINE

SHORELAND ZONING ORDINANCE

Adopted: March 9, 1991
Amended: June 30, 1992
Amended: March 30, 1996
Amended: June 30, 1998
Amended: June 17, 2009

Table of Contents

Section 1.	Purposes	1
Section 2.	Authority	1
Section 3.	Applicability	1
Section 4.	Effective Date	1
Section 5.	Availability	2
Section 6.	Severability	2
Section 7.	Conflicts with Other Ordinances	2
Section 8.	Amendments	2
Section 9.	Districts and Zoning Map	3
A.	Official Shoreland Zoning Map	3
B.	Certification of Official Shoreland Zoning Map	3
C.	Changes to the Official Shoreland Zoning Map	3
Section 10.	Interpretation of District Boundaries	3
Section 11.	Land Use Requirements	3
Section 12.	Non-conformance	4
A.	Purpose	4
B.	General	4
C.	Nonconforming Structures	4
D.	Nonconforming Uses	7
E.	Nonconforming Lots	8
Section 13.	Establishment of Districts	8
A.	Resource Protection District	8
B.	Limited Residential District	9
C.	Limited Commercial District	10
D.	General Development District	10
E.	Stream Protection District	10
Section 14.	Table of Land Uses	11
Section 15.	Land Use Standards	14
A.	Minimum Lot Standards	14
B.	Principal and Accessory Structures	15
C.	Piers, Docks, Wharfs, Bridges, and Other Structures and Uses Extending Over or Beyond the Normal High-Water Line of a Water Body or Within a Wetland	18
D.	Campgrounds	19
E.	Individual Private Campsites	20
F.	Commercial and Industrial Uses	20
G.	Parking Areas	21
H.	Roads and Driveways	21
I.	Signs	24

J.	Storm Water Runoff.....	24
K.	Septic Waste Disposal	25
L.	Essential Services	25
M.	Mineral Exploration and Extraction	26
N.	Agriculture	27
O.	Timber Harvesting	28
P.	Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting.....	29
Q.	Erosion and Sedimentation Control	32
R.	Soils	33
S.	Water Quality	33
T.	Archaeological Sites	33
Section 16.	Administration	34
A.	Administering Bodies and Agents	34
B.	Permits Required.....	34
C.	Permit Application.....	35
D.	Procedure for Administering Permits	35
E.	Expiration of Permit.....	37
F.	Installation of Public Utility Service	37
G.	Appeals	37
H.	Public Hearing Procedures and Notification Requirements - Board of Appeals and Planning Board.....	42
I.	Enforcement.....	42
Section 17.	Definitions	43

Shoreland Zoning Ordinance for the Town of

GREENWOOD

Amended June 17, 2009

Section 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 freshwater wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

Section 2. Authority

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

Section 3. Applicability

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

Section 4. Effective Date

A. Effective Date of Ordinance and Ordinance Amendments

This Ordinance, which was adopted by the town legislative body on March 9, 1991, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the Town Clerk, 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 its receipt of the Ordinance, or Ordinance Amendment, it shall be deemed approved. Upon approval of this Ordinance, the shoreland zoning ordinance previously adopted on March 14, 1987, is hereby repealed.

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

B. Repeal of Municipal Timber Harvesting Regulation.

The municipal regulation of timber harvesting activities is repealed on the statutory date established under 38 M.R.S.A. section 438-A(5), at which time the State of Maine Department of Conservation's Bureau of Forestry shall administer timber harvesting standards in the shoreland zone. On the date established under 38 M.R.S.A section 438-A(5), the following provisions of this Ordinance are repealed:

- Section 14. Table of Land Uses, Column 3 (Forest management activities except for timber harvesting) and Column 4 (Timber harvesting);
- Section 15(O) in its entirety; and
- Section 17. Definitions, the definitions of "forest management activities" and "residual basal area."

Section 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.

Section 6. Severability

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

Section 7. Conflicts with Other Ordinances

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

Section 8. Amendments

This Ordinance may be amended by majority vote of the legislative body. Copies of amendments, attested and signed by the Town Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the town legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of the Board's receipt of the amendment, the amendment is automatically

approved. Any application for a permit submitted to the Town within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Board.

Section 9. Districts and Zoning Map

A. Official Shoreland Zoning Map

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

1. Resource Protection
2. Limited Residential
3. Limited Commercial
4. General Development
5. Stream Protection District

B. 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.

C. Changes to the Official Shoreland Zoning Map

If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the commissioner of the Department of Environmental Protection.

Section 10. Interpretation of District Boundaries

Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the centerlines of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

Section 11. Land Use Requirements

Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

Section 12. Non-conformance

A. Purpose

It is the intent of this Ordinance to promote land use conformities, except that nonconforming conditions that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in this section. 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: Nonconforming structures, lots, and uses may be transferred, and the new owner may continue the nonconforming use or continue to use the nonconforming structure or lot, subject to the provisions of this Ordinance.
2. Repair and Maintenance: This Ordinance allows, without a permit, the normal upkeep and maintenance of nonconforming uses and structures including repairs or renovations which do not involve expansion of the nonconforming use or structure, and such other changes in a nonconforming use or structure as federal, state, or local building and safety codes may require.

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

C. Nonconforming Structures

1. Expansions: A nonconforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the nonconformity of the structure.

Further Limitations:

- a. After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by 30% or more, during the lifetime of the structure. If a replacement structure conforms with the requirements of Section 12(C)(3), and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date.

- b. 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)(2) Relocation, below. If

The completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 12(C)(1)(a) above, and

The foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.

2. Relocation: A nonconforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board or its designee. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board or its designee shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

- 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 as soon as possible following relocation but no later than one year after relocation. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

- b. Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted as soon as possible following relocation but no later than one year after relocation with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.
3. For Expansion and Relocations the applicant shall demonstrate that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules.
4. Reconstruction or Replacement: Any nonconforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board or its designee in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume 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)(2) above.

Any nonconforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, 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 planning board or its designee within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent the Planning Board, or its designee shall consider in addition to the criteria in paragraph 2 above, the physical condition and type of foundation present, if any.

5. Change of Use of a Nonconforming Structure: The use of a nonconforming structure may not be changed to another use unless the Planning Board after receiving a written application determines that the new use will have no greater adverse impact on the water body, tributary stream or wetland, or on the subject or adjacent properties and resources than the existing use.

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

D. Nonconforming Uses

1. Expansions: Expansions of nonconforming uses are prohibited, except that nonconforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as permitted in Section 12(C)(1)(a) above.
2. Resumption Prohibited: A lot, building or structure in or on which a nonconforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a nonconforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a two year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.
3. Change of Use: An existing nonconforming use may be changed to another nonconforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, than the former use, as determined by the Planning Board.

The determination of no greater adverse impact shall be made according to criteria listed in Section 12(C) (4) above.

E. Nonconforming Lots

1. Nonconforming Lots: A nonconforming lot of record as of March, 1980, may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals.
2. Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law 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 State Minimum Lot Size Law and the State of Maine Subsurface Wastewater Disposal Rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

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

Section 13. Establishment of Districts

A. 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, except that areas which are currently developed and areas which meet the criteria for the

Limited Commercial or General Development Districts need not be included within the Resource Protection District.

1. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, 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 as of October 1, 2008. 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.
2. Floodplains along rivers or streams and floodplains along artificially formed great ponds along rivers, defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.
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.
5. Land areas along rivers subject to severe bank erosion, undercutting, or channel movement.
6. Natural sites of significant scenic or esthetic value.

B. Limited Residential District

The Limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, or Stream Protection District, and areas which are used less intensively than those in the Limited Commercial District or the General Development District.

C. Limited Commercial District

The Limited Commercial District includes areas of mixed, light commercial and residential uses which should not be developed as intensively as the General Development District. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

D. General Development District

The General Development District includes the following types of areas:

1. Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:
 - a. Areas devoted to manufacturing, fabricating, or other industrial activities;
 - b. Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and
 - c. Areas devoted to intensive recreational development and activities, such as, but not limited to, amusement parks, race tracks, and fairgrounds.
2. Areas otherwise discernable as having patterns of intensive commercial, industrial or recreational uses.

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

In areas adjacent to great ponds, the designation of an area as a General Development District shall be based upon uses existing at the time of adoption of this Ordinance. There shall be no newly established General Development Districts or expansions in area of existing General Development Districts adjacent to great ponds.

NOTE: See definition of "great pond classified GPA" in Section 17.

E. 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, stream or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland. Where a stream and its associated shoreland

area is located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

Section 14. Table of Land Uses

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

Key to Table 1:

- Yes: Allowed (no permit required but the use must comply with all applicable land use standards.)
- No: Prohibited
- PB: Requires permit issued by the Planning Board
- CEO: Requires permit issued by the Code Enforcement Officer
- LPI: Requires permit issued by the Local Plumbing Inspector

Abbreviations:

- RP: Resource Protection
- LR: Limited Residential
- LC: Limited Commercial
- GD: General Development
- SP: Stream Protection

LAND USES IN THE SHORELAND ZONE

LAND USES	DISTRICTS				
	SP	RP	LR	LC	GD
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes	yes
2. Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes
3. Forest management activities except for timber harvesting	yes	yes	yes	yes	yes
4. Timber harvesting	CEO	CEO ¹	CEO	CEO	CEO
5. Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO ¹	CEO	CEO	CEO
6. Fire prevention activities	yes	yes	yes	yes	yes
7. Wildlife management practices	yes	yes	yes	yes	yes
8. Soil and water conservation practices	yes	yes	yes	yes	yes
9. Mineral exploration	no	yes ²	yes ²	yes ²	yes
10. Mineral extraction including sand and gravel extraction	no	PB ³	PB	PB	PB
11. Surveying and resource analysis	yes	yes	yes	yes	yes
12. Emergency operations	yes	yes	yes	yes	yes
13. Agriculture	yes	PB	yes	yes	yes
14. Aquaculture	PB	PB	PB	PB	PB
15. Principal structures and uses					
A. One and two family residential	no	no	CEO	CEO	CEO
B. Multi-unit residential	no	no	PB	PB	PB
C. Commercial	no	no	no	PB	PB
D. Industrial	no	no	no	no	PB
E. Governmental and Institutional	no	no	no	PB	PB
F. Small nonresidential facilities for educational, scientific or nature interpretation purposes	PB ⁴	no	PB	PB	PB
16. Structures accessory to allowed uses	no	no	CEO	CEO	yes

LAND USES	DISTRICTS				
	SP	RP	LR	LC	GD
17. Piers, docks, wharfs, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland a. Temporary b. Permanent	CEO ¹⁰ PB ⁹	CEO ¹⁰ PB ⁹	CEO ¹⁰ PB ⁹	CEO ¹⁰ PB ⁹	CEO ¹⁰ PB
18. Conversions of seasonal residences to year-round residences	no	no	CEO	CEO	CEO
19. Home occupations	no	NO	PB	PB	PB
20. Private sewage disposal systems for allowed uses	no	NO	LPI	LPI	LPI
21. Essential services	PB ⁶	PB ⁶	PB	PB	PB
A. Roadside distribution lines (34.5kV and lower)	CEO ⁹	CEO ⁹	Yes ¹¹	Yes ¹¹	Yes ¹¹
B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	PB6	PB6	CEO	CEO	CEO
C. Non-roadside or cross-country distribution lines involving 11 or more poles in the shoreland zone	PB6	PB6	PB	PB	PB
D. Other essential services	PB6	PB6	PB	PB	PB
22. Service drops, as defined, to allowed uses	yes	yes	yes	yes	yes
23. Public and private recreational areas involving minimal structural development	PB	PB	PB	PB	PB
24. Individual, private campsites	PB	PB	PB	PB	PB
25. Campgrounds	no	no ⁷	PB	PB	PB
26. Road construction	PB	no ⁸	PB	PB	PB
27. Parking facilities	no	no ⁷	PB	PB	PB
28. Marinas	PB	no	PB	PB	PB
29. Filling and earthmoving <10 cubic yards	CEO	CEO	yes	yes	yes
30. Filling and earthmoving >10 cubic yards	PB	PB	CEO	CEO	CEO
31. Signs (new or replacement)	PB	PB	PB	PB	PB
32. Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO
33. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO
34. Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB

LAND USES	DISTRICTS				
	SP	RP	LR	LC	GD
35. Sludge and ash spreading	no	no	PB	PB	PB
36. Structures such as antennas over 35 feet in height	PB	no	no	no	no

¹In RP not permitted within 75 feet of the normal high water line of great ponds, except to remove safety hazards.

²Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total is disturbed.

³In RP not permitted in areas so designated because of wildlife value.

⁴Provided that a variance from the setback requirement is obtained from the Board of appeals

⁵Reserved

⁶See further restrictions in Section 15(L)(2)

⁷Reserved

⁸Except as provided in Section 15.H.4.

⁹Applicant should have DEP approval before applying to the Planning Board.

¹⁰Excluding bridges and other crossings not involving earthwork, in which case no permit is required.

¹¹Permit not required but must file a written "notice of intent to construct" with CEO.

Section 15. Land Use Standards

All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

A. Minimum Lot Standards

	Minimum lot Area (square feet)	Minimum Shore Frontage (feet)	Minimum Road Frontage (feet)
Residential per dwelling unit	40,000	200	150
Governmental, Institutional, Commercial or Industrial Per Principal Structure -	60,000	300	225
Public and Private Recreational Facilities -	40,000	200	150

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. A lot is defined as all contiguous land in the same ownership, provided that lands located on opposite sides of a year-round maintained state or town road shall be considered each a separate tract or parcel of land. All contiguous land in the same ownership located on opposite sides of any other type of road shall be considered as a single parcel.
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 for lots shall be met for each additional dwelling unit, principal structure, or use.
6. Clustered housing located within the shoreland zone shall require that the overall dimensional requirements, including frontage and lot area per dwelling unit, is met. When determining whether dimensional requirements are met, only land area within the shoreland zone shall be considered.
7. The following dimensional requirements shall be provided for residential, commercial or industrial multi-unit development, subdivisions, and access held-in-common when the units are located outside of the shoreland zone.
 - a. The use of any property for shoreland access for multi-unit development or for shoreland access held-in-common shall require a minimum shoreland frontage of 200 feet and an additional 40 feet for each structure or dwelling unit.
 - b. Recreational facilities for such developments shall be set back a minimum of 75 feet from the side lot lines.

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 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 General Development District the setback from the normal high-water line shall be at least seventy-five (75) feet horizontal distance. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance.

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. The Planning Board may 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 shall not be limited to, areas of steep slope; shallow or erodible soils; or where an adequate vegetative buffer does not exist.
 - 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 Planning Board 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.
2. Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, Limited Commercial, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height, except that 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 floodplain soils. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2005

version, or later version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph.

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 General Development where lot coverage shall not exceed seventy (70) percent.
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, 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;
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, Title 38, Section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

C. Piers, Docks, Wharfs, Bridges, and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland

- 1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
- 2. The location shall not interfere with existing developed or natural beach areas.
- 3. The facility shall be located so as to minimize adverse effects on fish habitat.
- 4. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. **A temporary pier, dock or wharf shall not be wider than six feet for non-commercial uses.**
- 5. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending 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.

6. New permanent piers and docks 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.
7. 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.
8. Except in the General Development District, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

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 and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
3. At Commercial campgrounds, RVs, tents or similar shelters will comply with State of Maine regulations that prohibit the dumping of sewage and/or gray water in or on the ground. The park operator shall provide an approved septic dumping system for the disposal of RV holding tank contents.
4. Existing campgrounds shall comply with the provisions of Subsection 3 above by December 31, 1995.

E. Individual Private Campsites

Individual, private campsites not associated with campgrounds are permitted provided the following conditions are met:

1. One campsite per lot existing on March, 1980, or forty thousand (40,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.
2. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
3. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.
4. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.
5. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
6. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

F. Commercial and Industrial Uses

The following new commercial and industrial uses are prohibited within the shoreland zone:

- a. Auto washing facilities
- b. Auto or other vehicle service and/or repair operations, including body shops
- c. Chemical and bacteriological laboratories

- d. Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms
- e. Commercial painting, wood preserving, and furniture stripping
- f. Dry cleaning establishments
- g. Electronic circuit assembly
- h. Laundromats, unless connected to a sanitary sewer
- i. Metal plating, finishing, or polishing
- j. 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
- k. Photographic processing
- l. 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. The setback requirement for parking areas serving public boat launching facilities in Districts other than the General Development 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, and where feasible, to retain all runoff on-site.
- 3. In determining the appropriate size of proposed parking facilities, the following shall apply:
 - a. Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
 - b. Internal travel aisles: Approximately twenty (20) feet wide.

H. Roads and Driveways

The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

- 1. Roads and driveways shall be set back at least one-hundred (100) feet, horizontal distance, from the normal high-water line of a great pond or a river that flows to a great pond, 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 waterbody, 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.Q.
5. Road and driveway grades shall be no greater than ten (10) percent except for segments of not greater than twelve (12) percent for less than one hundred (100) feet.
6. In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and

driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

7. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:

- a. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road, or driveway at intervals no greater than indicated in the following table:

Grade (Percent)	Spacing (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21 +	40

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

I. Signs

The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, Limited Residential, and Limited Commercial Districts:

1. Signs relating to goods and services sold on the premises shall be permitted, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. In the Limited Commercial District, however, such signs shall not exceed sixteen (16) square feet in area. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.
2. Name signs are allowed, provided such signs shall not exceed two (2) signs per premises, and shall not exceed twelve (12) square feet in the aggregate.
3. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.
4. Signs relating to trespassing and hunting shall be permitted without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
5. Signs relating to public safety shall be permitted without restriction.
6. No sign shall extend higher than twenty (20) feet above the ground.
7. Signs may be illuminated only by shielded, non-flashing lights.
8. Upon replacement, all signs shall comply with the standards set forth herein.
9. Signs shall be so placed so as not to obstruct site lines.

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 disturbed area but less than 1 acre impervious area (20,000 square feet for most-at-risk lakes and urban impaired streams) and less than 5 acres of developed area. Furthermore, a Maine Construction General Permit is required if the construction will result in one acre or more of disturbed area.

K. Septic Waste Disposal

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

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

L. Essential Services

1. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.
2. The installation of essential services, other than road-side distribution lines, is not allowed in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where 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 paragraph 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 and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line, without written permission of the owner of such adjacent property.
3. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
 - a. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

NOTE: The State of Maine Solid Waste Laws, Title 38, Maine Revised Statutes Annotated, Section 1310 and Chapter 404 of the Department of Environmental Protection's regulations may contain other applicable provisions regarding disposal of such materials.
 - b. The final graded slope shall be two and one-half to one (2 1/2:1) slope or flatter.

- c. Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized 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 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, 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; within seventy-five (75) feet, horizontal distance, from other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.
- 5. Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond; within seventy-five (75) feet, horizontal distance, of other water bodies, nor; within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with ongoing farm activities,

and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan.

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

O. Timber Harvesting

1. Within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line in a shoreland area zoned for Resource Protection abutting a great pond there shall be no timber harvesting, except to remove safety hazards.
2. Except in areas as described in Paragraph 1 above, timber harvesting shall conform with the following provisions:
 - a. Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition, there shall be no cleared opening in the forest canopy greater than 250 square feet.
 - b. No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.
 - c. Timber harvesting equipment shall not use stream channels as travel routes except when: Note
 - i. Surface waters are frozen; and
 - ii. The activity will not result in any ground disturbance.
 - d. All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds

which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.

- e. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.
- f. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet, horizontal distance, in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance,. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty five (25) feet, horizontal distance, from the normal high-water line of a water body or upland edge of a wetland.

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

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

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

- 2. Except in areas as described in Section P(1), above, and except to allow for the development of permitted uses, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond , and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:
 - a. There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the

outer limits of the tree or shrub crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created.

- b. Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of Section 15(P)(2)(b) a "well-distributed stand of trees" adjacent to a great pond or a river or stream flowing to a great pond, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

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

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

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 is Ordinance;
- (v) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

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

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

- c. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 15(P) paragraphs (2) and (2)(a) above.
- d. Pruning of tree branches, on the bottom 1/3 of the tree is allowed.
- e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

Section 15(P)(2) does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.

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

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared. This provision shall not apply to the General Development 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. Erosion and Sedimentation Control

1. All activities which involve filling, grading, excavation, or other similar activities which result in unstabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
 - a. Mulching and revegetation of disturbed soil.
 - b. Temporary 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 rip-rap.

R. Soils

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, 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 or a Maine State Certified Geologists. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

S. Water Quality

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

T. Archaeological Sites

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the 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.

NOTE: Municipal officials should contact the Maine Historic Preservation Commission for the listing and location of Historic Places in their community.

Section 16. Administration

A. Administering Bodies and Agents

1. Code Enforcement Officer: A Code Enforcement Officer shall be appointed or reappointed annually by July 1st.
2. Board of Appeals: A Board of Appeals shall be created in accordance with the provisions of Title 30-A MRSA 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.

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 more than 75 feet: and
 - c. Adequate erosion control measures are taken to prevent sedimentation of water, and the crossing does not block fish passage in the water course.
2. A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and

unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures. Prior to excavation written notification shall be submitted to the Planning Board indicating the location of the excavation and the name(s) of the archaeologist(s).

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

C. Permit Application

1. Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.
2. All applications shall be signed by the owner or owners of the property or other person authorizing the work, certifying that the information in the application is complete and correct. If the person signing the application is not the owner or lessee of the property then that person shall submit a letter of authorization from the owner or lessee.
3. All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
4. If the property is not served by a public sewer, a valid septic permit or a completed application for a permit, septic including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure would require the installation of a subsurface sewage disposal system.

D. Procedure for Administering Permits

1. 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 in writing either that the application is a complete application, or, if the application is incomplete, what specific additional material is needed to make the application complete. The Planning Board can require a public hearing if determined appropriate.
2. For applications which are the authority of the Code Enforcement Officer, the officer shall approve, approve with conditions, or deny the application in writing within 45 days of receiving a completed application.
3. For applications which require Planning Board review, the Planning Board shall approve, approve with conditions, or deny the application within 45 days except that:

- a. if the Planning Board has a waiting list of applications, a decision on the application shall occur within 45 days after the first available date on the Planning Board's agenda following receipt of the completed application, or
 - b. if the Board deems appropriate, a public hearing is scheduled for the application. In which case, a public hearing shall be scheduled within 35 days of the date on which the completed application first appears on the Planning Board agenda, and a decision shall be rendered and the applicant notified in writing within 35 days of the public hearing. (REFER TO SUBSECTION H. FOR PUBLIC HEARING PROCEDURES AND NOTIFICATION REQUIREMENTS)
4. Permits shall be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.
5. 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.
6. 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:
 - a. Will maintain safe and healthful conditions;
 - b. Will not result in water pollution, erosion, or sedimentation to surface waters;
 - c. Will adequately provide for the disposal of all wastewater;
 - d. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
 - e. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
 - f. Will protect archaeological and historic resources as designated in the comprehensive plan;
 - g. Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities district;
 - h. Will avoid problems associated with flood plain development and use; and
 - i. 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 any State law which the municipality is responsible for enforcing.

