2018

Town of Hiram Maine Ordinances

Hiram, Me.

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Town of Hiram

Dog Ordinance

Adopted August 10, 2006

I, Marylou F. Stacey, Town Clerk for the Town of Hiram, hereby attest this copy to be a true copy of the complete Dog Ordinance adopted by the Town on August 10, 2006 at the Special Town Meeting.

S/
Marylou F. Stacey
Town Clerk, Town of Hiram
TOWN OF HIRAM

DOG CONTROL ORDINANCE

SECTION 1. PURPOSE

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

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

A. “DOG” shall mean both male and female whether neutered or not.

B. “OWNER” shall mean any person, firm, association or corporation owning, keeping or harboring a dog.

C. “AT LARGE” shall mean off the premises of the owner and not being under the control of any person by means of personal presence and attention, or ability to manipulate and command the conduct of the dog.

D. “DANGEROUS DOG” shall mean a dog which has bitten a person who was not a trespasser on the owners premises at the time of the incident; or a dog which causes a reasonable person acting in a peaceable manner outside the owners premises, to be put in apprehension of eminent bodily harm.

SECTION 3. LICENSE REQUIRED

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

SECTION 4: DISTURBING THE PEACE

It shall be unlawful for anyone owning, possessing or harboring a dog to cause or permit such dog to disturb the peace of any person. Any owner or keeper causing or permitting a dog to bark, howl, or yelp continuously for twenty (20) minutes or intermittently for one (1) hour or more shall be in violation of this section.

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

SECTION 5. RUNNING AT LARGE

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

Adopted 8-10-2006
SECTION 6. CONFINEMENT OF CERTAIN DOGS

A: It shall be unlawful for the owner or keeper of a female dog to cause or permit such dog to be beyond the owner’s premises at any time while the dog is in heat unless such dog is restrained with a leash, cord, or chain which shall not be more than eight (8) feet long by the owner or agent.

B. Any person who is assaulted by a dog without provocation or any person witnessing an unprovoked assault against a person or domesticated animal may file a written complaint with a Police Officer or Animal Control Officer that the dog is dangerous or vicious.

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

SECTION 7. IMPOUNDING

Any Police Officer, Animal Control Officer or Constable within the Town of Hiram shall seize, impound, or restrain any dog violating this ordinance or State law. A dog found in violation of Section 5 shall be delivered to the owner when possible if the owner or keeper can be determined, and is readily available to take possession of the dog.

When a dog of known ownership is found in violation of Section 5 three (3) or more times in a six (6) month period, an Animal Control Officer or person acting in that capacity, may take the dog to the animal shelter and notify the Owner in accordance with Section 8.

SECTION 8. IMPOUNDMENT

When impounding any dog, the Animal Control Officer or Police Officer shall at the time of such impoundment list a number and description of violation(s), make a complete registry of the date of impoundment, breed, color, sex and general condition of the dog as can be reasonably ascertained.

A copy of this registry shall be furnished to a shelter designated by the Town of Hiram with written instructions setting forth conditions under which the dog may be released.

When a dog is impounded under the provisions of this Article, the Animal Control Officer, Police Officer, or person in control of the Animal Shelter shall when possible, notify the owner or keeper if can be ascertained. Failure to give such notice shall in no way impose any liability upon the Town of Hiram or its designated animal shelter for the destruction or transfer to another of any dog so impounded and not reclaimed.

If the owner does not claim the dog within six (6) days following impoundment then the animal shelter may dispose of the animal by adoption or otherwise in a proper and humane manner consistent with State laws.

Adopted 8-10-2006
SECTION 9. IMPOUNDMENT FEES

Owners may reclaim their dog by first licensing, if applicable, according to Town regulation and by paying to the town a fee of thirty dollars ($30) for each offense. The owner will also be responsible for any additional costs incurred by the Animal Shelter prior to reclamation. Fees must be paid and a receipt of same presented to the shelter prior to the release of dog. All fees to be deposited in the separate account as required by M.R.S.A. 7, Section 3945.

SECTION 10. ENFORCEMENT

It shall be the duty of all Law Enforcement to enforce all the provisions of this Ordinance. Further, there shall be appointed an Animal Control Officer(s) who shall have the prime responsibility of enforcing this Ordinance.

SECTION 11. PENALTIES

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

SECTION 12. SEVERABILITY CLAUSE

If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

SECTION 13. AMENDMENTS

This Ordinance may be amended by a majority vote of any legal Town Meeting when such amendment is published in the warrant calling for the meeting.

SECTION 14. EFFECTIVE DATE

This Ordinance shall be in full force and effect when enacted.
TOWN OF HIRAM

SHORELAND ZONING ORDINANCE

Adopted at the Annual Town Meeting
March 3rd, 2001

Amended
Annual Town Meeting March 2, 2002
Special Town Meeting July 21, 2005
Annual Town Meeting March, 3, 2007
Annual Town Meeting March 6, 2010

I, Marylou F. Stacey, Town Clerk for the Town of Hiram, hereby attest this copy to be a true copy of the complete document as accepted by the Town on March 6, 2010

Marylou F. Stacey
Town Clerk
Town of Hiram
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Shoreland Zoning Ordinance for the Municipality of Hiram, Maine

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 waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

Section 2. Authority
This ordinance has been prepared in accordance with provisions of Title 38 Sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).

Section 3. Applicability
This Ordinance applies to the Shoreland District: all land areas within 250 feet, horizontal distance, of the

- normal high-water line of any great pond, or river
- upland edge of a freshwater wetland

and all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.

This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending over or below the normal high-water line of a water body or within a wetland.

Note: Pursuant to Title 38, Section 440, municipalities may extend or adopt zoning controls beyond the limits established in this section in order to protect the public health, safety, and welfare and to avoid problems associated with flood plain development.

Section 4. Effective Date

(A) Effective Date of Ordinance and Ordinance Amendments
This Ordinance, which was amended by the municipal legislative body on March 6, 2010 shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, attested or Amended Ordinance, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for
approval. If the Commissioner fails to act on this Ordinance within forty-five (45) days of its receipt of the Ordinance, it shall be deemed approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of this Ordinance or Amended Ordinance if the Ordinance or Amended Ordinance is approved by the Commissioner of the Department of Environmental Protection.

(B) Repeal of Municipal Timber Harvesting Regulation. [Amended 3/6/2010]

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 or changed:

- Section 14. Table of Land Uses, Row 3 (Forest management activities except for timber harvesting) and Row 4 (Timber harvesting): the use conditions in the rows to be replaced by the words “State administered, see Section 15(O)”;

- Section 15(O) (Timber Harvesting): Wording in its entirety to be deleted and replaced with the words “Timber Harvesting Standards (see MFS Rule – Chapter 21 Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas) are administered by the State of Maine Department of Conservation’s Bureau of Forestry.”; and

- Section 17. Definitions, the definitions of “Land Management Roads”, “Licensed Forester”, “Residual Basal Area”, “Residual Stand”, “Skid Road or Skid Trail”, and “Slash” are to be deleted.

Section 5. Availability

A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

Section 6. Severability

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

Section 7. Conflicts with Other Ordinances

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any 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 Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner of the Department of Environmental Protection fails to act on any amendment within forty-five (45) days of the Commissioner’s receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

Section 9. Sub-Districts and Shoreland District Map

(A) Official Shoreland District Map

The areas to which this Ordinance is applicable are hereby divided into the following sub-districts as shown on the Official Shoreland District Map(s) which is (are) made a part of this Ordinance:

- Resource Protection Sub-District
- Stream Protection Sub-District
- Village/Residential Sub-District
- Rural Residential Sub-District
- Commercial/Industrial Sub-District

(B) Scale of Map

The official Shoreland District Map shall be drawn at a scale: 1 inch = 1,500 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

Note: Because of map scale or other reason, a municipality may have a series of maps depicting its Shoreland District.

(C) Certification of Official Shoreland District Map

The Official Shoreland District Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the Municipal Office. In the event the municipality does not have a municipal office, the Municipal Clerk shall be the custodian of the map.

(D) Changes to the Official Shoreland District Map

If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Shoreland District Map, such changes shall be made on the Official Shoreland District 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 District 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.

The location of districts, rules for establishing boundaries when uncertainty exists and handling of division of lot boundaries shall be as stated in Articles 2.2-2.4 of the Zoning Ordinance for the Municipality of the Town of Hiram, ME.

Section 11. Land Use Requirements

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

Section 12. Non-conformance

(A) Purpose

It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in Section 12. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

(B) General

Transfer of Ownership

Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this ordinance.

Repair and Maintenance

This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations that do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.
(C) Non-conforming Structures

(1) Expansions

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

(a) After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body or 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, basing its decision on the criteria specified in Section 12(C)(2). Relocation, below. If (i) the completed foundation does not extend beyond the exterior dimensions of the structure, except for conformity with Section 12(C)(1)(a) above, and (ii) 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 the original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.

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

(2) Relocation:

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

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

(a) Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

(b) Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

(3) Reconstruction or Replacement

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or a wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure 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 in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the non-conforming 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 non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained, from the Code Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent the Planning Board shall consider in addition to the criteria in Section 12(C)(2) above, the physical condition and type of foundation present, if any.

(4) Change of Use of a Non-conforming Structure

The use of a non-conforming structure may not be changed to another use unless the Planning Board after receiving 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 may require professional written documentation and shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources, and functionally water-dependent uses. Areas to be considered are described by the Resource Protection
District Section 4.1.2(E) in the Town of Hiram Land Use and Building Ordinances.

(D) Non-conforming Uses

(1) Expansions
Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as allowed in Section 12(c)(1)(a) above.

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

(3) Change of Use
An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12(C)(4) above.

(E) Non-conforming Lots

(1) Non-conforming lots
A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width, and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width, or shore frontage may only 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 (Title 12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

(3) Contiguous Lots – Vacant or Partially Built

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

This provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on the effective date of this Ordinance and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

(a) Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or

(b) Any lots that do not meet the frontage and lot size requirements of Section 12(E)(3)(a) are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

Section 13. Establishment of sub-districts

The land contained within the Shoreland District (see Section 3) is further subdivided into five sub-districts.

(A) Resource Protection Sub-District

The Resource Protection Sub-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 District, exclusive of the Stream Protection Sub-District, except
that areas which are currently developed, and areas which meet the
criteria for the Commercial/Industrial Sub-District, need not be included
within the Resource Protection Sub-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 May 1, 2006
(See Appendix B). For the purposes of this paragraph “wetlands
associated with great ponds and rivers” shall mean areas
categorized by non-forested wetland vegetation and hydric soils
that are contiguous with a great pond or river, and have a surface
elevation at or below the water level of the great pond or river
during the period of normal high water. “Wetlands associated with
great ponds or rivers” are considered to be part of that great pond
or river.

NOTE: The Natural Resources Protection Act, Title 38 M.S.R.A. Sections
480-A through 480-Z, requires the Department of Environmental
Protection to designate areas of “significant wildlife habitat”. Significant wildlife habitat includes:

Habitat for species appearing on the official state or federal lists of
endangered or threatened species; high and moderate value deer
wintering areas and travel corridors as defined by the Department
of Inland Fisheries and Wildlife; high and moderate value
waterfowl and wading bird habitats, including nesting and feeding
areas as defined by the Department of Inland Fisheries and
Wildlife; critical spawning and nursery areas for Atlantic sea run
salmon as defined by the Atlantic Sea Run Salmon Commission;
and shorebird nesting, feeding and staging areas and seabird
nesting islands as defined by the Department of Inland Fisheries
and Wildlife.

(2) Flood plains along rivers and flood plains along artificially formed
great ponds along rivers, defined by the 100 year flood plain as
designated on the Federal Emergency Management Agency’s
(FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary
Maps, or the flood of record, or in 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
wetland as defined, and which are not surficially connected to a
water body during the period of normal high water.
NOTE: These areas usually consist of forested wetlands abutting water bodies and non-forested wetlands.

(5) Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.

(B) **Stream Protection Sub-District**

The Stream Protection Sub-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 fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, river or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland. Where a stream and its associated shoreland area is located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland sub-district associated with that water body or wetland.

(C) **Village/Residential Sub-District**

The Village/Residential Sub-District includes all land areas that are in the Shoreland District as defined in Section 3 of this ordinance and are also within either the Village or Residential District as defined in the Town of Hiram Zoning Ordinance as amended and adopted.

(D) **Rural Residential Sub-District**

All areas within the Shoreland District and not designated for other sub-districts shall be included in the Rural Residential Sub-District.

NOTE: This Sub-District lies adjacent to the Rural Residential District as defined in the *Town of Hiram Zoning Ordinance*; it does not overlap it. [Amended 3/6/2010]

(E) **Commercial/Industrial Sub-District**

The land areas to be included in the Commercial/Industrial Sub-District are those areas that are in the Shoreland District and are also within the Commercial/Industrial District as defined in the Town of Hiram Zoning Ordinance.
Section 14. Table of Land Uses

All land use activities, as indicated in Table 1, Land Uses in the Shoreland District, shall conform to all of the applicable land use standards in Section 15. The sub-district designation for a particular site shall be determined from the Official Shoreland District 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 Sub-District
- VR - Village/Residential Sub-District
- CI - Commercial/Industrial Sub-District
- RR - Rural Residential Sub-District
- SP - Stream Protection Sub-District
TABLE 1. LAND USES IN THE SHORELAND DISTRICT

<table>
<thead>
<tr>
<th>LAND USES</th>
<th>SUB-DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>SP</td>
</tr>
<tr>
<td>1. Non-intensive recreational uses not requiring structures such as</td>
<td>yes</td>
</tr>
<tr>
<td>hunting, fishing and hiking</td>
<td></td>
</tr>
<tr>
<td>2. Motorized vehicular traffic on existing roads and trails</td>
<td>yes</td>
</tr>
<tr>
<td>3. Forest management activities except for timber harvesting &amp; land</td>
<td>yes</td>
</tr>
<tr>
<td>management roads</td>
<td></td>
</tr>
<tr>
<td>4. Timber Harvesting</td>
<td>yes</td>
</tr>
<tr>
<td>5. Clearing or removal of vegetation for activities other than</td>
<td>CEO</td>
</tr>
<tr>
<td>Timber Harvesting</td>
<td>CEO</td>
</tr>
<tr>
<td>6. Fire Prevention activities</td>
<td>yes</td>
</tr>
<tr>
<td>7. Wildlife management practices</td>
<td>yes</td>
</tr>
<tr>
<td>8. Soil and water conservation practices</td>
<td>yes</td>
</tr>
<tr>
<td>9. Mineral exploration</td>
<td>no</td>
</tr>
<tr>
<td>10. Mineral extraction including sand and gravel extraction</td>
<td>no</td>
</tr>
<tr>
<td>11. Surveying and resource analysis</td>
<td>yes</td>
</tr>
<tr>
<td>12. Emergency Operations</td>
<td>yes</td>
</tr>
<tr>
<td>13. Agriculture</td>
<td>yes</td>
</tr>
<tr>
<td>14. Aquaculture</td>
<td>PB</td>
</tr>
<tr>
<td>15. Principal structures and uses</td>
<td>PB</td>
</tr>
<tr>
<td>A. One and two family residential including driveways</td>
<td></td>
</tr>
<tr>
<td>B. Multi-unit residential</td>
<td>no</td>
</tr>
<tr>
<td>C. Commercial</td>
<td>no</td>
</tr>
<tr>
<td>D. Industrial</td>
<td>no</td>
</tr>
<tr>
<td>E. Governmental and Institutional</td>
<td>no</td>
</tr>
<tr>
<td>F. Small non-residential facilities for educational, scientific, or</td>
<td>PB</td>
</tr>
<tr>
<td>nature interpretation purposes</td>
<td></td>
</tr>
<tr>
<td>16. Structures accessory to allowed uses</td>
<td>PB</td>
</tr>
<tr>
<td>17. Piers, docks, wharfs, bridges and other structures and uses extending</td>
<td>CEO</td>
</tr>
<tr>
<td>over or below the normal high-water line or within a wetland</td>
<td>PB</td>
</tr>
<tr>
<td>A. Temporary</td>
<td>CEO</td>
</tr>
<tr>
<td>B. Permanent</td>
<td>PB</td>
</tr>
<tr>
<td>18. Conversions of seasonal residences to year-round residences</td>
<td>LPI</td>
</tr>
<tr>
<td>19. Home Occupations</td>
<td>CEO</td>
</tr>
<tr>
<td>20. Private sewage disposal systems for allowed uses</td>
<td>LPI</td>
</tr>
<tr>
<td>21. Essential services</td>
<td>PB</td>
</tr>
<tr>
<td>22. Service drops, as defined, to allowed uses</td>
<td>yes</td>
</tr>
<tr>
<td>23. Public and private recreational areas involving minimal</td>
<td>PB</td>
</tr>
<tr>
<td>structural development</td>
<td></td>
</tr>
<tr>
<td>24. Individual, private campsites</td>
<td>CEO</td>
</tr>
<tr>
<td>25. Campgrounds</td>
<td>no</td>
</tr>
<tr>
<td>26. Road construction</td>
<td>PB</td>
</tr>
<tr>
<td>27. Land management roads</td>
<td>yes</td>
</tr>
<tr>
<td>28. Parking facilities</td>
<td>no</td>
</tr>
<tr>
<td>29. Filling and earthmoving of &lt; 10 cubic yards</td>
<td>CEO</td>
</tr>
<tr>
<td>30. Filling and earthmoving of &gt; 10 cubic yards</td>
<td>PB</td>
</tr>
<tr>
<td>31. Signs</td>
<td>yes</td>
</tr>
<tr>
<td>32. Uses similar to allowed uses</td>
<td>CEO</td>
</tr>
<tr>
<td>33. Uses similar to using a CEO permit</td>
<td>CEO</td>
</tr>
<tr>
<td>34. Uses similar to using a PB permit</td>
<td>PB</td>
</tr>
</tbody>
</table>

1. In RP not allowed within 75 feet horizontal distance of the normal high-water line of great ponds, except to remove safety hazards.
2. Requires permit from the Code enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.
3. In RP not allowed in areas so designated because of wildlife value.
4. Provided that a variance from the setback requirement is obtained from the Board of Appeals.
5. Functionally water-dependent uses and uses accessory to such water dependent uses only (See not on previous page).*
7. Except when area is zoned for resource protection due to flood plain criteria in which case a permit is required from the PB.
8. Except as provided in Section 15(H)(4)
9. Single family residential structures may be allowed by special exception only according to the provisions of Section 16.E, Special Exceptions.
10. Two Family structures are prohibited.
11. Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.
12. Exception: For bridges and other crossings that do not involve earthwork, a permit is not required.
NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to Title 38 M.R.S.A., Section 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, great pond, river, stream or brook and operates in such manner that material or soil may be washed into them:
A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
B. Draining or otherwise dewatering;
C. Filling, including adding sand or other material to a sand dune; or
D. Any construction or alteration of any permanent structure.

Shoreland Zoning Ordinance Amended 2010-03-06.doc
Section 15  Land Use Standards

All land use activities within the Shoreland District shall conform to the following provisions, if applicable.

(A) Minimum Lot Standards (amended twm mtg 3/2/02)

(1) Lot Dimensions

Minimum Lot Area
- Without sanitary sewers -- 40,000 square feet
- With Sanitary sewers -- 40,000 square feet
- Governmental, Institutional, Commercial and Industrial Uses -- 60,000 square feet

Minimum Frontage
- Residential Frontage -- 100 feet see (a) (c)
- Governmental, Institutional, Commercial and Industrial Uses -- 300 feet

Minimum Setback Dimensions
- Road setback -- 50 feet (b)/75 feet (b)
- Side setback -- 20 feet (c)
- Rear setback -- 20 feet
- Shoreline setback -- see Section 15(B)(1)

(a) A lot abutting a public road shall have a minimum road frontage of 100 feet. A lot abutting a lake, pond, river or stream shall have a minimum shore frontage of 200 feet, measured in a straight line between the points of intersection of the side lot lines with the shoreline at the normal high water mark.

(b) A lot abutting a public road shall have a minimum setback of 50 feet from the right of way line or 75 feet from the centerline, whichever distance is greater. A lot abutting the shoreline of a lake, pond, river or stream shall be governed by Section 15(B)(1)

(c) Back lots with zero frontage may be improved provided all other requirements of this ordinance are met and the owner of record has a 50’ wide deeded right of way to a public way.

Lots of record as of the date of adoption of the Hiram Zoning Ordinance, with less than minimum frontage in any district, may be improved only upon the authorization of the Planning Board with a conditional use permit.

(2) Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.
(3) Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

(4) The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.

(5) If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

(B) Principal and Accessory Structures

(1) All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high water line of other water bodies, tributary streams, or the upland edge of a wetland. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case, the setback requirements specified above shall apply.

In Addition:

(a) The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.

(b) On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.
NOTE: A tributary stream may be perennial or intermittent. Where a tributary stream is present within the shoreland zone, setback standards from that tributary stream are applicable.

(2) Principal or accessory structures and expansions of existing structures which are permitted in the Shoreland District shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.

(3) Structures shall be placed in accordance with the current flood plane ordinance in locations where it applies.

(4) The total footprint area of all structures, parking lots and other non-vegetative surfaces, within the Shoreland District shall not exceed twenty (20) percent of the lot or a portion there of, located within 250 feet of the normal high water, including land area previously developed, except in the Commercial/Industrial Sub-District adjacent to rivers that do not flow to great ponds classified GPA, where lot coverage shall not exceed fifty percent (50%).

(5) Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:

(a) The site has been previously altered and an effective vegetated buffer does not exist;

(b) The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;

(c) The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;

(d) The total height of the wall(s), in the aggregate, are no more than 24 inches;

(e) Retaining walls are located outside of the 100-year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.

(f) The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and
(g) A vegetated buffer area is established within 25 feet, horizontal
distance, of the normal high-water line of a water body, tributary
stream, or upland edge of a wetland when a natural buffer area
does not exist. The buffer area must meet the following
characteristics:

(i) The buffer must include shrubs and other woody and
herbaceous vegetation. Where natural ground cover is
lacking the area must be supplemented with leaf or bark mulch;

(ii) Vegetation plantings must be in quantities sufficient to retard
erosion and provide for effective infiltration of stormwater
runoff;

(iii) Only native species may be used to establish the buffer
area;

(iv) A minimum buffer width of 15 feet, horizontal distance, is
required, measured perpendicularly to the normal high-water
line or upland edge of a wetland;

(v) A footpath not to exceed the standards in Section
15(P)(2)(a), may traverse the buffer;

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

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

(C) Piers, Docks, 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 fisheries.

(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, dock, wharf, bridge, or other structure extending beyond the normal high-water line 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 on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.

(7) No existing structures built on, over or abutting a pier, dock, wharf, bridge, 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) Structures built on, over or abutting a pier, dock, wharf, bridge, 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.

NOTE: New permanent structures, and expansions thereof, projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38 M.R.S.A., Section 480-C. Permits may also be required from the Army Corps of Engineers if located in navigable waters.

