2011

Town of Hope Maine Ordinances

Hope, Me.

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Section 1. Purpose

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

Section 2. Authority

This ordinance is adopted pursuant to and consistent with municipal home rule authority as provided for in Article VIII, Part 2 Section 1 of the Constitution of the State of Maine and Title 30-A M.R.S.A. Section 3001.

Section 3. Administration

This ordinance shall be administered by the Addressing Officer. The Board of Selectmen shall annually appoint an Addressing Officer, who is responsible for and authorized to provide all required addressing and database information to the state agency responsible for the implementation of Enhanced 9-1-1 service. The Addressing Officer shall assign road names and numbers to all properties, both on existing and proposed roads, in accordance with the criteria in Sections 4 and 5. The Addressing Officer shall also be responsible for maintaining the following official records of this ordinance:

a. A Hope map for official use showing road names and numbers;

b. An alphabetical list of all property owners as identifies by current assessment records, by last name, showing the assigned number; and

c. An alphabetical list of all roads with property owners listed in order of their assigned numbers.

Section 4. Naming System

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

a. No two roads shall be given the same name (e.g., no Pine Road and Pine Lane).

b. No two roads should have similar–sounding names (e.g., no Beech Street and Peach Street).
c. Every effort shall be made to have each road have the same name throughout its entire length.

d. Names shall be appropriate for the individual road and the area’s nature and character and shall not be vulgar, offensive or reasonably subject to inappropriate double meaning.

Section 5. Numbering System

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

The following criteria shall govern the numbering system:

a. Numbering origins shall be from south to north and east to west. Numbering shall be odd on the right side of the street and even on the left side of the street.

b. The number assigned to each structure shall be that of the numbered interval falling closest to the driveway serving the structure.

c. Every structure with more than one principal use or occupancy shall have a separate number for each use of occupancy (i.e., duplexes will have two separate numbers; apartments will have one road number with an apartment number, such as 235 Maple Street, Apt. 2).

Section 6. Compliance

All owners of structure shall, by the date set forth in Section 10, display and maintain in conspicuous place on said structure, the assigned numbers in the following manner:

a. Number on the Structure or Residence. Where the residence or structure is within 50 (fifty) feet of the edge of the road right-of-way, the assigned number shall be displayed on the residence or structure near the front door or entry.

b. Number at the Street Line. Where the residence or structure is over 50 (fifty) feet from the edge of the road right-of-way, or when the residence or structure is not visible from the roadway, the assigned number shall be displayed on a post, fence, mailbox, or structure at the property line next to the walk or access drive to the residence or structure.

c. Size and Color of Number. Numbers shall be displayed in a color and size approved for use by the Addressing Officer and shall be visible from the road. Any numbers visible from the roadway that might be mistaken for, or confused with, the number assigned in conformance with this ordinance must be removed.
d. Interior location. All residents and other occupants are requested to post the assigned number and road name next to their telephone for emergency reference.

Section 7. New Construction and Subdivisions

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

a. New Construction. Whenever any residence or other structure is constructed or developed it shall be the duty of the new owner to obtain an assigned number from the Addressing Officer. This shall be done at the time of the issuance of the building permit.

b. New Subdivisions. Applicants seeking subdivision approval from the Planning Board shall consult with the Addressing Officer for the assignment of road name(s) and numbers to the lots in the subdivision prior to submitting the subdivision application. Subdivision developers shall review any amendments to road name(s) and numbering with the Addressing Officer following Planning Board approval.

Section 8. Amendment

A road name change may only be considered upon the submission of a petition in favor of such amendment to the Board of Selectmen signed by the owners of at least 2/3rds of the lots abutting the road in question. The Board of Selectmen shall seek and obtain the advice of the Addressing Officer prior to approving any name change at a duly noticed public meeting.