E. Expiration of Permit

1. Following the issuance of a permit, if no substantial start is made in construction or in the use of the property within six months of the date of the permit, the permit shall lapse and become void.
2. If the exterior, including permanent erosion control, is not completed within one year of the start of construction, the permit shall lapse and the owner shall apply for a new permit.

NOTE: Exterior completed shall mean the structure shall be closed to the weather including installation of roof, siding, doors and windows in the form intended for final use.

F. Installation of Public Utility Service

No 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. Following installation of service, the company or district shall forward the written authorization to the municipal officials, indicating that installation has been completed.

G. Appeals

1. Powers and Duties of the Board of Appeals

The Board of Appeals shall have the following powers:

- a. Administrative Appeals: To hear and decide 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 Code Enforcement Officer or Planning Board in the administration of this Ordinance. Any order, requirement, decision or determination made, 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:
 - (1) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and
 - (2) The strict application of the terms of this Ordinance would result in undue hardship.

The term "undue hardship" shall mean:

- (i) That the land in question cannot yield a reasonable return unless a variance is granted;
 - (ii) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - (iii) That the granting of a variance will not alter the essential character of the locality; and
 - (iv) That the hardship is not the result of action taken by the applicant or a prior owner.
- d. Notwithstanding Section 16.G.2.c.2 above, the Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the

time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

- e. The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.
- 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.
- g. Any person granted a variance shall record the variance with the Registry of Deeds within 45 days of its granting. Verification of the recording shall be submitted to the Chair of the Planning Board within 30 days of the recording.

3. Administrative Appeals

When the Board of Appeals hears a decision of the Code Enforcement Officer or Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Code Enforcement officer or Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Code Enforcement Officer or Planning Board. The Board of Appeals may only review the record of the proceedings before Code Enforcement Officer or the Planning Board. The Board Appeals shall not receive or consider any evidence which was not presented to the Code Enforcement Officer or 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 Code Enforcement Officer or Planning Board proceedings are inadequate, the Board of Appeals may remand the matter to the Code Enforcement Officer or Planning Board for additional fact finding.

4. Appeal Procedure

a. Making an Appeal

- (1) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-related matters. Such 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.
- (2) Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:
 - (i) A concise written statement indicating what relief is requested and why the appeal or variance should be granted.
 - (ii) A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
- (3) Upon 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.
- (4) 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 the time period is extended by the parties. (REFER TO SUBSECTION H. FOR PUBLIC HEARING PROCEDURES AND NOTIFICATION REQUIREMENTS)

b. Decision by Board of Appeals

- (1) A majority of the full voting membership of the board shall constitute a quorum for the purpose of deciding an appeal.

- (2) The person filing the appeal shall have the burden of proof.
- (3) 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.
- (4) The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. 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 fourteen (14) 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 thirty (30) days from the date of any decision of the Board of Appeals.

6. Reconsideration

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

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

H. Public Hearing Procedures and Notification Requirements - Board of Appeals and Planning Board

The Greenwood reviewing authority for the subject request shall have notice of the date, time and place of the hearing:

1. Given to the applicant,
2. Mailed to all property owners within five hundred (500) feet of the property boundaries; and
3. Published, at least one (1) time, in a newspaper having general circulation in Greenwood. The date of the publication must be at least seven (7) days prior to the hearing.

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 Planning Board 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. On an annual basis, a summary of this record shall be submitted to the Director of the Bureau

of Land and Water Quality Control within the Department of Environmental Protection.

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, violates any provision or requirement of this Ordinance shall be penalized in accordance with Title 30-A, Maine Revised Statutes Annotated, Subsection 4452.

NOTE: Current penalties include fines of not less than \$100 nor more than \$2500 per violation for each day that the violation continues.

Section 17. Definitions

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

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

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

Aquaculture: the growing or propagation of harvestable freshwater, plant or animal species.

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

Basement: a masonry or pressure treated wood foundation suitable for habitat or capable of conversion to make suitable for habitation. An interior height of 6 feet 6 inches or more shall be considered habitable.

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

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

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

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

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

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

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

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

Driveway: a vehicular access-way less than five hundred (500) feet in length serving one or two single-family dwellings or one 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: the construction, alteration or maintenance of gas, electrical or communication facilities; steam, fuel, electric power, or water transmission or distribution lines, towers, and related equipment; telephone cables or lines, poles, and related equipment; gas, oil, water, slurry, or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants, and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

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

Expansion of use: the addition of one or more months to a use's operating season; additional hours of operation; or the use of more floor area or ground area devoted to a particular use.

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

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

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

Forested wetland: a freshwater wetland dominated by woody vegetation the is six (6) meters tall 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, inland waters and which cannot be located away from these waters. The uses include, but are not limited to recreational fishing and boating facilities, waterfront dock facilities, boatyards and boat building facilities, marinas, navigation aides, basins and channels, industrial uses requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site.

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.

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

Height of a structure: the vertical distance between the mean original grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area.

Home occupation: an occupation or profession which is customarily conducted on or in a residential structure or property and which is:

- 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and
- 2) which employs no more than two (2) persons other than family members residing in the home.

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.

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

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

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.

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 lakes, ponds and rivers, and, as its principal use, providing for hire 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 equipment, boat and tackle shops.

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.

Multi-unit development: a development having more than one principle structure or where a structure contains more than one principle use.

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.

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.

Nonconforming 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.

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

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

Normal high-water line: that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond.

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

Piers, docks, wharfs, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland:

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

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

Principal structure: a building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

Principal use: a use other than one which is wholly incidental or accessory to another use on the same premises.

Public facility: any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

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

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

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

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

Replacement system: a system intended to replace:

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

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

Residual basal area: the average of the basal area of trees remaining on a harvested site.

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

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

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

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.

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

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

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.

Stream: a free-flowing body of water from the outlet of a great pond or the point confluence of two (2) perennial streams as depicted by a solid blue line on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within the shoreland area.

Structure: anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors.. The term includes structures temporarily or permanently located, such as decks, patios and satellite dishes.

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.

Timber harvesting: the cutting and removal of timber for the primary purpose of selling or processing forest products. 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.

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.

Upland edge of a wetland: the boundary between upland and 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) foot) tall or taller.

Vegetation: all live trees, shrubs, ground cover, and other plants including, without limitation, trees both over and under 4 inches in diameter, measured at 4 ½ feet above ground level.

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

Water body: any great pond, river or stream.

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

Wetland: a freshwater wetland.

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

Adopted: March 9, 1991
Amended: June 30, 1992
March 30, 1996
June 30, 1998
June 17, 2009

TOWN OF GREENWOOD, MAINE

SITE PLAN REVIEW ORDINANCE

Adopted
October 18, 2005
Amended
May 21, 2016

Amended
August 6, 2018

Attested: Kimberly Sparks, Town Clerk

Date: August 9, 2018

A handwritten signature in cursive script that reads "Kimberly Sparks". The signature is written in dark ink and is positioned to the right of the printed name "Kimberly Sparks, Town Clerk".

Table of Contents

1-101 GENERAL	5
1-101.1 PURPOSE.....	5
1.101.2 Authority.....	5
1-101.3 Validity and Separability, Conflict with other Ordinances and Effective Date	5
1-101.4 Amendments.....	5
1-201 APPLICABILITY	6
1-201.1 This Ordinance shall apply to:.....	6
1-201.2 This Ordinance does not apply to:	6
1-301 ADMINISTRATION.....	7
1-301.1 Planning Board	7
1-301.2 Approval Required.	7
1-301.3 Expiration of Approval.....	7
1-301.4 Applications in Writing	7
1-301.5 Fees.....	7
1-401 APPLICATION PROCEDURE	8
1-401.1 Pre-Application Meeting.....	8
1-401.2 Site Plan Review Application Requirements	9
1-401.3 Submission Requirements	9
1-501 APPLICATION REVIEW.....	15
1-501.1 Complete Application.....	15
1-501.2 Public Hearing	15
1-501.3 Board Action	15
1-501.4 Waivers	15

1-601	PERFORMANCE STANDARDS	16
1-601.1	Requirements.....	16
1-601.2	Review Standards.....	16
1-701	SPECIAL REGULATIONS	28
1-701.1	Home Occupations	28
1-701.2	Projects Located on Sand and Gravel Aquifer	29
1-701.3	Commercial Wind Energy Facilities	30
1-801	PERFORMANCE BOND	48
1-801.1	Performance Bond Required	48
1-801.2	Extension.....	48
1-801.3	Release	48
1-901	CHANGES AND AMEND TO APPROVALS	48
1-901.1	Minor Changes to Approved Projects	48
1-901.2	Amendments to Approved Plans	49
1-110	ENFORCEMENT	49
1-110.1	Notice of Violation	49
1-110.2	Legal Action.....	49
1-110.3	Fines.....	49
1-111	Appeals.....	49
1-112	DEFINITIONS	49

SITE PLAN REVIEW ORDINANCE TOWN OF GREENWOOD, MAINE

1-101 GENERAL

1-101.1 Purpose

The purposes of this Ordinance are to protect the public health, safety and welfare of the residents and tax payers of the Town of Greenwood, to implement the Comprehensive Plan and to insure an orderly growth and development of the Town. Greenwood is primarily a town with recreational opportunities, physical beauty, abundant bodies of water, and a rural setting. These are important characteristics to the full time and part time people of Greenwood. Certain use of land, including commercial wind energy facilities, can be a threat to the public health, safety and welfare and the characteristics that the residents and tax payers of the Town of Greenwood value. Based on the advice of professionals and its own research, that have been fully documented, this Ordinance provides the mechanisms to protect the public health, safety and welfare of the residents and tax payers of the Town of Greenwood.

1.101.2 Authority

- A. This Ordinance is adopted pursuant to Article VIII Part 2 Section 1 of the Maine Constitution and Title 30-A M.R.S.A. Section 3001 (Home Rule).
- B. This Ordinance shall be known as the Town of Greenwood, Maine Site Plan Review Ordinance.

1-101.3 Validity and Separability, Conflict with other Ordinances and Effective Date

- A. Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.
- B. Whenever the requirements of this Ordinance are inconsistent with the requirements of any other ordinance, code or statute, the more restrictive requirements shall apply.
- C. The effective date of this Ordinance is October 18, 2005, the date of its adoption at a town meeting.

1-101.4 Amendments

This Ordinance may be amended by a majority vote of the annual or special town meeting. Amendments may be initiated by a majority vote of the Planning Board or by request of the Board of Selectmen to the Board or on a written petition of a number of voters equal to at least 10% of the number of votes cast in the last gubernatorial election in the Town. The Board shall conduct a public hearing on any proposed amendment.

1-201 APPLICABILITY

1-201.1 This Ordinance shall apply to:

- A. All development proposals for new, or substantial enlargements of commercial, retail, industrial, institutional, public, structures or uses, Commercial Wind Energy Facilities (CWEF), and newly established mineral extractions.
- B. Change in use including new uses of existing structures or land which would employ new materials and/or processes not normally associated with the existing or previous use.
- C. Home Occupations when determined by the Code Enforcement Officer that Site Plan Review is required.

1-201.2 This Ordinance does not apply to:

- A. Construction of detached single family dwellings, two-family dwellings, and multi-family dwellings and accessory structures for the use of the residents thereof.
- B. Accessory structures and uses.
- C. Construction of barns, stables, and other agricultural related buildings by and for the private use of families residing on the property on which the building is to be located.
- D. All nonstructural uses of land for agricultural or forestry purposes.
- E. Home occupations which meet the following conditions.
 - 1. The home occupation is incidental and secondary to the primary residential use of the premises;
 - 2. Do not employ persons who do not make the residence their permanent home;
 - 3. Do not display any exterior sign larger than eight (8) square feet, any exterior indications of the home occupation or variation from the residential character of the principal dwelling or accessory structure.
 - 4. Do not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare/ excessive light, radiation, fumes, or electrical interference detectable to the normal senses or which interferes with normal radio or television reception, or causes other nuisances which extend beyond the limits of the subject property; and
 - 5. Are not likely to generate regular daily or seasonal traffic not associated with residential uses.

- E Home Occupations which do not meet the criteria in Section D above shall comply with Section 1-701.1.

1-301 ADMINISTRATION

1-301.1 Planning Board

This Ordinance shall be administrated by the Planning Board of the Town of Greenwood, Maine, hereafter referred as the Board.

1-301.2 Approval Required.

No building permit or plumbing permit shall be issued by the Board, Code Enforcement Officer or Local Plumbing Inspector for any use or project within the scope of this Ordinance until a Site Plan Review Application has been reviewed and approved by the Board.

1-301.3 Expiration of Approval

All Site Plan approvals shall expire two (2) years after the date of approval unless substantial construction thereunder has commenced. If work is not completed within three (3) years from the date of approval, the approval lapses and a new application, with all required fees, must be made and approved. The Board may grant up to a twelve (12) month extension to these time periods upon request by the applicant and a showing that the time periods cannot be complied with due to circumstances beyond the control of the applicant.

1-301.4 Applications in Writing

All applications for Site Plan Review shall be made in writing to the Board on forms provided for that purpose and shall be by the owner of the property or the owner's agent as designated in writing by the owner. Application forms are available at the Town Office during normal business hours.

1-301.5 Fees

- A. An application for site plan approval shall be accompanied by a fee of \$50.00 plus \$5.00 per 1,000 square feet or portion thereof of gross floor area, parking and storage areas. For mining operations and outdoor-based uses such as but not limited to golf course, recreation areas and campgrounds and for structures without floor areas such as communication towers, there shall be a fee of \$150.00. This application fee shall be paid by check payable to the Town of Greenwood, Maine. This fee shall not be refundable.

- B. Review escrow account, \$150.00 per 2,000 square feet or portion thereof of gross floor area, parking and storage area, for mining operations and outdoor-based uses such as but not limited golf courses, recreation areas and campgrounds and for structures without floor areas such as communication towers, there shall be a payment of \$500.00, deposited in an escrow account established by the Town, which monies may be used by the Board to pay for professional reviews and advice related to the developer's application as it deems necessary. The Board shall provide the applicant with notice of its intent to spend any portion of this account which notice shall specify the purpose for the proposed expenditures. If the balance in the applicant's portion of the Board Review Escrow Account shall be drawn down by 75%, the Board shall require that an additional 50% of the original review escrow account fee be deposited by the applicant. Those monies deposited by the applicant and not spent by the Board in the course of its review shall be returned to the applicant within thirty (30) days after the Board renders its final decision on the application.
- C. The Selectmen, upon recommendation of the Planning Board, shall have the authority to revise the application fee and/or review escrow account fee after holding a public hearing.

1-401 APPLICATION PROCEDURE

1-401.1 Pre-Application Meeting

- A. Prior to submitting an application for a project, the applicant or the applicant's authorized agent shall appear informally at a regular or special meeting of the Board to discuss the proposed project.

The Planning Board, at this time, will also make a determination whether a change in the use requires Site Plan Review. If it does, the Board will inform the applicant of the submission requirements.

- B. The applicant or applicant's authorized agent shall present to the Board, at this time for informal review and comment, a sketch plan of the proposed project. The sketch plan shall consist of a rough outline of the proposed project and may be a freehand, pencilled sketch of the parcel showing the proposed layout of buildings, parking areas, and other features which may aid the Board to understand the project.
- C. The Board may request that the applicant arrange for an inspection of the site with the Board, or an individual appointed by the Board Chairman to act as the Board's representative.
- D. No binding commitments shall be made between the applicant and the Board at this stage. The purpose of the pre-application meeting shall be to understand what is proposed.

1-401.2 Site Plan Review Application Requirements

- A. Applications for Site Plan Review approval shall be submitted on application forms provided by the town. Ten copies of the completed application form, required plans and related information shall be submitted to the Town Office no less than fourteen (14) days prior to the Board's regular scheduled meeting. The Board shall forward copies to the Board of Selectmen, Fire Chief and Road Commissioner for review and comment.
- B. Upon receipt of the application the Board shall send written notice by Certified Mail to all owners of property within 500 feet of the boundaries of the project site, including those across a road or street. In addition the Board shall cause notice of the date, time and place of the meeting to discuss the project to be published in a newspaper of general circulation in Greenwood at least two (2) times; the date of the first publication shall be at least seven (7) days prior to the meeting.

1-401.3 Submission Requirements

When the owner of the property or his authorized agent makes formal application for Site Plan Review, the application shall contain at least the following exhibits and information:

- A. A fully executed and signed copy of the application for site plan review.
- B. A site plan drawn at a scale sufficient to allow review of the items listed under the preceding general standards, but at not more than 50 feet to the inch for that portion of the total tract of land being proposed for the project, and showing the following:
 - 1. Owner's name, address and signature.
 - 2. Names and addresses of all property owners within 500 feet for the project site.
 - 3. Sketch map showing general location of the site within the Town.
 - 4. Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time.
 - 5. A perimeter survey of the parcel made and certified by a Professional Land Surveyor pursuant to Rule 12, Standards of Practice, by the State Board of Regulation of Land Surveyors. This survey shall relate to reference points showing magnetic north, graphic scale, corners of parcel and date of survey and total acreage.
 - 6. Existing and proposed topography of the site at contour intervals as determined by the Board if major changes to the existing topography are proposed.
 - 7. Soil types and location of soil boundaries as certified by a registered engineer or soil scientist.

8. The location of all existing and proposed structures (including design, nature of exterior materials, size and height), driveways, sidewalks, parking spaces, loading areas, open spaces, open drainage courses, service areas, easements, and landscaping.
 9. The location, size, and character of all signs and exterior lighting.
 10. The area of the parcel and street frontage.
 11. The location of all buildings within 50 feet of the parcel to be developed and the location of intersecting roads or driveways within 200 feet of the parcel.
 12. Location of aquifers and aquifer recharge areas, if mapped.
 13. Location of wetlands, significant wildlife habitat, known or potential archaeological resources, scenic locations as identified in the Comprehensive Plan and historic buildings and sites to be developed or adjacent to the parcel.
 14. Location and elevation of the 100-year flood plain.
 15. If the project site is located in the direct watershed of a great pond the name of that watershed shall be indicated on the plan.
 16. A utility plan showing such provisions for power, communications, water supply and waste water disposal.
 17. Where the plan was prepared by an architect, engineer, surveyor, geologist, soil scientist or other professional licensed or certified and issued a seal by the State of Maine, the preparer's seal shall be affixed to the plan.
- C. A written, narrative statement by the applicant that supplies the following information and is substantiated by the appropriate documents.
1. Name, address and number of Registered Professional Engineer, Professional Land Surveyor or Planner who prepared the plan.
 2. Address to which all correspondence from the Board should be sent.
 3. Evidence by the applicant of right, title or interest in the property for which the application covers.
 4. Location of property: book and page (from Registry of Deeds).
 5. Location of property: map and lot (from Assessor's Office).
 6. Proposed method of sewage disposal and the results of an on-site soil investigation.
 7. Indication of type of water supply to be used. Evidence of adequate ground water supply and quantity shall be submitted by a well driller or a hydrogeologist familiar with the area.

8. A description of the proposed uses to be located on the site including: products to be manufactured, description of and volume of manufacturing by-products and wastes, type of products to be warehoused, and type of products to be sold.
9. Total floor area and ground coverage of each proposed building and structure and percentages of lot covered by each building or structure.
10. A copy of the existing and/or proposed easements, restrictions and covenants placed on the property.
11. Method of solid waste disposal.
12. Erosion and sedimentation control plan.
13. A stormwater control plan designed to accommodate the 25-year storm.
14. Statement of financial capacity which should include the names and sources of the financing parties including banks, government agencies, private corporations, partnerships, and limited partnerships and whether these sources of financing are for construction loans or long-term mortgages or both.
15. The nature and type of any air emissions that would result in air pollution.
16. The applicant shall provide a municipal service impact analysis that includes a list of construction and maintenance items, with both capital and annual operating cost estimates, that must be financed by the Town of Greenwood or quasi-municipal districts. This list shall include but not be limited to: street reconstruction, maintenance, and snow removal; solid waste disposal; and fire protection. The applicant shall provide an estimate of the net increase in taxable assessed valuation from the project.
17. The applicant=s evaluation of the availability and suitability of off-site public facilities including sewer, water, and streets.
18. A statement from the Fire Chief as to the availability of fire hydrants and/or fire ponds or provisions of fire protection services.
19. An estimate of the date when construction will start, when uses(s) will begin and when the project will be completed.
20. A description of the current or most recent use of the building or land including type of products(s) sold or manufactured, operating hours, nature and number of patrons served on a daily basis, peak hours, and other items as the Planning Board may find necessary.
21. Traffic data shall include the following when required by the Planning Board:

- a. the estimated peak hour and average daily traffic to be generated by the proposal;
 - b. existing traffic counts on surrounding roads;
 - c. traffic accident data covering the most recent three-year period for which such data is available.
- 22. Maine Department of Transportation Driveway/Entrance Permit if the project will have access to Routes 26, 219, or the East Bethel Road.
 - 23. The type, size, and location of all machinery likely to generate appreciable noise at the lot lines.
 - 24. A phosphorus impact analysis and control plan when located in the direct watershed of a great pond.
 - 25. Other local, State or Federal permits as required. The Board may require the applicant to submit letters from appropriate State and Federal agencies indicating all applicable requirements will be met.
 - 26. Waivers requested accompanied by reasons and justification.