(D) Campgrounds

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

(1) Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.

(2) The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet,
horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

(E) Individual Private Campsites

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

(1) One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the Shoreland District, whichever is less, may be permitted.

(2) Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

(3) Only one recreational vehicle shall be allowed on a campsite. The recreational 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 Sub-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 District adjacent to great ponds classified GPA, and rivers and streams which flow to great ponds classified GPA:

(1) Auto washing facilities

(2) Auto or other vehicle service and/or repair operations, including body shops
(3) Chemical and bacteriological laboratories
(4) Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms
(5) Commercial painting, wood preserving, and furniture stripping
(6) Dry cleaning establishments
(7) Electronic circuit assembly
(8) Laundromats, unless connected to a sanitary sewer
(9) Metal plating, finishing, or polishing
(10) Petroleum or petroleum product storage and/or sale except for storage on the same property as the use will occur for the purposes of energy generation such as heat and electricity and for normal maintenance needs and except for storage and sales associated with marinas
(11) Photographic processing
(12) Printing

(G) Parking Areas
(1) Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located, except that the setback requirement for parking areas serving public boat launching facilities shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.

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

(3) In determining the appropriate size of proposed parking facilities, the following shall apply:
   (a) Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
   (b) Internal travel aisles: Approximately twenty (20) feet wide.

(H) Roads and Driveways
The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.
(1) Roads and driveways shall be set back at least one-hundred (100) feet, horizontal distance, from the normal high water line of a great pond classified GPA or a river that flows to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal High-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.

Section 15(H)(1) does not apply to approaches to water crossings nor 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 sub-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 short segments of less than two hundred (200) feet.

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

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

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

<table>
<thead>
<tr>
<th>Grade (Percent)</th>
<th>Spacing (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-2</td>
<td>250</td>
</tr>
<tr>
<td>3-5</td>
<td>200-135</td>
</tr>
<tr>
<td>6-10</td>
<td>100-80</td>
</tr>
<tr>
<td>11-15</td>
<td>80-60</td>
</tr>
<tr>
<td>16-20</td>
<td>60-45</td>
</tr>
<tr>
<td>21+</td>
<td>40</td>
</tr>
</tbody>
</table>

(b) Drainage dips may be used in place of ditch relief culverts only where the road grad 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 (amended at twm mtg 3/2/02)
Refer to Article 5.17 Signs of the Town of Hiram Zoning Ordinance as adopted and amended.

(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
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 districts, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

(3) Damaged or destroyed public utility transmission and distribution lines, towers, and related equipment may be replaced or reconstructed without a permit.

(M) Mineral Exploration and Extraction

Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes shall be immediately capped, filled or secured by other equally effective measures, to restore disturbed areas and to protect the public health and safety.

Mineral extraction may be permitted under the following conditions:

(1) A reclamation plan shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 15(M)(3) below.

(2) No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within 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.
(b) The final graded slope shall be two and one-half to one (2½ :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 classified GPA or a river flowing to a great pond, classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the Shoreland District 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 District 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 & Water Conservation District Office.

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

(O) Timber Harvesting

(1) In a shoreland area zoned for resource protection abutting a great pond, timber harvesting shall be limited to the following:

(a) Within the strip of land extending 75 feet inland from the normal high-water line in a shoreland area zoned for resource protection abutting a great pond timber harvesting, may be conducted when the following conditions are met:

(i) The ground is frozen;

(ii) There is no resultant soil disturbance;

(iii) The removal of trees is accomplished using a cable or boom and there is no entry of tracked or wheeled vehicles into the 75-foot strip of land;

(iv) There is no cutting of trees less than 6 inches in diameter; no more than 30% of the trees 6 inches or more in diameter, measured at 4 ½ feet above ground level, are cut in any 10-year period; and a well-distributed stand of trees and other natural vegetation remains; and

(v) A licensed professional forester has marked the trees to be harvested prior to a permit being issued by the municipality.

(b) Beyond the 75 foot strip referred to in paragraph a. above, timber harvesting is permitted in accordance with paragraph 2 below except that in no case shall the average residual basal area of trees over 4 ½ inches in diameter at 4 ½ feet above ground level be reduced to less than 30 square feet per acre.

(2) Except in areas as described in Paragraph 1 above, timber harvesting shall conform to 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 ½ feet above ground level on any lot in any ten (10) year period is permitted. In addition:

(i) Within one-hundred (100) feet, horizontal distance of the normal high-water line of a great pond classified GPA or a
river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clearcut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.

(ii) At distances greater than one-hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5,000) square feet they shall be at least one hundred (100) feet apart. Such clearcut openings shall be included in the calculation of total volume removal. For the purposes of these standards volume may be considered to be equivalent to basal area.

(b) Timber harvesting operations exceeding the 40% limitation in paragraph a. above, may be allowed by the planning board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this ordinance. The planning board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the planning board’s decision.

(c) No accumulation of slash shall be left within fifty (50) feet 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 shall be removed.

(d) Timber harvesting equipment shall not use stream channels as travel routes except when:

   (i) Surface waters are frozen; and
   (ii) The activity will not result in any ground disturbance.

(e) 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.

(f) 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.

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

(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 classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

(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 vegetation is maintained. For the purposes of Section 15(P)(2)(b) a “well-distributed stand of trees and other vegetation” adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

<table>
<thead>
<tr>
<th>Diameter of Tree at 4 ½ feet Above ground level (inches)</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 – ≤4 inches</td>
<td>1</td>
</tr>
<tr>
<td>4 – ≤8 inches</td>
<td>2</td>
</tr>
<tr>
<td>8– ≤12 inches</td>
<td>4</td>
</tr>
<tr>
<td>12 inches or greater</td>
<td>8</td>
</tr>
</tbody>
</table>

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

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

\[(4\times1) + (2\times2) + (3\times4) + (2\times8) = 36 \text{ points}\]

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

The following shall govern in applying this point system:

(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 ½ 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 classified GPA or a river flowing to a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 ½ feet above ground level. Tree removal in conjunction with 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.

(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 also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:

(a) Mulching and revegetation of disturbed soil.

(b) Temporary runoff control features such as hay bales, silt fencing or diversion ditches.

(c) Permanent stabilization structures such as retaining walls or riprap.

(2) In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

(3) Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

(4) Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
(a) Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.

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

(c) Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

(5) Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty five (25) year storm or greater, and shall be stabilized with vegetation or lined with 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, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

(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 M.R.S.A. Section 2691.

(3) Planning Board
   A Planning Board shall be created in accordance with the provisions of State law.

(B) Permits Required

After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

(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 one standard culvert size wider in diameter that the culvert being replaced;

   (b) The replacement culvert is not more than 25% longer than the culvert being replaced;

   (c) The replacement culvert is not longer than 75 feet; and

   (d) Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the water course.

(2) A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State
Historic Preservation Officer’s level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

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

(C) Permit Application

(1) Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.

(2) All applications shall be signed an owner individual who can show evidence of right, title, or interest in the property by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.

(3) All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.

(4) If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.

(D) Procedure for Administering Permits

Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within 35 days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board’s agenda following receipt of the completed application, or within 35 days of the public hearing, if one is held. Permits shall be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.
After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

1. Will maintain safe and healthful conditions;
2. Will not result in water pollution, erosion, or sedimentation to surface waters;
3. Will adequately provide for the disposal of all wastewater;
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
5. Will conserve shore cover and visual, as well as actual, points of access to inland waters;
6. Will protect archaeological and historic resources as designated in the comprehensive plan;
7. Will avoid problems associated with flood plain development and use; and
8. Is in conformance with the provisions of Section 15, Land Use Standards.

If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance or regulation or statute administered by the municipality.

(E) Special Exceptions

In addition to the criteria specified in Section 16(D) above, excepting structure setback requirements, the Planning Board may approve a permit for a single family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

1. There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.
2. The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.
3. All proposed buildings, sewage disposal systems and other improvements are:
   (a) Located on natural ground slopes of less than 20%; and
(b) Located outside the floodway of the 100-year floodplain along rivers and artificially formed great ponds along rivers, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency’s Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year floodplain elevation; and the development is otherwise in compliance with any applicable municipal floodplain ordinance.

If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be ½ the width of the 100-year floodplain.

(4) The total ground-floor area, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.

(5) All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream, or upland edge of a wetland to the greatest practical extent, but not less than 75 feet. In determining the greatest practical extent, the planning board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site’s elevation in regard to the floodplain, and its proximity to moderate-value and high-value wetlands.

(F) Expiration of Permit
Permits shall expire one year from the date of issuance if substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project at which time the permit shall expire.

(G) Installation of Public Utility Service
No public utility, water district, sanitary district or any utility company of any kind may install services to any new structure located in the Shoreland District 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.
(H) **Appeals**

(1) **Powers and Duties of the Board of Appeals**

The Board of Appeals shall have the following powers:

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

Note: “appellate” means to review the decision, based on the material presented to and the processes used by the Planning Board; “de novo” means to consider the matter anew, and as if it had not been heard before and as if no decision previously had been rendered. See Section 15(H)(3) for further explanation.

(b) **Variance Appeals:** To authorize variances upon appeal, within the limitations set forth in this Ordinance.

(2) **Variance Appeals**

Variances may be granted only under the following conditions:

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

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

(c) The Board shall not grant a variance unless it finds that:

   (i) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and

   (ii) The strict application of the terms of this Ordinance would result in undue hardship.

The term “undue hardship” shall mean:

   a. That the land in question cannot yield a reasonable return unless a variance is granted;
b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

c. That the granting of a variance will not alter the essential character of the locality; and

d. That the hardship is not the result of action taken by the applicant or a prior owner.

(d) Notwithstanding Section 16(H)(2)(c)(ii) above, the Board of Appeals 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 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 the Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

(f) A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

(3) Administrative Appeals

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

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

(4) Appeals Procedure

(a) Making an Appeal

(i) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-related matters as described in Section 16(H)(1)(a) above. Such an appeal shall be taken within thirty (30) days of the date of the official written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

(ii) Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:

a. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.

b. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.

(iii) Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all the papers constituting the record of the decision appealed from.

(iv) The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.

(b) Decision by Board of Appeals

(i) A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.

(ii) The person filing the appeal shall have the burden of proof.
(iii) The Board shall decide all administrative appeals and variance appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.

(iv) The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board’s decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.

(5) **Appeal to Superior Court**

Except as provided by Title 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 Title 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.

(I) **Enforcement**

(1) **Nuisances**

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

(2) **Code Enforcement Officer**

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

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

(c) The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of this record shall be submitted to the Director of the Bureau of Land and Water Quality 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 the Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

(4) **Fines**

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

NOTE: Current penalties include fines of not less than $100 nor more than $2,500 per violation for each day that the violation continues. However, in a resource protection district the maximum penalty is increased to $5,000.

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.

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

Agriculture – the production, keeping or maintenance for sale or lease, of plants 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.

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

Basal Area – the area of cross-section of a tree stem at 4 ½ feet above ground level and inclusive of bark.

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

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

Bureau – a word in the title of an Agency in the Government of the State of Maine or a subsection of an Agency. Often used instead of the word “Department”

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.

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

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

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

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

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

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

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

Expansion of use – the addition of weeks or months to a use’s operating season; additional hours of operation; or the use of more floor area or ground area devoted to a particular use.

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

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

Floor area – the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, 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 that is six (6) meters tall (approximately twenty (20) feet) or taller.

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

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 which are:

- Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook such that in a natural state, the combined surface area is in excess of 10 acres; and

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

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

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

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

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

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

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

Height of a structure – the vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

Home Occupation – an occupation or profession which is 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.

Hydric Soil - a soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic (oxygen-lacking) conditions that favor the growth and regeneration of hydrophytic vegetation (i.e. plant life capable of
growing in wet conditions, such as in water or in soil or other substrate that is periodically saturated with water. The presence of hydrophytic plants is one of the indicators used in wetland identification and delineation).

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

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

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

Licensed Forester – a forester licensed under 32 M.R.S.A. Chapter 76.

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

Marina – a business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.
Market value – the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and willing buyer, both conversant with the property and with prevailing general price levels.

Minimum lot width – the closest distance between the side lot lines of a lot.

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

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

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

Native – indigenous to the local area.

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

Non-conforming lot – a single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

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

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

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 flood plain soils – the following soil series as described and identified by the National Cooperative Soil Survey:

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

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

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

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

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

Residual basal area – the average of the basal area of trees remaining on a harvested site.
Residual Stand – a stand of trees remaining in the forest following timber harvesting and related activities.

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

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

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 driveway as defined.

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

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

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

in the case of telephone service
the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or

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

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

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

Shoreland District – 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; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

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

Significant River Segments - See Appendix A or Title 38 M.R.S.A. Section 437.

Skid Road or Skid Trail – a route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.
Slash - the residue, e.g., treetops and branches, left on the ground after a timber harvest.

Stream – a free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minutes series topographic map, to the point where the body of water becomes a river.

Structure - anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, 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.

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

Tributary stream – a channel between defined banks created by the action of surface water which is characterized by the lack of terrestrial vegetation or presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock, and which is 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 District of the receiving water body or wetland.
NOTE: Water setback requirements apply to tributary streams within the shoreland zone.

Upland edge of a wetland – the boundary between upland and wetland. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

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

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

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

Waterbody – 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.
APPENDIX A: Significant River Segments

38 §437. Significant river segments identified

For purposes of this chapter, significant river segments include the following:

1. Aroostook River. The Aroostook River from St. Croix Stream in Masardis to the Masardis and T.10, R.6, W.E.L.S. townline, excluding segments in T.9, R.5, W.E.L.S.; including its tributary the Big Machias River from the Aroostook River in Ashland to the Ashland and Garfield Plantation townlines;

2. Dennys River. The Dennys River from the railroad bridge in Dennysville Station to the dam at Meddybemps Lake, excluding the western shore in Edmunds Township and No. 14 Plantation;

3. East Machias River. The East Machias River from 1/4 of a mile above the Route 1 bridge in East Machias to the East Machias and T.18, E.D., B.P.P. townline, and from the T.19, E.D., B.P.P. and Wesley townline to the outlet of Crawford Lake in Crawford, excluding Hadley Lake;

4. Fish River. The Fish River from the bridge in Fort Kent Mills to the outlet of Eagle Lake in Wallagrass, and from the Portage Lake and T.14, R.6, townline to the Portage Lake and T.13, R.7, W.E.L.S. townline, excluding Portage Lake;

5. Machias River. The Machias River from the Whitneyville and Machias townline to the Northfield T.19, M.D., B.P.P. townline;

6. Mattawamkeag River. The Mattawamkeag River from the outlet of Mattakeunk Stream in Winn to the Mattawamkeag and Kingman Township townline, and from the Reed Plantation and Bancroft townline to the East Branch, including its tributaries the West Branch from the Mattawamkeag River to the Haynesville T.3, R.3, W.E.L.S. townline and from its inlet into Upper Mattawamkeag Lake to the Route 2 bridge; the East Branch from the Mattawamkeag River to the Haynesville and Forkstown Township townline and from the T.4, R 3, W.E.L.S. and Oakfield townline to Red Bridge in Oakfield; the Fish Stream from the Route 95 bridge in Island Falls to the Crystal-Patten townline; and the Baskehegan Stream from its inlet into Crooked Brook Flowage in Danforth to the Danforth and Brookton Township townline;

7. Narraguagus River. The Narraguagus River from the ice dam above the railroad bridge in Cherryfield to the Beddington and Devereaux Township townline, excluding Beddington Lake;

8. East Branch of Penobscot. The East Branch of the Penobscot from the Route 157 bridge in Medway to the East Millinocket and Grindstone Township townline;

9. Pleasant River. The Pleasant River from the railroad bridge in Columbia Falls to the Columbia and T.18, M.D., B.P.P. townline, and from the T.24, M.D., B.P.P. and Beddington townline to the outlet of Pleasant River Lake;

10. Rapid River. The Rapid River from the Magalloway Plantation and Upton townline to the outlet of Pond in the River;

11. West Branch Pleasant River. The West Branch Pleasant River from the East Branch to the Brownville and Williamsburg Township townline; and

12. West Branch of Union River. The West Branch of the Union River from the Route 9 bridge in Amherst to the outlet of Great Pond in the Town of Great Pond.
APPENDIX B: Moderate and High Value Waterfowl & Wading Bird Habitat

This map represents areas rated as moderate or high value freshwater wetlands (waterfowl and wading bird habitat, including nesting and feeding areas and 250-ft buffer) by the Maine Department of Inland Fisheries and Wildlife as of May 1, 2006. All information on this map should be field checked by qualified individuals for a determination regarding a particular piece of property. You may call the Maine Department of Environmental Protection for assistance.

LEGEND

- Inland Waterfowl Habitat + 250’ buffer
- Town lines
- Town Road
- Major Road
AMENDMENTS & PREVIOUS READINGS

Amendments made at the Annual Town Meeting March 2, 2002:

Article 83. Shall the Town of Hiram Shoreland Zoning Ordinance and Map be amended as follows:

Add under Section 15 LAND USE STANDARDS

A. Minimum Lot Standards
   “Commercial and Industrial Uses” 60,000 square feet

Minimum Frontage
   “Commercial and Industrial Uses” 300 feet

Under Section I. SIGNS: replace #1 & #2 in their entirety with:

1. refer to Section 5.15 Signs of the Town of Hiram Zoning Ordinance as adopted and amended.
And:

Under Section 12. NON-CONFORMANCE, under section C. Non-conforming Structures subsection 1.b. change the 1 to a 2 in the paragraph.

Amendments made at a Special Town Meeting July 21, 2005

Article 7. Shall the Hiram Shoreland Zoning Ordinance be amended in Section 13, Paragraph E. Commercial/Industrial Sub-District by making the changes indicated? Words with a strikethrough are to be deleted, bold & underlined are to be added:

“The land areas to be included in the Commercial/Industrial Sub-District are those areas that are in the Shoreland District and are also within the Commercial/Industrial District as defined in the “Town of Hiram Zoning Ordinance”. on maps numbered 1-6 in the back of the Town of Hiram Zoning Ordinance with dark slash marks in the areas to be included. The maps are copies of the Hiram Tax Maps revised as of 4/1/97 by John O’Donnell Associates of Auburn, Maine.”


This was a fairly extensive edit with many changes made, some of an “editorial” nature, not really changing the meaning of the ordinance, but hopefully, providing for clearer language. Other changes were more substantial. To see the full text of the changes, you should ask to see the draft dated February 20, 2007 which shows, in red text, what was changed. A summary of the changes is listed below:

1. Section 12 (C) Non-conforming Structures – added wording regarding setback from tributary streams, restrictions on 30% expansion, how new, expanded, or replacement foundations affect building placement, and vegetation requirements after reconstruction or relocation.

2. Section 13 (A) Resource Protection Sub-District, updated references to and description of freshwater wetlands and “moderate” or “high” value waterfowl and wading bird habitats (and added a related map in Appendix B).
3. Throughout the document, clarified that setbacks are to be measured using “horizontal distance” and not up the hill along the slope.
4. Section 15 (B) added expanded discussion of setback in the Resource Protection District, added more permissions for accessory structures, and added in (B)(5) a new discussion of use of retaining walls. In (C)(6) added a new paragraph restricting new permanent piers and docks. In (H) added reference to “driveway” in many places that formerly only referred to “road”, expanding the design requirements to both. In (K) for septic waste disposal, added restrictions on clearing of woody vegetation and excluded the use of holding tanks for first-time residential use. In (P), changed the point system for clearing or removal of vegetation for other than timber harvesting and provided for a larger area in which to do the point count.
5. Section 16: (H)(1)(a) expanded discussion of the type of appeals to be heard by the Board of Appeals. See also (2)(f) about reporting of appeals to the Department of Environmental Protection and (3) Administrative Appeals (4)(b) decision statement, and (6) Reconsideration.
6. Section 17 Definitions had several added (e.g. Development, Disability, Floodway, Groundcover, Hydric Soil, Increase in nonconformity of a structure, Marina, Non-conforming condition & lot, Shoreline, Woody vegetation) and some changed (e.g. Driveway, Foundation, Residential dwelling unit, Setback, Structure, Subsurface sewage disposal system, Timber harvesting, Tributary stream, Upland edge of a wetland)
7. Added Appendix A, list of “Significant River Segments”
8. Added Appendix B, a map of “Moderate and High Value Waterfowl & Wading Bird Habitat”

Amendments made at the Annual Town Meeting March 6, 2010:
1. Added words in bold italics to Section 3 Applicability, 1st paragraph: “This Ordinance applies to … [list] … and all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.”
2. Section 4: Abbreviated the title, used original as subsection (A), and added subsection (B) Repeal of Municipal Timber Harvesting Regulation.
3. Added a note to Section 13 (D): “This Sub-District lies adjacent to the Rural Residential District as defined in the Town of Hiram Zoning Ordinance; it does not overlap it.” for clarification and consistency with Town of Hiram Zoning Ordinance
4. In Section 17, Definitions, definition of Bureau broadened to include more Agency/Department/Bureaus in the State Government than just Forestry; definition of Native to include more vegetation than just forests; deleted definition of Windfirm as it is not used in this present ordinance.
TOWN OF HIRAM

ZONING ORDINANCE

ADOPTED 9/14/1974
AMENDED 3/3/2012
AMENDED 9/13/2018
AND AT VARIOUS PRIOR DATES

I, Marylou F. Stacey, Town Clerk for the Town of Hiram, hereby attest this copy to be a true copy of the complete document as amended by the Town at a Special Town Meeting 9/13/18

S
Marylou F. Stacey
Town Clerk
Town of Hiram
ZONING ORDINANCE OF THE
MUNICIPALITY OF HIRAM, ME

Adapted for the Town of Hiram, Maine.
By the Hiram Planning Board from material
Prepared by the Southern Maine Regional
Planning Commission, Acts of the State
Legislature, Hiram Comprehensive Plan and
various other sources.

Amended and adopted at a Town Meeting on

SEPTEMBER 14, 1974

Amended at a Town Meeting on September 25, 1976
Amended at a Town Meeting on October 13, 1978
Amended at a Town Meeting on March 3, 1979
Amended at a Town Meeting on November 14, 1980
Amended at a Town Meeting on March 3, 1984
Amended at a Town Meeting on January 29, 1987
Amended at a Town Meeting on May 5, 1987
Amended at a Town Meeting on March 3, 1990
Amended at a Town Meeting on March 2, 1991
Amended at a Town Meeting on December 9, 1991
(Bldg Codes) Amended at Special Town Meeting on July 16, 1992
(Bldg Codes & ZONING) Amended at Town Meeting on March 5, 1994
(Bldg Codes) Amended at a Special Town Meeting on May 4, 1995
Amended at a Special Town Meeting on May 30, 1996
Amended at a Town Meeting on March 7, 1998
Amended at Annual Town Meeting on March 2, 2002
(Bldg Codes) Amended at annual Town Meeting on March 2, 2002
Amended at Annual Town Meeting on March 6, 2004
Amended at a Special Town Meeting on July 21, 2005
Amended at a Special Town Meeting on August 10, 2006
Amended at Annual Town Meeting on March 6, 2010
Amended at Special Town Meeting November 18, 2010
Amended at Annual Town Meeting, March 3, 2012
Amended at Special Town Meeting, Sept. 13, 2018
SEE APPENDIX D
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ARTICLE 1  GENERAL

1.1 SHORT TITLE

This Ordinance shall be known and may be cited as the “Zoning Ordinance of the Municipality of Hiram, Maine,” and will be referred to herein as this “Ordinance.”