Section 9. Enforcement and Penalties

This ordinance shall be enforced by the Code Enforcement Officer of the Town of Hope. Upon finding a violation of this ordinance, the Code Enforcement Officer shall give written notice to any or all of the owners, occupants or persons in charge of the dwelling, place of business or other building, stating the action necessary to achieve compliance and a compliance date by which such action must be taken. If the person to whom the notice is addressed does not correct the violation by the compliance date, such person commits a civil violation for each day the violation remains uncorrected after the compliance date and is subject to civil penalties of not less than $100 nor more than $2,500 pursuant to 30-A M.R.S.A. § 4452.
Section 10. Effective Date

This ordinance shall become effective as July 1, 1996. It shall be the duty of the Addressing Officer to notify by mail each property owner and the Post Office of a new address at least thirty (30) days before the effective date of its use. It shall be the duty of each property owner to comply with this ordinance, including the posting of new property numbers, within thirty (30) days following notification. On new structures, numbering shall be installed before final inspection or when the structure is first used or occupied, whichever comes first.
I. Establishment

Pursuant to Article VIII of the Maine Constitution and 30-A M.R.S.A. Section 2526 (6), the Town of Hope hereby establishes a Board of Assessment Review.

II. Appointment

A. Hope Board of Assessment Review members shall be appointed by the Municipal Officers and sworn into office by the Town Clerk or other person authorized to administer oaths.

B. The Board of Assessment Review shall consist of seven (7) regular members.

C. The term of each member shall be five (5) years, except the initial appointments which shall be for the following terms: two board members for one year, four board members for four years, and one board member for five years.

D. When there is a permanent vacancy on the Hope Board of Assessment Review, the Municipal Officers shall, within 60 days of a vacancy occurring, appoint a person to serve for the unexpired term. A vacancy shall occur upon the resignation or death of any member, or when a member ceases to be a legal resident of the Town of Hope, or when a member fails, without good cause, to attend four (4) consecutive regular meetings, or at least 75% of all meetings during the preceding twelve month period. When a vacancy occurs, the Chairperson of the Board of Assessment Review shall immediately advise the Municipal Officers in writing. The Municipal Officers may remove members of the Board of Assessment Review, by unanimous vote, for cause, after due process including notice and hearing.

E. Neither a Municipal Officer, nor a spouse of a Municipal Officer, may be a member of the Board of Assessment Review.

III. Organization and Rules

A. The Board of Assessment Review shall elect a Chairperson, Vice-Chairperson, and Secretary annually from among its members. Officers shall be elected at the first regularly scheduled meeting after the Annual Town Meeting.

B. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members, except the member who is being challenged.

C. No meeting of the Board of Assessment Review shall start without a quorum consisting of four members. The Board shall act by a majority vote of those members present and authorized to vote.
D. Board of Assessment Review meeting notices and accompanying agendas shall be posted at least one business day prior to the event. These notices shall be posted at the Town Office and sent electronically to Town Office staff.

E. The Board of Assessment Review shall adopt bylaws for the transaction of business and the Town Office shall keep a record of its resolutions, correspondence, findings and determinations. All records are public and may be inspected at reasonable times.

IV. Powers and Duties of the Hope Board of Assessment Review

A. The Board shall hear and decide all appeals properly taken from the refusal of the Municipal Officers or Assessors to make such property tax abatements as are asked for. The Board may take such evidence and testimony as it deems necessary and may grant such abatements as it thinks proper. All appeals heard by the Board of Assessment Review are considered *de novo*. If the Board fails to give written notice of its decision within 60 days of the date the appeal is filed, unless the appellant agrees in writing to further delay, the appeal shall be deemed denied. The Board’s decisions may be appealed in accordance with 36 M.R.S.A. §843.

B. The Board of Assessment Review shall adopt bylaws governing board functions. Initial adoption of Board of Assessment Review bylaws, and all subsequent amendments, shall be subject to review and approval of the Board of Selectmen.

C. The Chairman of the Board of Assessment Review will submit an annual report to the Chairman of the Board of Selectmen by April 1 on the Board’s actions over the past calendar year.

V. Repeal of Prior Board of Assessment Review Ordinance

Any Board of Assessment Review Ordinance creating an "old" Board of Assessment Review prior to the establishment of this Board of Assessment Review Ordinance is hereby repealed. It is the intent of this Ordinance to establish a "new" lawfully authorized Board of Assessment Review under the provisions of 30-A M.R.S.A 3001.

*Approved: November 7, 2006*
Budget Committee Ordinance

Section 1. Establishment

Pursuant to 30-A M.R.S.A. §3001, a Budget Committee is hereby established for the Town of Hope, Maine.