D. Additional information for Commercial Wind Energy Facilities

- 1. Location map, including lot and map numbers, showing the boundaries and owners names of the proposed facility site, all contiguous property under total or partial control of the applicant or participating landowner(s), any scenic resource to be impacted by CWEF, and historic sites within 1,000 feet of any disturbed area associated with the CWEF.
- 2. Description of the proposed CWEF that includes the number and aggregate generating capacity of all wind turbines, the turbine height and manufacturer's specifications for each wind turbine (including but not limited to the make, model, maximum generating capacity, sound emission levels and types of overspeed controls) and a description of associated facilities.
- 3. Site plan showing the proposed location of each wind turbine, its flicker sector, associated facilities and any of the following features located within 1,000 feet of any wind turbine: parcel boundaries, required setbacks, topographic contour lines (maximum 10-foot interval), roads, rights-of-way, overhead utility lines, buildings identified by use), land cover, wetlands, streams, water bodies and areas proposed to be re-graded or cleared of vegetation.
- 4. Written evidence that the provider of electrical service to the property has been notified of the intent to connect an electric generator to the electricity grid.
- 5. Description of emergency and normal shutdown procedures.

6. Photographs of existing conditions at the site.
7. Site line, photographic, and, if applicable, any screening information.
 - a. Sight line representations of each wind turbine from the nearest occupied building, planned residence, or other approved but not yet developed facility and from at least one other representative location within 1,000 feet of the wind turbine, such as a scenic resource or another occupied building. Each site line representation shall be drawn at a scale sufficiently large to make it legible. If screening is proposed, the proposed screening device, such as trees, shrubs or fencing, shall be depicted on the drawing along with the sight line as altered by the screening.
 - b. A current four-inch by six-inch color photograph of the proposed site of the wind turbine(s) taken from viewpoints corresponding to each of the site line representations.
 - c. One copy of each of the photographs described in b), above, onto which is superimposed an accurately-scaled and sited presentation of the wind turbine(s).
8. Certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, or other similar certifying organizations.
9. A preliminary decommissioning plan that includes the following.
 - a. Methods to remove all parts of the CWEF including foundations and how they will be disposed of.
 - b. Areas and the methods to restore disturbed land areas.
 - c. Estimated time period (months) to complete decommissioning.
 - d. Estimated cost for decommissioning in accordance with Section 1-701.3.T.4.
10. Written summary of operation and maintenance procedures for the CWEF and a maintenance plan for access roads.
11. Visual impact assessment.
12. Audible sound and infrasound level analysis, prepared by a qualified engineer(s).
13. Shadow flicker analysis based on WindPro or other modeling software approved by the Department of Environmental Protection. The flicker sector will be shown on maps.

14. Foundation and anchoring system drawings that are stamped by a Maine-licensed professional engineer.
 15. A Public Utility Grid Impact Statement documenting all anticipated changes to the public utility grid within the Town due to the wind energy facility. The Statement shall be signed and approved by the Maine Public Utilities Commission and shall include proof of leases or rights of way for transmission lines, and an analysis of the residual capacity in the grid that will be available to other local generating projects after the construction of the wind energy facility.
 16. Other relevant studies, reports, certifications and approvals as may be reasonably requested by the Planning Board to ensure compliance with this Ordinance.
 17. The name, telephone number, and E-mail address of the CWEF owner's/operator's contact person that is responsible to respond to public inquiries and/or complaints.
 18. A copy of the owner's/operator's public inquiry/complaint response protocol.
 19. Legal description of proposed deed language for each participating landowner's parcel(s) that specifies which restrictions, setbacks, sound, and/or shadow flicker, that are to be waived by the landowner by a mitigation waiver as defined.
- E. The Planning Board may waive any of the submission requirements when it makes written finding of fact that and determines that the scale of the project is of such magnitude as to make the information unnecessary.
- F. Informational Sign
1. Upon submission of the application the applicant shall install in a conspicuous location a 4' X 4' a sign that is legible and has a professional quality on the project parcel. The sign shall have a white back ground with contrasting lettering. The minimum lettering size shall be four (4) inches in height. The sign shall contain the following information.

**Proposed Development Site
Project Name
Name and Address of Applicant
For Application Information Contact-
Town of Greenwood
875-2773**

2. Within seven (7) days of final action the applicant shall remove the sign.

1-501 APPLICATION REVIEW

1-501.1 Complete Application

Within 30 days of the Board receiving an application, the Board shall notify the applicant in writing either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make a complete application. After the Board has determined that a complete application has been received, it shall notify the applicant in writing and begin its review of the proposed project.

1-501.2 Public Hearing

The decision to hold a public hearing is discretionary, and in making its decision, the Board may consider the size and type of project, the community impact and whether any written requests for such a hearing have been received. In the event that the Board determines to hold a public hearing, it shall hold such public hearing within thirty (30) days of having notified the applicant in writing that a complete application has been received and shall cause notice of the date, time and place of such hearing to be given to the applicant, and published in a newspaper of general circulation in Greenwood at least two (2) times; the date of the first publication shall be at least seven (7) days prior to the hearing. Public hearings shall be conducted in accordance with the procedures in Title 30-A M.R.S.A., Section 2691, Subsection 3 a, b, c, d, and e. The Board shall notify all property owners within five-hundred (500) feet of the boundaries of the project parcel of the public hearing.

1-501.3 Board Action

- A. Within thirty (30) days following the public hearing or sixty (60) days of the determination of a complete application, the Board shall either approve the application, approve the application with conditions, or disapprove the application. The time limit for review may be extended by mutual agreement between the Board and the applicant.
- B. Within seven (7) days of reaching their decision, the Board shall notify the applicant in writing of any action taken and the reason for taking such action.
- C. The Board may impose conditions on any site plan approval where it finds that such conditions are necessary to insure that the project will comply with the criteria and standards of this Ordinance. All elements and features of the plan and all representations made by the applicant concerning the project and use of the property which appear in the record of the Board proceedings are conditions of approval. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Board.

1-501.4 Waivers

- A. Where the Board finds that extraordinary and unnecessary hardships may result from strict compliance with this Ordinance, or where there are special circumstances of a particular project, it may waive any provision of this Ordinance provided that such waivers will not have the effect of nullifying the purpose of this Ordinance, the Town of Greenwood Comprehensive Plan, or any other ordinance or law.
- B. In granting any waiver, the Board shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so waived.

1-601.1 Requirements

The following standards are to be used by the Board in reviewing applications for site plan review and approval of the site plan. The site plan review application shall be approved, unless in the judgement of the Board the applicant is not able to reasonably meet one or more of these standards. In all instances, the burden of proof shall be on the applicant and such burden of proof shall include the production of evidence necessary to complete the application insuring the Board that the proposed site plan conforms to other applicable ordinances.

1-601.2 Review Standards

- A. Preserve and Enhance the Landscape: The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree removal, disturbance of soil, and retaining existing vegetation during construction. After construction is completed, landscaping shall be designed and planted that will define, soften or screen the appearance of off-street parking areas from the public right-of-way and abutting properties and/or structures in order to enhance the physical design of the building(s) or site, and to minimize the encroachment of the proposed use on neighboring land uses.

Environmentally sensitive areas which include wetlands, significant wildlife habitat, unique natural areas shall be conserved to the maximum extent.

The Board shall assess the proposed activities impact upon scenic areas and views as identified in the Comprehensive Plan.

Where the Board finds that the proposed activity would have an undue adverse effect on identified scenic views, the Board shall require the applicant to minimize such effects.

- B. Relationship of the Proposed Buildings to the Environment: Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity which have a visual relationship to the proposed buildings so as to have a minimally adverse effect on the environment and the aesthetic qualities of the developed and neighboring areas. The Board shall consider the following criteria.
1. Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.
 2. Buildings shall have good scale and be in harmonious conformance with permanent neighboring development.
 3. Mechanical equipment or other utility hardware excluding communication devices on roofs, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be located so visibility from any public way is minimized.

- C. **Vehicular and Pedestrian Access:** The proposed site layout shall provide for safe entrances and exits from public and private streets by providing adequate locations, numbers and control of access points including sight distances, turning lanes, and traffic signalization when required by existing and projected traffic flow on the public street system and for pedestrian ways within the project appropriate to the type and scale of the project. The Board shall consider the following criteria. Where these standards conflict with the Maine Department of Transportation Rules for Driveway/Entrance Permits for projects that will be accessed by Routes 26, 219 or the East Bethel Road the more restrictive shall apply.
1. **Vehicular Access:** The proposed site layout shall give special consideration to the location, number, and control of access points, adequacy of adjacent streets, traffic flow, sight distances, turning lanes, and existing or proposed traffic signalization.
 - a. The proposed project shall provide safe vehicular access to and from public and private streets.
 - i. Vehicular access to the site shall be on streets which have adequate capacity to accommodate the additional traffic generated by the project. The Board may approve a project not meeting this requirement if the applicant demonstrates that:
 - (1) A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard, or
 - (2) The applicant shall assume financial responsibility for the improvements necessary and will guarantee the completion of the improvements within one (1) year of approval of the project.
 - ii. Any exit driveway or driveway lane shall be so designed in profile and grading and so located as to provide the following minimum sight distance measured in each direction. The measurements shall be from the driver's seat of a vehicle standing on that portion of the exit driveway from distances of between 10 and 15 feet behind the curbline or edge of the shoulder with the height of the eye 3.5 feet to the top of an object 4.25 feet above the pavement. The Board may require up to 50% greater sight distance where at least 30% of the traffic using the driveway will be larger vehicles.

Minimum Sight Distance

Posted Speed Limit	Minimum Sight Distance
25 mph	200'
30 mph	250'
35 mph	305'
40 mph	360'
45 mph	425'
50 mph	495'

- iii. Where more than one business or structure is located on a single parcel, all vehicular access to and from a public street shall be via a common access or entrance way(s) serving all business and structures except as provided for herein.
 - iv. The grade of any exit driveway or proposed street for a distance of 100 feet from its intersection with any existing street will be a maximum of three (3) percent.
 - v. Projects generating 400 or more vehicle trips per 24-hour period will provide two or more separate points of vehicular access into and out of the site.
 - vi. The Planning Board may require the applicant to conduct a traffic impact study. In making the determination as to the need for a traffic impact study, the Planning Board shall consider the following:
 - (1) the proposed project will generate 100 or more peak hour site trips.
 - (2) The existence of a current safety problem in the area: high accident location, confusing intersection, etc.
 - (3) Current or projected capacity deficiencies near the project.
 - (4) Sensitive neighborhood areas adjacent to the project.
 - (5) The proximity of site drives to other drives or intersections.
2. Vehicular access to Routes 26, 219 or the East Bethel and Greenwood Road shall comply with the following provisions in addition to the above. Where conflicts exist between this section and a Driveway/Entrance Permit issued by the Maine Department of Transportation, the most stringent or restrictive shall apply.
- a. Where a proposed project is to be located at the intersection of Route 26, 219 or the East Bethel and Greenwood Road and a minor or collector street, entrance(s) to and exit(s) from the site shall be located only on the minor or collector street, provided that this requirement may be waived where the applicant demonstrates that existing site conditions preclude the location of a driveway on the minor or collector road, or that the location of a driveway on the minor or collector street would conflict with residential areas.
 - i. Curbcuts or access points shall be limited to one per lot for all lots with less than the required street frontage as of the effective date of this ordinance. For lots with greater than 150 feet of frontage, a maximum of one curb cut per 150 feet of frontage shall be permitted to a maximum of two, provided the Board makes a finding that (a) the driveway design relative to the site characteristics and site design provides safe entrance and exit to the site and (b) no other practical alternative exists.
 - ii. The maximum number of curbcuts to a particular site shall be governed by the following:
 - (1) No low volume traffic generator shall have more than one two-way access onto a single street.

- (2) No medium traffic generator shall have more than two two-way accesses in total onto Routes 26, 219 or the East Bethel and Greenwood Roads.

iii. Curb cut widths and design shall conform to the following standards:

- (1) Low volume driveways: Defined as driveways with less than 50 vehicle trips/day based on the latest edition of the Institute of Traffic Engineers' Trip Generation Report, as the same may be amended from time to time shall:
- (a) have two-way operation;
 - (b) intersect the street at an angle as close to 90 degrees as site conditions permit, but at no less than 60 degrees;
 - (c) not require a median;
 - (d) slope from the gutter line on a straight slope of 3 percent or less for at least 100 feet, with a slope no greater than 8 percent except where unique site conditions permit a waiving of the slope standard to 10 percent; and
 - (e) comply with the following geometric standards:

NOTE: The Board may vary these standards due to unique factors such as a significant level of truck traffic.

Item	Desired Value (ft.)	Minimum Value (ft.)	Maximum Value (ft.)
Radius	15-25*	10	15-25*
Width	20-30*	20	24-30*

*Upper values apply where major street speed and/or volume is high.

- (2) Medium volume driveways with more than 50 vehicle trips/day but fewer than 200 peak hour vehicle trips, based on the latest edition of the Institute of Traffic Engineers' Trip Generation Report, as the same may be amended from time to time, and generally including all land uses not in the low or high volume groups shall:
- (a) have either two-way or one-way operation and be a minimum of 50 feet in length;
 - (b) intersect the street at an angle as close to 90 degrees as site conditions permit, but at no less than 60 degrees;
 - (c) not require a median;
 - (d) slope upward from the gutter line on a straight slope of 3 percent or less for at least 100 feet and a slope of no more than 6 percent thereafter, with the preferred grade being a 4 2 percent, depending on the site; and

(e) comply with the following geometric standards;

NOTE: The Board may vary these standards due to unique factors such as a significant level of truck traffic.

Item	Desired Value (ft.)	Minimum Value (ft.)	Maximum Value (ft.)
ONE WAY			
R1 (radius)	30	25	40
R2 (radius)	5	5	10
W (drive width)	20-24	20	24
TWO WAY			
Radius	30	25	40
Width	26-36*	24	30-40*

*Where separate left and right exit lanes are desirable.

iv. When the proposed project is to be located on the opposite side of an existing development, the driveway shall be directly opposite of the existing driveway or separated from the opposite driveway by a minimum of seventy-five (75) feet whenever possible.

e) When a conversion or expansion of an existing use occurs, access shall be upgraded to comply with these standards. This requirement may be waived upon a written finding that (a) the need to demolish or relocate an existing building on the site or (b) denial of full access to Routes 26, 219 or the East Bethel and Greenwood Roads where full access presently exists and cannot be provided by an adjacent side street.

D. Parking and Circulation: The layout and design of all means of vehicular and pedestrian circulation including walkways, interior streets, drives, and parking areas shall provide for safe general circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas, and the arrangement and use of parking areas.

1. A use shall not be extended and no structure shall be constructed or enlarged unless sufficient off-street parking space is provided that conforms to the following:

- a. Parking spaces shall be arranged so that it is not necessary for vehicles to back into the street.
- b. Where the project will abut an existing or potential parking area, provisions shall be made for internal vehicular connections.

- c. Parking areas shall be designed to permit each motor vehicle to proceed to and from parking space provided for it without requiring the moving of any other motor vehicle.
- d. Off-street parking spaces shall comply with the following standards.
 - i. Except as provided below, each parking space shall contain a rectangular area at least eighteen (18) feet long and nine (9) feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs and aisles, so long as the parking spaces so created contain within them the rectangular required by this section.
 - ii. Up to twenty (20) percent of the required parking spaces needed may contain a rectangular area of only eight (8) feet in width by fifteen (15) feet in length. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.
- e. Off-street parking shall be provided to conform with the number required in the following:

Retail	one per 300 sq. ft. of gross floor area
Office	one per 300 sq. ft. of gross floor area
Wholesale/warehouse	one per 1,200 sq. ft. of storage or gross floor area
Industrial/manufacturing	one per employee on maximum working shift
Hotels, motels, tourist homes	one per room plus 2 per employee
Nursing/convalescent homes	2 per bed
Schools	
Elementary	one per classroom
Secondary	5 per classroom
Theaters/auditoria/churches	one per five seats and one space per 100 sq. ft. of area for assembly
Eating and drinking establishments	one per three seats

For those uses not specifically listed or able to be placed into one of the above categories, there shall be sufficient off-street spaces to accommodate the normal parking demand as determined by the Board.

- f. Required off-street parking for projects which cannot provide their own parking because of location, lot size or other existing development may be substituted by parking facilities which, in the public's interest, may be provided for by the Town of Greenwood or private parking resources.

No such public or private off-street parking shall be considered as a substitute unless located within 500 feet of the principal building or use as measured along lines of public access.

If the required off-street parking is to be provided by off-site private parking such areas shall be held in fee simple by the owner of the use served, or in other tenure as assures continued availability for parking as long as the particular land will be needed for such use provided that if the tenure is other than ownership in fee simple, the form of the tenure shall be approved by the Town Manager prior to final approval by the Board.

- g. The joint use of a parking facility by two or more principal buildings or uses may be approved by the Board where it is clearly demonstrated that said parking facilities would substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees of such establishments.
- h. The use of an existing building for its current use shall be deemed to be in compliance with the off-street parking requirements of this section. However, any change in the use which increases the floor area shall be required to comply with the required off-street parking requirements for the increased floor area.

- E. Advertising Features: The size, location, design, lighting, and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties and shall not interfere with or obstruct pedestrian or vehicular traffic.
- F. Special Features of the Project: Exposed storage areas, exposed machinery installation, service areas, truck loading areas, utility buildings, and similar structures shall have sufficient setbacks and screening to provide an audio-visual buffer sufficient to minimize their adverse impact on other land uses within the project area and surrounding properties.
- G. Emergency Vehicle Access: Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.
- H. Any proposed project shall be reviewed by the Board with respect to its effect upon existing community services and facilities. When the Board finds, based on a recommendation of the selectmen and the results of any municipal impact analysis, that municipal services do not have the capacity to provide services to the proposed project, the Board will require one or more of the following.
 - 1. A voluntary payment to the Town of Greenwood to mitigate the direct impact to municipal services that has been identified as the consequence of the proposed project. Any such payment shall be subject to the following provisions.

- a. The Board, with advice from the Selectmen, shall find that the money offered will mitigate the identified direct impact of the project.
 - b. The payment shall be held in a reserve account and may only be expended to fund capital improvements agreed to by the applicant and Board to mitigate the identified direct impacts.
 - c. The payment in all cases shall be expended within five years of collection, unless otherwise agreed upon the Board and applicant.
 - d. Any payment not expended shall be refunded to the property owner(s) of record at the time of the refund with interest as earned by the Town of Greenwood for the period the payment was held by the Town.
2. The applicant will construct or pay to construct the required improvements necessitated by the project.
 3. Deny the application.
- I. Water Pollution: The project will not result in water pollution. In making this determination, the Board shall consider the evaluation of land above sea level and its relation to floodplains, the nature of soils and subsoils and, if necessary, their ability to adequately support waste disposal and/or any other approved licensed discharge; the slope of land and its effect on effluents; the aquifer and aquifer recharge areas; the availability of streams for disposal of surface run off; and the applicable federal, state and local laws, ordinances, codes, and regulations.
- a. Phosphorus, a natural nutrient, stimulates algal growth that causes a significant decline in water quality. The primary source of new and increasing phosphorus loads in Maine lakes is development-residential, commercial, and industrial. Its impact on water quality is extremely long term. The following phosphorus control measures were created and designed to address this concern.

Projects proposed within the direct watershed of a lake or pond listed below shall be designed to limit phosphorus runoff to the levels defined below.

Post Project Phosphorous Export by Watershed

Lake Name	Lake Protection Level	Lake Load Allocation (lbs/ppb/yr) ¹	Allowable Phosphorus Export Per Acre (Pounds)
Bryant Pond	High	4.43	0.056
Furlong Pond	Medium	1.76	0.035
Hicks Pond	Medium	27.54	0.027
Indian Pond	High	6.03	0.034
Mud (Twilight) Pond	Medium	3.28	0.035

Lake Name	Lake Protection Level	Lake Load Allocation (lbs/ppb/yr) ¹	Allowable Phosphorus Export Per Acre (Pounds)
North Pond	Medium	0.15	0.038
Overset Pond	High	0.86	0.034
Pennesseewassee Lake	High	13.88	0.031
Sebago Lake	High	33.75	0.095
South Pond	High	35.70	0.030
Twitchell	High	11.97	0.033

¹ The pounds per year of phosphorus from the watershed that would produce an increase in phosphorus concentration by more than 1.0 parts per billion.

- I. Phosphorus export from a proposed project shall be calculated according to the procedures defined in Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development (Maine DEP et.al., September 1989 with revision in 1992 and as may be amended). Copies of all worksheets and calculations shall be submitted to the Board.
 - ii. Phosphorus control measures shall meet the design criteria contained in Phosphorus Control in Lake Watersheds: A Technical Guide for Reviewing Development (Maine DEP et al., September 1989 with revisions in 1992 or as may be amended). The Board shall require the reasonable use of vegetative buffers, limits on clearing, and minimizing street lengths, and shall encourage the use of other nonstructural measures prior to allowing the use of high-maintenance structural measures such as infiltration systems and wet ponds.
- J. Ground Water: The proposed project shall not adversely impact either the quality or quantity of ground water available to abutting properties or to public water supplies. Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of 2,000 gallons per day or greater must demonstrate that the ground water at the property lines will comply, following project development, with the Primary and Secondary Standards for Drinking Water established by the Maine Department of Human Services.
- K. Floodplain Protection: The proposed project will avoid problems associated with floodplain development and use.

- L. Shoreland Areas: Whenever situated in whole or in part, within 250 feet of any pond, lake, river, or wetland as delineated on the Town of Greenwood, Official Shoreland Zoning Map, will not adversely affect the quality of such water body or unreasonably affect the shoreline of such body of water, and will be in compliance with the Shoreland Zoning Ordinance of the Town of Greenwood.
- M. Water Supply: The project shall have sufficient water available for the reasonably foreseeable needs of the project, will not cause an unreasonable burden on an existing public or private water supply.
- N. Sewage Disposal: The project shall provide for adequate sewage disposal.
- O. Stormwater Drainage: Adequate provision shall be made for disposal of all storm water generated within the project through a management system of ditches, swales, culverts, underdrains, and/or storm drains. The storm water management system shall be designed to conduct storm water flows to existing watercourses or storm drains.
 - 1. All components of the storm water management system shall be designed to meet the criteria of a 25-year storm.
 - 2. Outlets shall be stabilized against soil erosion by stone riprap or other suitable materials to reduce storm water velocity.
 - 3. The storm water management system shall be designed to accommodate upstream drainage, taking into account existing conditions and approved or planned developments not yet built and shall include a surplus design capacity factor of 25% for potential increases in upstream runoff.
 - 4. Downstream drainage requirements shall be studied to determine the effect of the proposed project. The storm drainage shall not overload existing or future planned storm drainage systems downstream from the project. The applicant shall be responsible for financing any improvements to existing drainage systems required to handle the increased storm flows.
- P. Erosion and Sedimentation Control: Erosion soil and sedimentation of watercourse and water bodies shall be minimized. The following measures shall be included, where applicable, as part of project review and approval.
 - 1. Stripping of vegetation, regrading or other development shall be done in such a way as to minimize erosion.
 - 2. Development shall keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and so as to adequately handle surface water runoff.
 - 3. The disturbed area and the duration of exposure of the disturbed area shall be kept to a practical minimum.