1.2 PURPOSE

To further the maintenance of safe and healthful conditions and the general welfare, prevent and control water pollution protect spawning grounds, fish, aquatic life, bird and other wildlife habitat, control building sites, placement of structures and land uses, and conserve shore cover, visual as well as actual points of access to waters and natural beauty.

This Ordinance does not grant any property rights; it does not authorize any person to trespass, infringe upon or injure the property of another; it does not excuse any person of the necessity of complying with other applicable laws and regulations.

1.3 BASIC REQUIREMENTS

1.3.1 GENERAL REQUIREMENTS

All buildings or structures hereinafter erected, reconstructed, altered, enlarged, or moved, and uses of premises in the Municipality of Hiram shall be in conformity with the provisions of this Ordinance. No building, structure, land or water area shall be used for any purposes or in any manner except as permitted within the District in which such building, structure, land, or water area is located.

1.3.2 REQUIREMENTS FOR GRANTING PERMITS

The Planning Board shall grant Conditional Use Permits for uses allowed under this Ordinance upon a showing by the applicant that the soils are suitable for the proposed use and that it will be in compliance with all applicable performance standards and requirements established under this Ordinance. The Planning Board shall also find that the proposed use will not involve any unreasonable:

1. Degradation of air and water quality;
2. Harmful alteration of wetlands;
3. Increase in erosion or sedimentation;
4. Danger of increased flood damage;
5. Obstruction of Flood flow;
6. Damage to fish and wildlife habitat
7. Despoliation of the scenic, rural and open space character of the area;
8. Overcrowding;
9. Excessive noise;
10. Obstructions to navigation or;
11. Interference with the educational, scenic, scientific, historic or archaeological values of those areas designated and approved for inclusion within the Resource Protection District.
The burden of proof shall be upon the applicant to show entitlement of a Permit under this section, but if the applicant makes the requisite showing, a permit shall be issued by the Planning Board.

1.3.3 PERMITS WITH CONDITIONS

Conditional Use Permits granted under this Ordinance may be made subject to such reasonable conditions concerning setback, location, spacing, size of structure or development, type of construction, time of completion, landscaping, retention of trees, screening, reclamation, erosion control, noise level, quantity and quality of discharge, sewage disposal and manner and method of operation, as the Planning Board deems necessary to avoid the dangers enumerated in Article 1.3.2. For the purpose of enforcement, permits issued by the Planning Board and conditions thereof shall be considered as orders of the Planning Board.

1.4 NON-CONFORMING USES

1.4.1 CONTINUANCE OF NON-CONFORMING USES

1.4.1.1 LAWFULL AT TIME OF ADOPTION

The use of land, building or structure, lawful at the time of adoption or subsequent amendment of this Ordinance, may continue although such use does not conform to the provisions of this Ordinance.

1.4.1.2 REPAIR, MAINTENANCE, IMPROVEMENTS

A non-conforming building or structure may be repaired, maintained, or improved, but the area in non-conforming use may not be extended or expanded except in conformity with the provisions of this Ordinance.

1.4.1.3 EXPANSION OR ENLARGEMENT

Expansion or enlargement of a non-conforming use, building or structure may be allowed by a Conditional Use Permit only upon a showing of necessity by the applicant. Furthermore, no expansion or enlargement shall be permitted which will result in either of the following:

1. Changing any dimensions of frontages, set-backs and/or building heights so that they become non-conforming;

2. Changing any dimensions so that non-conforming frontages and/or set-backs are further reduced, or changing any dimensions so that non-conforming structure heights are further increased.

1.4.2 DISCONTINUANCE OF NON-CONFORMING USES

A non-conforming use which is discontinued for a period of two (2) years may not be resumed. The uses of the land, building or structure shall thereafter conform to the provisions of this Ordinance.

1.4.3 RULE OF PRECEDENCE

Whenever a non-conforming use is superseded by a permitted use of a structure, or structure and land in combination, such structure or combination of land and structure shall thereafter conform to the provisions of this Ordinance and the non-conforming use may not thereafter be resumed.
1.4.4 TRANSFER OF OWNERSHIP

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

1.4.5 NON-CONFORMING LOTS OF RECORD

1.4.5.1 SINGLE LOTS

A single lot of record which, at the effective date of adoption of this ordinance (September 14, 1974), does not meet the area or width requirements, or both, of the district in which it is located, may be built upon providing that all other provisions of this ordinance shall be met; provided, further, that any unimproved lot of record from a subdivision approved by the Planning Board on or after September 14, 1974 but prior to March 1, 1975, which does not meet the area or width requirements, or both, may be built upon providing that all other provisions of this ordinance shall be met. Variance of yard or other requirements involving area or width shall be obtained only by action of the Board of Appeals. (as amended 5/30/96)

1.4.5.2 CONTIGUOUS LOTS

(eliminated per vote 3/5/94)

1.4.6 RESTORATION OF UNSAFE PROPERTY

Nothing in this Ordinance shall prevent the strengthening or restoring to safe condition any part of any building or structure declared unsafe by the Code Enforcement Officer.

1.4.7 PENDING APPLICATION FOR BUILDING PERMITS

Nothing in this Ordinance shall require any change in the plans, construction, size, or designated use for any building, structure or part thereof for which application for a Building Permit has been made or a building Permit has been issued or upon which construction commenced prior to the adoption or amendment of this Ordinance, provided construction shall start within 60 days after the issuance of such permit.

1.4.8 RESTORATION OF NON-CONFORMING USES

If, as a result of flood, fire or other casualty the value of a nonconforming building or structure is reduced by more than 75%, it may be rebuilt and the non-conforming use housed therein may be continued only be permit from the Planning Board. If a non-conforming building or structure is decreased in value less than 75% by flood, fire or other casualty, it may be rebuilt in substantially the same location and in the same size without a permit from the Planning Board, even though it would otherwise violate the requirements of this Ordinance, provided that the rebuilding shall be commenced within 12 months of the casualty.

1.5 VALIDITY AND 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 this Ordinance.
1.6 CONFLICT WITH OTHER ORDINANCES

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

1.7 AMENDMENT

1.7.1 INITIATION OF AMENDMENT

An amendment to this Ordinance may be initiated by:
1. The Planning Board provided a majority of the board
2. Request of the Municipal officers to the Planning Board or,
3. Written petition of a number of voters equal to at least 10% of the number of votes cast in the Municipality at the last gubernatorial election.

1.7.2 ADOPTION OF AMENDMENT

An amendment to this Ordinance may be adopted by a majority vote of a Town Meeting following notice and Public Hearing.

1.7.3 PUBLIC HEARING

In either case, the Planning Board shall hold a Public Hearing on the proposed amendment at least 30 days prior to the meeting of the governing body. Notice of the hearing shall be posted at least 10 days in advance in a newspaper of general circulation in the area.

1.8 REPETITIVE PETITIONS

No proposed change in this Ordinance, which has been unfavorably acted upon by the Governing Body shall be considered on its merits by the Governing Body within 2 years after the date of such unfavorable action unless adoption of the proposed change is recommended by unanimous vote of the Planning Board.

1.9 EFFECTIVE DATE

The effective date of this Ordinance is September 14, 1974.
ARTICLE 2 ESTABLISHMENT OF DISTRICTS

2.1 ZONING DISTRICTS

To implement the provisions of this Ordinance, the Municipality of Hiram is hereby divided into the following districts:

• Resource Protection District
• Shoreland District
• Village District
• Residential District
• Rural Residential District
• Commercial/Industrial District

NOTE:

• Some districts overlap others (see related rules in Article 2.3, paragraph 1). For example a) the Resource Protection District can overlap the Shoreland, Village, and Residential Districts and b) the Shoreland District overlaps the Village District in some places, and the Residential District in others.
• The Rural Residential District does not overlap the Resource Protection, Shoreland, Village, and Residential Districts.
• The Commercial/Industrial District is an entirely “Overlay” district, essentially defining sub areas of each of the other five districts.

2.2 LOCATION OF DISTRICTS

Said districts are located and bounded as described in this ordinance and as shown on the official Zoning Map, entitled “Zoning Map of Hiram, Maine,” dated September 14, 1974, and on file in the office of the municipal officers. The map is an approximation of district boundaries; actual boundaries shall be determined by descriptions given in this Ordinance. However, unless shown to be otherwise, the map shall be considered prima facie evidence of the location of district boundaries.

2.3 UNCERTAINTY OF BOUNDARY LOCATION

Where uncertainty exists with respect to the boundaries of the various Districts as shown on the Zoning Map, the following rules shall apply:

1. Where districts overlap in the definitions under Areas to be Included (4.1.2, 4.2.2, 4.3.2, 4.4.2, and 4.5.2), the more restrictive district shall apply unless a specific area is otherwise designated in this ordinance;

2. The boundaries of districts defined by centerlines of roads, streets, highways, rivers or streams shall terminate at right angles to the centerline of the road, street, highway, river, or stream at the designated distances along this centerline, or at the center of a designated intersection, crossing or confluence;

3. Boundaries indicated as approximately following the centerline of streets or highways shall be construed to follow such center line;

4. Boundaries indicated as approximately following well established lot lines shall be construed as following such lot lines;

5. Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits;
6. Boundaries indicated as following railroad lines shall be construed to follow such lines;

7. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of natural change in the shoreline shall be construed as moving with the actual shoreline, boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.

8. Boundaries indicated as being parallel to or extensions of features indicated in subsection (1) through (5) above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map; and

9. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsection (1) through (8) above, the Board of Appeals shall interpret the District boundaries.

2.4 DIVISION OF LOTS BY DISTRICT BOUNDARIES

10. Where a zoning district boundary line divides a lot or parcel of land of the same ownership of record at the time such line is established by adoption or amendment of this Ordinance, the regulations applicable to the less restricted portion of the lot may be extended not more than 50 feet into the more restricted portion of the lot, subject to the provisions of 2.4.2 below.

11. Extension of use shall be considered a Conditional Use, subject to approval of the Planning Board and in accordance with the criteria set forth in paragraph 6.8.3 (4), Factors Applicable to Conditional Uses.
ARTICLE 3 CONSTRUCTION OF LANGUAGE AND DEFINITIONS

3.1 CONSTRUCTION OF LANGUAGE

In this Ordinance, certain terms of words shall be interpreted as follows:

- Then word “person” includes a firm association, organization, partnership, trust company or corporation as well as an individual, the present tense includes the future tense, the singular number includes the plural, and the plural includes the singular.
- The word “shall” is mandatory, and the word “may” is permissive.
- The words “used” or “occupied” include the words “intended”, “designed”, or “arranged to be used or occupied”.
- The word “building” includes the word “structure”.
- The word “dwelling” includes the word “residence”.
- The word “lot” includes the words “plot” or “parcel”.
- In the case of any difference of meaning or implication between the text of the Ordinance and any map or illustration, the text shall control.

Terms not defined shall have the customary dictionary meaning.

3.2 DEFINITIONS

In this Ordinance the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed:

ACCESSORY USE OR STRUCTURE – a use or structure of a nature customarily incidental and subordinate to those of the principal use or structure.

ACCESSORY APARTMENT - a completely independent living facility with separate cooking, eating, sanitation and sleeping facilities that is either in or added to an existing single-family dwelling or in a separate accessory structure on the same lot as an existing dwelling. [Added 8/10/2006]

ALTERATION – any change, addition, or modification in construction, or any change in the structural members of a building, such as bearing walls, columns, beams, or girders.

AUTO SERVICE STATION - a place where gasoline, or any other automobile engine fuel (stored only in underground tanks), kerosene, or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on the premises, including the sale of minor accessories and the servicing and minor repair of automobiles, not including storage of unlicensed vehicles and not including body, frame, or fender straightening and repair.

AUTOMOBILE GRAVEYARD – a yard, field or other area used as a place of storage for 3 or more unserviceable, discarded, worn-out or junked motor vehicles.

BACK LOT – a parcel of land that does not have any frontage on a PUBLIC ROAD or PRIVATE ROAD constructed pursuant to an approved subdivision.

BASEMENT – a portion of the building partly underground but having less than half its clear height below the average grade of the adjoining ground.

BOATHOUSE – a non-residential structure designed for the purpose of protecting or storing boats for non-commercial purposes.

BOG – “bog” means a periodically or continually wet, spongy area exceeding 1,000 square feet in area with soil composed mainly of decayed vegetable matter.
BUILDING – means a structure having a roof, partial roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals or objects regardless of the materials of which it is constructed.

BUILDING HEIGHT – the vertical distance between the highest point of the roof and the average grade of the ground adjoining the building.

CAMPGROUND – any premises established for overnight use for the purpose of temporary camping, and for which a fee is charged.

CELLAR – a portion of the building partly underground, but having half or more of its clear height below the average grade of the adjoining ground.

CHANNEL – a natural or artificial watercourse with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow is water flowing within the limits of the defined channel.

CODE ENFORCEMENT OFFICER – a person appointed by the Municipal Officers to administer and enforce this Ordinance. Reference to the Code Enforcement Officer may be construed to include Building Inspector, Plumbing Inspector, Electrical Inspector, and the like where applicable.

CONDITIONAL USE – a use permitted only after review and approval by the Planning Board. A conditional use is a use that would not be appropriate without restriction but which, if controlled under the provisions of this Ordinance, would promote the purposes of this Ordinance. Such uses may be permitted if specific provision of such conditional Use is made in this Ordinance.

CONDITIONAL USE PERMIT – a permit authorized by the Planning Board. A Conditional Use Permit may be issued only after the applicant has followed the procedures of this Ordinance.

CONFORMING USES – a use of buildings, structures or land which complies with all applicable provisions of this Ordinance.

CONSTRUCTED – includes built, erected, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill, drainage, and the like, shall be considered a part of construction.

DEVELOPMENT – means the carrying out of any earthmoving, grading, dredging, filling, building, construction or mining operation, the deposit of refuse or solid or liquid wastes on a parcel of land other than agricultural utilization of animal wastes; the making of any material change in noise levels, thermal conditions or emissions of waste material, the commencement or change in the location of advertising; or the alteration of a shore, bank or floodplain of any estuary, river or pond.

DISTRICT – a specified portion of the municipality, designated by this Ordinance within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

DRIVEWAY – see ROAD

DWELLING – a fixed structure, containing one or more dwelling units.

DWELLING UNIT – a room or group of rooms designed and equipped exclusively for use as living quarters for only one family, including provisions for living, sleeping, cooking, and eating. The term shall include mobile homes but shall not include trailers or recreational vehicles.

EARTH – topsoil, sand, gravel, clay, peat, rock, or other minerals.

ESSENTIAL SERVICES – the construction, alteration or maintenance of gas, electrical, communication facilities, steam, fuel or water transmission or distribution systems, collection, supply or disposal systems. Such systems may include towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic
signals, hydrants and similar accessories, but shall not include buildings which are necessary for the furnishing of such services.

**EUTROPHICATION** – the process of nutrient enrichment of waterbodies.

**EXCAVATION** – any removal of earth or earth material from its original position.

**FAMILY** – one or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, or hotel. Such unit shall not exceed five persons not related by blood or marriage.

**FILLING** – depositing or dumping any matter on or into the ground or water.

**FLOOD** – a temporary rise in stream flow or tidal surge that results in water overtopping its banks and inundating adjacent areas.

- **FLOOD PLAIN** – the lands adjacent to a waterbody which have been or may be covered by the regional flood.
- **FLOODWAY** – the channel of a stream and those portions of the flood plain adjoining the channel that are required to carry and discharge the flood water or flood flows.
- **100-YEAR FLOODPLAIN** – means any land adjacent to the fresh-water portions of the Saco River or the Ossipee River which is of lower elevation than the profile of the 100 year flood established for that location by the U.S. Army Corps of Engineers or by other State or federal agency or which were actually covered by flood waters in the flood of March, 1936. Where the location of the boundary of the 100 year floodplain is at issue, the district boundary map adopted by the Planning Board shall be prima facie evidence of the location of said boundary.
- **FLOOD PROOFING** – a combination of structural provisions, changes, or adjustments to properties subject to flooding, primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings.
- **REGIONAL FLOOD** – the maximum known flood of a water body; either the 100 year frequency flood, where calculated, or the flood of record.

**FLOOD AREA, GROSS** – the sum, in square feet, of the floor areas of all roofed portions of a building, as measured from the interior faces of the exterior walls.

**FRONTAGE, SHORE** – the horizontal distance, measured in a straight line, between the intersections of the side lot lines with the shoreline at the normal high water mark.

**FRONTAGE, STREET** – the horizontal distance between the intersections of the side lot lines with the front lot line.

**GRADE** – in relation to buildings, the average of the finished ground level at the center of each wall of a building.

**HIGH WATER MARK, NORMAL** – along lakes, ponds, rivers and streams, the line on the shore or bank at the elevation at which the vegetation changes from predominantly aquatic to predominantly terrestrial.

**HOME OCCUPATION** – an occupation or profession which is customarily carried on in a dwelling unit or structure accessory to a dwelling unit, carried on by a member of the family residing in the dwelling unit, and clearly incidental and secondary to the use of the dwelling unit for residential purposes.

**JUNKYARD** – a yard, field or other area used as a place of storage for:

1. Discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture;
2. Discarded, scrap and junked lumber;
3. Old or scrap copper, brass, rope, rage, batteries, paper trash, rubber or plastic debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material; and,
4. Garbage dumps, waste dumps and sanitary fills.

LAGOON – an artificial enlargement of a waterbody, primarily by means of dredging and excavation.

LANDFILL – “landfill” means a type of waste facility that uses an engineered method of solid waste disposal on land.

LOT – a parcel of land in single ownership, described on a deed, plot or similar legal document.

LOT AREA – the total horizontal area within the lot lines.

LOT, CORNER – a lot with at least two contiguous lines abutting upon a street.

LOT, COVERAGE – the percentage of the lot covered by all buildings.

LOT INTERIOR – any lot other than a corner lot.

LOT LINES – the lines bounding a lot as defined below:

  FRONT LOT LINE – on an interior lot, the line separating the lot from the street. On a corner or through lot, the line separating the lot from either street.

  REAR LOT LINE – the lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line of least dimension.

  SIDE LOT LINE – any lot line other than the front lot line or rear lot line.

LOT WIDTH – the horizontal distance between the side lot lines, measured at the setback line.

LOT OF RECORD – a parcel of land, a legal description of which, or the dimensions of which, are recorded on a document or map on file with the County Register of Deeds or in common use by City or County Officials.

LOT, SHOREFRONT – any lot abutting a waterbody.

LOT, THROUGH – any interior lot having frontage on two more or less parallel streets, or between a street and a waterbody, or between two waterbodies, as distinguished from a corner lot. All sides of through lots adjacent to streets and waterbodies shall be considered frontage, and front yards shall be provided as required.

MANUFACTURED OR CONVERTED HOUSING – means structures, transportable in one or two 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.

MARINA – a shorefront commercial facility with provisions for one or more of the following: boat storage, boat launching, or the sale of supplies and services for watercraft and their equipment and accessories.

MARSH – means a periodically wet or continually flooded land area exceeding one thousand (1,000) square feet with the surface not deeply submerged, covered dominantly with sedges, cattails, rushes or other hydrophytic plants.

MOBILE HOME – a structure designed as a dwelling unit for location on a permanent foundation, and containing sleeping accommodations, a toilet, a tub or shower bath, and kitchen facilities, including major appliances and furniture, with plumbing and electrical connections provided for attachment to outside systems, and designed to be transported after fabrication on its own wheels. A mobile home shall contain not less than 600 square feet of gross floor area.

MOBILE HOME PARK – a parcel of land under unified ownership designed and/or used to accommodate three or more manufactured housing units.
NECESSITY – a showing by an applicant that a proposed change in a use, structure or building cannot be done without. To be a necessity, a proposed change must meet the following criteria:

1. The change must be needed to allow the applicant to use his lot in a customary way.
2. The change must not be for an extraordinary use.
3. The use must be compatible with other uses in the same district and upon comparable lots throughout the town.

NET RESIDENTIAL ACREAGE – the gross acreage available for development, excluding the area for streets or access and the areas which are unsuitable for development.

NET RESIDENTIAL DENSITY – The number of dwelling units per net residential acre.

NON-CONFORMING BUILDING OR USE – a building, structure use of land, or portion thereof, existing at the effective date of adoption or amendment of this Ordinance which does not conform to all applicable provisions of this Ordinance.

OPEN SPACE USE – use not involving; a structure; earthmoving activity; or the removal or destruction of vegetative cover, spawning grounds, or fish, aquatic life, bird and other wildlife habitat.

PARKING SPACE – a minimum area of two hundred (200) square feet, exclusive of drives, aisles or entrances fully accessible for the storage or parking of vehicles.

PERMITTED USE – a use which is allowed without review or approval of the Planning Board and which does not require a Conditional Use Permit. Such uses must, however comply with all applicable Performance Standards.

PLANNED UNIT DEVELOPMENT – land under unified management, planned and developed as a whole according to comprehensive and detailed plans, including streets, utilities, lots or building sites, site plans and design principles for all buildings intended to be located, constructed, used and related to each other, and for other uses and improvements on the land. Development may be single operation or a programmed series of operations including all lands and buildings, with provision for operation or a programmed series of operations including all lands and buildings with provisions for operation and maintenance of such areas and improvements and facilities necessary for common use by the occupants of the development.

PREMISES – one or more lots which are in the same ownership and are contiguous or separated only by a road or waterbody, including all buildings, structures and improvements.

PRINCIPAL BUILDING – the building in which the primary use of the lot is conducted.

PRINCIPAL USE – the primary use to which the premises are devoted, and the main purpose for which the premises exist.

PRIVATE ROAD, PRIVATE WAY – see ROAD

PROHIBITED USE – a use which may not be conducted in the designated district. No permits may be granted for such uses and no variances for such uses are allowed.

PUBLIC ROAD, PUBLIC WAY – see ROAD

PUBLIC UTILITY – any person, firm, corporation, municipal department, board or commission authorized to furnish gas, steam, electricity, waste disposal, communication facilities, transportation or water to the public.

RECREATIONAL VEHICLE – a vehicle or vehicular attachment designed for temporary sleeping or living quarters for one or more persons, which is not a dwelling and which may include a pick-up camper, travel trailer, tent trailer, and motor home.

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.
DRIVEWAY - a vehicular access-way serving one lot.