Section 2. Composition; election; qualifications; terms; vacancies; transition.

The Committee shall consist of (7) seven members who shall be elected and who shall be registered voters of the Town. The Town Administrator, members of the Board of Selectmen and members of the Hope School Board may not be a member of the Committee. Members shall serve for terms of three years, except that they shall continue in office until their successors are elected. Terms shall be staggered, that of two or three members ending each year. Vacancies shall be filled within thirty days by the Board of Selectmen, acting upon a Budget Committee recommendation, for the period ending at the next Annual Town Meeting. Unexpired terms of greater than one year shall be filled by special election at Annual Town Meeting. Transition from the number and unexpired terms of current Committee members to composition of the Committee specified here shall be accomplished by action of the current Committee at its first meeting held upon adoption of this Ordinance.

Section 3. Officers; meetings; quorum; procedure.

The Committee shall annually elect a Chairman, Vice Chairman, and a Secretary from among its members. The Chairman shall call meetings as necessary or when so requested by a majority of the members or the municipal officers. A quorum necessary to conduct Committee business shall consist of a majority of members. The Chairman or Vice Chairman shall preside at all meetings. The Secretary shall maintain a record of all proceedings, including all correspondence of the Committee. All meetings and records shall be subject to the Maine Freedom of Access Act, 1 M.R.S.A. §401-410. The Committee may adopt rules of procedure not inconsistent with this Ordinance.

Section 4. Powers and duties; authority; recommendations; official cooperation.

The Committee shall have the following powers and duties:
A. To review and make recommendations on the Town annual operating budget, as proposed by the municipal officers;
B. To review and make recommendations on annual capital expenditures, as proposed by the municipal officers;
C. To review and make recommendations on supplemental appropriations and expenditures and on other budgetary actions, as proposed by the municipal officers; and,
D. To make such other recommendations on fiscal and capital investment matters as the Committee may from time to time deem advisable.

The Committee’s authority shall be advisory. Any recommendation on a matter requiring Town Meeting action shall be printed with the corresponding Article in
the Warrant or on the ballot, if any, along with such other recommendations as may be included by the municipal officers or required by law. The printed information on the Warrant or the ballot shall indicate the vote by which the Budget Committee decided the recommendation. The municipal officers shall cooperate with and provide the Committee with such information as may be reasonably necessary and available to enable it to carry out its functions under this Ordinance in a timely and efficient way.
I. Establishment

Pursuant to Article VIII of the Maine Constitution and 30-A M.R.S.A. Sections 2691 and 3001, the Town of Hope hereby establishes a Capital Planning Committee.

II. Appointment

A. Hope Capital Planning Committee members shall be appointed by the Municipal Officers and sworn into office by the Town Clerk or other person authorized to administer oaths.

B. The Capital Planning Committee shall consist of seven (7) regular members.

C. The term of each member shall be five (5) years, except the initial appointments which shall be for the following terms: one committee members for one year, two committee members for two years, one committee members for three years, two committee members for four years, and one member for five years.

D. When there is a vacancy on the Hope Capital Planning Committee, the Municipal Officers shall, within 60 days of a vacancy occurring, appoint a person to serve for the unexpired term. A vacancy shall occur upon the resignation or death of any member, or when a member ceases to be a legal resident of the Town of Hope, or when a member fails, without good cause, to attend four (4) consecutive regular meetings, or at least 75% of all meetings during the preceding twelve month period. When a vacancy occurs, the Chairperson of the Capital Planning Committee shall immediately advise the Municipal Officers in writing. The Municipal Officers may remove members of the Capital Planning Committee, by unanimous vote, for cause, after due process including notice and hearing.

III. Organization and Rules

A. The Capital Planning Committee shall elect a Chairperson, Vice-Chairperson, and Secretary annually from among its members. Officers shall be elected at the first regularly scheduled meeting after the Annual Town Meeting.

B. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the committee, except the committee member who is being challenged.

C. No meeting of the Capital Planning Committee shall start without a quorum consisting of four members. The Board shall act by a majority vote of those members present and authorized to vote.