4. Disturbed soils shall be stabilized as quickly as practical. Temporary mulch will be placed on all disturbed areas where seeding or other construction or stabilization activities will not take place for over 14 consecutive days.
 5. Temporary vegetation or mulching shall be used to protect exposed critical areas during development.
 6. The permanent (final) vegetation and structural erosion control measures shall be installed in the time periods contained in the erosion and sediment control plan.
 7. Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or other acceptable methods.
 8. Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his or her expense.
 9. Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line.
 10. The standards set forth in the Maine Erosion and Sediment Control Handbook for Construction, Best Management Practices (March 1991 and as amended) shall be employed.
- Q. Exterior Lighting: All exterior lighting shall be designed to minimize adverse impact on neighboring properties and to insure the safe flow of pedestrian or vehicular traffic.
- R. Noise: The proposed project shall not raise noise levels to the extent that abutting and/or nearby residents are adversely affected. See section 1-701.3. L for Commercial Wind Energy Facility noise standards.
1. The maximum permissible sound pressure level of any continuous, regular or frequent or an intermittent source of sound produced by any activity shall be limited by the time period and land use which it abuts listed below. Sound levels shall be measured at least 4 feet above the ground at the property boundary of the source.

Sound Pressure Level Limits Using the Sound Equivalent Level of One Hour (leq 60)
(measured in dB(a) scale)

	7a.m. - 10.p.m.	10p.m. - 7a.m.
Residential	55	45
Commercial	65	55
Industrial	70	70

Note: Residential, commercial and industrial above refers to the predominate nature of land use in the vicinity of the proposed project.

2. Noise shall be measured by a meter set on the A-weighted response scale, fast response. The meter shall meet the American National Standards Institutes (ANSA SI 4-1961) "American Standard Specification for General Purpose Sound Meters."
3. The following uses and activities shall be exempt from the sound pressure level regulations.
 - a. Noise created by construction and temporary maintenance activities between 7:00 a.m. and 7:00 p.m.
 - b. The noise of safety signals, warning devices and emergency pressure relief valves and other emergency activity.
- S. Air Pollution: The project will not result in undue air pollution. Should an Air Emission License be required from the Maine Department of Environmental Protection a copy of the approved license will be submitted.
- T. Odors: The proposed project will not produce offensive or harmful odors perceptible beyond the lot lines, either at ground level or habitable elevation.
- U. Archaeological Resources: Any proposed development 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, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least 20 days prior to action being taken by the Board. The Board shall consider comments and recommendations to minimize impacts on such archaeological resources received from the Commission prior to rendering a decision on the application.
- V. Historic Locations: The Board shall consider the proposed project's impacts on historic buildings and sites as identified in the Greenwood Comprehensive Plan. When a proposed project will include a historic building or site the applicant will design the project to minimize the impacts on the historic building or site.
- W. Endangered or Threatened Species: The Board shall consider the existence of endangered or threatened species as may be identified by the Maine Natural Areas Program. As a condition of approval the Board may require the applicant to undertake protective measures as recommended by the Maine Natural Areas Program.
- X. Financial and Technical Capacity: The applicant has adequate financial and technical capacity to meet the above standards.
- Y. Conformance with the Comprehensive Plan: The proposed project is in conformance with the Comprehensive Plan and other applicable ordinances.

1-701 SPECIAL REGULATIONS

The following regulations shall be complied with, in addition to the performance standards contained in Section 1-601. Where conflicts occur between these and other standards of this Ordinance the more restrictive shall apply.

1-701.1 Home Occupations

Home Occupations which do not meet the criteria contained in Section 1-201.2.D.1-5 shall obtain a permit from the Board and comply with the following conditions:

- A. The business must be incidental and secondary to the primary residential use of the premises;
- B. At least one member of the residential household must own the business and be actively involved in the business and have control over the business activities. There will be not more than two full or part-time employees working on the premises, other than immediate family members residing on the premises;
- C. The appearance of the structure or accessory structure may not be altered, except as provided under subsection D below and the occupation within the residence must be conducted in a manner that would not cause the residence to differ from its residential character by means of colors, lights or sounds;
- D. Additions to the residence or accessory structure for the express purpose of a home occupation shall be constructed and finished in the same manner as the original structure such that the character and appearance of the principal structure is maintained.
- E. Retail sales shall be limited to the sale of products or goods produced, fabricated or substantially altered on the premises as a result of the home occupation. This may include products that are not manufactured on the premises as defined above, but which are customarily incidental to the product created by the home occupation.
- F. There is adequate off-street parking on the premises for customer or client use.
- G. There is no objectionable increase in vehicle traffic over that traffic normal for the neighborhood.
- H. It does not adversely affect any natural resource or environmentally sensitive area including, but not limited to, a wetland, aquifer, watercourse, or water body.
- I. The home occupation shall not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes, or electrical interference detectable to the normal senses or which interferes with normal radio or television reception, or causes other nuisances which extend beyond the limits of the subject property.

All waste material from the home occupation shall be removed promptly from the premises, according to state laws and local ordinances.

1-701.2 Projects Located on Sand and Gravel Aquifer

The Board shall utilize the following standards in addition to the other criteria contained in this Section 1-601.2.J in reviewing projects located on a mapped sand and gravel aquifer.

- A. The boundaries of the sand and gravel aquifers shall be delineated on the Sand and Gravel Aquifer Maps prepared by the Maine Geological Survey labeled Map 15 dated 1983. When boundaries of the sand and gravel aquifer are disputed due to the lack of sufficient detail on the available maps, the applicant, or applicant's agent may submit hydrological evidence prepared by a geologist, certified in the State of Maine, which identifies actual field locations of the aquifer boundaries within the project area.
- B. No use shall dispose of other than normal domestic waste water on site without approval of the Department of Environmental Protection. Disposal of waste water shall be in strict compliance with the Maine Subsurface Wastewater Disposal Rules and other relevant State and local laws, rules, and ordinances.
- C. Indoor use or storage facilities where hazardous materials, wastes, or other liquids with the potential to threaten groundwater quality are used or stored shall be provided with containment which is impervious to the material being stored and have the capacity to contain 10 percent of the volume of the containers or 110 percent of the volume of the largest container, whichever is larger.
- D. Petroleum and other hazardous material storage and transfer. A Spill Prevention and Countermeasure Plan meeting the standards of the Maine Department of Environmental Protection shall be submitted.
- E. In those areas identified as sand and gravel aquifers as defined in subsection A above, the following newly established land uses are prohibited unless the Board finds that no discharges will occur such that water quality at the property line will fall below State Drinking Water Standards and all provisions of this Ordinance will be met.

dry cleaners
printers
laundromats
salt piles/sand-salt piles
leather tanning
plastic/fiberglass fabricating
industrial waste disposal/impoundment areas
chemical manufacturing
metal platters
crematorium

photo processors
auto washes
meat packers/slaughter houses
wood preservers
electrical equipment manufacturers
chemical reclamation facilities
automobile graveyards
pesticide/herbicide stores
concrete/asphalt/coal companies
cemetery

1-701.3 Commercial Wind Energy Facilities

A. Reserved

B. Joint meetings

If any portion of a CWEF, including any land owned or leased by the applicant and associated facilities, crosses municipal boundaries, or the CWEF is less than 1 mile from an inhabited dwelling in an adjoining municipality all meetings and hearings to review the application must be held jointly by the Planning Boards from each municipality that have adopted Commercial Wind Energy Facility Ordinances. The Planning Boards in each municipality, upon written agreement, may waive the requirement under this subsection for any joint meetings or hearings.

C. Design Safety Certification

Each wind turbine shall be certified that it conforms to all applicable industry standards including those of the American National Standards Institute (ANSI) and at least one of the following: Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organization.

D. Structure Type

With the exception of Meteorological (MET) Towers, towers shall be monopoles with no guy wires.

E. Blade Clearance

The minimum distance between the ground and all blades of a wind turbine shall be 25 feet as measured at the lowest arc of the blades.

F. Signal Interference

The CWEF shall not produce electromagnetic interference with radio, television, cellular service or internet reception.

G. Overspeed Controls and Brakes

Each wind turbine shall be equipped with an overspeed control system that includes both an aerodynamic control such as stall regulation, variable blade pitch, or other similar system, and a mechanical brake that operates in fail safe mode certified by the manufacturer.

H. Voltage Warnings

A clearly visible warning sign that conform to applicable ANSI and OSHA standards concerning voltage must be placed at the base of all pad-mounted transformers and substations.

I. Visual Appearance

1. A wind turbine shall have a non-obtrusive color such as white, off-white or gray, with a matte finish, or as may otherwise be required by another governmental agency with jurisdiction over the CWEF.
2. A wind turbine shall not be lighted artificially, except to the extent consistent with Federal Aviation Administration recommendations or other applicable authority that regulates air safety or as is otherwise required by another governmental agency with jurisdiction over the CWEF.
3. A wind turbine shall not be used to support signs and shall not display advertising except for reasonable and incidental identification of the turbine manufacturer, facility owner and operator, and for warnings.

J Effect on Scenic Resources

1. Except as otherwise provided in this subsection, if a CWEF is proposed for location in or is visible from a scenic resource, the Applicant shall provide a visual impact assessment that addresses the evaluation criteria in subsection 3. There is a rebuttable presumption that a visual impact assessment is not required for those portions of a CWEF that are located more than three miles, measured horizontally, from a scenic resource. The Planning Board may require a visual impact assessment for portions of the CWEF located more than three miles and up to eight miles from a scenic resource if it finds that a visual impact assessment is needed to determine if there is the potential for significant adverse effects on the scenic resource. Information intended to rebut the presumption must be submitted to the Planning Board by any interested Person within 30 days of acceptance of the application as complete. The Planning Board shall determine if the presumption is rebutted based on a preponderance of evidence in the record.
2. The Planning Board shall determine, based on consideration of the evaluation criteria in subsection 3, whether the CWEF significantly compromises views from a scenic resource such that the proposed facility has an unreasonable adverse effect on the scenic character or existing uses related to scenic character of that scenic resource.

3. In making its determination and in determining whether an Applicant for CWEF located more than three miles from a scenic resource must provide a visual impact assessment, the Planning Board shall consider:

- a. The significance of the potentially affected scenic resource;
- b. The existing character of the surrounding area;
- c. The expectations of the typical viewer;
- d. The extent, nature and duration of potentially affected public uses of the scenic resource and the potential effect on the public's continued use and enjoyment of the Scenic Resource; and
- f. The scope and scale of the potential effect of views of the CWEF on the scenic resource, including but not limited to issues related to the number and extent of wind turbines visible from the scenic resource, the distance from the scenic resource and the effect of prominent features of the commercial wind energy facility on the landscape.

A finding by the Planning Board that the commercial wind energy facility is a highly visible feature in the landscape is not a solely sufficient basis for determination that it has an unreasonable adverse effect on the scenic character and existing uses related to scenic character of a scenic resource. In making its determination under subsection 2, the Planning Board shall consider insignificant the effects of portions of a commercial wind energy facility located more than 8 miles, measured horizontally, from a scenic resource

K. Shadow Flicker and Blade Reflection

Shadow flicker and blade reflection shall not result in the following:

1. More than 30 hours of flicker per year on any non-participating occupied building regardless in which municipality it may be located.
2. More than 10 hours of flicker per year on any public or private road that interferes with traffic movement safety.
3. Flicker at intersections of any public and/or private roads that interferes with traffic safety.

L. Control of Noise

The Town of Greenwood finds that noise, both audible sound and infrasound, from a CWEF is unique from other commercial type development. These findings are based on information provided at public meetings provided by Michael Bahtiarian, Principal Consultant-ACENTECH Acoustical Consulting Services, and Stephen E. Ambrose ASA, INCE 1981 Board Certified, Emeritus. These professionals provided scientific data and their opinions on the effects of noise from CWEF on human health problems and recommended standards to minimize such health problems. Health problems from wind turbine noise may include loss of wellbeing: cognitive ability and stress; sleep disorders: interruption, deprivation; and motion sickness: nausea, headaches and vertigo. Considerations in the recommended standards included the rural nature of Greenwood rather than standards employed in more urban areas.

Guidelines for Community Noise, edited by Birigatta Berglund, Thomas Lindvall and Dietrich H. Schwela, World Health Organization, 1999 were studied and used in setting standards.

Therefore, to protect the public health, safety, and welfare from noise impacts from CWEF the following standards shall be met.

1. Audible Sound Level Limits

a. Sound from Routine Operation of Facility.

Notwithstanding Section 1-601.2.R The hourly sound levels resulting from routine operation of the CWEF and measured in accordance with the measurement procedures described in subsection 4 (Measurement Procedures) shall not exceed the following limits:

- i When a proposed facility is to be located in an area where the daytime pre-development ambient hourly sound level at a protected location is equal to or less than 35dBA and/or the nighttime pre-development ambient hourly sound level at a protected location, is equal to or less than 25dBA, The hourly sound levels resulting from routine operation of the facility and measured in accordance with the measurement procedures described in section 4 shall not exceed the following limits at non-participating landowner's property lines:

35 dBA between 7:00 a.m. and 10:00 p.m.
(the "daytime hourly limit"), and
25_dBA between 10:00 p.m. and 7:00 a.m.
(the "nighttime hourly limit").

For the purpose of determining whether a protected location has a daytime or nighttime pre-development ambient hourly sound level equal to or less than 35 dBA or 25 dBA, respectively, the Applicant shall make sound level measurements in accordance with the procedures in section 4.

- (a) For the purposes of determining compliance with the above sound level limits, 5 dBA shall be added to the observed levels of any tonal sounds that result from routine operation of the facility.
- (b) When routine operation of a facility produces short duration repetitive sound, the following limits shall apply:
 - (i) For short duration repetitive sounds, 5 dBA shall be added to the observed levels of the short duration repetitive sounds that result from routine operation of the facility for the purposes of determining compliance with the above sound level limits.

b. Sound from Construction of a Facility

- i. The sound from construction activities between 7:00 p.m. and 7:00 a.m. is subject to the following limits:
 - (a) Sound from nighttime construction *activities* (7:00 p.m. to 7:00 a.m.) shall be subject to the nighttime routine operation sound level limits contained in subsections 1.a. (25 dBA.)
 - (b) If construction activities are conducted concurrently with routine operation of the facility, then the combined total of construction and routine operation sound shall be subject to the nighttime routine operation sound level limits contained in subsections 1.a.
- ii Notwithstanding Section 1-601.2.R Sound from construction activities between 7:00 a.m. and 7:00 p.m. shall not exceed the following limits at any protected location.

Duration of Activity Hourly Sound Level Limit

12 hours	87 dBA
8 hours	90 dBA
6 hours	92 dBA
4 hours	95 dBA
3 hours	97 dBA
2 hours	100 dBA
1 hour or less	105 dBA

- iii. All equipment used in construction on the facility site shall comply with applicable federal noise regulations and shall include environmental noise control devices in proper working condition, as originally provided with the equipment by its manufacturer.

c. Sound from Maintenance Activities

- i. Sound from routine, ongoing maintenance activities shall be considered part of the routine operation of the facility and the combined total of the routine maintenance and operation sound shall be subject to the routine operation sound level limits contained in section 1.
- ii. Sound from occasional, major, scheduled overhaul activities shall be subject to the construction sound level limits contained in section 2.b. If overhaul activities are conducted concurrently with routine operation and/or construction activities, the combined total of the overhaul, routine operation and construction sound shall be subject to the construction sound level limits contained in section 2.b.

2. Submissions

a. Technical Information

Technical information shall be submitted describing the Applicant's plan and intent to make adequate provision for the control of noise. The applicant's plan shall contain information such as the following, when appropriate:

- i. Maps and descriptions of the land uses, local zoning and comprehensive plans for the area potentially affected by sounds from the facility.
- ii. A description of major sound sources, including tonal sound sources and sources of short duration repetitive sounds, associated with the construction, operation and maintenance of the proposed facility, including their locations within the proposed facility.
- iii. A description of the daytime and nighttime hourly sound levels and, for short duration repetitive sounds, the maximum sound levels expected to be produced by these sound sources at protected locations near the proposed facility.
- iv. a description of the protected locations near the proposed facility.

- v A description of and location of continuous noise monitoring systems that shall include the latest technology on sensors and expected performance.
- vi A comparison of the expected sound levels from the proposed facility with the sound level limits of this section.

3. Terms and Conditions

The Planning Board may, as a term or condition of approval, establish any reasonable requirement to ensure that the Applicant has made adequate provision for the control of noise from the facility and to reduce the impact of noise on Protected Locations. Such conditions may include, but are not limited to, enclosing equipment or operations, imposing limits on hours of operation, or requiring the employment of specific design technologies, site design, modes of operation, or traffic patterns.

The sound level limits prescribed in this ordinance shall not preclude the planning board from requiring an Applicant to demonstrate that sound levels from a facility will not unreasonably disturb wildlife or adversely affect wildlife populations. In addition, the sound level limits shall not preclude the Planning Board as a term or condition of approval, from requiring that lower sound level limits be met to ensure that the Applicant has made adequate provision for the protection of wildlife.

4. Measurement Procedures

- a. Scope. These procedures specify measurement criteria and methodology for use, with applications, compliance testing and enforcement. They provide methods for measuring the ambient sound and the sound from routine operation of the facility, and define the information to be reported. The same methods shall be used for measuring the sound of construction and maintenance activities.

- b. Measurement Criteria

- i Measurement Personnel

Measurements shall be by personnel who hold professional qualifications in measurement and evaluation of environmental sound.

- ii Measurement Instrumentation

- (a) A sound level meter or alternative sound level measurement system used shall meet all of the Type 1 or 2 performance requirements of American National Standard Specifications for Sound Level Meters, ANSI S1.4-1983 and as revised.

- (b) An integrating sound level meter (or measurement system) shall also meet the Type 1 or 2 performance requirements for integrating/averaging in the International Electrotechnical Commission Standard on Integrating-Averaging Sound Level Meters, IEC Publication 804 (1985) and as revised.
- (c) A filter for determining the existence of tonal sounds shall meet all the requirements of American National Standard Specification for Octave-Band and Fractional Octave-Band Analog and Digital Filters, ANSIS 1.11-1986 for Order 3, Type 3-D performance and as revised.
- (d) An acoustical calibrator shall be used of a type recommended by the manufacturer of the sound level meter and that meets the requirements of American National Standard Specification for Acoustical Calibrators, ANSI S1.40-1984 and as revised.
- (e) A microphone windscreen shall be used of a type recommended by the manufacturer of the sound level meter.

iii Calibration

- (a) The sound level meter shall have been calibrated by a laboratory within 12 months of the measurement, and the microphone's response shall be traceable to the National Bureau of Standards.
- (b) Field calibrations shall be recorded before and after each measurement period and at shorter intervals if recommended by the manufacturer.

iv Measurement Location, Configuration and Environment

- (a) Except as noted in subsection (ii) below, measurement locations shall be at nearby Protected Locations that are most likely affected by the sound from routine operation of the facility.
- (b) For determining compliance with the property line hourly sound level limits described in subsection 1.a.i, measurement locations shall be selected at the property lines of the proposed facility or contiguous property owned by the Applicant or participating landowner.

- (c) The microphone shall be positioned at a height of approximately 4 to 5 feet above the ground, and oriented in accordance with the manufacturer's recommendations.
- (d) Measurement locations should be selected so that no vertical reflective surface exceeding the microphone height is located within 30 feet. When this is not possible, the measurement location may be closer than 30 feet to the reflective surface, but under no circumstances shall it be closer than 6 feet.
- (e) When possible, measurement locations should be at least 50 feet from any regulated sound source on the facility.
- (f) Measurement periods shall be avoided when the local wind speed exceeds 12 mph and/or precipitation would affect the measurement results. Wind speeds are the ones at which the wind turbine is shown to produce the highest sound level based on vendor testing.

c. Measurement of Ambient Sound

i. Pre-development Ambient Sound

- (a) Measurements shall be made at representative Protected Locations for periods of time sufficient to adequately characterize the ambient sound. At a minimum, measurements shall be made on three different weekdays (Monday through Friday) during all hours that the facility will operate. If the proposed facility will operate on Saturdays and/or Sundays, measurements shall also be made during all hours that the facility will operate.
- (b) Measurement periods with particularly high ambient sounds, such as significant insect activity should generally be avoided.
- (c) At any measurement location the daytime and nighttime ambient hourly sound level shall be computed by arithmetically averaging the daytime and nighttime values of the measured one hour equivalent sound levels. Multiple values, if they exist, for any specific hour on any specific day shall first be averaged before the computation described above.

ii. Post-Facility Ambient Sound

- (a) Measurements of the post-facility ambient one hour equivalent sound levels and, if short duration repetitive sounds are produced by the facility, the maximum sound levels made at nearby Protected Locations and during representative routine operation of the facility that are not greater than the applicable limits of section 3 clearly indicate compliance with those limits.
- (b) Compliance with the limits of subsection 1.a may also be demonstrated by showing that the post-facility ambient hourly sound level, measured in accordance with the procedures of subsection c.i above during routine operation of the facility, does not exceed the pre-development ambient hourly sound level by more than one decibel, and that the sound from routine operation of the facility is not characterized by either tonal sounds or short duration repetitive sounds.
- (c) Compliance with the limits of section 1.a.i.(b)(ii) may also be demonstrated by showing that the post facility maximum sound level of any short duration repetitive sound, measured in accordance with the procedures of subsection c.i above, during routine operation of the facility, does not exceed the pre-development ambient hourly sound level by more than five decibels.

iii. If any of the conditions in (a), (b) or (c) above are not met, compliance with respect to the applicable limits must be determined by measuring the sound from routine operation of the facility in accordance with the procedures described in section 4.

d. Measurement of the Sound from Routine Operation of Facility.

i. General

- (a) Measurements of the sound from routine operation of facilities are generally necessary only for specific compliance testing purposes in the event that community complaints result from operation of the facility, for validation of an Applicant's calculated sound levels when requested by the Planning Board, for determination of existing hourly sound levels for an existing facility or for enforcement by the Codes Enforcement Officer.