PRIVATE ROAD = PRIVATE STREET = PRIVATE WAY - a way, other than a Driveway, privately owned and maintained over which the owner(s) may restrict use or passage and includes a discontinued way even if a public recreation easement has been reserved.

PUBLIC ROAD = PUBLIC STREET = PUBLIC WAY - a way, owned (or under the control of) and maintained by the State, a county or a municipality, over which the general public has a right to pass.

STREET – a vehicular access-way with two or more lanes, usually paved.

SEPTAGE – means waste, refuse, effluent, and any other materials from septic tanks, cesspools or any other similar household (domestic) sanitary wastewater facilities, and shall include tank waste and sanitary wastewater and solids from tanks connected to commercial establishments such as restaurants and motels. Wastes from septic tanks or any other similar facilities which are significantly different in character and origin (i.e. an industrial process) are not septage under this section.

SETBACK – the minimum horizontal distance from a lot line to the nearest part of a structure.

SETBACK FROM WATER – the minimum horizontal distance from the normal high water elevation to the nearest part of a structure.

SIGN – “Sign” means any structure, display, logo, device or representation which is designed or used to advertise or call attention to any thing, person, business, activity or place and is visible from any public way or private way serving any combination of three or more dwelling units or lots. It does not include the flag, pennant or insignia of any nation, state or town. Whenever dimensions of a sign are specified they shall include frames. (amended at annual town meeting 3/2/2002)

STREET – see ROAD

STRUCTURE – Anything constructed or erected, except a boundary wall or fence, the use of which requires location on the ground or attachment to something on the ground.

SUBDIVISION – the division of a tract or parcel of land into three or more lots, whether accomplished by sale, lease, development, building or otherwise, in any five year period. For the purpose of this Ordinance the term subdivision shall include such developments as shopping centers, condominiums, mobile home parks and campgrounds where there are three or more units involved.

Land divided by inheritance, order of court or gift to a relative, except where the objective of such transaction is to avoid municipal review is not considered part of a subdivision. Also, in determining whether a subdivision has occurred, land retained by the subdivider for his own use as a single family residence for a period of five years shall not be computed in the number of lots created, or shall the creation of any lot or parcel 40 acres or larger to considered part of a subdivision unless the objective of such division is to avoid municipal review.

SWAMP – means a periodically or continually wet area exceeding 1,000 square feet in area which supports tree growth.

TRAILER, UTILITY – a vehicle without motive power, designed to be towed by a passenger automobile but not designed for human occupancy and which may include a utility trailer, boat trailer, horse trailer, or snowmobile trailer.

USE – the purpose of which land or a structure is arranged, designed, or intended, or for which land or a structure is or may be occupied.

VARIANCE – a relaxation of the terms of this Ordinance where such variance would not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary or undue hardship. A financial hardship shall not constitute
grounds for granting a variance. The crucial points of variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case.

As used in this Ordinance, a variance is authorized only for height, area, and size of structures or size of yards or open spaces. Establishment or expansion otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in adjoining Zoning Districts.

WAY – a means of passing from one place to another, as a road, street, path, etc. See ROAD

WETLANDS – means marshes, bogs, swamps and other areas exceeding 1,000 square feet, periodically covered by water which exhibit predominantly aquatic vegetation.

YARD – the area of land on a lot not occupied by the principal building.

YARD FRONT – the area of land between the front lot line and the nearest part of the principal building.

YARD SIDE – the area of land between the side lot line and the nearest part of the principal building.

YARD, REAR – the area of land between the rear lot line and the nearest part of the principal building.
ARTICLE 4    LAND USE DISTRICT REQUIREMENTS

4.1 RESOURCE PROTECTION DISTRICT

4.1.1 PURPOSE

1. To further the maintenance of safe and healthful conditions and the general welfare; prevent and control water pollution, protect spawning grounds, fish, aquatic life, bird and other wildlife habitat, control building sites, placement of structures and land uses; and conserve shore cover, visual as well as actual points of access to inland waters and natural beauty.

2. To control the use of shoreland and other areas to provide maximum protection to the land and water resources so that,
   a. The processes of eutrophication, sedimentation, and pollution, leading to the ultimate degradation or destruction of the water body will be eliminated or delayed as long as possible.
   b. The process of accelerated nutrient enrichment of waterbodies, which almost always accompanies shoreland development, will be kept to a minimum; and
   c. Waterbodies, particularly those with public access, will be maintained in a condition fit for the present and future use and enjoyment of the public.

3. To provide minimum standards, as a stop gap measure, until such time as research establishes precisely the susceptibility of various water bodies to degradation and the exact nature of the effects of shoreland development on that degradation process.

4. To enhance the enjoyment and use of waterbodies through the protection of fish and aquatic life from destruction that results from advanced stages of man-induced eutrophication.

5. To protect the most vulnerable shoreland areas of all waterbodies and other areas in which land uses would adversely affect water quality, productive habitat, biological systems, or scenic and natural values, and to discourage development in unsafe or unhealthful areas. Such areas include but are not limited to:
   a. Wetlands, swamps, marshes and bogs.
   b. Significant wildlife habitats.

4.1.2 AREAS TO BE INCLUDED

1. Wetlands, swamps, marshes and bogs.

2. Areas where the 100-year floodplain on one or both sides of the Saco or Ossipee Rivers is at least 500 feet in width.

3. However, within the vicinity of Hiram Village, the Resource Protection District shall include only the wetlands areas of Hancock Brook, and shall not include all land within the 100-year floodplain.

4. Land in private ownership designated for inclusion within this district by the owner thereof.

5. Land held in federal, state and municipal ownership which is designated for inclusion within this district.
6. Areas of importance as a fish or wildlife habitat or containing exceptional educational, scientific, scenic, historic or archaeological resources, which are nominated in writing to the Planning Board by a municipal or state agency and approved by the Planning Board after Public Hearing in the municipality.

a. Areas of importance as fish and wildlife habitat shall be included within the Resource Protection District upon a finding by the Planning Board that all of the following requirements are met:
   i. The area is of importance to a specific species of fish, migratory birds or other wildlife which inhabits the Saco River Valley;
   ii. The maintenance and preservation of the populations of such species will promote the public welfare; and
   iii. More intensive development would result in the total or partial loss of the wildlife resources to be protected.

b. Areas of exceptional scenic importance shall be included within the Resource Protection District upon a finding by the Planning Board that either the area has been designated by a state or municipal agency as a public scenic overlook or that all the following requirements are met:
   i. The area is of exceptional scenic value because of distinct and clearly identifiable geological formations, vegetation or other natural features such as bluff, cliffs, rapids, falls, rock out-croppings or islands;
   ii. The natural features are visible from the river or from an accepted road during the months of June through September;
   iii. Preservation of the scenic values of the area will promote the public welfare; and
   iv. More intensive development would result in the total or partial loss of the scenic value of the area.

c. Areas of exceptional historic importance shall be included within the Resource Protection District only upon a finding by the Planning Board that all of the following requirements are met:
   i. The area to be included is associated with persons or events of national, state or local historic significance;
   ii. The area to be included, or the persons or events associated with the area, have been described or alluded to in historic documents, state or local histories, historic novels or other published materials;
   iii. Protection of the historic values of the area will contribute to public understanding and appreciation of the history of the Saco River Valley and its people; and
   iv. More intensive development would result in the total or partial loss of the historic value of the area.

d. Areas of exceptional archaeological importance shall be included within the Resource Protection District upon a finding by the Planning Board that all of the following requirements are met:
   i. The area to be included is one of exceptional importance as a source of fossils or prehistoric Indian remains;
   ii. The protection of the area would promote the public welfare by increasing public understanding and appreciation of the past of the Saco River Valley and its inhabitants; and
   iii. More intensive development would result in the total or partial loss or inaccessibility of such fossils or Indian remains.
e. Areas of exceptional scientific and educational importance shall be included within the Resource Protection District only upon a finding by the Planning Board that all of the following requirements are met;
   i. The area contains rare or unusual flora, fauna, or other natural features of scientific or educational importance;
   ii. That protection of the area will promote scientific and educational purposes;
   iii. More intensive development would result in the total or partial destruction of the educational or scientific value of the area.

4.1.3 BASIC REQUIREMENT

Permitted uses and Conditional Uses shall conform to all dimensional requirements and other applicable requirements of this Ordinance. A building or use permit shall be required for all buildings, according to the provisions of Article 6 of this Ordinance.

4.1.4 PERMITTED USES

The following uses are permitted in the Resource Protection District:

4.1.4.1 RURAL
   - Open Space use
   - Agriculture and gardening
   - Timber Harvesting

4.1.4.2 OTHER
   - Piers and docks not requiring a Conditional Use Permit
   - Signs

4.1.5 CONDITIONAL USES

The following uses may be allowed only upon the granting of a Conditional Use Permit by the Planning Board, in accordance with the provisions of Article 6;

4.1.5.1 RURAL
   - Structures accessory to Permitted or Conditional Uses, upon a finding of the Planning Board that:
     a. The proposed structure is related and necessary to a permitted or conditional use.
     b. The proposed structure will involve:
     c. no danger to the public health and safety;
     d. no significant degradation of air and water quality;
     e. no alteration of wetlands;
     f. no significant increase in erosion or sedimentation, and
     g. no significant interference with the natural, scenic and historic value of those areas designated by Federal, State, or municipal agencies.
   - Accessory Uses
   - Uses which are similar to the above uses

4.1.6 PROHIBITED USES

The following uses are prohibited in the Resource Protection district:
4.1.6.1 RESIDENTIAL
  • Residential structures and uses

4.1.6.2 COMMERCIAL AND INDUSTRIAL
  • Commercial and industrial structures and uses

4.1.6.3 PUBLIC, SEMI-PUBLIC AND INSTITUTIONAL
  • Public, semi-public, and institutional structures

4.1.6.4 OTHER
  • Billboards
  • All other uses except piers, docks, and signs

4.1.7 DIMENSIONAL REQUIREMENTS

No portion of any lot created after the effective date of adoption or amendment of this Ordinance and lying within the Resource Protection District may be used to meet the dimensional requirements of other Districts in which the remainder of the lot is situated. Where a residential structure is in existence on the effective date of adoption or amendment of this Ordinance, no lot containing such structure shall be created which does not meet the dimensional requirements of the Shoreland District, and which does not contain a minimum of 40,000 square feet.

4.1.8 OMITTED USES

Uses which are not specifically permitted or allowed by Conditional Use Permit are prohibited in this district.

4.2 SHORELAND DISTRICT

This section replaced by the Hiram Shoreland Zoning Ordinance, March 3, 2001
The most current amendments to the Shoreland Zoning Ordinance apply.
NOTE: This district can overlap all districts except for the Rural Residential District.

4.3 VILLAGE DISTRICT

4.3.1 PURPOSE

  • To provide for the public health and safety, environmental quality, and economic well-being of the community.
  • To protect the historical and architectural integrity of existing village development and to insure the future development is compatible both in character and use.
  • To provide areas for high density residential development in locations compatible with existing development and in a manner appropriate to the economical provision of community services and utilities.
  • To provide areas for a variety of commercial and industrial uses in a manner appropriate to their location and the economical provision of essential community services and utilities.
  • To provide an area in which the location of public facilities can serve the greatest number of people as economically as possible.
4.3.2 AREAS TO BE INCLUDED

4.3.2.1 SOUTH HIRAM
The land within 1000 feet on each side of the centerline of the road from the Porter town line for a distance of 2000 feet in an easterly direction, and 500 feet each side of the centerline of Rt. 160 northerly to the Ridlon Brook. Also included shall be the land within 500 feet of the mean high water line of the Ossipee River from the Porter town line a distance of 2000 feet easterly along the river bank.

4.3.2.2 HIRAM
The land within 1000 feet on each side of the centerline of roads as follows:

- Rt. 117 from the Saco River bridge to the center of the intersection with King Street and Sebago Road.
- King Street from the center of the intersection with Rt. 117 a distance of 1500 feet in a northerly direction.
- Rt. 117 from said intersection a distance of 2000 feet in an easterly direction.
- Sebago Road from said intersection a distance of 4000 feet.
- Hampshire Street from the center of the intersection with Sebago Road 2000 feet in an easterly direction.

In addition, the land within 500 feet on each side of the centerline of roads as follows:

- Rt. 113 from Saco River Bridge to Red Mill Brook.
- River road from the Saco River Bridge to the center of the crossing of the MCRR tracks

4.3.3 BASIC REQUIREMENTS

Permitted uses and Conditional Uses shall conform to all dimensional requirements and other applicable requirements of this Ordinance. A plumbing permit and building or use permit shall be required for all buildings, uses, and sanitary facilities, according to the provisions of Article 6 of this Ordinance.

4.3.4 PERMITTED USES

The following uses are permitted in the Village District:

4.3.4.1 RURAL
- Open Space use
- Agriculture and gardening
- Timber Harvesting
- Accessory Uses
- Uses which are similar to the above uses

4.3.4.2 RESIDENTIAL
- Single family dwelling not including single tent or mobile home
- Two-family dwellings
- Home Occupations
- Accessory uses and structures
4.3.4.3 PUBLIC, SEMI-PUBLIC AND INSTITUTIONAL

- Church or other place of worship, parish house, rectory, convent and other religious institutions
- Public, private, and parochial schools
- Public buildings, such as libraries, museums, civic centers
- Recreational or community activity buildings
- Accessory uses and structures
- Uses which are similar to the above uses

4.3.4.4 OTHER

- Filling, grading, lagooning, dredging, or other earthmoving activity operated in accordance with State laws, as allowed under Article 5.7.2 “Earth-moving not requiring a conditional use permit”. [Amended 8/10/2006]
  - Boathouses
  - Piers and docks not requiring a Conditional Use Permit
  - Signs

4.3.5 CONDITIONAL USES

The following uses may be allowed only upon the authorization of a Conditional Use Permit by the Planning Board, in accordance with the provisions of Article 6:

4.3.5.1 RURAL

- Public or private recreation facilities including parks, playgrounds, golf courses, driving ranges and swimming pools, but excluding campgrounds.
- Accessory uses and structures
- Uses which are similar to the above uses

4.3.5.2 RESIDENTIAL

- Multi-family dwelling
- Planned unit development or cluster development
- Mobile Home or mobile home park
- Accessory uses and structures
- Uses which are similar to the above uses

4.3.5.3 COMMERCIAL AND INDUSTRIAL NOT FALLING WITHIN THE COMMERCIAL OVERLAY DISTRICT.

- Facilities having less than 2500 square feet of gross floor area and employing less than 6 full time employees or equivalent thereof.

4.3.5.4 PUBLIC, SEMI-PUBLIC, AND INSTITUTIONAL

- Cemeteries
- Utilities, including sewage collection and treatment facilities
- Accessory uses and structures
- Uses which are similar to the above uses

4.3.5.5 OTHER

- Filling, grading lagooning, dredging or other earthmoving activity which does not meet the criteria for permitted uses.
- Any building and/or structure 65 feet in height or greater measured from the ground.
4.3.6 OMITTED USES

Any use not specifically permitted, allowed by the Conditional Use Permit or prohibited may be allowed only by a special Conditional Use Permit following submission of a statement and explanation by the applicant that the requirements of Article 1.3 are met and acceptance of such explanations by the Planning Board in accordance with the requirements of Article 6.

4.3.7 DIMENSIONAL REQUIREMENTS

4.3.7.1 LOT DIMENSIONS

1. Lots in the Village District shall meet or exceed the following minimum requirements: (additional area may be required by other provisions of this ordinance.)

<table>
<thead>
<tr>
<th>MINIMUM LOT SIZE</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Without sanitary sewers</td>
<td>20,000 square feet*</td>
</tr>
<tr>
<td>With sanitary sewers</td>
<td>10,000 square feet</td>
</tr>
</tbody>
</table>

*Please see Appendix A for state regulation of lots with less than 20,000 square feet.

<table>
<thead>
<tr>
<th>MINIMUM FRONTAGE</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>100 feet/200 ft see (2), (5)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MINIMUM YARD DIMENSIONS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Front setback</td>
<td>25 feet (3)/100 feet (3)</td>
</tr>
<tr>
<td>Side setback</td>
<td>20 feet (4)</td>
</tr>
<tr>
<td>Rear setback</td>
<td>20 feet</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MAXIMUM LOT COVERAGE</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>20% residential</td>
<td></td>
</tr>
<tr>
<td>30% non-residential</td>
<td></td>
</tr>
</tbody>
</table>

2. A lot abutting a public road or private road serving any combination of three or more lots or dwelling units shall have a minimum road frontage of 100 feet. A lot abutting a lake, pond, river, or stream water shall have a minimum shore frontage of 200 feet, measured in a straight line between the points of intersection of the side lot lines with the shoreline at the normal high water mark; for non-conforming lots, see the Town of Hiram Shoreland Zoning Ordinance, Section 12, Non-conformance, Subsection E, Non-conforming lots.

3. A front yard abutting a public road or private road serving any combination of three or more lots or dwelling units shall have a minimum depth of 25 feet from the right of way line or 50 feet from the center line, whichever distance is greater. Where a proposed structure is abutted on both sides by existing structures whose setback from the road is less than 25 feet, the setback of the proposed structure may be reduced to that of the abutting structures upon approval of the Planning Board in accordance with provisions of Article 6. A front yard abutting the shoreline of a lake, pond, river or stream shall have a minimum depth of 100 feet from the normal high water mark. The depth of any yard abutting a public road, or private road serving any combination of three or more lots or dwelling units, or any waterbody shall conform to the front yard requirements.

4. Combined width of both side yards shall be 30 feet.

5. Back lots with zero frontage may be improved provided all other requirements of this ordinance are met. See, in particular, Article 5.20 Access to Back Lots.

6. Lots of record as of the date of adoption of this ordinance, with less than minimum frontage in any district, may be improved only upon the authorization of the Planning Board with a Conditional Use Permit.
4.3.7.2 PRINCIPAL BUILDING
If more than one principal building is constructed on a single lot, all dimensional requirements shall be met separately for each such principal building.

4.3.7.3 REQUIRED YARD SPACES SHALL SERVE ONLY ONE LOT
No part of the yard or other open space required on any lot for any building shall be included as part of the yard or open space similarly required for another building or lot.

4.3.7.4 VISIBILITY AT CORNER LOTS
All corner lots shall be kept free from visual obstructions for a distance of 25 feet measured along the intersecting street lines.

4.3.7.5 BUILDING HEIGHT
No building shall exceed 2 ½ stories or 35 feet in height. Features of buildings and structures, such as chimneys, towers, ventilators, and spires may exceed 35 feet in height, but shall be set back from the nearest lot line a distance not less than the height of such feature or structure, unless a greater setback is required by other provisions of this Ordinance.

4.3.8 PROHIBITED USES

- Waste processing or disposal facilities
- Automobile graveyards and junkyards
- Campgrounds

4.4 RESIDENTIAL DISTRICT

4.4.1 PURPOSE

- To provide for the public health and safety, environmental quality, and economic wellbeing of the community.
- To provide areas for medium density residential growth in such a manner and at such locations as are comparable with existing development and the ability of the community to provide essential services and utilities.
- To provide areas for commercial public and semi-public uses compatible with, and necessary to, residential development.

4.4.2 AREAS TO BE INCLUDED
Along all accepted town and state roads which were maintained for winter traffic during the winter of 1973-74, the Residential District shall include the land within 500’ on each side of the centerline of the road except for the land included in the Village District. See Appendix B for list of roads. [Amended 3/6/2010]

4.4.3 BASIC REQUIREMENT
Permitted Uses and Conditional uses shall conform to all dimensional requirements and other applicable requirements of this Ordinance. A plumbing permit and a building or use permit shall be required for all buildings, uses and sanitary facilities, according to the provisions of Article 6 of this Ordinance.
4.4.4 PERMITTED USES

The following uses are permitted in the Residential District:

4.4.4.1 RURAL
- Open Space use
- Agriculture and gardening
- Timber harvesting
- Accessory uses and structures
- Uses which are similar to the above uses

4.4.4.2 RESIDENTIAL
- Single family dwelling, not including single tent or mobile home
- Two-family dwelling
- Home Occupations
- Accessory uses and structures

4.4.4.3 PUBLIC, SEMI-PUBLIC AND INSTITUTIONAL
- Church or other place of worship, parish house, rectory convent and
  other religious institutions
- Public, private and parochial schools
- Public buildings, such as libraries, museums, civic centers
- Cemeteries
- Accessory uses and structures

4.4.4.4 OTHER
- Filling, grading, lagooning, dredging, or other earthmoving activity
  operated in accordance with State laws, as allowed under Article 5.7.2
  “Earth-moving not requiring a conditional use permit”. [Amended 8/10/2006]
- Boathouses
- Piers and docks not requiring a Conditional Use Permit
- Signs

4.4.5 CONDITIONAL USES

The following uses may be allowed only upon the authorization of a Conditional Use Permit by the Planning Board, in accordance with the provisions of Article 6:

4.4.5.1 RURAL
- Public or private recreation facilities including parks, playgrounds, golf courses, driving ranges and swimming pools
- Accessory uses and structures
- Uses which are similar to the above uses

4.4.5.2 RESIDENTIAL
- Multi-family dwelling
- Planned unit development or cluster development
- Mobile Home or Mobile Home Park
- Accessory uses and structures
- Uses which are similar to the above uses
4.4.5.3 COMMERCIAL AND INDUSTRIAL NOT FALLING WITHIN THE COMMERCIAL OVERLAY DISTRICT.

- Facilities having less than 2500 square feet of gross floor area and employing less than 6 full time employees or equivalent thereof.
  *(voted to add the words “not falling within the commercial overlay district” at the annual town meeting 1998)*

4.4.5.4 COMMERCIAL AND INDUSTRIAL USES REQUIRING A FARM / FOREST LOCATION

- Facilities which by nature of their operation require a farm/forest location. Such facilities shall include but are not limited to, dairy processing, vegetable and fruit processing, packing, and storage, timber processing.
- Uses which are similar to the above uses.
  *(voted to add this section at annual town meeting 1998)*

4.4.5.5 PUBLIC, SEMI-PUBLIC AND INSTITUTIONAL

- Utilities, including sewage collection and treatment facilities
- Accessory uses and structures
- Uses which are similar to the above uses

4.4.5.6 OTHER

- Filling, grading, lagooning, dredging or other earthmoving activity which does not meet the criteria for permitted uses.
- Any building and/or structure 65 feet in height or greater measured from the ground.  *(Voted to add at the annual town meeting 1998)*

4.4.6 OMITTED USES

Any use not specifically permitted, allowed by the Conditional Use Permit or prohibited, may be allowed only by a special Conditional Use Permit following submission of a statement and explanation by the Applicant that the requirements of Article 1.3 are met and acceptance of such explanation by the Planning Board in accordance with the requirements of Article 6.