D. Capital Planning Committee meeting notices and accompanying agendas shall be posted at least one business day prior to the event. These notices shall be posted at the Town Office and sent electronically to Town Office staff.
E. The Capital Planning Committee shall adopt by-laws for the transaction of business; and the Town Office shall keep a record of its resolutions, correspondence, findings and determinations. All records are public and may be inspected at reasonable times.

IV. Powers and Duties of the Hope Capital Planning Committee

A. The Capital Planning Committee shall perform such duties and exercise such powers as are provided by Hope Ordinances and the laws of the State of Maine.

B. The Capital Planning Committee shall assist the Board of Selectmen with the periodic review of Hope Capital Plan and recommend to the Board of Selectmen budget suggestions for the coming fiscal year.

C. The Capital Planning Committee shall adopt bylaws governing board functions. Initial adoption of Capital Planning Committee bylaws, and all subsequent amendments, shall be subject to review and approval of the Board of Selectmen.

D. The Chairman of the Capital Planning Committee will submit an annual report to the Chairman of the Board of Selectmen by February 1\textsuperscript{st} on the Committee’s actions over the past calendar year.

V. Repeal of Prior Capital Planning Committee Ordinance

Any Capital Planning Committee Ordinance creating an old Capital Planning Committee prior to the establishment of this Capital Planning Committee Ordinance is hereby repealed. It is the intent of this Ordinance to establish a new lawfully authorized Capital Planning Committee under the provisions of 30-A M.R.S.A 3001.
Emergency Management Ordinance of the Town of Hope  
*Enacted June 9, 2009*

1. **Short Title:** This Ordinance shall be known and may be cited and referred to as the “Emergency Management Ordinance of the Town of Hope”. Authorized under Title 30-A MRSA § 2101.

2. **Definition:** Emergency Management Director (EMD) shall mean the appointed town official responsible for performing the four phases of Emergency Management (preparedness, response, recovery and mitigation) and for liaison with the Knox County Emergency Management Agency.

3. **Establishment:** The Hope Office of Emergency Management (OEM) and the position of Emergency Management Director for the town of Hope are hereby created. The Select Board may appoint additional OEM staff members, Assistants or Deputies, as needed.

4. **Appointment, Term and Removal:** The Select Board shall appoint the EMD pursuant to Title 37-B MRSA § 782. This appointment shall be annual and made by July 15th of each year. The Select Board may remove the EMD for cause.

5. **Oath of the Emergency Management Director:** Once the EMD has been appointed, the EMD shall take an oath of office as described in Title 30-A MRSA § 2526.

6. **Duties of the Emergency Management Director:** The EMD shall:
   
   A. Prepare and update a Hazard, Risk and Vulnerability Assessment.
   B. Prepare and maintain the Hope Emergency Operations Plan.
   C. Prepare and maintain a list of locally available disaster resources.
   D. Develop procedures for the organization, staffing, activation and operation of the Hope Emergency Operations Center (EOC).
   E. Coordinate and maintain written emergency and disaster Mutual Aid Agreements with the approval of the Select Board.
   F. Provide Emergency Management training to town officials, planners, and emergency responders.
   G. Develop and implement a Disaster Exercise program.
   H. Attend County Local Emergency Managers meetings.
   I. Maintain records and submit information as required for compliance with county, state and federal regulations and/or guidelines.
   J. Provide Disaster Preparedness information to town residents.
   K. Complete and report Initial Damage Assessments (form 7’s) to Knox County EMA.
   L. When necessary, serve as liaison between the town and county/state/federal officials during disaster recovery.
   M. Complete and submit applications for grants which may become available and beneficial for improving emergency management and response capability for the town of Hope.
   N. Serve as NIMS Coordinator for the Town of Hope

7. **Membership of the Emergency Operations Center (EOC):** When directed by any one of the Select Board or by the EMD, the EOC will be established and manned. The EOC may be co-located with the Knox County EOC when operations dictate. At the discretion of the Select Board or EMD, the following town officials may be included on the EOC staff:
   
   A. Select Board Member and Town Administrator
   B. Emergency Management Director
C. Town Clerk and Treasurer
D. Code Enforcement Officer
E. Fire Chief or Deputy Chief
F. Forest Fire Warden
G. EMS Service Chief
H. Road Commissioner
I. Animal Control Officer

8. Adoption of the National Incident Management System: The Town of Hope hereby establishes the National Incident Management System (NIMS) as the municipal standard for all hazards incident management. This system provides a consistent approach for Federal, State, and municipal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity. NIMS will utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters. The NIMS Incident Command System (ICS) will be utilized by all Hope emergency and disaster responders for all hazards incident management.