- (b) Measurements shall be obtained during representative weather conditions when the facility sound is most clearly noticeable. Preferable weather conditions for sound measurements at distances greater than about 500 feet from the sound source include overcast days when the measurement location is downwind of the facility and inversion periods (which most commonly occur at night).
- (c) Measurements of the facility sound shall be made so as to exclude the contribution of sound from facility equipment that is exempt from this regulation.

ii Measurement of the Sound Levels Resulting from Routine Operation of the Facility.

- (a) When the ambient sound levels are greater than the sound level limits, additional measurements can be used to determine the hourly sound level that results from routine operation of the facility. These additional measurements may include diagnostic measurements such as measurements made close to the facility and extrapolated to the Protected Location, special checkmark measurement techniques that include the separate identification of audible sound sources, or the use of sound level meters with pause capabilities that allow the operator to exclude non-facility sounds.
- (b) For the purposes of computing the hourly sound level resulting from routine operation of the facility, sample diagnostic measurements may be made to obtain the one hour equivalent sound levels for each sound component.
- (c) Identification of tonal sounds produced by the routine operation of a facility for the purpose of adding the 5 dBA penalty in accordance with section 1.a.i.(a) requires aural perception by the measurer, followed by use of one-third octave band spectrum analysis instrumentation. If one or more of the sounds of routine operation of the facility are found to be tonal sounds, the hourly sound level component for tonal sounds shall be computed by adding 5 dBA to the one hour equivalent sound level for those sounds.

- (d) Identification of short duration repetitive sounds produced by routine operation of a facility requires careful observations. For the sound to be classified as short duration repetitive sound, the source(s) must be inherent to the process or operation of the facility and not the result of an unforeseeable occurrence. If one or more of the sounds of routine operation of the facility are found to be short duration repetitive sounds, the hourly sound level component for short duration repetitive sounds shall be computed by adding 5 dBA to the one hour equivalent sound level for those sounds. If required, the maximum sound levels of short duration repetitive sounds shall be measured using the fast response [LAFmax]. The duration and the frequency of occurrence of the events shall also be measured. In some cases, the sound exposure levels of the events may be measured. The one hour equivalent sound level of a short duration repetitive sound may be determined from measurements of the maximum sound level during the events, the duration and frequency of occurrence of the events, and their sound exposure levels.
 - (e) The daytime or nighttime hourly sound level resulting from routine operation of a facility is the energy sum of the hourly sound level components from the facility, including appropriate penalties, (see (c) and (d) above). If the energy sum does not exceed the appropriate daytime or nighttime sound level limit, then the facility is in compliance with that sound level limit at that Protected Location.
- e. Reporting Sound Measurement Data. The sound measurement data report should include the following:
 - i The dates, days of the week and hours of the day when measurements were made.
 - ii The wind direction and speed, temperature, humidity and sky condition.
 - iii Identification of all measurement equipment by make, model and serial number.
 - iv The most recent dates of laboratory calibration of sound level measuring equipment.

- v The dates, times and results of all field calibrations during the measurements.
- vi The applicable sound level limits, together with the appropriate hourly sound levels and the measurement data from which they were computed, including data relevant to either tonal or short duration repetitive sounds.
- vii A sketch of the site, not necessarily to scale, orienting the facility, the measurement locations, topographic features and relevant distances, and containing sufficient information for another investigator to repeat the measurements under similar conditions.
- viii A description of the sound from the facility and the existing environment by character and location.

5. Infrasound

a. Infrasound Level Limits

No wind turbine(s) shall produce an infrasound pressure level, which is 6 dB higher than the background infrasound pressure level at the primary blade pass frequency and blade-pass frequency harmonics. All measurements are taken on any protected adjacent residentially used property. Measurements inside a building or residence may be performed assuming the building owner allows access.

b. Measurement Personnel Qualifications

- i All persons conducting sound pressure measurements to assess compliance with this standard shall be trained in the current techniques and principles of sound measurement equipment and instrumentation, and shall take such measurements under the supervision of a qualified acoustical engineer as described herein.
- ii A qualified acoustical engineer shall be either a degreed engineer practicing acoustical engineering for 10 years or more as long as the engineer works for a firm that is a member of the National Council of Acoustical Consultants (NCAC), a board-certified member of the Institute of Noise Control Engineering (INCE Bd. Cert.) or a licensed professional engineer (PE) with an acoustical focus.

c. Instrumentation

- i Infrasound pressure level measurements shall be performed with appropriate equipment that is properly calibrated to industry standards, as described below. The microphone shall have a frequency response that is less than or equal to 0.5 hertz (i.e. an infrasonic microphone).

The measurement system shall be able to collect electrical signals from the microphone and perform a Fast Fourier Transform (FFT) of the signal with a frequency range of 0 to 20 hertz with a resolution of 0.1 hertz or less (≥ 200 lines).

- ii The instrumentation shall also be compatible to a Type 1 sound level meter. All test instrumentation shall be field calibrated with acoustic calibrator or pistonphone in the audible frequency range (typically 1,000 hertz). All instrumentation and the acoustic calibrator shall be laboratory calibrated to NIST traceable standards within the previous 12 months. All such instruments shall conform, as a minimum, to the specifications of American National Standard ANSI S1.4—1983 (R2006 and as revised) for Type 1 precision sound-level meters.

d. Measurement Procedure

- i The instrument manufacturer's specific instructions for the configuration and use shall be followed. The microphone or sound-level meter shall be calibrated before and after each survey period.
- ii With the wind turbines operating and producing at least 85% of full power, a series of three sequential measurements shall be taken at each location. Each measurement shall be for a period no less than three-minutes consisting of no less than ten "FFT" averages. If there are multiple locations to survey, each locations shall be measured three times. If there is only one location, it shall be measured nine times by series of three measurements with ten-minute break between each series of three measurements for a total of nine measurements.
- iii Background infrasound pressure levels shall be measured with the wind turbine shut down at all locations for at least one series of three measurements.
- iv The actual measurement location(s), date and time of survey(s) and specific wind/weather conditions shall be defined by the Town of Greenwood.

M. Use of Public Roads

1. The Applicant shall identify all municipal maintained public roads to be used, to transport earthen materials, equipment and parts for construction, operation or maintenance of a CWEF.
2. A qualified third-party engineer retained by the Planning Board and paid for by the Applicant shall document road and bridge conditions prior to construction. The third-party engineer shall document road and bridge conditions again thirty (30) days after construction is complete or as weather permits and provide an assessment to the Planning Board of damage to roads and bridges attributable to the CWEF construction.
3. The Applicant shall demonstrate, to the satisfaction of the Planning Board, that it has financial resources sufficient to comply with subsection 4, below, and the Planning Board shall require the Applicant to post a bond or other security in order to ensure such compliance.

4. Road and/or bridge damage determined to have been caused by the Applicant or its contractors shall be repaired to the satisfaction of the third-party engineer at the Applicant's expense in the time period specified by the third-party engineer.

N. Height and *Setbacks*

1. Height

The maximum turbine height shall not exceed 250 feet as measured from the surface (top) of the tower base to the highest point of any turbine rotor blade measured at the highest arc of the blade.

2. Setbacks

The minimum setback from any tower to a non-participating landowner's property line shall be a minimum of one (1) mile, measured horizontally per 100 feet of tower height, or portion thereof.

O. Local Emergency Services

1. The Applicant shall provide a copy of the project summary and site plan to local emergency service providers, including paid or volunteer fire department(s).
2. Upon request, the Applicant shall cooperate with emergency service providers to develop and coordinate implementation of an emergency response plan.
3. A wind turbine shall be equipped with an appropriate fire suppression system to address fires within the Nacelle portion of the turbine or shall otherwise address the issue of fire safety to the satisfaction of the Planning Board.

P. Hazardous Wastes

The Applicant shall be responsible for compliance with all state and federal regulations applicable to the use and disposal of hazardous wastes involved in or generated by the CWF construction and operation.

Q. Blasting

The Applicant of a CWF shall not commence blasting without notifying the Town's Code Enforcement Officer and submitting a blasting plan in accordance with the latest Maine Department of Environmental Protection standards. The blasting plan shall be reviewed and approved by the Code Enforcement Officer within 10 days of receipt before any blasting takes place. All blasting shall comply with Title 38 MRSA section 490-Z.14. Forty-eight hour notice shall be given to all property owners by the Applicant within a one mile radius of the blasting area (measured horizontally), before blasting can begin.

R Insurance

The Applicant, Owner/operator and Licensee, as applicable, shall maintain a current appropriate insurance policy for the CWEF that covers bodily injury and property damage in an amount commensurate with the scope and scale of the CWEF, and acceptable to the Planning Board, which acceptance shall not be unreasonably withheld. Certificates of insurance shall be provided to the Town annually.

The policy must include the requirement that the Town will be provided at least ten days notice by the policy provider in the case of cancellation or change to the policy.

S. Public Inquiries and Complaints

1. CWEF public inquiries and/or complaints shall be made as follows.

- a. By completing a public inquiry and complaint form found on the Town of Greenwood, Maine web site (www.greenwoodmaine.org), or
- b. By completing a public inquiry and complaint form at the Town of Greenwood, Maine town office (593 Gore Road) during normal office hours.

2. Receipt of CWEF public inquiries and/or complaint

Upon a receipt of a public inquiry and/or complaint the Town shall.

- a. Notify the inquiry and/or complainant that a public inquiry and/or complaint have been received.
- b. Forward by E-mail and US Mail or other acceptable means to the CWEF owner/operator's contact person that is responsible to respond to public inquiries and/or complaints, the public inquiry and/or complaint form.
- c. Place in the appropriate file for public inspection the public inquiry and complaint form.

3. Responsibility of the CWEF owner/operator

- a. Within seventy-two (72) hours the owner/operator's contact person, that is responsible to respond to public inquiries and/or complaints, shall provide a response to the Town and the person filing public inquiry and/or complaint in accordance with the approved public inquiry/complaint response protocol.

4. Responsibility of the Town

- a. The Town shall attach to the appropriate public inquiry and complaint form the response of the owner/operator.

- b. Within one (1) week of the receipt by the Town of the response from the owner/operator, the Town shall contact the person that made the inquiry and/or complaint to assess if he/she is satisfied with the response based on the approved public inquiry/complaint response protocol, Town Ordinances and conditions of and CWEF approval.
- c. The Town within one (1) week shall forward to the owner/operator's contact person, that is responsible to respond to public inquiries and/or complaints, the results of the assessment as identified in b above.
- d. If the Town, within fourteen (14) days, of the actions provided in Sections 3.a and 4.b determines that the complaint is without merit, it will be dismissed, and the Town will inform the complainant and the Owner/Operator.
- e. The Town may convene a meeting with the Town, the owner/operator, and person filing the inquiry and/or complaint to attempt to reach a resolution if such actions as identified in 3.a and 4.a-c above have not resolved the complaint. If such a meeting is convened it shall be held within forty-five (45) days of the receipt of the original public inquiry or complaint by the Town.

T. Decommissioning and Discontinuance

- 1. The CWEF shall be decommissioned within twelve months after it ceases to generate electricity, is discontinued, or as the result of legal action as provided for in Section 1-110.2.
- 2. Final Decommissioning Plan

At least six (6) months from the anticipated start date of decommissioning the owner of the CWEF shall submit to the planning board a final decommissioning plan for review and approval. The final decommissioning plan shall include but not limited to the following.

- a. Anticipated start date of decommissioning.
- b. Anticipated completion date of decommissioning.
- c. Methods to remove all parts of the CWEF including foundations and how they will be disposed of.
- d. Areas and the methods to restore disturbed land areas.
- e. Time period (months) to complete decommissioning.
- f. Cost for decommissioning based on Section 1-701.3.T.4.

Copies of all permits from local, state, and/or federal agencies needed for decommissioning.

3. Decommissioning shall include removal and disposal off-site of all parts of the CWEF (including foundations) in accordance with local, state and federal laws and regulations. Areas of disturbed earth shall be graded, reseeded, or otherwise re-vegetated, unless the landowner of the affected land requests otherwise in writing.
4. A Maine Licensed Professional Engineer shall be retained by the Planning Board and paid for by the Applicant to estimate the total cost of decommissioning and itemization of the estimated major expenses, including the projected costs of measures taken to minimize or prevent adverse effects on the environment during implementation of the decommissioning plan. The itemization of major costs may include, but is not limited to, the cost of the following activities: turbine removal, turbine foundation removal and permanent stabilization, building removal and permanent stabilization, transmission corridor removal and permanent stabilization and road infrastructure removal and permanent stabilization
5. No permit for a CWEF shall be issued until decommissioning funds have been posted by the Applicant with a bonding company or a Federal or State-chartered lending institution (the Escrow Agent) authorized to conduct such business in the State of Maine and approved by the Selectmen. Permit shall be valid for two (2) years subject to renewal as described below.
6. Estimates as described above shall be redone every two-years on the anniversary of the granting of a CWEF Permit and shall be submitted to the Town. Upon acceptance of the revised estimates, the Planning Board will issue a two (2) year permit extension. The owner/operator of the CWEF shall be required to maintain decommissioning funds that are at least equal to the most recent estimate
7. Decommissioning funds may be in the form of a performance bond, surety bond or other form of financial assurance acceptable to the Selectmen.
8. If the owner/operator of the CWEF does not complete decommissioning within the prescribed time period the Town may take such action as necessary (including court action, with all legal costs to be paid by applicant) to secure the posted decommissioning funds and to ensure completion of the decommissioning.
9. The Escrow Agent shall not release the decommissioning funds except upon written approval of Selectmen.
10. In the case of abandonment the Town shall utilize the decommissioning funds to decommission the CWEF and take such action as necessary, including court action, to secure funds and to ensure completion of the decommissioning should the posted decommissioning fund not be sufficient to complete decommissioning.

U. Tower Lighting

Radar-activated obstruction lighting systems shall be used on all towers and all lighting of towers shall conform to the Federal Aviation Administration standards.

- V. Prior to the granting of any final approval the applicant shall provide mitigation waivers that shall specify which provisions(s) of setback, sound, and/or shadow flicker are waived by participating property owners that shall provide a legal description of the property subject to the waiver(s) and shall be recorded in the Oxford County Registry of Deeds. Any subsequent deeds shall advise all later owners that the property is so burdened.

1-801 PERFORMANCE BOND

1-801.1 Performance Bond Required

Prior to approval, the Board may require that the applicant file with the Board a performance guarantee in an amount sufficient to defray all expenses of the proposed public improvements. This may be tendered in the form of a certified check payable to the Town of Greenwood, or a performance bond running to the Town of Greenwood and issued by a surety company acceptable to the Town of Greenwood. The conditions and amount of such certified check or performance bond shall be determined by the Board with the advice of the various municipal officers concerned.

1-801.2 Extension

The Board may recommend a maximum extension of twelve (12) months to the guaranteed performance period when the applicant can demonstrate, to the satisfaction of the Board and the municipal officers, good cause for such extension. Such recommendation shall be referred to the Board of Selectmen for official action.

1-801.3 Release

Before an applicant may be released from any obligation requiring a guarantee of performance, the Board will require certification from the various municipal officers (Inspecting Official, Selectmen, Road Commissioner, Fire Chief) to the effect that all improvements have been satisfactorily completed in accordance with all applicable standards (state, federal and local codes, ordinances, laws and regulations).

1-901 CHANGES AND AMEND TO APPROVALS

1-901.1 Minor Changes to Approved Projects

Minor changes to approved projects necessary to address field conditions may be approved by the Code Enforcement Officer/Inspecting Official provided that such change does not affect the compliance with the standards of this Ordinance, conditions of approval or alter the essential nature of the project. Any such change must be endorsed in writing on the approved plan by the Code Enforcement Officer/Inspecting Official.

1-901.2 Amendments to Approved Plans

Approvals of site plans are dependent upon and limited to the proposals and plans approved by the Board. Any variation from the approved plans, proposals and supporting documents, except minor changes, is subject to review and approval of the Board.

1-110 ENFORCEMENT

1-110.1 Notice of Violation

The Code Enforcement Officer shall act in all cases of violations of this Ordinance by notifying, in writing, the owner or lessor of the project and the Selectmen of the nature of the violation and the correction of the same, if possible. Notification shall be deemed to have been made when sent to the owner or lessor by certified mail.

1-110.2 Legal Action

The Selectmen are charged with the prosecution for all violations of the provisions of the Ordinance. In cases where such notices referred to in Paragraph 1-110.1 above, are not promptly complied with after receipt of said notices, the Selectmen shall make such complaints to the courts as, in their judgement, are proper, or may institute such actions or proceedings at law or in equity as are proper to restrain, correct, remove or punish such violations.

1-110.3 Fines

Any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply with any of the requirements thereof, shall be fined not less than \$100.00 nor more than \$2,500.00 as provided by State law. Each day on which the violation shall continue shall constitute a separate offense.

1-111 Appeals

An appeal may be taken within thirty (30) days from the Board's final decision by any party to Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

1-112 DEFINITIONS

Accessory Use or Structure: A subordinate use of a building, other structure or land, or a subordinate building or other structure:

1. whose use is customary in connection with the principal building, other structure or use of land; and
2. whose use is clearly incidental to the use of the principal building, other structure or use of land; and

3. which is located on the same lot with the principal building, other structure or use of land, or on a lot adjacent to such lot if in the same ownership or part of the same establishment.

Agricultural Land Management Practices: Those devices and procedures utilized in the cultivation of land in order to further crop and livestock production and conservation of related soil and water resources.

Ambient Sound: At a specified time, the all-encompassing sound associated with a given environment, being usually a composite of sounds from many sources at many directions, near and far, including the specific commercial wind energy facility of interest.

ANSI S1.1-1960: American National Standard Acoustical Terminology.

ANSI S12.9-1988: American National Standard Quantities and Procedures for Description and Measurements of Environmental Sound, Part 1;

ANSI S3.20-1973: American National Standard Psychoacoustical Terminology.

Approved Residential Subdivision: A residential subdivision for which all applicable land use permits have been issued, provided that the time for beginning construction under such permits has not expired.

Associated Facilities: Elements of a commercial wind energy facility other than its generating facilities that are necessary to the proper operation and maintenance of the commercial wind energy facility, including but not limited to buildings, access roads, generator lead lines and substations.

Building: Any structure having a roof or partial roof supported by columns or walls used for shelter or enclosure of person, animals, goods or property of any kind.

Background Infrasound Pressure Level: The infrasound pressure level with the subject wind turbine(s) not operating.

Blade-Pass Frequency: operational speed of the wind turbine in revolutions per minute (rpm) divided by sixty, times the number of blades. For example, a wind turbine that operates at 14 rpm with three blades will have a blade pass frequency of 0.7 hertz.

Cemetery: Property used for the interring of the dead, human or animal.

Change in Use: The conversion of a building or parcel of land from one type of nonresidential use to any other type of nonresidential use. By way of example, the change from retail to office or retail to a restaurant.

Commercial: Connected with the buying or selling of goods or services or the provision of facilities for a fee, exclusive of rental or residential buildings and/or dwelling units.

Commercial Wind Energy Facility: a wind energy facility whose primary purpose is to sell electricity to be supplied to the regional electric power grid. A commercial wind energy facility includes generating facilities and associated facilities.

Construction- Activity and operations associated with the commercial wind energy facility or expansion of the facility or its site.

DEP Certification: A certification issued by the Department of Environmental Protection pursuant to 35-A M.R.S.A § 3456 for a Wind Energy Development.

Direct Watershed of Lake or Pond: Any land area that contributes stormwater runoff either by direct surface water or subsurface flow to a great pond without such runoff traveling through another great pond.

Discontinuance-Commercial Wind Energy Facility: no power has been generated and sold for a continuous twelve (12) month period.

Dwelling Unit: A room or group of rooms designated and equipped exclusively for use as living quarters for one family including, provisions for living, cooking, and eating.

Emergency Maintenance and Repairs: Work done in response to an emergency at a facility.

Emergency: An unforeseen combination of circumstances which calls for immediate action at a facility.

Energy Sum of a Series Of Levels: Ten times the logarithm of the arithmetic sum of the antilogarithms of one-tenth of the levels.

Equivalent Sound Level: The level of the mean-square A-weighted sound pressure during a stated time period, or equivalently the level of the sound exposure during a stated time period divided by the duration of the period. (NOTE: For convenience, a one hour equivalent sound level should begin approximately on the hour.)

Existing Facility: A commercial wind energy facility legally constructed before the effective date of this ordinance or a proposed commercial wind energy facility for which the application is found complete on or before the effective date of this ordinance. Any facility with an approved permit application which has been remanded to Planning Board by a court of competent jurisdiction for further proceedings relating to noise limits or noise levels prior to the effective date of this ordinance shall not be deemed an existing facility and the ordinance shall apply to the existing noise sources at that facility.

Existing Hourly Sound Level: The hourly sound level resulting from routine operation of an existing commercial wind energy facility prior to the first expansion that is subject to this ordinance.

For purposes of this definition, (1) a residence is considered planned when the owner of the parcel of land on which the Residence is to be located has received all applicable building and land use permits and the time for beginning construction under such permits has not expired, and (2) a residential subdivision is considered approved when the developer has received all applicable land use permits for the subdivision and the time for beginning construction under such permits has not expired.

Family: One or more persons occupying a premises and living as a single housekeeping unit.

Flicker: The phenomenon of noticeable pulsating light produced by the wind turbine blades passing between the sun and the observer and temporarily interrupting the sun's rays."

Flicker Sector: A zone with the shape of a circular sector within which the observer may see the sun's rays interrupted by the wind turbine's blades in the phenomenon herein called flicker. The radius of this circular sector shall be equal to the maximum width of the blade of each wind turbine times 100. The flicker occurs mostly to the north of each Wind Turbine base and is limited by the radial line with an azimuth of 114 degrees going counter-clockwise through north to the radial line with an azimuth of 246 degrees". This zone represents the area north and south of the wind turbine within which the flicker phenomenon throughout the year. This maximum area occurs on the day of the summer solace.

Forest Management Activities: Includes timber cruising and other forest resource evaluation activities, pesticide application, timber stand improvement, pruning, timber harvesting, and other forest harvesting, regeneration of forest stands, and other similar associated activities, but not the construction, creation, or maintenance of land management roads.

Fresh Water Wetland: Means fresh water swamps, marshes, bogs and similar areas which are:

1. 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
2. Not considered part of great pond, river, stream or brook.

These areas may contain small stream channels or inclusions of land that do not conform to the criteria.

Generating Facilities: Wind turbines and electrical lines, not including generator lead lines, that are immediately associated with the wind turbines.

Generator Lead Line: A "generator interconnection transmission facility" as defined by 35-A M.R.S. § 3132 (1-B).