4.4.7 DIMENSIONAL REQUIREMENTS

4.4.7.1 LOT DIMENSIONS

1. Lots in the Residential District shall meet or exceed the following minimum requirements (Additional area may be required by other provisions of this Ordinance)

   **MINIMUM LOT SIZE**
   - Without sanitary sewers: 40,000 square feet
   - With sanitary sewers: 20,000 square feet

   **MINIMUM FRONTAGE**
   - 200 feet see (2),(5)

   **MINIMUM YARD DIMENSIONS**
   - Front setback: 50 feet (3) / 100 feet (3)
   - Side setback: 20 feet (4)
   - Rear setback: 20 feet

   **MAXIMUM LOT COVERAGE**
   - 10%

2. A lot abutting a public road or private road serving any combination of three or more lots or dwelling units shall have a minimum road frontage of 200 feet. A lot abutting a lake, pond, river or stream shall have a minimum shore frontage of 200 feet, measured in a straight line between the points of intersection of the side lot lines with the shoreline at the normal high water mark; for non-conforming lots, see
3. A front yard abutting a public road or private road serving any combination of three or more lots or dwelling units shall have a minimum depth of 50 feet from the right of way line or 75 feet from the center line, whichever distance is greater. A front yard abutting the shoreline of a lake, pond, river or stream shall have a minimum depth of 100 feet from the normal high water mark. The depth of any yard abutting a public road, or private road serving any combination of three or more lots or dwelling units, or any water body shall conform to the front yard requirements.

4. Combined width of both side yards shall be 30 feet.

5. Back lots with zero frontage may be improved provided all other requirements of this ordinance are met. See, in particular, Article 5.20 Access to Back Lots. (amended 3/3/2012)

6. Lots of record as of the date of adoption of this ordinance, with less than minimum frontage in any district, may be improved only upon the authorization of the Planning Board with a Conditional Use Permit.

4.4.7.2 PRINCIPAL BUILDING
If more than one principal building is constructed on a single lot, all dimensional requirements shall be met separately for each such principal building.

4.4.7.3 REQUIRED YARD SPACES SHALL SERVE ONLY ONE LOT
No part of the yard or other open space required on any lot for any building shall be included as part of the yard or open space similarly required for another building or lot.

4.4.7.4 VISIBILITY AT CORNER LOTS
All corner lots shall be kept free from visual obstructions for a distance of 25 feet measured along the intersecting street lines.

4.4.7.5 BUILDING HEIGHT
No building shall exceed 2-1/2 stories or 35 feet in height. Features of buildings and structures, such as chimneys, towers, ventilators, and spires may exceed 35 feet in height, but shall be set back from the nearest lot line a distance not less than the height of such feature or structure, unless a greater setback is required by other provisions of the ordinance.

4.4.8 PROHIBITED USES
NONE *(voted to remove Prohibited Uses in its entirety at annual town meeting, 1998)

4.5 RURAL RESIDENTIAL DISTRICT

4.5.1 PURPOSE
To further the maintenance of safe and healthful conditions and the general welfare; to protect bird and other wildlife habitat; to influence placement of structures and land uses; to conserve tillable land for future agricultural needs, to protect and preserve forest and woodlands and keep them productive.
4.5.2 AREAS TO BE INCLUDED

All areas of the Town not designated for the Resource Protection, Shoreland, Village, and Residential Districts shall be included in the Rural Residential District. [Amended 3/6/2010]

4.5.3 BASIC REQUIREMENT

Permitted Uses and Conditional Uses shall conform to all dimensional requirements and other applicable requirements of this Ordinance. A plumbing permit and building or use permit shall be required for all buildings, uses, and sanitary facilities, according to the provisions of Article 6 of this Ordinance.

4.5.4 PERMITTED USES

4.5.4.1 RURAL

- Open space use.
- Agriculture and gardening
- Sale of produce and plants raised on the premises, or seasonal sales of produce and plants not raised on the premises.
- Timber harvesting
- Accessory uses and structures
- Uses which are similar to the above uses.

4.5.4.2 RESIDENTIAL

- Single family dwelling, not including single camp, tent or mobile home.
- Home occupations
- Accessory uses and structures

4.5.4.3 PUBLIC, SEMI-PUBLIC AND INSTITUTIONAL

- None

4.5.4.4 OTHER

- Filling, grading, lagooning, dredging, or other earthmoving activity operated in accordance with State laws, as allowed under Article 5.7.2 “Earth-moving not requiring a conditional use permit”. [Amended 8/10/2006]

4.5.5 CONDITIONAL USES

The following uses may be allowed only upon the granting of a Conditional Use Permit by the Planning Board, in accordance with the provisions of Article 6;

4.5.5.1 RURAL

- Public or private recreational facilities, including parks, golf courses, driving ranges.
- Campgrounds
- Accessory uses and structures
- Uses which are similar to the above uses.

4.5.5.2 RESIDENTIAL

- Mobile Home
- Planned unit Development or Cluster Development
- Accessory uses and structures
4.5.3 COMMERCIAL AND INDUSTRIAL USES REQUIRING A FARM/FOREST LOCATION

- Facilities which by nature of their operation require a farm/forest location. Such facilities shall include but are not limited to, dairy processing, vegetable and fruit processing, packing, and storage, timber processing and rural bed and breakfast inn/retreat.
  *(added rural bed breakfast inn/retreat by referendum vote 11/3/1998)*
- Uses which are similar to the above uses.

4.5.4 PUBLIC, SEMI-PUBLIC AND INSTITUTIONAL

- Utilities, including sewage collection and treatment facilities.
- Waste processing or disposal facilities other than sewage collection and treatment facilities
- Cemeteries
- Accessory uses and structures
- Uses which are similar to the above uses.

4.5.5 OTHER

- Filling, grading, lagooning, dredging, or other earthmoving, activity which does not meet the criteria for permitted filling, grading, lagooning, dredging, or other earthmoving activity, including extractive uses such as gravel pits, quarries, mines, and dredging operations.
- Billboards
- Automobile graveyards and junkyards
- Accessory uses and structures.
- Piers, docks and other shoreland construction requiring a Conditional Use Permit. *(See the Town of Hiram Shoreland Zoning Ordinance)*
- Any building and/or structure 65 feet in height or greater measured from the ground. *(voted to add this sentence at the annual town meeting, 1998)*
- Uses which are similar to the above uses.

4.5.6 OMITTED USES

Any use not specifically permitted, allowed by the Conditional Use Permit or prohibited may be allowed only by a special Conditional Use Permit following submission of a statement and explanation by the applicant that the requirements of Article 1.3 are met and acceptance of such explanations by the Planning Board in accordance with the requirements of Article 6.

4.5.7 DIMENSIONAL REQUIREMENTS

4.5.7.1 LOT DIMENSIONS

1. Lots in the Farm/forest district shall meet or exceed the following minimum requirements: *(Additional area may be required by other provisions of this Ordinance)*

<table>
<thead>
<tr>
<th>Minimum Lot Size</th>
<th>87,200 square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Without sanitary sewers</td>
<td></td>
</tr>
<tr>
<td>With sanitary sewers</td>
<td></td>
</tr>
<tr>
<td>Minimum Frontage</td>
<td>300 feet, see (2, 5)</td>
</tr>
<tr>
<td>Minimum Yard Dimensions</td>
<td></td>
</tr>
<tr>
<td>Front setback</td>
<td>50 feet (3)/100 feet (3)</td>
</tr>
<tr>
<td>Side setback</td>
<td>20 feet (4)</td>
</tr>
<tr>
<td>Rear setback</td>
<td>20 feet</td>
</tr>
</tbody>
</table>
MAXIMUM LOT COVERAGE 15%

2. A lot abutting a public road or private road serving any combination of three or more lots or dwelling units shall have a minimum road frontage of 300 feet.

3. A front yard abutting a public road or private road serving any combination of three or more lots or dwelling units shall have a minimum depth of 50 feet from the right of way line or 75 feet from the center line, whichever distance is greater. The depth of any yard abutting a public road or private road serving any combination of three or more lots or dwelling units, or any water body shall conform to the front yard requirements. For lots extending into the shoreland zone, see the Shoreland Zoning Ordinance. [Amended 3/6/2010]

4. Combined width of both side yards shall be not less than 50 feet.

5. Back lots with zero frontage may be improved provided all other requirements of this Ordinance are met. See, in particular, Article 5.20 Access to Back Lots.; amended 3/3/2012)

6. Lots of record as of the date of adoption of this ordinance with less than minimum frontage in any district may be improved only upon the authorization of the Planning Board with a Conditional Use Permit.

4.5.7.2 PRINCIPAL BUILDING
If more than one principal building is constructed on a single lot, all dimensional requirements shall be met separately for each such principal building.

4.5.7.3 REQUIRED YARD SPACES SHALL SERVE ONLY ONE LOT
No part of the yard or other open space required on any lot for any building shall be included as part of the yard or open space similarly required for another building on the lot.

4.5.7.4 VISIBILITY AT CORNER LOTS
All corner lots shall be kept free from visual obstructions for a distance of 25 feet measured along the intersecting street lines.

4.5.7.5 BUILDING HEIGHT
No residential structure shall exceed two and a half stories or 35 feet in height. All other structures exceeding 35 feet in height shall be set back from the nearest lot line a minimum of one foot for each foot of building height, unless a greater setback is required by other provisions of this ordinance.

4.5.8 PROHIBITED USES
NONE (voted at annual town meeting, 1998 to delete in its entirety)

4.6 COMMERCIAL INDUSTRIAL OVERLAY DISTRICT

4.6.1 PURPOSE
- To provide for the public health and safety, environmental quality, and economic well-being of the community.
- To encourage the location of commercial and industrial uses on those lands within the community which are best suited for such development.
- To provide minimum controls on those uses which, by virtue of their size or external effects (waste discharge, noise, glare, fumes, smoke, dust, odors, or
auto, truck, or rail traffic) could otherwise create nuisances or unsafe or unhealthy conditions.

- To avoid the blight, congestion, and inconvenience caused by inappropriate and poorly located development of commercial and industrial facilities.
- To avoid the economic disadvantages of providing essential services to commercial and industrial facilities which would occur if commercial and industrial facilities developed in a strip fashion along highways and major thoroughfares.

### 4.6.2 AREAS TO BE INCLUDED

The Commercial-Industrial Overlay district is defined in the back of the Zoning Ordinance with shading in the areas to be included in the Commercial-Industrial Overlay District on the “Commercial-Industrial Overlay District Maps”. These maps are portions of the Hiram Tax Maps revised as of 4/1/2004 by John O'Donnell Associates of Auburn, Maine. (Added at the annual town meeting, 1998, amended at a special town meeting July 21, 2005).

### 4.6.3 BASIC REQUIREMENT

Permitted uses and Conditional Uses shall conform to all dimensional requirements and other applicable requirements of this Ordinance. A plumbing permit and building or use permit shall be required for all buildings, uses and sanitary facilities, according to the provisions of Article 6 of this Ordinance.

### 4.6.4 PERMITTED USES

Permitted Uses are those provided for in the Permitted Uses sections for the underlying districts as provided in Article 4.3.4 for the Village District, Article 4.4.4 for the Residential District, and Article 4.5.4 for the Rural Residential District. (Amended July 21, 2005)

### 4.6.5 CONDITIONAL USES

In addition to the Conditional Uses provided for in the Conditional Uses sections for the underlying districts as provided in Article 4.3.5 for the Village District, Article 4.4.5 for the Residential District, and Article 4.5.5 for the Rural Residential District, the following uses are allowed in the Commercial-Industrial Overlay District only upon authorization of a Conditional Use Permit: (Amended July 21, 2005)

- Manufacturing Facilities
- Wholesale/Warehouse Facilities
- Retail Sales Facilities
- Mining
- Automobile graveyards & other junkyards
- Uses similar to conditional uses
- Adult Educational Facilities
- Bed & Breakfast
- Hotel/Motels
- Restaurants
- Elderly housing Facilities

### 4.6.6 OMITTED USES

Any use not specifically permitted, allowed by the Conditional Use Permit or prohibited may be allowed only by a special Conditional Use Permit following submission of a statement and explanation by the applicant that the requirements of Article 1.3 are met and acceptance of such explanation by the Planning Board in accordance with the requirements of Article 6.
4.6.7 DIMENSIONAL REQUIREMENTS

4.6.7.1 LOT DIMENSIONS
1. Lots in the commercial-industrial district shall meet or exceed the following minimum requirements (additional area may be required by other provisions of this Ordinance)

MINIMUM LOT SIZE
- Without sanitary sewers: 40,000 square feet
- With sanitary sewers: 10,000 square feet

MINIMUM FRONTAGE: 100/200 feet; see (2)

MINIMUM YARD DIMENSIONS
- Front setback: 75 feet (2) / 250 feet (3)
- Side setback: 20 feet (4)
- Rear setback: 30 feet

MAXIMUM LOT COVERAGE: 30%

2. Road and shoreline frontage shall meet the requirements of the underlying districts.

3. A front yard abutting a public road or private road serving any combination of three or more lots, principal buildings, or dwelling units shall have a minimum depth of 50 feet from the right of way line or 75 feet from the center line, whichever distance is greater. A front yard abutting the shoreline of a lake, pond, river, or stream shall have a minimum depth of 250 feet from the normal high water mark. The depth of any yard abutting a public road or any water body shall conform to the front yard requirements.

4. Combined width of both side yards shall be 50 feet.

4.6.7.2 PRINCIPAL BUILDING
If more than one principal building is constructed on a single lot, all dimensional requirements shall be met separately for each such principal building.

4.6.7.3 REQUIRED YARD SPACES SHALL SERVE ONLY ONE LOT
No part of the yard or other open space required on any lot for any building shall be included as part of the yard or open space similarly required for another building or lot.

4.6.7.4 VISIBILITY AT CORNER LOTS
All corner lots shall be kept free from visual obstructions for a distance of 25 feet measured along the intersecting street lines.

4.6.7.5 BUILDING HEIGHT
No building shall exceed three stories or 45 feet in height. Features of buildings and structures, such as chimneys, towers, ventilators, and spires, may exceed 45 feet in height, but shall be set back from the nearest lot line a distance not less than the height of such feature or structure, unless a greater setback is required by other provisions of this Ordinance.

4.6.8 PROHIBITED USES
NONE
ARTICLE 5 PERFORMANCE STANDARDS

5.1 ACCESSORY APARTMENT

An accessory apartment may be associated only with a single family dwelling. An accessory apartment may be created by partitioning the single family dwelling or by adding to the single family dwelling, or by putting the accessory apartment in a separate accessory building on the property. For example, the accessory apartment could be on the main level of the single family dwelling, upstairs, in the basement, or over the garage.

1. A single family dwelling may have only one (1) accessory apartment.

2. Sometimes called an "in-law" suite, it shall share the driveway, and yard with the "main" house. It may, but is not required to share the entrance to the "main" house.

3. The accessory apartment shall have occupancy limited to two (2) persons.

4. The accessory apartment shall have a minimum area of 500 square feet and a maximum area of 1000 square feet.

5. The septic system on the property in question shall be functioning properly at the time of application for a building permit. In addition, the applicant shall submit a new HHE 200 form as documentation that another of suitable soil exists on the property to be used for septic system repair in the event of failure of the original system or shall submit a report by a surface wastewater disposal system site evaluator certifying that the current system is sufficient for the use intended.

6. The parking requirements of the Hiram Zoning Ordinance shall be adhered to.

7. The accessory apartment shall comply with all State and local building, fire plumbing and related code requirements.

8. Adding an accessory apartment to a single family dwelling does not change the dwelling to a Two Family Dwelling Unit, so it is exempt from the frontage and acreage requirements of Article 5.10 as long as the accessory apartment standards listed above are met.

9. The owner shall add a deed restriction on the property, identifying the accessory apartment as an "Accessory Apartment as defined in the Zoning Ordinance of the Town of Hiram, limited in occupancy to two (2) persons." A copy of the recorded restriction with the Book and Page number noted by the Registrar of the Registry of Deeds shall be provided to the Code Enforcement Officer before a building permit is issued and, if no building permit has been issued, before an occupancy permit is issued.

5.2 ACCESSORY BUILDINGS

No garage or other accessory building shall be located in a required front yard. When located to the rear of the main building, the accessory building shall be set back at least 10 feet from the side or rear lot lines, provided that all accessory buildings, other than a boathouse, shall be set back at least 100 feet from the normal high water mark of a waterbody.

5.3 AGRICULTURE

1. All spreading or disposal of manure shall be accomplished in conformance with the "Maine Standards for Manure and Manure Sludge Disposal on Land" published by the University of Maine and Maine Soil and Water Conservation Commission in July 1972.

2. Where soil is tilled, an untilled filter strip of natural vegetation shall be retained between the tilled ground and the normal high water mark of the surface water areas
protected by these districts. The width of this strip shall vary according to the average slope of the land as follows:

<table>
<thead>
<tr>
<th>Average Slope of Land between tilled Land and Normal High Water Mark. (percent)</th>
<th>Width of Strip between tilled land and Normal high water Mark. (Feet along surface of the ground)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 4</td>
<td>50</td>
</tr>
<tr>
<td>5 - 9</td>
<td>70</td>
</tr>
<tr>
<td>10 - 14</td>
<td>90</td>
</tr>
<tr>
<td>15 and over</td>
<td>110</td>
</tr>
</tbody>
</table>

3. Agricultural practices shall be conducted to minimize soil erosion, sedimentation, contamination, and nutrient enrichments of ground and surface waters.

4. Agricultural practices not in conformance with these standards may be allowed by Conditional Use Permit.

5.4 BOATHOUSES

Boathouses may be located within a shore lot, but shall be set back a minimum of 100 feet from the normal highwater mark of a lake, pond, river or stream, shall not exceed one (1) boathouse on the premises for each shore lot, shall not exceed a height of fifteen (15) feet, shall not exceed three hundred (300) square feet in horizontal area covered, and shall be at least fifteen (15) feet from any side lot line. All distances shall be measured horizontally.

5.5 CAMPGROUNDS

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

1. Recreational vehicle and tenting areas containing approved water carried sewage facilities shall meet the following criteria:
   a. Each recreational vehicle, tent, or shelter site shall contain a minimum of 5000 square feet, not including roads and driveways.
   b. A minimum of 200 square feet of off-street parking plus maneuvering space shall be provided for each recreational vehicle, tent, or shelter site.
   c. Each recreational vehicle, tent, or shelter site shall be provided with a picnic table, trash receptacle, and fireplace.

2. Wilderness recreational areas without water-carried sewage facilities shall contain a minimum of 20,000 square feet, not including roads and driveways, for each recreational vehicle, tent or shelter site.

3. The area intended for placement of the recreational vehicle tent, or shelter and utility and service buildings shall be set back a minimum of 100 feet from the exterior lot lines of the camping area and 100 feet from the normal high water mark of any waterbody.

4. All campgrounds shall be screened from adjacent land areas by a continuous landscaped area not less than 25 feet in width containing evergreen shrubs, trees, fences, walls or any combination which forms an effective visual barrier of not less than six (6) feet in height.

5.6 ELEVATION OF BUILDINGS ABOVE FLOOD LEVEL

All buildings shall have their lowest floor and their heating, electrical, septic tank, filter field and other vital utility facilities constructed at an elevation not less than two (2) feet above the level of the Regional Floor or, if this is unknown or cannot be reasonably determined, twenty (20) feet above the normal high water mark of a waterbody. In addition, the ground level surrounding buildings shall be raised to an elevation not less
than one (1) foot above the regional flood, or nineteen (19) feet above the normal high water mark of a waterbody. Such fill shall extend for a minimum horizontal distance of fifteen (15) feet from the outer surface of the building walls. Maximum depth of fill shall not exceed three (3) feet.

5.7 FILLING, GRADING, LAGOONING, DREDGING, OR OTHER EARTHMoving ACTIVITY

5.7.1 GENERAL

The following provisions shall apply to filling, grading, lagooning, dredging, excavation, processing and storage of soil, earth, loam, sand, gravel, rock and other mineral deposits. Filling, grading, lagooning, dredging, and other earthmoving activity which would result in erosion, sedimentation, or impairment of water quality of fish and aquatic life is prohibited.

5.7.2 EARTHMoving NOT REQUIRING A CONDITIONAL USE PERMIT

The following earth-moving activity shall be allowed without a Conditional Use Permit authorization from the Planning Board:

- Filling, grading, lagooning, dredging, or other earthmoving activity operated in accordance with State laws and under any one of the following conditions:
  - The removal or filling of material on a lot incidental to construction, alterations or repair of a building on that lot (i.e. under or around the building and construction of driveway and parking areas) or in the grading and landscaping incidental thereto (i.e. adjacent yards, gardens, and recreation areas [e.g. tennis court, swimming pools, ponds]),
  or
  - The removal, filling, or transfer of material on a lot incidental to construction, alteration or repair of a public or private way or essential services that is (are) on or adjacent to that lot,
  or
  - Any earthmoving activity not described in (a) or (b) above shall be limited in the Residential or Rural Residential Districts to the removal or filling of less than 100 cubic yards of material from or onto any lot in any one (1) year and shall be limited in the Village District to the removal or filling of less than 10 cubic yards of material from or onto any lot in any one (1) year.

All other earth-moving, processing and storage shall require a Conditional Use Permit authorized by the Planning Board.

5.7.3 APPLICATION FOR CONDITIONAL USE PERMIT

- Application for a Conditional Use Permit from the Planning Board for excavation, processing storage of soil, loam, sand, gravel, rock and other mineral deposits shall be accompanied by a plan which shall show:
  1. the name and current address of the owner of the property involved,
  2. the location and boundaries of the lot or lots for which the permit is requested,
  3. the existing contours of the land within the lot and extending beyond the above boundaries for two hundred (200) feet at intervals not exceeding five (5) feet or other interval specified by the Planning Board.
  4. The contours as proposed, following completion of the grading, at intervals not to exceed five (5) feet or other interval specified by the Planning Board.
Performance Standards

5. The location of all proposed access roads and temporary structures;

6. A storm water management plan, prepared, signed, and sealed by a Professional Engineer registered in the State of Maine in accordance with the *Stormwater Management for Maine: Best Management Practices*, published by the Maine Department of Environmental Protection (1995) (or revision thereof). The Board may not waive submission of the storm water management; and

7. An erosion and sedimentation control plan prepared, signed, and sealed by a Professional Engineer registered in the State of Maine in accordance with the *Maine Erosion and Sediment BMPS*, published by the Maine Department of Environmental Protection, March 2003 (or revision thereof). The Board may not waive submission of the erosion and sedimentation control plan; and

8. Other information necessary to indicate the physical characteristics of the proposed operation.

In addition, the applicant shall pay a fee of $700 to be deposited in a General Ledger account designated for that subdivision application. These funds are to be used by the Board for hiring independent consulting services to review the application and to cover the costs of advertising and all mailings for Public Hearings and other mailings associated with the application and review process. If the balance in this account is drawn down by 75%, the Board shall notify the applicant, and require that an additional $500 be deposited by the applicant. The Board shall continue to notify the applicant and require an additional $500 be deposited as necessary whenever the balance of the account is drawn down by 75% of the original deposit. Any balance in the account remaining after a decision on the final plan application by the Board shall be returned to the applicant.