9. Disasters and States of Emergency: The local EMD is empowered to make any reasonable request for assistance from mutual aid partner jurisdictions pursuant to established Mutual Aid Agreements. The EMD may recommend to the Select Board or Town Administrator that a State of Emergency be declared for the town when appropriate. The Select board or Town Administrator, when acting under the recommendation of the EMD, may make such a declaration and/or order evacuations necessary to protect lives and property. The EMD shall coordinate requests for assistance from other regional, county, state or federal agencies through the County EMA Director during emergencies or disasters. Under a locally declared State of Emergency, the EMD is authorized to commit town resources, including funding, to the extent necessary to prevent the loss of life, stabilize incidents or minimize loss or damage to public or private property. Whenever possible, these actions will be taken at the direction of the Select Board unless obtaining that authority would unnecessarily delay emergency actions.

10. Compensation: The EMD shall be compensated for duties rendered by an annual stipend as appropriated at town meeting.

11. Training: The EMD shall attend training provided by the Knox County Emergency Management Agency (KXEMA), Maine Emergency Management Agency (MEMA), or FEMA relating to the duties required by this ordinance. The EMD is expected to pursue a State of Maine Basic Emergency Manager qualification.
ARTICLE I. TITLE, PURPOSE, AUTHORITY, DEFINITIONS

SECTION 101. Title

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

SECTION 102. Purpose

The purpose of this ordinance is to establish in the manner provided by law a Hope Fire Department, and to define the powers and duties of the chief of the department.

SECTION 103. Authority

This ordinance is enacted pursuant to 30-A M.R.S.A. § 3001 (Municipal Home Rule) and 30-A M.R.S.A. § 3151 et seq. (Municipal Fire Protection).

SECTION 104. Definitions

104.1 Municipal Fire Department

The Hope Fire Department means an organized fire fighting unit established pursuant to this Ordinance.

104.2 Municipal Firefighters

A municipal firefighter shall mean an active member, whether full-time, part-time, on call, or unpaid volunteers, of the Hope Fire Department, who aids in the extinguishment of fires or an individual who receives compensation from the municipality for aiding in the extinguishment of fires and is at least 18 years of age.

104.3 Junior Members

a. Junior member shall mean an individual who is an active member of the Hope Fire Department between 16 and 18 years of age whether part-time, on call, or unpaid volunteer, who may assist adult members of the Department, as directed by the Fire Chief.

b. A list of permissible duties for junior members shall be drawn up in the rules and regulations of the Hope Fire Department.

ARTICLE II. MUNICIPAL FIRE DEPARTMENT

SECTION 201. Establishment

The Hope Fire Department is hereby established.
HOPE FIRE DEPARTMENT ORDINANCE

SECTION 202. Duties

The Hope Fire Department shall provide fire fighting protection, fire prevention education, and respond to other emergency and non-emergency situations with the intent to lessen the loss of life and property within the Town of Hope and elsewhere as provided by mutual aid or other contractual agreements approved by the municipal officers.

SECTION 203. Fire Chief

203.1 Appointment

The head of the Hope Fire Department shall be the Fire Chief, who shall be a member of the Hope Fire Department. The municipal officers shall appoint as Fire Chief the person recommended by the Municipal Fire Fighters.

203.2 Term, Compensation

The Fire Chief shall serve for a term of one year. The compensation of the fire chief shall be recommended by the municipal officers.

203.3 Powers and Duties

a. The Fire Chief shall have the powers and duties established by 30-A M.R.S.A. § 3153(2) and (3).

b. The Fire Chief may prepare and adopt, with the approval of the municipal fire fighters and the municipal officers, Administrative Rules and Regulations, as needed, governing the operation of the Hope Fire Department. These Rules and Regulations shall be consistent with this Ordinance and with 30-A M.R.S.A., Chapter 153. Copies of Administrative Rules and Regulations and amendments shall be filed with the Municipal Officers.