Harmonics: Integer multiples of a primary frequency. For example, the primary blade pass frequency of 0.7 hertz would have harmonics at 1.4, 2.1, 2.8 and $N \times 0.7$ hertz where N is 2 through infinity. The practical limit of harmonics can be $N = 10$.

Historic Areas: Historic sites administered by the Bureau of Parks and Lands of the Maine Department of Agriculture, Conservation and Forestry.

Historic Building/Site: Building and sites on the National Register of Historic Places or identified as of historic importance in the Greenwood Comprehensive Plan.

Historic Site: Any site, structure, district or archaeological site which has been officially included on the National Register of Historic Places and/or on the Maine Historic Resource Inventory, or which is established by qualified testimony as being of historic significance.

Home Occupation: An occupation or profession which-results in a product or service and is conducted in whole or in part a residential structure, accessory structure to a residential use or property which is:

1. clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and

2. which employs no more than two (2) persons other than family members residing in the home.

Hourly Sound Level: The equivalent sound level for one hour measured or computed in accordance with this ordinance.

Impervious Surface: The area of land covered by buildings, structures and paved and gravel surfaces.

Industrial: Connected with the assembling, fabrication, finishing, manufacturing, packaging, or processing of goods or the extraction of minerals.

Infrasound: Sound in the portion of the frequency spectrum less than 20 hertz.

Infrasound Pressure Level: Sound pressure level in the portion of the frequency spectrum less than 20 hertz.

Institutional: A building devoted to some public, governmental, education, charitable, medical or similar purpose.

Larger Vehicle: A vehicle that has a larger length, width, or turning radius and/or lesser acceleration capability than standard passenger vehicles or pick-up trucks including busses, commercial trucks and recreation vehicles.

Locally-Designated Passive Recreation Area: Any site or area designated by a municipality for passive recreation that is open and maintained for public use and which: a) has fixed boundaries, b) is owned in fee simple by a municipality or is accessible by virtue of public easement, c) is identified and described in a local comprehensive plan and, d) has been identified and designated at least nine months prior to the submission of the Applicant's commercial wind energy facility permit application.

Maximum Sound Level: Ten times the common logarithm of the square of the ratio of the maximum sound to the reference sound of 20 micropascals. Symbol: LAFmax.

Maximum Sound: Largest A-weighted and fast exponential-time-weighted sound during a specified time interval. Unit: pascal (Pa).

Meteorological Tower (MET Tower): A Tower used for the measurement and collection of wind data that supports various types of equipment, including but not limited to anemometers, data recorders, and solar power panels. MET Towers may also include wildlife related equipment such as ANABAT detectors, bird diverts and wildlife entanglement protectors.

Mineral Extraction: Any operation which within any twelve (12) successive month period removes more than 5,000 cubic yards of soil, topsoil, loam, sand, gravel, clay, peat, or other like material from its natural location, and to transport the product removed away from the extraction site.

Mitigation Waiver: A legally enforceable, written agreement between the applicant and a participating landowner in the Town of Greenwood for which the landowner waives certain protections afforded by this Ordinance. Mitigation waivers may be granted only for setbacks, sound, and/or shadow flicker.

Nacelle: The frame and housing at the top of the tower that encloses the gearbox and generator.

Non-Participating Landowner: Any landowner, other than a participating landowner.

Occupied Building: A residence, school, hospital, house of worship, public library or other building that is occupied or in use as a primary residence or is customarily frequented by the public at the time when the permit application is submitted.

Participating Landowner: One or more persons that hold title in fee or a leasehold interest with sublease rights to property on which generating facilities or associated facilities are proposed to be located pursuant to an agreement with the Applicant or an entity that has entered into an appropriate agreement with the Applicant allowing the Applicant to demonstrate the requisite right, title and interest in such property.

Persons: Any person, firm, association, partnership, corporation, municipal or other local governmental entity, quasi-municipal entity, state agency, educational or charitable organization or institution, or other legal entity.

Planned Residence: A residence for which all applicable building and land use permits have been issued, provided that the time for beginning construction under such permits has not expired.

Pre-Development Ambient: The ambient sound at a specified location in the vicinity of a facility site prior to the construction and operation of the proposed commercial wind energy facility or expansion.

Protected Location: any location that is beyond the property boundary of the applicant. In cases where participating landowner agreements exist, the property boundary of the applicant may be extended as described in such documents

Radiation: The emission of atomic particles or rays by the nucleus of an atom.

Reference Location: A location that is similar in acoustical environment with respect to other sources of noise such as highway or other transit, industry environmental sounds, but is not influenced by sound from the subject wind turbine(s).

Residence: A building or structure, including manufactured housing, maintained for permanent or seasonal residential occupancy providing living, cooking and sleeping facilities and having permanent indoor or outdoor sanitary facilities, excluding recreational vehicles, tents and watercraft.

Retail: Connected with the sale of goods to the ultimate consumer for direct use and consumption, and not for trade.

Road, Minor: A street whose function is to provide access to abutting properties and which may also collect traffic from minor streets that intersect it.

Road, Collector: A street whose principle function is to carry traffic for residential streets to higher order streets.

Routine Operation: Regular and recurrent operation of regulated sound sources associated with the purpose of the commercial wind energy facility and operating on the facility site.

Scenic Resource: Either a scenic resource of state or national significance, as defined in 35-A M.R.S § 3451(9) or a scenic resource of local significance located within the municipality and identified as such in a comprehensive plan, open space plan or scenic inventory adopted by the municipal legislative body.

Shadow Flicker: Alternating changes in light intensity caused by the movement of Wind Turbine blades casting shadows on the ground or a stationary object.

Short Duration Repetitive Sounds: A sequence of repetitive sounds which occur more than once within an hour, each clearly discernible as an event and causing an increase in the sound level of at least 6 dBA on the fast meter response above the sound level observed immediately before and after the event, each typically less than ten seconds in duration, and which are inherent to the process or operation of the facility and are foreseeable.

Sight Line Representation: A profile drawing showing prominent features, including but not limited to topography, buildings, and trees, along and in relation to a line of sight extending from an observer's eye to the lowest point visible on a proposed Tower.

Sign: Any device, fixture, placard or structure that uses any color, form, graph, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Significant Wildlife Habitat: A Significant Wildlife Habitat as defined in 38 M.R.S. § 480-B(10).

Sound Component: The measurable sound from an audibly identifiable source or group of sources.

Sound Level: Ten times the common logarithm of the square of the ratio of the frequency-weighted and time-exponentially averaged sound pressure to the reference sound of 20 micropascals. For the purpose of this ordinance, sound level measurements are obtained using the A-weighted frequency response and fast dynamic response of the measuring system, unless otherwise noted.

Sound Pressure Level: 20 times the logarithm (to the base 10) of the given root mean square (rms) sound pressure divided by the reference sound pressure of 20 micropascals (μPa). Reported in units of decibels (dB).

Sound Pressure: Root-mean-square of the instantaneous sound pressures in a stated frequency band and during a specified time interval. Unit: pascal (Pa).

Structure: Anything constructed, erected or placed on the ground which is permanent, temporary, or mobile. Structure(s) include, but are not limited to: building(s), mobile homes, recreational vehicles, and processing facilities. Boundary walls, fences and flag poles are not considered structures.

Substantial Construction: Completion of thirty (30) percent of a permitted structure or use measured as a percentage of the total estimated cost.

Substantial Enlargement: An expansion by 20 percent or greater feet of new gross floor area or 20 percent or greater of new impervious surface area provided such expansion involves at least 500 square feet within any five-year period.

Tonal Sound: A tonal sound exists if, at a protected location, the one-third octave band sound pressure level in the band containing the tonal sound exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by 5 dB for center frequencies at or between 500 Hz and 10,000 Hz, by 8 dB for center frequencies at or between 160 and 400 Hz, and by 15 dB for center frequencies at or between 25 Hz and 125 Hz.

Tower: The free-standing structure on which a wind measuring or energy conversion system is mounted.

Turbine Height: The distance measured from the surface (top) of the tower foundation to the highest point of any turbine rotor blade measured at the highest arc of the blade.

Use: Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

Wind Energy Facility: A facility that uses one or more wind turbines to convert wind energy to electrical energy.

Wind Turbine: A system for the conversion of wind energy into electricity which is comprised of a Tower, generator, Nacelle, rotor and transformer.

08.07.18-JAM

TOWN OF GREENWOOD, MAINE

SUBDIVISION ORDINANCE

**Adopted March 12, 1988
Amended March 3, 1989
Amended June 30, 1998
Amended October 18, 2005**

TABLE OF CONTENTS

SECTION I. Purpose	1
SECTION II. Authority and Administration	1
A. Authority	1
B. Administration	1
SECTION III. Pre-application Meeting	2
A. Submissions	2
B. Contour Interval and On-Site Inspection	3
C. Ownership Interest	3
SECTION IV. Preliminary Plan	3
A.	3
B. Informational Sign	3
C.	3
D. Application Fee	4
E.	4
F.	4
SECTION V. Final Plan	4
A.	4
B. Application Fee	5
C.	5
D.	5
SECTION VI. Submission Requirements	5
A. Application	5
B. Subdivision Plan	7
SECTION VII. Public Hearing	9
SECTION VIII. General Requirements	9
A. Buffer Strips	9
B. Conformance with Other Laws, Regulations	10
C. Impact on Community Services and Facilities	10
D. Lots	11
E. Lot Access	11
F. Planned Development	11
G. Open Space Provisions	13
H. Open Space Subdivisions	13
I. Storm Drainage	17
J. Erosion and Sedimentation Control	18
K. Greenwood Road Traffic Conditions	18
L. Streets and Roads	19
M. Mobile Home Parks	23
N. Archaeological Sites	25

O.	Historic Locations	25
P.	Scenic Locations	25
Q.	Phosphorous Export	25
R.	Protection of Significant Wildlife Habitat	26
S.	.....	27
SECTION IX. Waiver and Modification of This Ordinance		27
A.	.....	27
B.	.....	27
SECTION X. Performance Bond		27
A.	.....	27
B.	.....	27
C.	.....	27
D.	.....	28
SECTION XI. Inspection of Required Improvements		28
A.	.....	28
B.	.....	28
C.	.....	28
D.	.....	28
E.	.....	28
F.	.....	28
G.	.....	29
SECTION XII. Plan Revisions After Approval		29
SECTION XIII. Initiation of Development Within Two Years		29
SECTION XIV. Validity, Effective Date and Conflict of Ordinances		29
A.	.....	29
B.	.....	29
C.	.....	29
SECTION XV. Amendments		29
SECTION XVI. Appeals		30
SECTION XVII. Definitions		30

**Subdivision Ordinance
Town of Greenwood, Maine**

SECTION I. Purpose

The purposes of this Ordinance is to assure the comfort, convenience, safety, health and welfare of the people of the Town of Greenwood, 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 Greenwood, Maine, the Planning Board shall consider the following criteria and before granting approval shall make findings of fact that the provisions of this Ordinance have been met and that the proposed subdivision will meet the criteria of Title 30-A, M.R.S.A., Section 4404.

SECTION II. Authority and Administration

A. Authority

1. This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII-Part 2 Section 1 of the Maine Constitution and Title 30-A, M.R.S.A., Section 3001.
2. This Ordinance shall be known and cited as the “Subdivision Ordinance for the Town of Greenwood, Maine.”

B. Administration

1. This Ordinance shall be administered by the Planning Board for the Town of Greenwood, Maine, hereafter referred to as the “Board.”
2. The provisions of this Ordinance shall apply to all of the land area of all proposed subdivisions, as defined, located in the Town of Greenwood, Maine.
3. No person, firm, corporation or other legal entity may sell, lease, develop, build upon or convey for consideration, offer or agree to sell, lease, develop, build upon or convey for consideration any land in a subdivision which has not received Board approval and recorded in the Registry of Deeds. No public utility, water district, sanitary district or any utility company of any kind shall install services to any lot in a subdivision which has not received Board approval and recorded in the Registry of Deeds. A Subdivision Plan recorded without Board approval shall be void.

Any person violating any provision of this Ordinance shall be fined a minimum of \$100 and a maximum of \$2,500 for each violation. Each day a violation exists shall be considered as a separate violation.

4. Construction Prohibited

Utility installations, ditching, grading or construction of roads, grading of land or lots, or construction of buildings shall not be started on any part of the proposed subdivision until the Final Plan has been approved and recorded in the Oxford County Registry of Deeds.

SECTION III. Pre-application Meeting

Applicants shall schedule a meeting with the Board prior to formal submission, to present a sketch plan and make a verbal presentation regarding the site and the proposed subdivision.

A. Submissions

The Pre-application Sketch Plan shall show, in simple sketch form, the proposed development area, and other features in relation to existing conditions. The Sketch Plan, which may be a freehand pencilled sketch, will be supplemented with general information to describe or outline the existing conditions of the site and the proposed development.

When a proposed subdivision will encompass ten (10) acres or more or five(5) or more lots, the applicant shall submit sketch plans of both a traditional subdivision layout and open space subdivision layout. The sketch plan shall be accompanied by a written narrative of the advantages and disadvantages of both subdivision techniques in relation to the particular site.

The sketch plan for an open space subdivision will show how the following applicable provisions will be incorporated in subdivision design.

1. The desire to manage development so that Greenwood's valued characteristics including large tracts of forest land, surface waters, scenic views, natural resources, rural road corridors and open spaces are maintained and the tax rate remains stable;
2. The desire that the type and location of development be compatible with municipal services including the transportation system; and
3. The parcel's unique features that may include but not be limited to agricultural land, forest land, fields, ridges, stone walls, tree lines, streams, wetlands, wildlife habitat, and scenic views and how such features will be conserved and integrated into the subdivision design.

The Board shall within thirty (30) days of receiving the sketch plans, inform the applicant of the type of subdivision that will be developed (traditional or open space) based on the intent of the comprehensive plan and the nature of the site.

B. Contour Interval and On-Site Inspection

Within thirty (30) days of the pre-application meeting, the Board shall determine and inform the applicant, in writing, of the required contour interval on the development plan and conduct an on-site inspection of the property.

C. Ownership Interest

The applicant will furnish written evidence showing right, title or interest (option, contract for sale, etc.) in the property to be developed to the Planning Board.

SECTION IV. Preliminary Plan

- A.** The applicant shall submit ten (10) copies of the Preliminary Plan and ten (10) copies of the application for the proposed subdivision as detailed in Section VI. A and B to the Town Office fourteen (14) days prior to the Board meeting. The Board shall forward copies to the Board of Selectmen, Fire Chief and Road Commissioner for review and comment. The Board shall issue a dated receipt to the applicant. Within thirty (30) days from the date of receipt, the Board shall notify the applicant in writing either that the Preliminary Plan and application are complete, or if incomplete, the specific additional material needed to make them complete. Determination by the Board that the Preliminary Plan and Application are complete in no way commits or binds the Board as to the adequacy of the Plan to meet the criteria of Title 30-A, M.R.S.A., Section 4404, and the provisions of this Ordinance are met.

B. Informational Sign

1. Upon submission of the preliminary plan the applicant shall install in a conspicuous location a 4' X 4' a sign that is legible and has professional quality on the parcel to be subdivided. The sign shall have a white background with contrasting lettering. The minimum lettering size shall be four (4) inches in height. The sign shall contain the following information.

Land Proposed to be Subdivided
Number of Lots
Name and Address of Subdivider
For Application Information Contact-
Town of Greenwood
875-2773

2. Within seven (7) days of action on the final plan the applicant shall remove the sign.

- C.** Upon receipt of the Preliminary Plan, the Board shall notify in writing all owners of property within 500 feet to the proposed subdivision by Certified mail. In addition the Board shall cause notice of the date, time and place of the meeting to discuss the subdivision to be published in a newspaper of general circulation in Greenwood at least

two (2) times; the date of the first publication shall be at least seven (7) days prior to the meeting.

D. Application Fee

The following fee(s) shall be paid at the time of submission of any preliminary plan:

1. Review fee, \$100.00 per lot or dwelling unit.
2. Review escrow account, \$150.00 per lot (or dwelling unit for multiplex development(s) deposited in an escrow account established by the Town, which monies may be used by the Board to pay for professional reviews and advice related to the developer's application as it deems necessary. The Board shall provide the applicant with notice of its intent to spend any portion of this account which notice shall specify the purpose for the proposed expenditures. If the balance in the applicant's portion of the Board Review Escrow Account shall be drawn down by 75%, the Board shall require that an additional \$50.00 per lot or dwelling unit be deposited by the applicant. The Board shall continue to notify the applicant and require an additional \$50.00 per lot or dwelling unit be deposited as necessary whenever the balance of the account is drawn down to 75% of the original deposit.

Those monies deposited by the developer and not spent by the Board in the course of its review shall be returned to the developer within thirty (30) days after the Board renders its final decision on the application.

- E.** The Board may hold a public hearing on the Preliminary Plan. Regulations for such a hearing shall be according to State Law as provided in Section VII.
- F.** The Board shall, within thirty (30) days of a public hearing, or within sixty (60) days of having received the complete Preliminary Plan and application, if no hearing is held, or within such other time limit as may be mutually agreed to, deny or grant approval on such terms and conditions as it may deem advisable to satisfy the criteria contained in this Ordinance and in Title 30-A, M.R.S.A., Section 4404, and to preserve the public health, safety, and general welfare. In all instances, the burden of proof shall be upon the subdivider. In issuing its decision, the Board shall make a written finding of fact establishing that the Preliminary Plan does or does not meet the provisions of this Ordinance and Title 30-A, M.R.S.A., Section 4404. Approval of the Preliminary Plan in no way commits or binds the Board to approve the Final Plan.

SECTION V. Final Plan

- A.** The applicant shall submit the original and three copies of the Final Plan to the Board at a regularly scheduled meeting within one (1) year from the date of approval of the Preliminary Plan. The Board shall issue a dated receipt to the applicant. The Final Plan shall include all the information requested in Section VI.B. and will also include all changes recommended by the Board in their approval of the Preliminary Plan. There

shall be no other substantial changes between the Preliminary Plan and the Final Plan. The Final Plan shall be drawn in ink on linen or polyester film suitable for permanent recording in the Oxford County Registry of Deeds.

B. Application Fee

C. The Board has the option of holding a public hearing on the Final Plan. Regulations for such a hearing shall be according to State Law as provided in Section VII.

D. The Board shall, within thirty (30) days of a public hearing or within sixty (60) days of having received the complete Final Plan, if no hearing is held, or within such other time limit as may be mutually agreed to, deny or grant approval of the Final Plan or grant approval on such terms and conditions as it may deem advisable to satisfy the criteria contained in this Ordinance and in Title 30-A, M.R.S.A., Section 4404, and to preserve the public's health, safety, and general welfare. In issuing its decision, the Board shall make a written finding of fact establishing that the Final Plan does or does not meet the provisions of this Ordinance and Title 30-A, M.R.S.A., Section 4404.

SECTION VI. Submission Requirements

A. Application

The application form shall be furnished by the Board, filled out by the applicant and shall include the following information: (Items marked with an "X" shall be required in all instances; items without an "X" may be required at the discretion of the Board.)

- X 1. Name and address of owner.
- X 2. Name and address of applicant (if other than owner).
- X 3. If the applicant is a corporation, state whether the corporation is licensed to do business in Maine, and attach a copy of Secretary of State's Registration.
- X 4. Name of applicant's authorized representative.
- X 5. Name, address and number of Registered Professional Engineer, Professional Land Surveyor or Planner who prepared the plan.
- X 6. Address to which all correspondence from the Board should be sent.
- X 7. What interest does the applicant have in the parcel to be subdivided (option, land purchase contract, recorded ownership, etc.)?
- X 8. What interest does the applicant have in any property abutting the parcel to the subdivided?
- X 9. State whether the subdivision covers the entire or contiguous holdings of

applicant.

- X 10. Location of property: book and page (from Registry of Deeds).
- X 11. Location of property: map and lot (from Assessor's Office).
- X 12. Current zoning of property.
- X 13. Acreage of parcel to be subdivided.
- X 14. Proposed method of sewage disposal and the results of an on-site soil investigation for each lot.
- 15. Soils report for entire area.
- X 16. Indication of type of water supply to be used. Evidence of adequate ground water supply and quantity shall be submitted by a well driller or a hydrogeologist familiar with the area.
- X 17. Names and mailing address of all property owners within 500 feet of the proposed subdivision including those across any road or street.
- X 18. Proposed restrictive covenants to be placed on the deeds.
- X 19. A statement of financial and technical capability.
- X 20. A written statement from the Fire Chief and Road Commissioner as to the departments capacity to serve the proposed subdivision along with their recommendations as to any improvements necessary to provide for fire protection.
- 21. A phosphorus impact analysis and control plan when located in the direct water shed of a great pond.
- 22. A ground water impact analysis
- 23. The applicant shall provide a municipal service impact analysis that includes a list of construction and maintenance items, with both capital and annual operating cost estimates, that must be financed by the Town of Greenwood or quasi-municipal districts. This list shall include but not be limited to: schools including busing; street reconstruction, maintenance, and snow removal; solid waste disposal; and fire protection. The applicant shall provide an estimate of the net increase in taxable assessed valuation upon build out of the subdivision.
- 24. Stormwater control plan designed to accommodate the 25-year storm.
- 25. Maine Department of Transportation Driveway/Entrance Permits if the subdivision will have access to Routes 26, 219, or the East Bethel Road.

- _____ 26. Other local, state or Federal permits as required.
- _____ 27. A statement concerning timber harvesting resulting in any violation of the Liquidation Harvesting Rule.
- _____ 28. Waivers requested accompanied by reasons and justification.

B. Subdivision Plan

The Subdivision Plan shall be a map of the tract to be subdivided, certified by a Professional Land Surveyor and tied to established reference points. The plan shall not be less than 18" by 24" and shall be drawn to a scale of 1" equals not more than 100'. The Subdivision Plan shall include the following information: (Items marked with an "X" shall be required in all instances; items without an "X" may be required at the discretion of the Board.)