### 5.7.4 CONDITIONS OF PERMIT

The Planning Board may authorize a Conditional Use Permit providing the following conditions are met;

1. The Board shall obtain independent review of stormwater management plans and erosion and sedimentation control plans.

2. the smallest amount of bare ground shall be exposed for the shortest time feasible.

3. Temporary ground cover such as mulch shall be used. The Planning Board shall set a specific date after which permanent ground cover shall be planted.

4. Diversions, silting basins, terraces and other methods to trap sediment shall be used.

5. Lagooning shall be conducted in such a manner as to avoid creation of fish trap conditions. The applicant shall submit approval from the dept. of Marine Resources and Fisheries or Inland Fisheries & Wildlife, as applicable, prior to consideration by the Planning Board.

6. The extent and type of fill shall be appropriate to the use intended. The applicant shall specify the type and amount of fill to be used.

7. Fill shall not restrict a floodway, channel, or natural drainage-way.

8. The sides and bottom of cuts, fills, channels, and artificial water courses shall be constructed and stabilized to prevent erosion or failure. Such structures are to be designed and built according to the *Maine Erosion and Sediment Control BMPS*, published by the Maine Department of Environmental Protection, March 2003 (or revision thereof).
9. No below-grade excavation, except for drainage-ways shall be allowed within fifty (50) feet of any lot line or public or private road.

10. Topsoil or loam shall be restored to a depth of not less than four (4) inches.

5.7.5 **OPTIONAL CONDITIONS OF PERMIT**

The Planning Board may impose other reasonable conditions to safeguard the neighborhood and the Municipality which may include those relating to:

1. methods of removal or processing;
2. hours of operation;
3. type and location of temporary structures;
4. routes for transporting material;
5. area and depth of excavations;
6. provision of temporary or permanent drainage;
7. disposition of stumps, brush and boulders; and
8. cleaning, repair and/or resurfacing of streets used in removal activity which have been adversely affected by said activity.

5.7.6 **SURETY AND TERMS OF PERMIT**

No permit shall be issued without a bond or other security to insure compliance with such conditions as the Planning Board may impose. No permit shall be issued for a period to exceed three (3) years, although such permit may be renewed for additional periods in the same manner.

5.8 **HOME OCCUPATIONS**

1. Home occupations shall be carried on wholly within the principal building or within a building or other structure accessory to it.
2. No more than two persons outside the family shall be employed in the same home occupation.
3. There shall be no exterior display, no exterior sign (except as permitted by the provisions of this Ordinance), no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building.
4. No nuisance waste discharge, offensive noise vibration, smoke, dust, odors, heat, glare or radiation shall be generated.

5.9 **MANUFACTURING OR CONVERTED HOUSING AND CAMPERS/TRAVEL TRAILERS**

5.9.1 **PERMIT REQUIRED FOR PLACEMENT AND OCCUPANCY OF MANUFACTURED OR CONVERTED HOUSING OR CAMPERS/TRAVEL TRAILERS**

1. After the effective date of this ordinance (January 29, 1987) only those mobile homes which meet the definition of manufactured or converted housing, as defined in this ordinance, and enclosing not less than 600 square feet of living space may be placed on any lot within the town.
2. No person, firm or corporation shall place, occupy, move, bring or cause to be brought into the Town any manufactured or converted housing unit or camper/travel trailer without first securing a permit to do so from the Code Enforcement Officer; provided, however, this restriction shall only apply to
such units or trailers as are to be occupied for more than 14 days in the
Town.

a. One camper/travel trailer may be stored on a single lot (but not occupied)
without a permit.

3. Application shall be made to the Code Enforcement Officer for either a
temporary or permanent permit for manufactured or converted housing units
and campers/travel trailers. The application shall state:

a. the name of the owner of the manufactured or converted housing unit or
camper/house trailer, the unit’s make, serial number, length, width, color,
date of manufacture, and any other identification information; and

b. the location within the Town where the manufactured or converted
housing unit or camper/travel trailer shall be placed, with a plot plan
drawn to scale.

4. If the owner of the land to be occupied is not the owner of the manufactured
or converted housing unit or camper/travel trailer, written permission from the
owner of the land for such occupancy shall accompany the application for
permit.

5. Subject to the provisions of Article 5.9.2, campers/travel trailers may be
occupied or used in Town for a period of not more than 90 days in any one
calendar year, provided they are connected to wells and sewage disposal
facilities in accordance with the State Plumbing Code; after first obtaining a
temporary permit from the Code Enforcement Officer.

6. The Code Enforcement Officer shall issue a permanent permit for the
location and occupancy of a manufactured or converted housing unit
provided;

a. That all of the provisions of this ordinance pertaining to single family
dwelling in the zoning district where the manufactured or converted
housing unit is to be located shall apply to the unit and the lot upon which
it is located;

b. That, prior to issuance of the permit, the applicant shall have constructed
a permanent foundation for the manufactured or converted housing unit
consisting of;

i. poured concrete;

ii. bricks or concrete building blocks bonded together; or

iii. cement pilings

c. hold-down shall be installed in either type of masonry foundation to
which the manufactured or converted housing unit shall be securely
attached to protect it from wind damage; and

d. That, where a continuous masonry foundation is not used, the space
between the ground and the bottom of the unit shall be fenced,
screened, or otherwise enclosed so as not to be visible.

5.9.2 STORAGE OF CAMPERS/TRAVEL TRAILERS

Camper/travel trailers may be kept or stored on premises within the Town,
provided that they are not stored in any front yard, or within 15 feet of any side lot
line or 20 feet of any rear lot line and may not be used or occupied except as
expressly permitted pursuant to Article 5.9.1.5.
5.9.3 REMOVAL OF MANUFACTURED OR CONVERTED HOUSING AND CAMPER/TRAVEL TRAILERS

1. No manufactured or converted housing unit or camper/travel trailer shall be moved or removed from the location designated in the temporary or permanent permit to another location within the Town without first securing a new permit from the Code Enforcement Officer, which permit shall be subject to all of the provisions of this ordinance pertaining to the application for and granting of a new permit.

2. No person, firm or corporation shall move a mobile home or manufactured or converted housing unit from any location in Town to another community without first obtaining a certificate from the Town Tax Collector certifying that, as of the date of removal, all taxes due the Town had been paid in full.

5.9.4 REPLACEMENT OF MANUFACTURED OR CONVERTED HOUSING UNIT OR CAMPER/TRAVEL TRAILER

Any owner of a manufactured or converted housing unit or camper/travel trailer who has a lawful permit for the placement and occupancy of such and desires to replace it with another, shall file an application for a replacement permit with the Code Enforcement Officer. All of the pertinent provisions of this Ordinance pertaining to the application for, and granting of, a placement occupancy permit for manufactured or converted housing unit for a camper/travel trailer shall apply to the application for and granting of the replacement permit.

5.9.5 PERMIT FEE

1. Permit fee for manufactured or converted housing units or camper/travel trailers shall be $10.00 plus $1.00 per thousand of the estimated value of the unit or trailer.

2. All fees shall be paid to the Code Enforcement Officer prior to the issuance of any permits.

5.9.6 TOWN ASSESSORS TO BE NOTIFIED

The Code Enforcement Officer shall immediately notify in writing the assessors and the board of Selectmen of any occupancy permit issued by him for a manufactured or converted housing unit or a camper/travel trailer.

5.9.7 MOBILE HOME PARKS

Design and Performance standards for Mobile Home Parks

5.9.7.1 BASIC REQUIREMENTS

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 the Hiram Subdivision Regulations (Ordinance), the provisions of this section shall prevail.

5.9.7.2 LOT AREA AND LOT WIDTH REQUIREMENTS

Regardless of Hiram lot width and area requirements, lots in a mobile home park shall meet the following lot area and lot width requirements:

1. Lots served by public sewer:
   
   Min lot area: 6,500 square feet
Performance Standards

Min. lot width: 50 feet

2. Lots served by individual subsurface waste water disposal system:
   Min. lot area: 20,000 square feet
   Min. lot width: 100 feet

3. Lots served by a central subsurface waste water disposal system approved by the Maine Department of Human Services;
   Min. lot area: 20,000 square feet
   Min. lot width: 75 feet

4. The overall density of any park served by any subsurface waste water disposal system shall not exceed one dwelling unit per 20,000 square feet of total park area.

5. Lots located within any shoreland zoning district shall meet the lot area, lot width, and shore frontage requirements for that district.

5.9.7.3 UNIT SETBACK REQUIREMENTS

1. No closer than 30’ apart on lots 10,000 square feet in area or larger, structures shall not be located less than 15 feet from any boundary lines of an individual lot. No closer than 10’ apart on lots less (i.e. on public sewer) than 10,000 square feet in area, structures shall not be located less than 10 feet from any boundary lines of an individual lot.

2. On lots which abut a public road or private road constructed pursuant to an approved subdivision either within the park or adjacent to the park, or on lots which are located within a shoreland zoning district, structures shall meet the front setback and setback from high water mark requirements in the dimensional requirements for that district.

5.9.7.4 BUFFERING

If a park is proposed with a residential density at least twice the density of adjacent development in existence, or at least twice the density permitted in the zoning district in which the park is located if the neighboring land is undeveloped, the park shall be designed with a continuous landscaped area not less than fifty feet in width which shall contain no structures or streets. The first twenty five feet of the buffer strip, as measured from the exterior boundaries of the park shall contain evergreen shrubs, trees, fences, walls or any combination which forms an effective visual barrier to be located on all exterior lot lines of the park, except that driveways shall be kept open to provide visibility for vehicles entering and leaving the park.

5.9.7.5 OPEN SPACE RESERVATION

An area no less than 10% of the total area of those lots with a lot area of 10,000 square feet or less shall be reserved as open space. The area reserved as open space shall be suitable to be used for recreational purposes or use by the residents of the park for storage. Generally, the reserved open space shall have slopes less than 5%, shall not be located on poorly or very poorly drained soils, and shall be accessible directly from roads within the park. The Planning Board may waive the requirement for open space when the park is located within one half mile of a publicly owned recreation area.

5.9.7.6 ROAD DESIGN, CIRCULATION, AND TRAFFIC IMPACTS

Streets within a park shall be designed by a Professional Engineer, Registered in the State of Maine.
1. Streets which the applicant proposes to be dedicated as a public ways shall be designed and constructed in accordance with the standards for streets in the Hiram Subdivision Regulations.

2. Streets which the applicant proposes to remain private ways shall meet the following minimum geometric design standards.
   a. Minimum right of way width; 23 FEET
   b. Minimum width of traveled way: 20 FEET PAVED

3. 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 road or private road constructed pursuant to an approved subdivision. 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 private roads constructed pursuant to an approved subdivision.

4. No individual lot within a park shall have direct vehicular access onto an existing public road or private road constructed pursuant to an approved subdivision.

5. The intersection of any street within a park and an existing public street shall meet the following standards.
   a. Angle of intersection. The desired angle of intersection shall be 90 degrees. The minimum angle of intersection shall be 75 degrees.
   b. Maximum grade within 75 feet of intersection. The maximum permissible grade within 75 feet of the intersection shall be 2%.
   c. Minimum Sight Distance. A minimum sight distance of 10 feet for every mile per hour of posted speed limit on the existing road shall be provided. Sight distances shall be measured from the driver’s seat of a vehicle that is 10 feet behind the curb or edge of shoulder line with the height of the eye 3 ½ feet above the pavement and the height of object 4 ¼ feet.
   d. Distance from other intersections. The centerline of any street within a park intersecting an existing public or private street shall be no less than 125 feet from the centerline of any other street intersecting that public or private street.

6. The application shall contain an estimate of the average daily traffic projected to be generated by the park. Estimates of traffic generation shall be based on the TRIP GENERATION MANUAL, 1987 EDITION, published by the Institute of Transportation Engineers. If the park is projected to generate more than 400 vehicle trip ends per day, the application shall also include a traffic impact analysis, by a registered professional engineer with experience in transportation engineering.

5.9.7.7 GROUND WATER IMPACTS

1. ASSESSMENT SUBMITTED
   Accompanying the application for approval of any mobile home park which is not served by public sewer shall be an analysis of the impacts of the proposed mobile home park on ground water quality. The hydrogeologic assessment shall be prepared by a Certified geologist or Registered Professional engineer, experienced in hydrogeology and shall contain at least the following information:
   e. A map showing the basic soils types
   f. The depth to the water table at representative points throughout the mobile home park.
   g. Drainage conditions throughout the mobile home park
h. Data on the existing ground water quality, either from test wells in the mobile home park or from existing wells on neighboring properties.

i. An analysis and evaluation of the effect of the mobile home park on ground water resources. The evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the mobile home park, at the mobile home park boundaries and at a distance of 1000 feet from potential contamination sources, whichever is a shorter distance. For mobile home parks within the watershed of a lake, projections of the development’s impact on groundwater phosphate concentrations shall also be provided.

j. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the mobile home park and within 200 feet of the mobile home park boundaries.

2. STANDARDS FOR ACCEPTABLE GROUND WATER IMPACTS

a. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).

b. No mobile home park shall increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards. No mobile home park shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.

c. If ground water contains contaminants in excess of the primary standards, and the mobile home park is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.

d. If ground water contains contaminants in excess of the secondary standards, the mobile home park shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.

e. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the plan.

5.9.7.8 CONVERSION

No development of 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:

1. the land within the park shall remain in a unified ownership and the fee to lots or portions of lots shall not be transferred.

2. No dwelling unit other than a manufactured housing unit shall be located within the park.

5.10 MODIFICATIONS TO EXISTING STRUCTURES

1. No external modifications or additions to any structure subject to flood damage are permitted unless such modification will not increase the flood damage potential of
the structure and will not cause the structure to increase the degree of obstruction to flood flows.

2. Any internal modification of any existing building may be permitted if such modification will not endanger human lives or increase the flood damage potential of the Regional Flood.

5.11 MULTI-FAMILY DWELLING UNITS

5.11.1 TWO-FAMILY DWELLING UNITS

Lots for two-family units shall meet all of the dimensional requirements for single-family dwelling units, except that the lot area and shoreline frontage shall be equal to that required for an equivalent number of single-family dwelling units, and the road frontage shall exceed by 50% the requirement for a single-family dwelling unit.

5.11.2 MULTI-FAMILY DWELLING UNITS

Multi-family (3 or more) dwelling units shall meet all of the following criteria:

1. Lot area and shoreline frontage shall be equal to that required for the equivalent number of single-family dwelling units.

2. The minimum road frontage shall be at least double that required for a single-family dwelling unit in the district where it is to be built.

3. Lots for multi-family dwelling units shall meet all other dimensional requirements for single-family dwellings.

4. No building shall contain more than ten (10) dwelling units.

5. All multi-family dwellings shall be connected to a common water supply and distribution system, either public or private, at no expense to the Municipality.

6. All multi-family dwelling units shall be connected to a public sewer system, if available, or to a central collection and treatment system in accordance with the sanitary provisions of this Ordinance.

7. No parking area shall be located within the required yard areas.

5.12 OFF-STREET PARKING AND LOADING REQUIREMENTS

5.12.1 BASIC REQUIREMENT

In any district where permitted, no use of premises shall be authorized or extended, and no building or structure shall be constructed or enlarged unless there is provided for such extension, construction or enlargement, off-street automobile parking space within three hundred (300) feet of the principal building, structure, or use of the premises, in accordance with the following schedule of parking requirements. An area of two hundred (200) square feet appropriate for the parking of an automobile, exclusive of maneuvering space, shall be considered as one off-street parking space. No required parking space shall, for the purpose of this Ordinance, serve more than one use. No off-street parking facility shall have more than two (2) entrances and exits on the same street, and no entrance or exit shall exceed 26 feet in width. Parking areas with more than two (2) parking spaces shall be so arranged that vehicles can be turned around within such areas and are prevented from backing into the street.
5.12.2 SCHEDULE OF MINIMUM OFF-STREET PARKING REQUIREMENTS

1. Two (2) spaces per dwelling unit.
2. One (1) space for each sleeping room in a tourist home, boarding or lodging house, motel or hotel.
3. One (1) space for each recreational vehicle, tent or shelter site in a campground.
4. One (1) space for each two (2) beds in a hospital or sanitarium.
5. One (1) space for each four (4) beds for other institutions devoted to the board, care, or treatment of persons.
6. One (1) space for each one hundred fifty (150) square feet or fraction thereof, of floor area of any retail, wholesale, or service establishment or office or professional building.
7. One (1) space for each three (3) seats, permanent or otherwise, for patron use for restaurants, and other places serving food or beverage and for theaters, auditoriums, and other places of amusement or assembly.
8. One (1) space for each person employed or anticipated to be employed on the largest shift for all types of commercial, industrial, or other permitted uses.
9. Adequate spaces shall be provided to accommodate customers, patrons, and employees at automobile service stations, drive-in establishments, open air retail businesses and amusements and other permitted uses not specifically enumerated.

5.12.3 OFF-STREET LOADING

In any district where permitted or allowed, commercial or industrial uses shall provide, as necessary, off-street loading facilities located entirely on the same lot as the building or use to be served so that trucks, trailers and containers shall not be located for loading or storage upon any public way.

5.12.4 LANDSCAPING

Required parking and loading spaces for non-residential uses, where not enclosed within a building, shall be effectively screened from view by a continuous landscaped area not less than eight (8) feet in width containing evergreen shrubs, trees, fences, walls, berms, or any combination thereof forming a visual barrier not less than six (6) feet in height along exterior lot lines adjoining all residential properties, except that driveways shall be kept open to provide visibility for vehicles entering and leaving.

5.13 PIERS, DOCKS, AND OTHER SHORELAND CONSTRUCTION

5.13.1 GENERAL REQUIREMENTS

1. No causeway, bridge, marina, wharf, dock or permanent structure shall be constructed in, on, over or abutting on any great pond nor any fill deposited or dredging done therein without a permit from the board of Environmental Protection.
2. No causeway, marina, wharf, dock or other permanent or floating structure shall extend more than ten percent (10%) of the width of any stream, measured at its normal high water elevation mark.
3. Any structure, permanent or floating, shall require a Conditional Use Permit from the Planning Board if it:
a. extends more than ten (10) feet from the bank of any lake, pond, river or stream;
b. has any permanent parts located between the banks of any stream or below the normal high water elevation mark of any lake or pond;
c. is constructed as part of any commercial use, or
d. requires dredging or filling.

5.13.2 APPLICATION FOR CONDITIONAL USE PERMIT

A Conditional Use Permit application shall be made as follows:

1. For any proposed shoreland construction or alteration requiring a permit from the Board of Environmental Protection, a copy of said permit and all attachments thereto shall constitute the application to the Planning Board.
2. For all other proposed shoreland construction or alteration, application to the Planning Board shall be made on forms provided for the purpose.

5.13.3 CONDITIONS OF PERMIT

The Planning Board may authorize the issuance of a permit providing the following conditions are met:

The proposed activity:

1. Shall not unreasonably interfere with existing recreational and navigational uses, nor unreasonably alter scenic and aesthetic qualities;
2. Shall not unreasonably interfere with or harm the natural environs of any lake, pond, tributary, stream or river nor harm any fish or wildlife habitat;
3. Shall not cause unreasonable soil erosion nor lower the quality of any waters;
4. Shall not unreasonably alter the natural flow or storage capacity of any water body; and
5. Shall not create or cause to be created unreasonable noise or traffic of any nature.

5.14 PLANNED UNIT DEVELOPMENT AND CLUSTER DEVELOPMENT

5.14.1 PURPOSE

The purpose of these provisions is to allow for new concepts of housing development where maximum variations of design may be allowed provided that the net residential density shall be no greater than is permitted in the District in which the development is proposed.

5.14.2 BASIC REQUIREMENTS

Planned unit developments and cluster developments shall meet all of the following criteria;

1. All planned unit developments and cluster developments shall meet all requirements for a residential subdivision.
2. The minimum area of land in a planned unit development or cluster development shall be 10 acres, except in the case of mobile home parks.
3. Any lot abutting an existing public or private road shall have a frontage and area not less than that normally required in the district. On other than public roads, existing private roads, or on proposed minor streets of a subdivision,
lot area and road frontage may be reduced to not less than 33⅓% of the
requirements in the Rural Residential District and not less than 50% of the
requirements in all other districts in which the proposed development is
located provided that:

a. No building lot shall have an area of less than 10,000 square feet.
b. All lots except those abutting a circular turn-around shall have a minimum
   frontage of 75 feet. The frontage of lots abutting a circular turn-around
   may be reduced to 50 feet, provided that the minimum lot width at the
   face of the building shall be 75 feet.

7. In no case shall shore frontage be reduced below the minimum shore
   frontage normally required in the district.
8. Lots in a planned unit development or cluster development shall meet all
   other dimensional requirements for the District in which they are located.
9. The total area of common land within the development shall equal or exceed
   the sum of the areas by which any building lots are reduced below the
   minimum lot area normally required in the District.
10. Every building lot that is reduced in area below the amount normally required
    shall abut such common land for a distance of at least fifty (50) feet.
11. All common land for recreational or conservation purposes only shall be
    owned jointly or in common by the owners of the building lots, by a trust or
    association which has as its principal purpose the conservation or
    preservation of land in essentially its natural condition, or by the Municipality.
12. Further subdivision of common land or its use for other than non-commercial
    recreation or conservation, except for easements for underground utilities,
    shall be prohibited. Structures and building accessory to non-commercial
    recreational or conservation uses may be erected on the common land.
13. Where a planned unit development or cluster development abuts a
    waterbody, a portion of the shoreline, as well as reasonable access to it,
    shall be a part of the common land.
14. At least one of the following systems must be provided at no expense to the
    municipality to connect with all dwelling units in a planned unit development
    or cluster development.
    a. A public water supply, if available, or a common water supply and
       distribution system.
    b. A public sanitary sewer system, if available, or a central collection and
       treatment system in accordance with the provisions of this ordinance.
15. Buildings shall be oriented with respect to scenic vistas, natural landscape
    features, topography, and natural drainage areas, in accordance with an
    overall plan for site development.

5.15 SANITARY PROVISIONS

5.15.1 PURPOSE

To promote health, safety, and general welfare, and to protect ground and
surface waters and public and private water supplies from contamination or
nutrient enrichment the following provisions shall be applicable to the installation
of sanitary waste disposal facilities when such facilities are available.
5.15.2 CONNECTION TO PUBLIC FACILITIES

All plumbing shall be connected to public collection and treatment facilities when such facilities are available and sufficient to accommodate the additional use.

5.15.3 SUBSURFACE SEWAGE DISPOSAL

SOIL CONDITIONS

1. No Plumbing Permit shall be issued for a subsurface sewage disposal system unless the application is accompanied by a soils report prepared by a licensed site evaluator or agency based on an on-site investigation identifying the soils boundaries and names upon a plan of the lot in accord with the USDA Soil Conservation Service National Cooperative Soil Survey.

2. No Plumbing Permit shall be issued for a subsurface disposal system unless there are soils rated “good” or “fair” for the proposed use by the soil Suitability guide for Land Use Planning in Maine, in sufficient quantity to accommodate the proposed system, and in a location meeting the setback requirements of this Ordinance. In no case shall a Plumbing Permit be approved unless the area of such soils is greater than 1000 square feet.

3. Within 250 feet of the normal high water elevation of all water bodies no Plumbing Permit shall be issued for a subsurface sewage disposal system in any soils rated “poor” or “very poor” for such use by the Soil Suitability Guide for Land Use Planning in Maine. In all other areas, a Conditional Use Permit may be issued for subsurface sewage disposal facilities located in soils rated “poor” for such use provided that:
   a. A plan to construct an adequate absorption area in conformance with the requirements of the State Plumbing Code is prepared by a Registered Engineer and submitted for Planning Board review.
   b. Any system approved by the Planning Board under this section is supervised by the Code Enforcement Officer during installation.
   c. The distance from the outer edges of the total constructed area to the nearest lot line shall be a minimum of 50 feet.

5.15.4 PRIVIES

Privies may be permitted in areas not served by community sewer facilities and where other means of sewage disposal are not feasible, under the following conditions:

1. No plumbing of any kind shall be connected to or discharge into the privy pit.

2. The privy shall be located at minimum horizontal distances of:
   a. 25 feet from the nearest property line.
   b. 100 feet from the normal high water elevation of a waterbody.
   c. 100 feet from a private well.

3. The bottom of a privy pit shall be at least two feet above bedrock and the ground water table at its highest point, or have a watertight vault.

4. Privies shall not be permitted in areas subject to frequent flooding.

5.15.5 HOLDING TANKS

1. Holding tanks for residential first time use are not allowed (see Code of Maine Rules 10 CMR, Chapter 20, Section 2004.0)
2. Holding tanks for other uses may be approved by the Plumbing Inspector as allowed for under the *Code of Maine Rules.*

[Amended 8/10/2006]

### 5.15.6 OTHER SYSTEMS

Other systems of sanitary waste disposal may be permitted in all Districts as a Conditional Use only after approval by the Planning Board.

Alternative systems shall be presented to the Planning Board on a plan prepared by a registered Engineer and shall be subject to review and approval of the Maine Department of Environmental Protection and/or the Maine Department of Health and Welfare.

### 5.15.7 SETBACKS

1. In all Districts, the minimum setback for underground sewage disposal facilities from the normal high water mark of a waterbody shall be at least equal to that of the principal building. In no case shall the setback from any shoreline be less than 100 horizontal feet. Where daily sewage flow exceeds 2000 gallons, minimum setback shall be 300 feet from any shoreline.

2. Except as required in Article 5.15.3, underground sewage disposal facilities, where permitted, shall be subject to the following additional setback provisions:

<table>
<thead>
<tr>
<th>COMPONENTS</th>
<th>Daily sewage flow less than 2,000 gallons</th>
<th>Daily sewage flow in excess of 2,000 gallons</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Septic tank disposal</td>
<td>septic tank disposal</td>
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<tr>
<td></td>
<td>Trench</td>
<td>trench</td>
</tr>
<tr>
<td>Property Line</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>Buildings</td>
<td>8</td>
<td>20</td>
</tr>
<tr>
<td>Well or spring used as a Domestic water supply</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>Well or spring used as a Domestic water supply with a Daily water use in excess of 2,000 gallons</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>Water supply line</td>
<td>10</td>
<td>20</td>
</tr>
</tbody>
</table>

16. Setbacks from shoreline and water supplies for all subsurface sewage disposal facilities shall not be reduced by variance.

### 5.16 SEPTAGE SPREADING

[Whole Article added at Annual Town Meeting 3/7/1998]

#### 5.16.1 PURPOSE

Whereas septage is very malodorous, putrescible, and is likely to contain large numbers of harmful bacteria, viruses and other microorganisms, this section is made part of the Hiram Zoning Ordinance to protect public health and safety by regulating the spreading of septage within the town boundaries.
This section shall govern septage spreading within the Town of Hiram other than on land used solely by its owner or residents for the disposal of septage from his/her residence.

5.16.1.1 DEFINITIONS;

1. “Generation” means the act or process of producing septage.
2. “Operator” means the individual(s) responsible for overseeing the spreading of septage at the spreading site.
3. “Hauler” means the individual bringing septage to the septage site.
4. “Holding tank” means a container holding septage deposited in it by an individual hauler or the septage site operator.
5. “Septage” means waste, refuse, effluent, and any other materials from septic tanks, cesspools or any other similar household (domestic) sanitary wastewater facilities, and shall include tank waste and sanitary wastewater and solids from tanks connected to commercial establishments such as restaurants and motels. Wastes from septic tanks or any other similar facilities which are significantly different in character and origin (i.e. an industrial process) are not septage under this section.
6. “spreading” means the deposit of septage on any ground area.
7. “Spreading site” means any land area used for spreading septage.

5.16.1.2 PERMITS

Any septage spreading other than on land used solely by its owner or residents for the disposal of septage from his/her residence shall require a Conditional Use Permit under this ordinance. If the landowner and the operator of the spreading site are separate persons or entities, they shall be jointly and severally responsible for all requirements under this section, and any Conditional Use Permit shall be issued in the names of both individuals or entities. The term “operator” shall refer to both individuals or entities jointly and severally. No Conditional Use Permit granted under this section shall be transferable without the permission of the Board.

Any application for a Conditional Use Permit for septic spreading shall include the following:

1. A report by a certified hydrogeologist assessing the site for potential impact of the proposed use on any aquifers, recharge areas or wells located within 2,000 feet of the proposed site. The report shall also recommend the number and location of test wells necessary to monitor the site for potential groundwater contamination.
2. A site contour map at 1’/50 ft scale showing all areas in which septage will be spread, and all access routes to the site, including the location of all dwellings and wells abutting the site.
3. A written response to each factor set out in Article 6.8.3.4 & 5 of this Ordinance.
4. A written description of the spreading operation, including the size of the actual spreading site, the number of gallons of septage to be spread on a daily basis, the number of holding tanks on the site and the capacity thereof; the proposed dates for operation of the spreading site, the manner of spreading, a storm water run-off plan in conformance with Oxford County Soil and Water Standards, an erosion control plan, and the proposed method for fencing the site.
5. Any permit granted under this section shall be for a period of two years, with renewal dependent on a finding by the Board that all
conditions required under the original permit, and the standards set out in this section, were met during the initial period of operation. Any permit granted under this section may be terminated at any time that state or federal regulations are changed to prohibit the use of similar septage sites.

5.16.1.3 STANDARDS FOR SEPTAGE SPREADING

Any Conditional Use Permit granted for septage spreading shall incorporate the standards set out in this section, as well as any other conditions required by the Board under this Ordinance.

1. Monitoring wells shall be installed on the spreading site at the expense of the operator according to the recommendations of a hydrogeologist as approved by the Board. Water samples shall be taken by the operator for testing every two months during the spreading season, and the results shall be returned to the CEO in a timely manner.

2. All resident's wells, within ½ mile of the spreading site shall be tested by the operator prior to the initial operation of the site to determine a baseline for water quality.

3. A holding tank or tanks shall be installed on the site, each capable of holding 10,000 to 30,000 gallons of septage. The operator shall provide a separate tank for each hauler into the site, whenever possible. The number and size of tanks shall be approved by the Planning Board in issuing a Conditional Use Permit under this ordinance. These tanks shall be checked by the CEO on a yearly basis for rusting and cracks. Septage will be deposited into and held in the tanks while testing is done for heavy metals, PCB's and pesticides by a licensed laboratory. Septage held in the tanks will only be spread on the site after the laboratory report has been completed and levels of contaminants are below State of Maine standards. Copies of the reports shall be provided to the CEO in a timely manner. Septage in the tanks shall be treated with lime until a pH of 12 has been reached, before spreading.

4. Septage shall be screened to limit the deposit of inorganic materials. Following any spreading of screened septage on the site, raking or some other method approved by the Board shall be used to remove any remaining inorganic matter from the site, which shall be disposed of in a State approved waste facility.

5. Storm water runoff from the site shall be contained by berms or a similar method approved by the Board. No spreading shall be done during a heavy rain, or when there is standing water on the site.

6. The spreading site shall be surrounded by a fence adequate to keep wildlife and children from entering the area.

7. The spreading must comply with all other provisions of this Ordinance, and all relevant State and Federal regulations.

8. A baseline soils test and bi-monthly soil tests during the period of operation shall be conducted by the operator using a public or private laboratory to monitor the pH level of the soil at the spreading site and any contamination by pesticides, heavy metals or PCB's. All water and soils testing shall continue for two years beyond the closure of the site. All testing shall be paid for by the operator.

9. The operator of the septage site shall keep a log with a separate entry for each truck load into the site showing the name of the hauler, the number of gallons, the original pH level of each
truckload, the site on which the septage was generated (e.g. name and address of each household), the date and time the septage was placed in a holding tank, and the laboratory test results for that tank. This log shall be available to the Board on demand.

10. Prior to the beginning of each spreading season, the operator shall provide proof of liability insurance to the Board in the amount of five million dollars, and a statement of his or her acceptance of liability for any damage to humans, animals, soil or water resources caused by the septage spreading. Such insurance will be required for a period of two years after the site is closed.

11. The CEO shall inspect and approve the septage site prior to the commencement of operations once a permit is granted. The operator shall be required to permit any on-site inspection or tests by the CEO or the board without prior notice.

12. The spreading season shall commence no earlier than May 15th and end no later than November 15th of any year. The site shall not be used when the ground is snow covered or frozen.

13. Sludge from waste treatment plants of any type shall not be stored, spread or disposed of at the site.

14. The operator is required to wet down any area of the septage site prior to rototilling to keep dust, fumes, and vapors under control, and to wash any exterior parts of trucks and/or equipment prior to leaving the site.

15. Any operator of a Septage Disposal Site in Hiram shall accept septage from Hiram residences regardless of the Hauler.

5.17 SIGNS

5.17.1 SIZE, LOCATION AND ILLUMINATION

No sign shall be erected adjacent to any public way or private way serving more than any combination of three or more dwelling units or lots in such a manner as to obstruct clear and free vision or where, by reason of its position, shape, color, illumination or wording the sign may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device or otherwise constitute a hazard to pedestrian or vehicular traffic. Flashing, moving or animated signs are prohibited. No sign shall exceed twenty (20) feet in height. No sign shall be located within three (3) feet of a street line or other lot line.

5.17.2 TYPES OF SIGNS

1. Public traffic and directional signs and signs designating public or semipublic activities shall be permitted.

2. Name signs shall be permitted, provided such signs shall not exceed 2 square feet in area, and shall not exceed two signs per premises.

3. Residential users may display a single sign not over 3 square feet in area relating to the home occupation on the premises, or 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 not otherwise described in 2, 3, and 4 above, shall be permitted provided such signs shall not exceed twenty-four (24) square feet in area, and shall not exceed two (2) signs per premises.

6. The Planning Board may waive the specific requirements of this section if an applicant for a license can show hardship due to conditions of topography, access, other physical characteristics, or for other reasons that are found acceptable by the Planning Board. [Amended 3/7/2002]

5.18 WATER QUALITY PROTECTION

No activity shall locate, store, discharge or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that run off, seep, percolate, or wash into surface or ground waters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness to be harmful to human, animal, plant or aquatic life.

5.19 LANDFILL PROVISIONS

1. The applicant shall indicate the hours of operation and the expected duration of the life of the landfill.

2. The applicant shall demonstrate to the Board that he has the financial and technical capacity to operate the landfill, meeting all requirements of this Ordinance, and conditions of approval, and any applicable state or federal requirements.

3. The application shall be accompanied by a fee of 2% of the estimated construction cost. Such fee shall be used by the Board for hiring engineering, geological or planning assistance in the review of the proposal. Any accumulated interest on the fee may be used by the board for such purposes. The unexpended balance on the account shall be returned to the applicant after a final decision on the application is rendered.

4. The applicant shall demonstrate the feasibility of providing an alternate water supply to wells within the same groundwater flow system as the proposed landfill, as determined by a certified geologist, in the event of contamination from landfill leachate.

5. The Board may, as a condition of approval, require the applicant to establish an account from which the Town may draw money to provide for inspection of the facility by a qualified professional prior to operation. In determining whether to require the establishment of such an account, the Board shall consider whether the construction will be inspected by the Maine Department of Environmental Protection, the extent of pre-operation preparation, and the geological conditions of the site. The amount of money to be deposited in the account shall be determined by the Board considering the size of the facility, the extent of pre-operation preparation, and the geological conditions of the site. Any individual hired by the Town for the purpose of inspecting the construction shall be permitted to enter the site and inspect during any reasonable hours, upon showing identification and authorization to act in behalf of the Town.

6. Prior to approval by the board, the applicant shall provide a copy of a permit from the Maine Department of Environmental Protection, or a letter from the department indicating a permit is not required.

7. The owner or operator shall establish a closure or post-closure trust fund adequate in amount and terms to assure closing of the site at the end of its useful life in accordance with all state and federal requirements. The owner or operator shall pay into this fund according to the following requirements:
a. The owner or operator shall deposit 25 percent of the sum required into the trust fund on the date his facility license is issued. The permit is not effective unless the deposit is made.

b. The remaining 75 percent of the sum required, adjusted for inflation, must be deposited in the trust fund in equal installments on or prior to the anniversary of the date upon which the facility license was issued, in each remaining year of the term of the license. The permit remains in effect only if each deposit is made.

c. The amount deposited in the trust shall be based upon an estimate of the closing costs by a Registered Professional Engineer.

8. The owner or operator must submit with his application and must submit annually thereafter, proof of liability insurance for the facility.

a. Coverage must be provided for sudden and accidental occurrences during active life and for so long as any waste remains on the facility property, but for no longer than a period of twenty years past the closing of the facility. The level of coverage must be at least $1 million per occurrence and $2 million annual aggregate.

b. Coverage must be provided for non-sudden and accidental occurrences during active life and for so long as any waste remains on the facility property, but for no longer than a period of twenty years past the closing of the facility. The level of coverage must be at least $3 million per occurrence and $6 million annual aggregate.

c. If a liability insurance policy is written as a “claims made” policy, an endorsement must provide for a discovery period of at least twelve months beyond the date of expiration or cancellation of the policy. The endorsement must also provide that the underwriter will notify the public in the following manner:

At least sixty days, but no more than ninety days, prior to the date upon which the policy will expire or be cancelled, give written notification to all owners of property abutting the facility and to the chief elected official of the Town, that insurance for the facility will expire or be cancelled, give date of expiration or cancellation, and that claims against the insured must be filed within 12 months from the date of expiration or cancellation, specifying where and how claims can be filed.

d. If liability insurance is not available, a $2 million irrevocable letter of credit, drawn on a reputable bank, the terms of which the board must approve, may be utilized in lieu of liability insurance for sudden and accidental occurrences.

9. The applicant shall allow regular inspection of the facility and the materials deposited therein by a representative of the Town, over the life of the landfill. Any individual hired by the Town to conduct this inspection shall be permitted to enter the site and inspect whenever the site is open for operation, showing identification and authorization to act in behalf of the Town.

10. The operator shall forward the results of all analyses of samples from monitoring wells to the Board.

5.20 ACCESS TO BACK LOTS

A building permit may be issued to erect a structure on a lot without frontage on a public way, a private road in regular use as of July 2011, or a private road constructed pursuant to an approved subdivision provided that:

1. access meeting the following criteria has been constructed within a deeded right-of-way:
Performance Standards

a. For access (e.g. driveway) to a single dwelling unit or lot a driveway wide enough to accommodate emergency vehicles is recommended (e.g. twelve feet)

b. Any road serving two lots or dwelling units shall be constructed to a minimum width of sixteen feet *within a right-of-way having a minimum width of fifty (50) feet*. The road should have an appropriate base and have drainage ditches and culverts at all appropriate points.

c. Any road serving any combination of three or more lots or dwelling units shall meet the road design and construction standards set forth in the Subdivision Regulations for the Town of Hiram.

d. Roads within Mobile Home Parks shall meet the requirements set forth in the subsections under Article 5.9.7 MOBILE HOME PARKS.

2. and all other provisions of this ordinance and other applicable ordinances have been met.
ARTICLE 6 ADMINISTRATION

6.1 ENFORCEMENT

This ordinance shall be enforced by a Code Enforcement Officer appointed by the Municipal Officers.

6.2 BUILDING OR USE PERMIT

1. All applications for building or Use Permits shall be submitted in writing to the Code Enforcement Officer on forms provided for the purpose.

2. Within seven days of the filing of an application for a Building or Use Permit, the Code Enforcement Officer shall approve, deny or refer to the Planning Board for Conditional Use Permit, all such applications. His decision shall be in writing on a form designed for the purpose, and communicated directly to the applicant. One copy of the Code Enforcement Officer’s decision shall be filed in the Municipal Office. In cases where the Code Enforcement Officer deems that a Conditional Use Permit is required, he shall also provide a copy of his decision to the Planning Board.

3. No building permit for a building or structure on any lot shall be issued except to the owner of record thereof, or his authorized agent, until the proposed construction or alteration of a building or structure shall comply in all respects with the provisions of this Ordinance or with a decision rendered by the Board of Appeals or the Planning Board. Any application for such a permit shall be accompanied by a plan, accurately drawn to scale, showing the actual shape and dimensions of the lot to be built upon, an on-site soils survey in accord with the USDA Soil Conservation Service National Cooperative Soil Survey, the exact location and size of all buildings or structures already on the lot, the location of new buildings to be constructed, together with the lines within which all buildings and structures are to be constructed, the existing and intended use of each building or structure and such other information as may be necessary to provide for the execution and enforcement of this Ordinance. No person, firm, or corporation shall be issued a building permit for any project as long as that person owns, occupies, uses or controls any other property in violation of any Town Ordinance.

4. Applications for permits with their accompanying plans and Building Permits shall be maintained as a permanent record by the Municipal Officers of the Code Enforcement Officer.

5. A building permit secured under the provisions of this Ordinance shall expire if the work or change is not commenced within one year of the date on which the permit is granted, and if the work or change is not substantially completed within two years from the date on which the permit is granted.

6.3 PLUMBING PERMIT REQUIRED

No building permit shall be issued for any structure or use involving the construction, installation or alteration of plumbing facilities unless a valid plumbing permit has been secured by the applicant or his authorized agent in conformance with the sanitary provisions of this Ordinance.

6.4 FEE

No building permit shall be issued without payment of a fee.
FEE SCHEDULE –
Are shown on a schedule adopted by the Planning Board and Municipal officers separate from the ordinance.

ENFORCEMENT OFFICER
It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures, removal of illegal buildings, structures, additions, or work being done, or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

6.5 LEGAL ACTION AND VIOLATIONS
When any violation of any provision of this Ordinance shall be found to exist, the Municipal Attorney, as designated by the Municipal Officers, either on his own initiative, or upon notice from the Code Enforcement Officer, is hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Municipality.

6.6 FINES
Any person, firm or corporation being the owner or having control or use of any building or premises who violates any of the provisions of the Ordinance, shall be guilty of a misdemeanor and on conviction shall be fined not less than $5.00 nor more than $100.00 each day such a violation is permitted to exist after notification shall constitute a separate offense.

6.7 APPEALS AND CONDITIONAL USE PERMITS

6.7.1 PROCEDURE
1. All appeals or applications for Conditional Use Permits shall be based upon a written decision of the Code Enforcement Officer.
2. Administrative appeals and variance appeals shall be heard and decided upon by the Board of Appeals in accordance with the provisions of this Ordinance.
3. Applications for Conditional Use Permits shall be heard and decided upon by the Planning Board in accordance with the provisions of this Ordinance.
4. Appeals shall lie from the decision of the Code Enforcement Officer to the Board of Appeal and from the Board of Appeals to the Superior court according to State Law.
5. Conditional Uses shall lie from the decision of the Code Enforcement Officer to the Planning Board and from the Planning Board to the Superior Court according to State Law.
6. Fees- Are shown in a schedule adopted by the Planning Board and Municipal Officers separate from the ordinance.
6.7.2 BOARD OF APPEALS

6.7.2.1 ESTABLISHMENT

A Board of Appeals is hereby established in accordance with State Law and the provisions of this Ordinance.

6.7.2.2 APPOINTMENT AND COMPOSITION

1. The Board of Appeals shall be appointed by the Municipal Officers and shall consist of 5 members, all of whom shall be legal residents of the municipality, serving staggered terms of at least 3 and not more than 5 years. The Board shall elect annually a chairman and secretary from its membership. The secretary shall keep the minutes of the proceedings of the Board of Appeals, which shall show the vote of each member upon each question. All minutes of the board shall be public record. A quorum shall consist of 3 members.

2. A municipal officer may not serve as a member.

3. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member who is being challenged.

4. A member of the board may be dismissed for cause by the Municipal Officer upon written charges and after Public Hearing.

6.7.2.3 POWERS AND DUTIES

1. ADMINISTRATIVE APPEALS: to hear and decide where it is alleged there is an error in any order, requirement, decision, or determination by the Code Enforcement Officer in the enforcement of this Ordinance. The action of the Code Enforcement Officer may be modified or reversed by the Board of Appeals, by concurring vote of at least 4 members of the Board.

2. VARIANCE APPEALS: to hear and decide, upon appeals, in specific cases where a relaxation of the terms of this Ordinance would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary or undue hardship. A financial hardship shall not constitute grounds for granting a variance. The crucial points of variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case. As used in this Ordinance, a variance is authorized only for height, area, and size of structures or size of yards or open spaces. Establishment or expansion otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the Zoning District or uses in adjoining Zoning Districts. The board of Appeals shall grant a variance only by concurring vote of at least 4 members and in so doing, may prescribe conditions and safeguards as are appropriate under this ordinance.

6.7.2.4 APPEAL PROCEDURE

1. In all cases, a person aggrieved by a decision of the Code Enforcement Officer shall commence his appeal with 30 days after a decision is made by the Code Enforcement Officer. The appeal shall be filed with the Board of Appeals on forms approved by the Board, and the aggrieved person shall specifically set forth on the form the grounds for the appeal.
2. Fees- Are shown in a schedule adopted by the Planning Board and Municipal Officers separate from the ordinance.

3. Following the filing of an appeal, and before taking action on any appeal, the Board of Appeals shall hold a Public Hearing on the appeal within 30 days. The Board of Appeals shall notify the Code Enforcement Officer and the Planning Board, at least 20 days in advance, of the time and place of the hearing, and shall publish notice of the hearing at least 10 days in advance in a newspaper of general circulation in the area.

4. In appeals involving the use of buildings or premises, the Board of Appeals shall notify by certified mail the appellant and the owners of all property within 500 feet of the property involved at least 10 days in advance of the hearing, of the nature of the appeal and of the time and place of the Public Hearing.