	Preliminary Plan	Final Plan	
1.	<u> X </u>	<u> X </u>	Name of proposed subdivision; location of subdivision; name of subdivider; and signature and seal of Professional Land Surveyor.
2.	<u> X </u>	<u> X </u>	Lot numbers.
3.	<u> X </u>	<u> X </u>	Date, magnetic north point and graphic map scale.
4.	<u> X </u>	_____	Proposed lot lines with approximate dimension and lots areas and total area of land to be subdivided.
5.	_____	<u> X </u>	Proposed lot lines with dimensions, bearings, deflection angles, radii and central angles sufficient to reproduce any line on the ground and lot areas and total area of land to be subdivided.
6.	<u> X </u>	_____	Location of temporary markers to enable the Board to locate each lot readily and appraise the basic lot layout in the field.
7.	_____	<u> X </u>	Location of permanent markers, both natural and man-made.
8.	<u> X </u>	<u> X </u>	Location of all parcels to be dedicated to public use and the conditions of such dedication.
9.	<u> X </u>	<u> X </u>	Names of abutting property owners and subdivisions. Reference to recorded subdivision plans of adjoining lands by book and page number.
10.	<u> X </u>	<u> X </u>	Location of wetlands and if any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazards areas and the 100-year flood elevation shall be delineated on the plan.

	Preliminary Plan	Final Plan	
11.	<u> X </u>	—	Location of all required soils investigation test pits. (Test pits for subsurface sewage disposal systems shall be in the area where such a system would likely be placed.
12.	<u> X </u>	<u> X </u>	Location and size of existing buildings.
13.	—	—	Suggested location of buildings, subsurface sewage disposal systems and wells.
14.	—	—	Location of all natural features or site elements to be preserved.
15.	<u> X </u>	<u> X </u>	Location of any existing watercourses and other essential existing physical features.
16.	—	—	Location and size of any existing sewers and water mains and other utilities; location and size of culverts and drains.
17.	<u> X </u>	<u> X </u>	Location, names and widths of existing and proposed streets, highways, easements and rights-of-way.
18.	—	<u> X </u>	Plan profiles and cross-sections for roadways, sidewalks and storm drainage facilities.
19.	<u> X </u>	<u> X </u>	A soil erosion and sediment control plan for construction and for permanent control.
20.	—	—	Contour lines at 20-foot intervals (or other interval as specified by the Board).
21.	—	—	Other information not indicated above as required by the Board.
22.	<u> X </u>	<u> X </u>	The location and nature of significant wildlife habitats identified by the Maine Department of Inland Fisheries and Wildlife.
23.	<u> X </u>	<u> X </u>	Any portion of the subdivision which is located in the direct watershed of a great pond shall be identified.
24.	—	—	The location of archaeological and historic sites, scenic areas as identified in the Comprehensive plan and rare and natural areas
25.	<u> X </u>	<u> X </u>	Suitable space to record on the approved plan, the date and conditions of approval, if any. This space shall be similar to the following example:

Preliminary Plan	Final Plan
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Approved by the Town of Greenwood Planning Board:

Signed: _____

Date: _____

Conditions: _____

SECTION VII. Public Hearing

The decision to hold a public hearing is discretionary, and in making its decision, the Board may consider the size and type of subdivision, the community impact and whether any written requests for such a hearing have been received. In the event that the Board determines to hold a public hearing on either the Preliminary Plan or the Final Plan of the proposed subdivision, it shall hold such public hearing within thirty (30) days of having notified the applicant in writing that a complete Subdivision Plan has been received and shall cause notice of the date, time and place of such hearing to be given to the subdivider, and published in a newspaper of general circulation in Greenwood at least two (2) times; the date of the first publication shall be at least seven (7) days prior to the hearing. Public hearings shall be conducted in accordance with the procedures in Title 30-A M.R.S.A., Section 2691, Subsection 3 a, b, c, d, and e. The Planning shall notify all property owners within five-hundred (500) feet of the boundaries of the Public Hearing.

SECTION VIII. General Requirements

A. Buffer Strips

The Board may require buffer strips, to protect water bodies and streams from sedimentation, to provide space for movement of wildlife between important habitats and to shield adjacent users from unsightly development, noise and lighting. The Board will consider the following in establishing audio/visual buffer strips.

1. Plant materials shall be at least four feet in height and be of such evergreen species that will produce ultimately a dense audio/visual screen at least eight feet in height. Alternatively, a six-foot high wooden fence, without openings wider than 1", may be substituted.

2. The buffer will be maintained permanently, and any plant material which does not live shall be replaced within one year.
3. The plantings of the buffer shall be so placed that at maturity it will be no closer than three feet from any street or property line.
4. The buffer will be broken only at points of vehicular/ pedestrian access. When the buffer is broken by pedestrian access it shall be designed to not allow direct visual access to the adjacent property.

B. Conformance with Other Laws, Regulations

The proposed subdivision shall be in conformance with all pertinent local, state, and federal ordinances, statutes, laws, and regulations. If any proposed subdivision meets the definition of a subdivision as defined in the Site Location of Development Act, Title 38, M.R.S.A., Section 482, the subdivider must secure the approval of the Board of Environmental Protection and the Board before any construction activity may begin in the subdivision.

C. Impact on Community Services and Facilities

Any proposed subdivision shall be reviewed by the Board with respect to its effect upon existing community services and facilities. When the Board finds, based on a recommendation of the selectmen and the results of any municipal impact analysis, that municipal services do not have the capacity to provide services to the proposed subdivision, the Board will require one or more of the following.

1. A voluntary payment to the Town of Greenwood to mitigate the direct impact to municipal services that has been identified as the consequence of the proposed subdivision. Any such payment shall be subject to the following provisions.
 - a. The Board, with advice from the Selectmen, shall find that the money offered will mitigate the identified direct impact of the subdivision.
 - b. The payment shall be held in a reserve account and may only be expended to fund capital improvements agreed to by the applicant and Board to mitigate the identified direct impacts.
 - c. The payment in all cases shall be expended within five years of collection, unless otherwise agreed upon the Board and applicant.
 - d. Any payment not expended shall be refunded to the property owner(s) of record at the time of the refund with interest as earned by the Town of Greenwood for the period the payment was held by the Town.
2. The applicant will construct or pay to construct the required improvements necessitated by the subdivision.
3. Require phasing of the subdivision or limiting the number of lots that can be developed at any one time to allow the expansion of municipal services over time.
4. Deny the Subdivision.

D. Lots

1. Lot sizes shall be in conformance with the following dimensional requirements:
 - a. A minimum lot size of 40,000 sq. ft. shall be required for each dwelling unit. Each dwelling unit shall have 150 feet of frontage facing any street. Each lot must be able to completely contain within its boundaries an area as would be defined by a circle with a minimum diameter 150 feet. A lot abutting a lake, pond, river, stream or wetland as defined in the Town of Greenwood's Shoreland Zoning Ordinance shall have a minimum shore frontage of 200 feet for each dwelling unit.
 - b. If more than one dwelling unit is constructed on a single lot, all dimensional requirements shall be met for each dwelling unit, except as provided for in this section.
 - c. Lots for Planned Developments and multi-family structures shall contain a minimum of 20,000 sq. ft. of land area per dwelling unit. Each 10 dwelling units within a Planned Development shall be located on their own 5-acre parcel of land. Where there is less than 10 units, the required parcel size shall be determined by multiplying the number of units by 20,000 sq. ft.
 - d. Flag lots and other odd-shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited. The ratio of lot length to width shall not be more than three to one.
 - e. All structures shall be backed at least 20 feet from all property lines and at least 50 feet from the center line of streets, roads and rights-of-way. This needs further consideration.
 - f. There shall be a minimum area of 50 feet of shoreland frontage by 200 feet in depth of common shore area for each lot or residential dwelling unit which has access to the common area and for each right of use granted to the common area. Shore frontage shall be measured in a straight line between the points of intersection of the side lot lines. Depth shall be measured from the Normal High Water Line.
2. When lots will be in wooded locations the Board, with advice of the Fire Chief, shall require building envelopes that will provide defensible space against forest fires.

E. Lot Access

Any proposed subdivision shall be so designed that every lot has access to a public or privately owned street.

F. Planned Development

1. A planned development is a residential or mixed-use land development which is developed under unified management; is planned as a whole according to comprehensive and detailed plans, including streets, utilities, lots or building sites, open space and preserved natural features, recreational facilities, and design principles for proposed buildings, is reviewed and approved as a subdivision by the Board and in

addition is subject to the requirements of this section; may be developed in clearly identified stages; and provides for the operation and maintenance of common facilities.

2. Purpose: The purpose of this section is to allow for large-scale, well planned developments that:
 - a. are in accordance with the Town's Comprehensive Plan;
 - b. are reasonably self-sufficient in the provision of necessary services such as sewerage, water supply, off-street parking, recreational amenities, and long-term management of common facilities;
 - c. integrate a variety of residential, commercial, and recreational uses;
 - d. preserve open space;
 - e. incorporate a pattern of development that is in harmony with the natural features of the land; and
 - f. provide for efficient use of the land, minimizing the required networks of streets and utilities.
3. Proposed planned developments shall be reviewed as subdivisions under this Ordinance and shall be reviewed by, and final decisions shall be made by, the Board. The tract or parcel of land proposed for planned unit development must be in single ownership or the subject of an application filed jointly by the owners of all the property included. The applicant must demonstrate right, title, or interest in the land that is the subject of the application.
4. Standards:
 - a. A planned development shall contain the required buildable land area in single ownership and may be a mix of residential and nonresidential uses. The acreage shall be contiguous unless the Board finds that noncontiguous acres are part of a common, overall scheme of development.
 - b. The planned development shall be served by centralized sewerage and water supply facilities.
 - c. Lots which may be created for nonresidential uses shall include sufficient land area to support any proposed structures, the required off-street parking for the uses, whether or not the parking actually is located on the lots, and safe pedestrian circulation.
 - d. The maximum height of any residential structure shall not exceed 35 feet at the highest point measured from the average grade.
 - e. Where possible, buildings shall be oriented with consideration for scenic vistas, natural landscape features, topography, and potential solar access.
 - f. All utilities in a planned development shall be installed underground unless specifically waived by the Board.

- g. Adequate provision shall be made for erosion control and management of stormwater runoff with particular concern for the effects of effluent draining from the site. Drainage facilities shall be designed to accommodate the 25-year storm.
- h. Planned developments shall conform to the standards of subdivision approval.

G. Open Space Provisions

- 1. The Board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally desirable areas.
- 2. The Board may require that the subdivider reserve an area of land as an open space and/or recreational area for use by property owners in the subdivision.
 - a. If such an area is reserved, the Final Plan shall provide how title to the reserved land shall be held and how costs of development, maintenance and taxes shall be met.
 - b. Included in the instrument of conveyance (deed) to each property owner of the subdivision shall be a statement of:
 - 1) The manner of providing for the cost of development and maintenance and for property taxes of the reserved land.
 - 2) If appropriate, the individual property owner's pro rata share of development costs, maintenance cost and property taxes of the reserved land.
 - c. Land designed for public use shall not be subdivided for any other purpose. This prohibition does not apply to land areas designated for later development if the Subdivision Plan includes provision for development in discrete stages.
 - d. Any area designated for common use shall be so arranged that each property owner has access to it.

H. Open Space Subdivisions

- 1. It is the policy of the Town of Greenwood to encourage the development of open space subdivisions in order to preserve a sense of space, provide for, forestry, and recreational land uses, preserve other resources identified in the Town of Greenwood Comprehensive Plan, and blend new development with the traditional open and wooded landscapes of Greenwood.

This standard is intended to implement that policy by providing incentives that afford flexibility in road and lot layout and design and road frontage requirements to the landowner. It also allows the Board to waive or reduce certain otherwise applicable standards and provisions of this Ordinance and other Town of Greenwood Ordinances if such landowners commit to the permanent preservation of important open space resources. These incentives are designed to encourage greater flexibility and more innovative approaches to development and environmental design which will promote the most appropriate use of land, preservation of permanent open space, or forest land,

important natural features, wildlife habitat, water resources, ecological systems, and historic and scenic areas for the benefit of present and future residents will be accomplished.

2. An open space subdivision achieves the purposes of this performance standard by reducing the lot size, frontage and setback requirements. It locates structures and accompanying uses in those areas where they have the smallest impact on identified environmental, wildlife, forest, and other open space resources. These resources are then permanently preserved by the use of covenants and restrictions or conservation easements.
3. An applicant may apply for approval of an open space subdivision either after sketch plan review of a conventional subdivision or by initially filing an application for an open space subdivision. In either case, the Board shall review the application in accordance with Title 30-A M.R.S.A. Section 4404 and this Ordinance.

a. Pre-application Procedure

- 1) Any applicant for a subdivision with open space is encouraged, but not required, to submit at the pre-application stage a complete build out plan for the entire parcel.

b. Application Procedure

- 1) Required Plans: The submissions for a subdivision with open space shall include all plans and materials required for a conventional subdivision under this Ordinance.

c. General Requirements

In Board review and approval of a subdivision with open space, the following requirements shall apply and shall supersede any inconsistent or more restrictive provisions of this Ordinance and other Town of Greenwood Ordinances.

1) Allowable Density

- a) Allowable density shall be based upon one of the following methods as determined by the applicant:

- (1) Net residential density method which is calculated in the following manner: Determine the net residential acreage of the parcel by taking the total area of the parcel and subtracting in order the following:
 - (a) area in proposed rights-of-way;
 - (b) area of two or more contiguous acres with sustained slopes of 20% and greater;
 - (c) area of wetlands identified as Class I, II and III under the Natural Resource Protection Act;
 - (d) area shown to be in floodway as designed in the Flood Boundary and Floodway Map prepared by the Federal Emergency Management Agency; and
 - (e) area of the lot covered by surface waters.

Then divide the buildable area by the minimum lot size required.

- (2) Simplified method, which is calculated in the following manner:
Determine the number of allowable dwelling units by taking eighty-five (85) percent of the total lot area divided by the minimum lot size requirement.

- b) The Board may grant a density bonus of one (1) lot or dwelling unit for each ten (10) lots or dwelling units when it makes a written finding that the open space subdivision satisfies the policies of the comprehensive plan, achieves the applicable purposes contained in Section H.1. and provides for adequate subsurface wastewater disposal.

2) Layout and Siting Standards

In planning the location and siting of residential structures in a subdivision with open space, priority should be given to the preservation of the open space for its natural resource value. Structures and other disturbed areas shall be located and sited on the least valuable natural resource portion of a parcel, taking into account the contours of the land and the steepness of slopes.

The building lots on a parcel shall be laid out and the residential structures shall be sited according to the following principles. The Board in its discretion shall resolve conflicts between these principles as applied to a particular site.

- a) In such manner that the boundaries between residential lots and commercial forest land, and/or wildlife habitats are well-buffered by vegetation, topography, roads or other barriers in order to minimize potential conflict between residential and agricultural and forestry uses.
- b) Lots and/or structures will be oriented with respect to scenic vistas, natural landscape features, topography and natural drainage areas, in accordance with an overall plan for site development.

3) Space Standards

- a) Shore frontage and shore setback requirements shall not be reduced below the minimum shore frontage or shore setback required in the Town of Greenwood Shoreland Zoning Ordinance.
- b) The required minimum land area per dwelling unit for the building envelope may be reduced to 20,000 square feet. The Board may further reduce this standard when the development will be served by a central sewage treatment system.

The building envelope shall contain a minimum of 20,000 square feet of land area which does not include 100-year floodplains, areas of two or more acres of sustained slopes greater than 20 percent, or wetlands as defined by the Natural Resource Protection Act. If the lot area is reduced, the total open space in the development shall equal or exceed the sum of the areas by which the building lots are reduced below the minimum lot

area normally required in the district.

- c) Minimum road frontage requirements contained in other ordinances may be waived or modified by the Board provided that:
 - (1) Any applicable provisions regarding roads in Subsection 4. below are satisfied; and
 - (2) No individual lot or dwelling unit shall have direct vehicular access onto a public road existing at the time of development.

4) Roads

The Board shall require private roads and common driveways to comply with the design standards set forth in Section VIII.L, except as provided in Subsection 4.a. below.

- a) Travelways and shoulders of privately-owned roads and common driveways within open space subdivisions shall meet the following minimums:
 - (1) Common driveways serving 2 or fewer dwelling units: 12 foot travel way.
 - (2) Roads serving 3 to 10 units: 16 foot travel way and 4 foot shoulders.
 - (3) Roads serving 11 to 50 units: 20 foot travel way and 4 foot shoulders.

5) Open Space Requirements

In Board review and approval of a subdivision with open space, the following requirements shall apply and shall supersede any inconsistent or more restrictive provision of this Ordinance.

- a) Open Space Uses. On all parcels, open space uses shall be appropriate to the site. Open space should include natural features located on the parcel(s) such as, but not limited to, forested land and wildlife habitat. Open space shall be preserved and maintained subject to the following, as applicable:
 - (1) On parcels that contain significant portions of land suited to commercial forestry, open space shall be preserved for forestry, other compatible open space uses such as wildlife habitat, recreation (active or passive), and resource conservation.
 - (2) When the principal purpose of preserving portions of the open space is the protection of natural resources such as wetlands, steep slopes, wildlife habitats, and stream corridors, open space uses in those portions may be limited to those which are no more intensive than passive recreation.
- b) Notations on Plan. Open space, common lands, roads or facilities must be clearly labeled on the final plan as to its use or uses with respect to the portions of the open space that such use or uses apply, ownership,

management, method of preservation, and the rights, if any, of the owners in the subdivision to such land or portions thereof. The plan shall clearly show that the open space land is permanently reserved for open space purposes, and shall contain a notation indicating the book and page of any conservation easements or deed restrictions required to be recorded to implement such reservations.

- c) **Ownership of Open Space Land.** Open space land may be held in private ownership; or owned in common by a Homeowners' Association (HOA); transferred to a nonprofit organization such as a conservation trust, or association, acceptable to the Board; or held in such other form of ownership as the Board finds adequate to achieve the purposes set forth in subparagraph 2.a and b above and under the other requirements of this Section. The Board shall, in its review, require as a condition of approval provisions for the ongoing maintenance and associated costs for such maintenance of the open space.

6) **Homeowners' Associations or Agreements**

Where any portion of a subdivision is proposed or required to be held in common by owners of lots, or owned in common by a Homeowners' Association (HOA) or similar entities, covenants for mandatory membership in the association setting forth the owners' rights, interest, privileges, responsibilities for maintenance, and obligations in the association and the common land, road or open space shall be approved by the Board and included in the deed for each lot.

I. Storm Drainage

Adequate provision shall be made for disposal of all storm water generated within the subdivision through a management system of ditches, swales, culverts, underdrains, and/or storm drains. The storm water management system shall be designed to conduct storm water flows to existing watercourses or storm drains.

1. All components of the storm water management system shall be designed to meet the criteria of a 25-year storm.
2. Outlets shall be stabilized against soil erosion by stone riprap or other suitable materials to reduce storm water velocity.
3. The storm water management system shall be designed to accommodate upstream drainage, taking into account existing conditions and approved or planned developments not yet built and shall include a surplus design capacity factor of 25% for potential increases in upstream runoff.
4. Downstream drainage requirements shall be studied to determine the effect of the proposed subdivision. The storm drainage shall not overload existing or future planned storm drainage systems downstream from the subdivision. The subdivider shall be responsible for financing any improvements to existing drainage systems required to handle the increased storm flows.

J. Erosion and Sedimentation Control

Erosion soil and sedimentation of watercourse and water bodies shall be minimized. The following measures shall be included, where applicable, as part of subdivision review and approval.

1. Stripping of vegetation, regrading or other development shall be done in such a way as to minimize erosion.
2. Development shall keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and so as to adequately handle surface water runoff.
3. The disturbed area and the duration of exposure of the disturbed area shall be kept to a practical minimum.
4. Disturbed soils shall be stabilized as quickly as practical. Temporary mulch will be placed on all disturbed areas where seeding or other construction or stabilization activities will not take place for over 14 consecutive days.
5. Temporary vegetation or mulching shall be used to protect exposed critical areas during development.
6. The permanent (final) vegetation and structural erosion control measure shall be installed in the time periods contained in the erosion and sediment control plan.
7. Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or other acceptable methods.
8. Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his or her expense.
9. Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.
10. The standards set forth in the Maine Erosion and Sediment Control Handbook for Construction, Best Management Practices (March 1991 and as amended) shall be employed.

K. Greenwood Road Traffic Conditions

1. Where a subdivision will be accessed from the Greenwood Road common access or shared driveways will be developed.
2. A subdivision to be accessed by the Greenwood Road shall be limited to one (1) access point for the first lot and one (1) additional access point for each 300 feet of frontage beyond the first lot.
3. 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 unless other factors make it not practical.

L. Streets and Roads

1. Off site streets serving a proposed subdivision shall be in such condition and have the capacity to safely carry the traffic associated with the proposed subdivision. In making a determination that off site streets serving a proposed subdivision are in such condition and have the capacity to safely carry the traffic associated with the proposed subdivision the Board shall consider the following.
 - a. Subdivisions that will gain access via public streets or public easements closed to winter maintenance shall be prohibited unless the subdivider shall finance the cost of the necessary improvements to make the street or public easement suitable for winter maintenance. Such improvements shall be made by the Town or a contractor selected by the Town. The Board shall base the needed improvements upon the recommendation of the Inspecting Official.
 - b. Subdivisions that will gain access via public roads or private roads that are deemed by the Inspecting Official not to have adequate capacity to carry traffic associated with the proposed subdivision shall be prohibited unless the subdivider undertakes the necessary improvements to make the street suitable for the anticipated traffic. In determining adequate capacity the inspecting Official shall consider provisions for two way traffic, safe access by emergency vehicles and all season use. The Board shall base needed improvements to provide adequate capacity upon the recommendation of the Inspecting Official. This Section shall not be interpreted to require improvements to comply with Section VIII.L.3.
2. The design of proposed streets shall be in harmony and conformance with existing and proposed streets. Street patterns shall give due consideration to contours and natural features. Every proposed street whether to be offered for town acceptance or to remain private shall be laid out and constructed as required by the following.
 - a. **Existing Street Extended:** Existing streets shall be extended at the same or greater width and in no case shall they be extended at less than the original width.
 - b. **Street Names:** Street names require the approval of the Board of Selectmen. Streets that are obviously in alignment with streets already existing and named, shall be given the name of the existing street. Names of new streets shall not duplicate or closely approximate those of existing streets.
 - c. **Intersections:** All street intersections shall be at angles as close to ninety (90°) degrees as possible. In no instances shall street intersections be at an angle less than sixty (60°) degrees.
 - d. **Curb Line Radius:** The curb line radius at street intersections shall be at least 25 feet. Where the angle of the street intersects is less than ninety (90°) degrees, a longer radius may be required.
 - e. **Dead-end or Cul-de-sac Streets:** Dead-end or cul-de-sac streets shall be provided at the closed end with a turn-around having a property line radius of at least 60 feet with an outside pavement radius of at least 40 feet.
 - f. **Drainage:** Adequate provision shall be made for disposal of all surface water and underground water through ditches, culverts, underdrains, and/or storm water drainage systems. Provisions must be made for natural watercourses.