5. In the case of appeals involving space and bulk regulations or interpretations, the Board of Appeals shall notify by certified mail the appellant and only the owners of property abutting the property for which an appeal is taken at least 10 days in advance of the hearing, of the nature of the appeal and of the time and place of the Public Hearing thereon. For the purpose of this section, abutting properties shall include properties directly across a street or waterbody from the property for which the appeal is made.

6. The owners of property shall be considered to be those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Board of Appeals.

7. At any hearing, a party may be represented by agent or attorney. Hearings shall not be continued to other times except for good cause.

8. The Code Enforcement Officer or his designated assistant shall attend all hearings and may present to the Board of Appeals all plans, photographs, or other material he deems appropriate for an understanding of the appeal.

9. The appellant’s case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chairman.

10. Within 20 days of the Public Hearing, the Board of Appeals shall reach a decision on an appeal and shall inform, in writing, the appellant, the Code Enforcement Officer, the Planning Board, and Municipal Officers of its decision and its reasons therefore.

11. Upon notification of the granting of an appeal by the Board of Appeals, the Code Enforcement Officer shall immediately issue a building Permit in accordance with the conditions of the approval.

12. A variance under the provisions of this Ordinance secured by vote of the Board of Appeals shall expire if the work or change involved is not commenced within one year of the date on which the appeal is granted, and if the work or change is not substantially completed within two years.
6.7.3 CONDITIONAL USE PERMITS

6.7.3.1 AUTHORIZATION
The Planning Board is hereby authorized to hear and decide upon applications for Conditional Use Permits in accordance with State Law and the provisions of this Ordinance.

6.7.3.2 POWERS AND DUTIES
The Planning Board shall hear and approve, approve with modifications or conditions, or disapprove all applications for Conditional Use Permits. No Conditional Use Permit shall be authorized unless specific provisions for such Conditional Use is made in this Ordinance.

6.7.3.3 APPLICATION PROCEDURE
1. A person informed by the Code Enforcement Officer that he requires a Conditional Use Permit shall file an application for the permit with the Planning Board on forms provided for the purpose.
2. Fees - Are shown in a schedule adopted by the Planning Board and Municipal Officers separate from the ordinance.
3. Following the filing of an application, and before taking action on any application a Public Hearing must be held within 30 days. The Planning Board shall notify the Code Enforcement Officer, Municipal Officers, and the Board of Appeals, at least 20 days in advance, of the time and place of the hearing, and shall publish notice of the hearing at least 10 days in advance in a newspaper of general circulation in the area.
4. The Board shall notify by certified mail, the applicant and the owners of all property within 500 feet of the property involved at least 10 days in advance of the hearing, of the nature of the application and of the time and place of the Public Hearing.
5. The owners of property shall be considered to be those against whom taxes are assessed. Failure of any property owner to receive a Notice of Public Hearing shall not necessitate another hearing or invalidate any action by the Planning Board.
6. At any hearing, a party may be represented by agent or attorney. Hearings shall not be continued to other times except for good cause.
7. The Code Enforcement Officer or his designated assistant shall attend all hearings and may present to the Planning Board all plans, photographs, or other material he deems appropriate for an understanding of the application.
8. The applicant’s case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chairman.
9. Within 20 days of the Public Hearing, the Planning Board shall reach a decision on a Conditional Use and shall inform, in writing, the applicant, the Code Enforcement Officer and Municipal Officers of its decision and its reasons therefore.
10. Upon notification of the decision of the Planning Board the Code Enforcement Officer, as instructed, shall immediately issue, issue with conditions prescribed by the Planning Board, or deny a Building Permit.
11. A Conditional Use Permit secured under the provisions of this Ordinance by vote of the Planning Board shall expire if the work or change involved is not commenced within one year of the date on
which the Conditional Use is authorized, and if the work or change is not substantially completed within two years.

6.7.3.4 FACTORS APPLICABLE TO CONDITIONAL USES

1. In considering a Conditional Use Permit the Planning Board shall evaluate the immediate and long-range effects of the proposed use upon:
   a. The maintenance of safe and healthful conditions.
   b. The prevention and control of water pollution and sedimentation.
   c. The control of building sites, placement of structure and land uses.
   d. The protection of spawning grounds, fish, aquatic life, bird and other wildlife habitat.
   e. The conservation of shore cover, visual as well as actual points of access to inland and coastal waters and natural beauty.

2. The Planning Board shall also consider the following factors:
   a. The compatibility of the proposed use with adjacent land uses.
   b. The need of a particular location for the proposed use.
   c. Access to the site from existing or proposed roads.
   d. The location of the site with respect to flood plains and floodways of rivers or streams.
   e. The amount and type of wastes to be generated by the proposed use and the adequacy of the proposed disposal systems.
   f. The impact of the proposed use on the land and adjacent water bodies and the capability of the land and water to sustain such use without degradation.
   g. Existing topographic and drainage features and vegetative cover on the site.
   h. The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
   i. The impact of the proposed use on transportation facilities.
   j. The impact of the proposed use on local population and community facilities (e.g. roads).
   k. The impact of the proposed use on local water supplies.

6.7.3.5 CONDITIONS ATTACHED TO CONDITIONAL USES

1. Upon consideration of the factors listed above, the Planning Board may attach such conditions, in addition to those required elsewhere in this Ordinance, that it finds necessary to further the purposes of this Ordinance. Violation of any of these conditions shall be a violation of this Ordinance. Such conditions may include, but are not limited to, specifications for: type of vegetation; increased setbacks and yards; specified sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational controls; professional inspection and maintenance; sureties; deed restrictions; restrictive covenants; locations of piers, docks, parking and signs, type of construction; or any other conditions necessary to fulfill the purposes of this Ordinance.

2. In order to secure information upon which to base its determination, the Planning Board may require the applicant to furnish, in addition to the information required for a Conditional Use Permit, the following information;
   a. A plan of the area showing contours at intervals to be determined by the Planning Board and referred to Mean Sea Level, high water
Administration

elevation, groundwater conditions, bedrock, slope and vegetative cover.

b. A soils report identifying the soils boundaries and names in the proposed development with the soils information superimposed upon the plot plan in accord with the USDA Soil Conservation Service National Cooperative Soil Classification.

c. Location of existing and proposed buildings, parking areas, traffic access, driveways, walkways, piers, open spaces, and landscaping.

d. Plans of buildings, sewage disposal facilities, and water supply systems.

e. Other pertinent information necessary to determine if the proposed use meets the provisions of this Ordinance. In evaluating each application the Planning Board may request the assistance of the Regional Planning Commission, County Soil and Water Conservation District and any other State or Federal agency which can provide technical assistance.
APPENDIX A: SUBSURFACE WASTE DISPOSAL, SMALL LOTS

TITLE 30, MAINE REVISED STATUTES

SECTION 4807-B APPROVAL OF SMALLER LOTS

A lot of less than the size required in section 4807-A (20,000 square feet) may be used for subsurface waste disposal if approved in writing by the Board of Environmental Protection. Approval shall be granted if the applicant for approval demonstrates to the Board of Environmental Protection that, based upon the amount and nature of wastes, construction of the subsurface disposal system, soil types and slopes, percolation rates, depth to bedrock and groundwater, density of any proposed development, and other relevant factors, the proposed subsurface waste disposal will not lower the water quality of or otherwise pose a threat to any lake, pond, stream, river or tidal waters, any underground water supply, or to the public health, safety and general welfare.

SECTION 4807 – D EXEMPTIONS

This chapter as to the use of a lot for single family residential purposes shall not apply to any lot which prior to January 1, 1970, was specifically described as an identifiable and separate lot either in the instrument conveying such lot to the then owner or in a valid and enforceable agreement for purchase and sale or was shown on a plan recorded in accordance with law, prior to January 1, 1970; provided that contiguous lots in the same ownership on or before October 3, 1973 shall be considered as one lot for the purposes hereof.

This chapter shall not apply to any structure in existence and in place on or before October 3, 1973, which then or theretofore disposed of wastes by means of subsurface waste disposal; except that no person shall reduce the size of the lot upon which such structure is located to a size or frontage less than that allowed by section 4807-A unless permitted pursuant to section 4807-BB.
APPENDIX B: ROADS MAINTAINED FOR WINTER TRAFFIC

The following roads were maintained for winter travel during the winter of 1973-1974 and are used in determining the location of the Residential District in the Town of Hiram.

State Routes 5, 113, 117 and 160.

Sebago Road

Hampshire St. from Hiram village over Tearcap Mountain to Dragon Meadow Brook (Denmark town line)

Butterfield Lane, to the residence of Edith Bell Black. (Northwest corner of R11 Lot 45)

Wards Hill Road (to Baldwin Town Line)

Road to the Residence of Daniel Moore on Tearcap. (True Rd. R11 Lot 22)

So-called Dearborn Road from Sebago Road to the former Carroll Dearborn residence, (R11 Lot 33)

King Street from the Hiram Village to the residence of Lawrence Golder, (Southerly corner of R14 Lot 15, fork in the road)

Notch Road, from Rt. 113 to R. 160 south of Little Clemons Pond.

Hiram Hill Road to the residence of Donald Miller. (R-9 Lot 74)

Richardson Road to the residence of Richard Marston. (SE corner of R15 Lot 40)

River Road from Rt. 113 in Hiram Village to the bridge over the Ossipee River crossing to the Town of Cornish.

Road to the residence of Clarence Douglass. (R8 Lot 1)

Road from Route 160 in South Hiram to the bridge over the Ossipee River crossing to the Town of Cornish.

Road through Durgintown from the River Road to the road connecting South Hiram Village and Cornish Village

Road from Durgintown from the River Road to the road connecting South Hiram Village and Cornish Village.

Road from Durgintown Road through Tripptown School area to Rt. 160 South of Stanley Pond.

Dr. Teg Road to the residence of William Teg. (R6 Lot 54)

So-called New Settlement Road from the road connecting South Hiram village and Cornish Village to Route 160 south of Stanley Pond.

Gerrish Road to the residence of Harold Parker, (R1 Lot 18)

Mary Richardson Road for 0.2 mile from the Hiram Hill Road. (R9 Lot 52)

Scribner Mill Road to L.C. Andrews Mill. (SE corner of R10 Lot 14)

Other connecting roads within the Village areas were maintained for winter travel but are not listed since the Village District applies in those areas.

THE TAX MAP LOCATION OF THE RESIDENCES LISTED ABOVE ARE IN PARENTHESIS according to the 1991 TAX MAPS FOR FUTURE REFERENCE.
APPENDIX C: COMMERCIAL-INDUSTRIAL OVERLAY DISTRICT MAPS

The Commercial-Industrial Overlay District lies in three areas of Hiram as shown on the map below. Each of the three areas are shown enlarged on the following pages.
Appendices

Detail Map 1

Commercial-Industrial Overlay District Includes:

Tax Map R1, Lots 6, 17, 21, 22, 25, 26, 26A, 14, 15, 15A, 16, 23C, 29, and a portion of Lot 27, 300-feet deep excluding the areas within 250-feet of the Ossipee River and/or 100-feet of Wadsworth Brook.

Tax Map R2 Lots 2 (excluding the area of that lot within 250-feet of the Ossipee River and/or 100-feet of the brook passing through Lot 2), 12, 12-1, 12-2A, 12-2B, 12-2C, 12-2D, 12-2E, 12-2F, Lot 12-3 (excluding the area of that lot within 100-feet of the brook on the western side of Lot 12-3), and a portion of Lots 10 and 11, 750-feet deep from South Hiram Road on the east side of the area and with a back boundary line approximately 1660-ft long extending from the end of the 750-foot line toward the boundary line between Lots 13 and 13-1 where they meet the brook along the westerly edge of Lot 11, excluding the area of Lots 10 and 11 within 100-feet of the brook.
Appendices

Detail Map 2

The Commercial-Industrial Overlay District Includes:

Tax Map U-8, Lots 16, 18, and 19.

Tax Map U-9, Lots 1, 2, 5, 6, 7, and 22, excluding those portions of Lots 2, 5, 6, and 7 that lie within 25-feet of the centerline of the railroad track.

Tax Map U-10, Lots 1, 2 (excluding that part within the Shoreland Zone along the Saco River, 2A, 2B, and 3.

Tax Map U-11, Lots 19, 24, 25, 27, and 28, excluding the portions of Lots 27 and 28 that lie within 100-feet of the wetland areas along Hancock Brook.

Tax Map U-12, Lots 1, 2, 3, 17, 18, 19, 20, and 21. Tax Map U-13, Lots 21, 22, and 23.

Tax Map R-10, Lots 14, 15, 16, and 17, excluding those portions that lie within 100-feet of Hancock Brook and associated wetlands, and, on Lot 17, excluding that portion south of the old railroad bed; Lots 17-1, 17-2, 17-3, and 17-4; Lot 18B, excluding that portion east of a line that is the extension of the eastern border of Lot 17.

Tax Map R-11, Lots 2 and 3 excluding that portion of Lot 2 within 100-feet of Aaron Brook and excluding those portions of Lots 2 and 3 east of the CMP easement; Lot 5 excluding that portion of lot 5 east of a line running from the north-east corner of lot 8 to the northeast corner of Lot 5; Lots 6, 7, 8, and 18.
The Commercial-Industrial Overlay District Includes:
Tax Map R14 that portion of Lot 28 between Pequawket trail and the railroad tracks, excluding any portion within 100-feet of the brook passing near the western corner; a portion of Lot 30, 400-feet deep (from Pequawket trail), with the southwesterly edge extending in a line extending along the line of the northwestern boundary of Lot 27, but excluding any portion within 100-feet of the Saco River; a portion of Lot 48 west of a 100-foot setback from the brook passing through the lot; Lots 46, 61, 62, 62A, 62B, 62D, 65.
APPENDIX D: AMENDMENT HISTORY

The following summarizes the changes made to this ordinance. Previous versions of the ordinance are kept at the Town Office.

BC indicates amendments to the Building Code.

Amended at a Town Meeting on September 25, 1976

Amended at a Town Meeting on October 13, 1978. Article 5.9.4 Mobile home replacement.


Amended at a Town Meeting on November 14, 1980. Adopted & included MSRP Title 30, Sections 4805-B and 4807-D as applicable to the Village District (small lots)

BC Amended at a Town Meeting on March 3, 1984. Increased from $1,500 to $5,000 expenditure for repairs before a building permit is required.

Amended at a Town Meeting on January 29, 1987. Increased fees. Article 5.9.1.1 Minimum floor area for manufactured housing.

Amended at a Town Meeting on May 5, 1987. Increased fees. Article 5.12.2 Off-street parking. Article 5.9 changed Mobile Home to Manufactured Housing. Article 6.2.3: added restriction on issue of a building permit if owner in violation of code.

Amended at a Town Meeting on March 3, 1990. Article 3.2 Definitions of Billboards, Mfrg. Housing, Mobile Home Parks; Article 5.9; Article 5.17 Signs; Article 6.2 Permits. BC: BOCA code adopted

BC Amended at a Town Meeting on March 2, 1991; BOCA withdrawn, back to previous.


BC Amended at Special Town Meeting on July 16, 1992

Amended at a Special Town Meeting on May 5, 1994

BC Amended at a Special Town Meeting on May 4, 1995, fees

Amended at a Special Town Meeting on May 30, 1996

Amended at a Town Meeting on March 7, 1998. Article 4.6: Created Commercial-Industrial Overlay District, 5.7.2 changed extraction allowed from 10 to 100 cubic yards in Residential & Rural Residential, removed prohibited uses in those zones as well.

Amended at annual Town Meeting on March 3, 2001. Article 4.2 Shoreland Zoning replaced in its entirety by a separate Shoreland Zoning Ordinance

Amended at annual Town Meeting on March 2, 2002. Article 3.2 Definition of Signs, Article 5.17 Signs

BC Amended at annual Town Meeting on March 2, 2002. Railings, Stairs

Amended at Annual Town Meeting, March 6, 2004. Articles 6.4, 6.8.1.6, 6.8.2.4, 6.8.3.3 Fees changed.

Amended at a Special Town Meeting on July 21, 2005. Article 4.6 Commercial-Industrial Overlay District expanded.

Amended at a Special Town Meeting on August 10, 2006. Added Accessory Apartment definition to Articles 3.2 & 5.1.; revised excavation not requiring a permit in 4.3.4.4, 4.4.4.4 and 4.5.4.4 and, 5.7.2 for clarity and ease of maintenance of the ordinance, revised submissions for excavation
conditional use permit in 5.7.3 & 5.7.4 stormwater, erosion, & sedimentation control plans, and fees; added boathouses, and some piers & docks as permitted in 4.5.4.3 (current document; was 4.4.4.3) for Rural Residential district; made shore-frontage requirement in 4.4.7 (current document; was 4.3.7), 4.3.2, and 4.3.7 (current document; was 4.5.7) consistent with Hiram Shoreland Zoning Ordinance and in 4.4.7 made reference to Hiram Shoreland Zoning Ordinance for non-conforming lots; in 5.15 replaced Paragraph 5.15.5, Holding Tanks for consistency with state law – not allowed for 1st time residential use.

Amended at a Town Meeting March 6, 2010. Editorial: Moved order of Districts in Articles 2.1 and 4 so that Village District appears before Residential District instead of after Rural Residential. Added a note noting overlap of districts in Article 2.1. Added notes to Article 4.2 Shoreland District to clarify that the most recent Shoreland Zoning Ordinance applies and that the district can overlap some others. In Appendix B: Roads Maintained for Winter Traffic, added the names “Gerrish” and “Schribner Mill” to the road descriptions already present for those roads.

Substantive: In Article 4.4.2 (Residential District-Areas to be Included) removed overlapping Village District from Residential District. This assures that the lot sizes in the Village District are to be used and not over-ridden by the more restrictive (larger) requirements of the Residential District. In Article 4.5.2 (Rural Residential District – Areas to Be Included), added wording to clarify district extent and assure no overlap with the Shoreland District. In Article 4.5.7.1 (Rural Residential District – Dimensional Requirements,-Lot Dimensions), deleted references to lots bordering on lake, ponds, rivers, or streams. Portions of lots bordering on such bodies of water are in the Shoreland Zone; the rules for the Shoreland Zone apply for the portion in the Shoreland Zone. In Article 4.6 Commercial Industrial Overlay District, added the word “Overlay” to the title to help clarify the role of that zone.

Amended at a Special Town Meeting November 18, 2010. Expanded the Commercial-Industrial Overlay District to include Tax Map U10, Lots 1,2 (except for the portion in the shoreland zone), 2A, and 2B.

Amended at Town Meeting March 3,2012. Editorial: A) in regards to Roads, changed the word accepted to public; B) rearranged, in Article 3.2 DEFINITIONS, all definitions of roads, streets, driveways, and related ways to subsections of Roads; C) in Article 3.6.7.1 Lot Dimensions (for Commercial Industrial Overlays) referenced frontage requirements to those of the underlying districts. D) In Article 5.14.2 Basic Requirements for Cluster Developments, item 3, corrected the typographical error of the percentage of frontage required so it now shows 33%.

Substantive: A) In Article 3.2 DEFINITIONS, added a definition of Back Lot. B) In many places in the document that referred to what was allowed, required, or restrictive along a public road or way, added the phrase “or private way serving any combination of three or more dwelling units or lots” so that the ordinance requirements would apply to approved subdivisions and other developments that were created by lot splits that did not meet the definition of “subdivisions”. See Signs in Article 3.2 DEFINITIONS, Articles 4.3.7.1, 4.4.7.1, 4.5.7.1, 4.6.7.1 Lot Dimensions (for the various districts) and 5.17.1 Signs-location. C) In those same Lot Dimensions articles, removed the wording requiring 50-foot right of ways for back lots and inserted a reference to the new Article 5.20 ACCESS TO BACK LOTS that modified the requirements for access to Back Lots. D) Inserted a new Article 5.20 ACCESS TO BACK LOTS. E) In 5.9.1 Permits for campers/travel trailers, allowed storage of one camper/travel trailer on a lot without a permit (permit was required previous to this adoption). F) In 3.9.7 MOBILE HOME PARKS, when referencing requirements relative to public roads (ways), added “or private road constructed pursuant to an approved subdivision”. Added “private streets” to the distance restriction for intersection of park streets with public streets. G) In Article 5.11.2 MULTI-FAMILY DWELLING UNITS, changed the frontage requirement from 200-feet to double that required for single family dwelling units in the district where it is to be built. H) In Article 5.14.2 Basic Requirements for Cluster Developments, item 3, added lot area and frontage restrictions that applied to public roads to “private” roads.
Appendices

BC Amended at Town Meeting on March 3, 2013 To adopt only the building code portion of the Maine Uniform Building and Energy Code ("MUBEC") and not the energy code portion thereof. The Maine Uniform Building Code ("MUBC") consists of the following components of MUBEC:

- 2009 International Residential Code (IRC)
- 2009 International Building Code (IBC)
- 2009 International Existing Building Code (IEBC)
- The following provisions of the American Society of Heating, Refrigerating and Air-Condition Engineers (ASHRAE) Standards:
  - 62.1 - 2007 (Ventilation for Acceptable Indoor Air Quality)
  - 62.2 - 2007 (Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings)

Amended at Special Town Meeting 9/13/2018
Removed all reference to permit fees and fee schedules throughout the ordinance.
## Zoning Information Sheet

<table>
<thead>
<tr>
<th>Zone Type</th>
<th>Min. Lot Size</th>
<th>Min. Frontage</th>
<th>Front Setback</th>
<th>Side &amp; Rear Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Zone</strong></td>
<td>40,000 sf</td>
<td>200 feet</td>
<td>50 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>(Within 500 feet of the Rd)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>See Page 21 Sec 4.4.2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zoning Ordinance</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td><strong>Rural Residential Zone</strong></td>
<td>87,200 sf</td>
<td>300 feet</td>
<td>50 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>(Back beyond 500 feet of the Rd)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>See Page 25 Sec 4.5.2</td>
<td></td>
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<tr>
<td>Zoning Ordinance</td>
<td></td>
<td></td>
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<tr>
<td><strong>Village Zone</strong></td>
<td>20,000 sf</td>
<td>100 feet</td>
<td>25 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>See Page 18 Sec 4.3.2</td>
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<tr>
<td>Zoning Ordinance</td>
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</tr>
<tr>
<td><strong>Shoreland Zone</strong></td>
<td>40,000 sf</td>
<td>100 feet</td>
<td>50 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>See Page 9 Sec 13</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shoreland Zoning</td>
<td></td>
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</tr>
</tbody>
</table>

*If you are within the shoreline of the Saco or Ossipee River you may need to contact the Saco River Corridor before a building permit can be issued.*

Contact Saco River Corridor: 207-625-8123

Code Enforcement Officer/Building & Plumbing Inspector:
Bruce Smith – 232-0183

Planning Board Chairman - Guy Lehouillier – 625-4159

Town Office Staff – Terry Day And Marylou Stacey

Tel: 207-625-4663 Fax: 207-625-7635