- g. **Catch Basins:** Catch basins (of standard design) shall be built where necessary and culverts of proper size and capacity will be installed at all watercourses with necessary headers.
- h. **Culverts:** Culverts will be tarred, galvanized, corrugated steel, concrete, aluminum, ABS, or corrugated plastic. Culverts shall be sized to accommodate anticipated flows.
- i. **Slopes and Ditches:** Slopes and ditches shall slope away from the shoulders of the road at a ratio of at least three (3) horizontal feet to one (1) vertical foot and never steeper than 2 to 1. In cases where this is not possible or practical as where the roadway cuts through the side of a hill, all cuts shall be made so that adjacent slopes will not slide. The tops and sides of all cuts shall be cleared of all trees, stumps and boulders for an adequate distance to as to prevent such material from sliding into the ditches. Banks will be loamed, seeded, and mulched.
- j. **Driveway Entrances:** Subdivisions with lots fronting on existing arterial and collection streets shall minimize the number of driveways entering such streets. The Planning Board shall require shared driveways, marginal access streets or other acceptable technique to minimize the number of driveway entrances upon such streets.
- k. **Sidewalks:** The Board shall have the authority to designate whether sidewalks shall be required. Where the Planning Board requires the installation of sidewalks they shall meet these minimum requirements.
 - 1) Bituminous Sidewalks
 - a) The gravel aggregate sub-base course shall be no less than 10 inches thick.
 - b) The crushed aggregate base course shall be no less than 2 inches thick.
 - c) The hot bituminous pavement surface course shall be no less than 2 inches after compaction.
 - 2) Portland Cement Concrete Sidewalks
 - a) The sand base shall be not less than 6 inches thick.
 - b) The Portland Cement concrete shall be reinforced with 6 inch square, number 10 wire mesh and shall be no less than 4 inches thick. [5/26/05]
- l. **Utilities:** Longitudinal runs of water and/or sewer mains shall be laid outside of the travel lanes and clear of any present or designated sidewalks. Utility poles shall be so placed that any present or designated sidewalks may be contained within the boundaries of the street or way without obstructions by poles or appurtenances.
- m. **Intersections:** Where new road intersections or driveway curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below. Sight distances shall be measured from the driver's seat of a vehicle that is 10 feet behind the curb or edge of shoulder line with the height of the eye 3 ½ feet above the pavement and the height of object 4 1/4 feet.

Posted/Legal Speed Limit (MPH)	25	30	35	40	45	50
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Sight Distance (Feet)

155 200 305 360 425 495

3. **Classification of Streets:** In all new subdivisions, streets shall be classified as provided in Subsection d.
- a. The classification shall be based upon the projected volume of traffic to be carried by the street, stated in terms of the number of trips per day.
 - b. The number of dwelling units to be served by the street may be used as a useful indicator of the number of trips but is not conclusive.
 - c. Whenever a subdivision street continues on an existing street that formerly terminated outside the subdivision or it is expected that a subdivision street will be continued beyond the subdivision at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision.
 - d. The classification of streets shall be as follows.
 - 1) **Local.** A street whose function is to provide access to abutting properties and which may also collect traffic from minor streets that intersect it. A local street shall not be allowed when the Average Daily Traffic (ADT) volume will exceed 500. Local streets shall be designed or designated to exclude external through traffic which has neither origin or destination on the local street or on its tributary minor streets.
 - 2) **Collector.** A street whose principle function is to carry traffic for residential streets to higher order streets. Average Daily Traffic (ADT) shall not exceed 3,000. If the street exceeds 3,000 ADT, the municipality upon recommendation from an engineer shall determine the required design standards.
 - 3) **Other Streets.** Streets proposed to service uses such as retail, office or industrial shall be designed by a Professional Engineer based upon detailed traffic analysis.

4. **Construction Standards**

	Item	Collector	Local
a.	Minimum width of right-of-way	60 ft.	60 ft.
b.	Minimum width of pavement	24 ft.	20 ft.
c.	Minimum grade	.5%	.5%
d.	Maximum grade	8%	12% ¹
e.	Maximum grade at intersections	3% within 100 ft. of intersection	
f.	Minimum angle of intersections	60°	60°
g.	Width of shoulders (per shoulder)	5 ft.	4 ft.

	Item	Collector	Local
h.	Minimum center line radii on curves	200 ft.	200 ft.
I.	Minimum tangent length between reverse curves	200 ft.	100 ft.
j.	Minimum thickness of street materials		
	Subbase-maximum size stone 8"	18 in.	12 in.
	Upper base-maximum stone 3"	6 in.	4 in.
	Surface course-maximum stone 3/4"	2 in.	2 in.
k.	Road crown (minimum)	4"/10'	4"/10'
l.	Sidewalk width (where required)	4'	4'
m.	Property line radii (intersections)	15 ft.	10 ft.
n.	Travel surfaces of all roads constructed on slopes over 12% shall be paved with 2-inch of bituminous pavement.		
o.	All Roads or streets designated for acceptance as Town roads and privately owned roads serving more the 10 dwelling units shall be paved with a minimum of 2 inches of bituminous pavement.		
p.	Curb radii at intersection (90°)	25 ft.	25 ft.
	Less than 90° intersections	30 ft.	30 ft.
q.	Minimum distance between intersections	200 ft.	200 ft.

¹12% except that maybe up to 14% for no more than 300 feet per road if paved.

5. **Gravel Surface Streets:** The Selectmen, with advice from the Road Commissioner and Board, shall review requests for gravel surfaced roads. In reviewing requests for gravel surfaced roads, the following requirements shall be met, in addition to all other design standards.
 - a. The area has a low development density. Lots of more than 2 acres in size and/or less than 20 lots or dwelling units per development.
 - b. Dust from the road surface will not adversely effect adjacent properties.
 - c. The surface materials must support the traffic loads without detrimental deformation.
 - d. The surface materials must be capable of withstanding the abrasive action of traffic.
 - e. The surface materials shall shed rain which falls on the surface.
 - f. The surface material shall possess capillary properties in amounts sufficient to replace the moisture lost by surface evaporation.
6. **Privately-Owned Roads:** Where subdivision roads are to remain private roads, the following will be met in addition to the design standards above.

- a. **Maintenance.** The subdivider shall demonstrate to the satisfaction of the Board that the private road will be properly maintained. The subdivider shall provide the proposed Road Owners Association Bylaws that defines the minimum requirements for road maintenance and how cost will be shared among the lot owners.
- b. **Deed Restriction.** The subdivider shall cause each property deed to clearly state that the road is a private road, and the Town of Greenwood will not be responsible for maintaining or plowing.
- c. **Plan Condition.** The recorded subdivision plat shall clearly state that such road is private and shall not be accepted as a public street.

M. Mobile Home Parks

1. Except as stipulated below, mobile home parks shall meet all the requirements for a residential subdivision, and shall conform to all applicable State laws and local ordinances or regulations. Where the provisions of this section conflict with specific provisions of this Ordinance, the provisions of this section shall prevail.
2. Lot Area and Lot Width Requirements: Notwithstanding the dimensional requirements located in Section VIII.O of this Ordinance, lots in a mobile home park shall meet the following lot area and lot width requirements.
 - a. Lots served by individual subsurface waste water disposal systems:

Minimum lot area:	20,000 sq.ft.
Minimum lot width:	100 ft.
Minimum front setback	50 ft.
Minimum side and rear setback	25 ft.
 - b. Lots served by a central subsurface waste water disposal system approved by the Maine Department of Human Services:

Minimum lot area:	12,000 sq.ft.
Minimum lot width:	75 ft.
Minimum front setback	50 ft.
Minimum side and rear setback	15 ft.
 - c. The overall density of any park served by any subsurface waste water disposal system shall not exceed one dwelling unit per 20,000 sq.ft. of total park area.
 - d. Lots located within any shoreland zoning district shall meet the lot area, lot width and shore frontage requirements for that district.
 - e. No lot in a mobile home park may have vehicular access directly onto an existing public street, unless a new street is constructed to town standards to serve the mobile home park and accepted as a public street.
3. Street Design, Circulation and Traffic Impacts: Streets within a park shall be designed

by a Professional Engineer, registered in the State of Maine.

- a. Streets which the applicant proposes to be dedicated as public ways shall be designed and constructed in accordance with the standards for streets in Section 8.N. of this Ordinance.
 - b. Streets which the applicant proposes to remain private ways shall meet the following minimum geometric design standards.
 - 1) Minimum right-of-way width: 23 feet
 - 2) Minimum width of traveled way: 20 feet
 - c. Any mobile home park expected to generate average daily traffic of 200 trips per day or more shall have at least two street connections with existing public streets. Any street within a park with an average daily traffic of 200 trips per day or more, shall have at least two street connections leading to existing public streets, other streets within the park or other streets shown on an approved subdivision plan.
 - d. The intersection of any street within a park and existing public street shall meet the following standards.
 - 1) Angle of Intersection. The desired angle of intersection shall be 90°. The minimum angle of intersection shall be 85°.
 - 2) Maximum grade within 75 feet of intersection. The maximum permissible grade within 75 feet of the intersection shall be 2%.
 - 3) Minimum Sight Distance. The minimum sight distance shall comply with Section VII.L.2.m.
 - 4) Distance from Other Intersections. The center line of any street within a park intersecting an existing public street shall be no less than 125 feet from the center line of any other street intersecting that public street.
4. No development or subdivision which is approved under this section as a mobile home park may be converted to another use without the approval of the Planning Board, and meeting the appropriate lot size, lot width, setback and other requirements. The plan to be recorded at the Registry of Deeds and filed with the municipality shall include the following restrictions as well as any other notes or conditions of approval.
- a. The land within the park shall remain in an unified ownership and the interest to individual lots or portions of lots shall not be transferred.
 - b. No dwelling unit other than a manufactured housing unit shall be located within the park.

N. Archaeological Sites

Any proposed subdivision activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least 20 days prior to action

being taken by the Board. The Board shall consider comments received from the Commission prior to rendering a decision on the application.

O. Historic Locations

The Board shall consider the proposed subdivision's impacts on historic buildings and sites as identified in the Greenwood Comprehensive Plan. When a proposed subdivision will include a historic building or site the applicant will design the subdivision to minimize the impacts on the historic building or site.

P. Scenic Locations

The Board shall consider the existence of a scenic site or view location as identified in the Town of Greenwood Comprehensive Plan and the impact of the proposed subdivision on such a site or view. The Board may require the placement or visual qualities of structures on lots in such locations so to minimize the negative impacts of the subdivision on such sites and views

Q. Phosphorous Export

Phosphorus, a natural nutrient, stimulates algal growth that causes a significant decline in water quality. The primary source of new and increasing phosphorus loads in Maine lakes is development-residential, commercial, and industrial. Its impact on water quality is extremely long term. The following phosphorus control measures were created and designed to address this concern.

1. Subdivisions proposed within the direct watershed of a lake or pond listed below shall be designed to limit phosphorus runoff to the levels defined below.

Post Development Phosphorous Export by Watershed

Lake Name	Lake Protection Level	Lake Load Allocation (lbs/ppb/yr) ¹	Allowable Phosphorus Export Per Acre (Pounds)
Bryant Pond	High	4.43	0.056
Furlong Pond	Medium	1.76	0.035
Hicks Pond	Medium	27.54	0.027
Indian Pond	High	6.03	0.034
Mud (Twilight) Pond	Medium	3.28	0.035
North Pond	Medium	0.15	0.038
Overset Pond	High	0.86	0.034
Pennesseewassee Lake	High	13.88	0.031
Sebago Lake	High	33.75	0.095
South Pond	High	35.70	0.030
Twitchell	High	11.97	0.033

¹ The pounds per year of phosphorus from the watershed that would produce an increase in phosphorus concentration by more than 1.0 parts per billion.

² The Board shall keep an accurate record of subdivision approvals granted by watershed using an appropriate record keeping system, and shall review actual development rates and recommend adjustments to the table at two year intervals.

2. Phosphorus export from a proposed subdivision shall be calculated according to the procedures defined in “Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development” (Maine DEP et.al., September 1989 with revision in 1992 and as may be amended). Copies of all worksheets and calculations shall be submitted to the Board.
3. Phosphorus control measures shall meet the design criteria contained in “Phosphorus Control in Lake Watersheds: A Technical Guide for Reviewing Development” (Maine DEP et al., September 1989 with revisions in 1992 or as may be amended). The Board shall require the reasonable use of vegetative buffers, limits on clearing, and minimizing street lengths, and shall encourage the use of other nonstructural measures prior to allowing the use of high-maintenance structural measures such as infiltration systems and wet ponds.

R. Protection of Significant Wildlife Habitat

Applicants proposing to subdivide land in or within seventy-five (75) feet of significant wildlife resources or fisheries habitats identified by the Maine Department of Inland Fisheries and Wildlife shall consult with a recognized wildlife or fisheries consultant or the Maine Department of Inland Fisheries and Wildlife and provide their written comments to the

Planning Board. The Board shall consider any recommended measures provided to minimize impacts on such habitats. Any conditions to the approval to wildlife or fisheries habitat preservation shall appear on the plan and as deed restrictions to the affected lots.

- S. The Board shall consider the existence of endangered or threatened plants as may be identified by the Maine Natural Areas Program. As a condition of approval the Board may require the applicant to undertake protective measures as recommended by the Maine Natural Areas Program.

SECTION IX. Waiver and Modification of This Ordinance

- A. Where the Board finds that extraordinary and unnecessary hardships may result from strict compliance with this Ordinance, or where there are special circumstances of a particular plan, it may waive any provision of this Ordinance provided that such waiver will not have the effect of nullifying the purpose of this Ordinance, the Town of Greenwood Comprehensive Plan, or any other ordinance or law.
- B. In granting any waiver, the Board shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so waived.

SECTION X. Performance Bond

- A. Prior to approval of a Final Plan, the Board may require that the subdivider file with the Board a performance guarantee in an amount sufficient to defray all expenses of the proposed public improvements. This may be tendered in the form of a certified check payable to the Town of Greenwood, or a performance bond running to the Town of Greenwood and issued by a surety company acceptable to the Town of Greenwood. The conditions and amount of such certified check or performance bond shall be determined by the Board with the advice of the various municipal officers concerned. The amount shall be at least equal to the total cost of furnishing, installing, connecting and completing all of the street grading, paving, storm drainage, and utilities or other improvements specified on the plan within two years of the date of the certified check or performance bond.
- B. The Board may recommend a maximum extension of twelve (12) months to the guaranteed performance period when the subdivider can demonstrate, to the satisfaction of the Board and the municipal officers, good cause for such extension. Such recommendation shall be referred to the Board of Selectmen for official action.
- C. Upon approval of the Final Plan, the Board may, at its discretion, waive the requirements of a performance bond, under the condition that no lot in the subdivision may be sold and no permit shall be issued for construction of any building on any lots in the subdivision until it shall have been certified in the manner set forth in Section XI, that all improvements have been made. The Board shall set a reasonable completion date for said improvements, and approval of a Final Plan shall be voided if said improvements are not completed within the specified time. The Board may, upon request from the subdivider, extend the completion date.
- D. Before a subdivider may be released from any obligation requiring a guarantee of performance, the Board will require certification from the various municipal officers

(Inspecting Official, Selectmen, Road Commissioner, Fire Chief) to the effect that all improvements have been satisfactorily completed in accordance with all applicable standards (state, federal and local codes, ordinances, laws and regulations).

SECTION XI. Inspection of Required Improvements

- A.** At least five days prior to commencing each major phase of construction of required improvements, the subdivider or builder shall notify the Code Enforcement Officer in writing of the time when he proposes to commence construction of such improvements, so that the Municipal Officers can cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.
- B.** If the Inspecting Official finds, upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, he shall so report in writing to the Municipal Officers, Planning Board, and the subdivider or builder. The Municipal Officers shall take any steps necessary to preserve the municipality's rights.
- C.** If at any time before or during the construction of the required improvements, it appears to be necessary or desirable to modify the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The Inspecting Official shall issue any approval under this section in writing and shall transmit a copy of the approval to the Board. Revised plans shall be filed with the Town. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 1%, etc., the subdivider shall obtain permission to modify the plans from the Board.
- D.** At the close of each summer construction season, the Town shall, at the expense of the subdivider, shall have the site inspected by the Inspecting Official. By December 1 of each year during which construction was done on the site, the Inspecting Official shall submit a report to the Board based on that inspection, addressing whether storm water and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate to do the job they were designed for. The report shall also include a discussion and recommendations on any problems which were encountered.
- E.** Prior to the sale of any lot, the subdivider shall provide the Board with a letter from a Registered Land Surveyor, stating that all monumentation shown on the plan has been installed.
- F.** Upon completion of street construction and prior to a vote by the Municipal Officers to submit a proposed town way to a town meeting, a written certification signed by a professional engineer registered in the State of Maine shall be required by the Municipal Officers at the expense of the applicant, certifying that the proposed town way meets or exceeds the design and construction requirements. "As built" plans shall be submitted to the Municipal Officers.
- G.** The subdivider or builder shall be required to maintain all improvements and provide for snow removal on streets and sidewalks and maintenance until acceptance of the improvements by the municipality.

SECTION XII. Plan Revisions After Approval

No changes, erasures, modifications or revisions shall be made in any Subdivision Plan after Final Plan approval has been given by the Board and endorsed in writing on the plan, unless the plan is first resubmitted and the Board approves any modifications. In the event that the Subdivision Plan is recorded without complying with this requirement, the plan shall be considered null and void, and the Board shall institute proceedings to have the plan stricken from the records of the Selectmen and the Registry of Deeds.

SECTION XIII. Initiation of Development Within Two Years

If construction of the public improvements are not begun within two years from the approval date, the approval shall lapse and the applicant shall reapply to the Board for a new approval. Reapplication for approval shall state the reasons why construction was not begun and the reasons why the applicant will be able to begin the activity within two years from the granting of a new approval, if granted. Reapplication for approval shall require the submission of all information and fees required by this ordinance.

SECTION XIV. Validity, Effective Date and Conflict of Ordinances

- A. 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, and to this end, the provisions of this Ordinance are hereby declared to be severable.
- B. This Ordinance shall take effect and be in force from and after the date of its official adoption.
- C. This Ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulations, bylaw, permit or provision of law. Where this Ordinance imposes a higher standard for the promotion and protection of health and safety, the provisions of this Ordinance shall prevail.

SECTION XV. Amendments

This Ordinance may be amended by a majority vote of the Town Meeting. Amendments may be initiated by a majority vote of the Board or by request of the Board of Selectmen to the Board or on petition of 10% of the votes cast in the last gubernatorial election in the Town. The Board shall conduct a public hearing on any proposed amendment.

SECTION XVI. Appeals

An appeal may be taken within thirty (30) days from the Board's final decision on the Preliminary or Final Plan by any party to Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

SECTION XVII. Definitions

In general, words and terms used in these regulations shall have their customary dictionary meanings. More specifically, certain words and terms used herein are defined as follows:

Arterial Street: A major thoroughfare which serves as a major traffic way for travel between and through the municipality.

Common Driveway: A vehicle access way serving two lots or dwellings.

Direct Watershed of Lake or Pond: Any land area that contributes stormwater runoff either by direct surface water or subsurface flow to a great pond without such runoff traveling through another great pond.

Driveway: A vehicle access way serving one lot or dwelling.

Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes, but not recreational vehicles.

Farm Road: A route or track consisting of a bed of exposed mineral soil, gravel or other surfacing material constructed for or created by the repeated passage of motorized vehicles and use primarily for farming activities, including crop management and harvesting.

Fresh Water Wetland: Means fresh water swamps, marshes, bogs and similar areas which are:

- A. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and
- B. Not considered part of great pond, river, stream or brook.

These areas may contain small stream channels or inclusions of land that do not conform to the criteria.

Historic Building/Site: Building and sites on the National Register of Historic Places, identified as of historic importance in the Greenwood Comprehensive Plan.

Inspecting Official: An individual appointed by the Selectmen to inspect streets and other improvements during construction.

Lot Line: A line of record bounding a lot that divides one lot from another lot.

Lot Line, Front: The lot line separating a lot from the street right-of-way.

Lot Line, Rear: The lot line opposite and most distance from the front lot line.

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

Logging Road: A route or track consisting of a bed of exposed mineral soil, gravel or other surfacing material constructed for or created by the repeated passage of motorized vehicles and used primarily for forest management activities, including associated log yards and winter haul roads.

Manufactured Housing Unit: Structures, transportable in one or more sections which were constructed in a manufacturing facility and are transported to a building site and designed to be used as dwellings when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein.

Mobile Home Park: A parcel of land under unified ownership designed and/or used to accommodate three or more manufactured housing units.

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

Open Space Development: A subdivision in which the lot sizes are reduced below those normally required which in return for the provision of permanent open space owned in common by lot/unit owners, the Town, or a land conservation organization.

Privately Owned Road/Street: A street not maintained by the Town of Greenwood and/or State of Maine

Public Road/Street: A street maintained by the Town of Greenwood and/or State of Maine.

Setback: The horizontal distance from a lot line or street right-of-way to the nearest part of a building or structure.

Stream, River or Brook: River, stream or brook means a channel between defined banks. A channel is created by the action of surface water and has two (2) or more of the following characteristics.

- A. It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topography map or if that is not available, a 15-minute series topography map.
- B. It contains or is known to contain flowing water continuously for a period of at least 3 months of the year in most years.
- C. The channel bed is primarily composed of material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water.
- D. The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present, in the stream bed.
- E. The channel bed contains aquatic vegetation and is essentially devoid of upland vegetation.

River, stream or brook does not mean a ditch or other drainage way constructed and maintained solely for the purpose of draining storm water or a grassy swale.

Street: A vehicular way providing access to three or more lots or dwellings. The term does not include driveways, common driveways, farm roads or logging roads.

Structure: Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily or permanently located, such as decks and satellite dishes.

Subdivision: A subdivision shall mean the division of a tract or parcel of land as defined in Title 30-A M.R.S.A. Section 4401 and as hereafter amended.

Traditional Subdivision Layout: A subdivision design that creates individual lots without common open space or consideration of the parcel's natural features.

SUBORDAMENDFINAL 10.18.05