SECTION 204. Municipal Firefighters

Municipal Firefighters shall have duties and responsibilities outlined in 30-A M.R.S.A. § 3154.

SECTION 205. Privileges, Immunities

Hope Municipal Firefighters shall be protected by the privileges and immunities provided by 30-A M.R.S.A. § 8101 et seq.

ARTICLE III. SEVERABILITY, EFFECTIVE DATE

SECTION 301. Severability

The invalidity of any portion of this Ordinance shall not invalidate any other part thereof.
SECTION 302. Effective Date

This Ordinance shall be effective on its adoption at Town Meeting.

SELECTMEN OF HOPE

[Signatures]

Thomas M. Ford

Ronald M. Leadbetter

John W. Field
FLOODPLAIN MANAGEMENT ORDINANCE
FOR THE
TOWN OF HOPE, MAINE

ENACTED: June 14, 2004

CERTIFIED BY: Florence A. Meunier

Title: Town Clerk

Affix Seal

60.3(b)
Printed 2/9/04
# Floodplain Management Ordinance

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ARTICLE I - PURPOSE AND ESTABLISHMENT

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

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

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

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

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

The areas of special flood hazard, are identified by the Federal Emergency Management Agency in a map entitled “Flood Insurance Rate Map - Town of Hope, Maine, Knox County,” dated February 19, 1986, which is hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II - PERMIT REQUIRED

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

ARTICLE III - APPLICATION FOR PERMIT

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

A. The name, address and phone number of the applicant, owner, and contractor;

B. An address and a map indicating the location of the construction site;

C. A site plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;

D. A statement of the intended use of the structure and/or development;
E. A statement of the cost of the development including all materials and labor;

F. A statement as to the type of sewage system proposed;

G. Specification of dimensions of the proposed structure and/or development;

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

H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), or to a locally established datum, of the:

1. base flood at the proposed site of all new or substantially improved structures, which in Zone A is determined:
   a. from any base flood elevation data from federal, state, or other technical sources (such as FEMA’s Quick-2 model, FEMA 265/July 1995), including information obtained pursuant to Article VI.J. and VIII.D.;
   b. from the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a Professional Land Surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or, in the absence of all other data,
   c. to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.

I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article VI;

J. A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate;

K. The following certifications as required in Article VI by a registered professional engineer or architect:

1. a Floodproofing Certificate (FEMA Form 81-65, 08/99, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article III.H.4.; Article VI.G.; and other applicable standards in Article VI;

2. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.K.2.a.;

3. a certified statement that bridges will meet the standards of Article VI.L.;

4. a certified statement that containment walls will meet the standards of Article VI.M.;

L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

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

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

ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Code Enforcement Officer shall:

A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have been, or will be met;

B. Utilize, in the review of all Flood Hazard Development Permit applications:
   1. the base flood data contained in the "Flood Insurance Rate Map - Town of Hope, Maine," as described in Article I;
   2. in special flood hazard areas where base flood elevation data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1., Article VI.J.; and Article VIII.D., in order to administer Article VI of this Ordinance; and,
   3. when the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.1., the community shall submit that data to the Maine Floodplain Management Program in the State Planning Office.

C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;

D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;

E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program in the State Planning Office prior to any alteration or relocation
of a water course and submit copies of such notifications to the Federal Emergency Management Agency;

F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits based on the type of development:

1. A two part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer or architect based on the Part I permit construction, “as built”, for verifying compliance with the elevation requirements of Article VI, paragraphs F, G, or H. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,

2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Article VI.G.1., 2., and 3. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,

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

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

ARTICLE VI - DEVELOPMENT STANDARDS

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

A. All Development - All development shall:

1. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. use construction materials that are resistant to flood damage;

3. use construction methods and practices that will minimize flood damage; and,
4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

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

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

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

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

F. **Residential** - New construction or substantial improvement of any residential structure located within Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.; Article V.B; or Article VIII.D., or together with attendant utility and sanitary facilities shall:

1. be floodproofed to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.; Article V.B; or Article VIII.D., so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;

2. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,

3. be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K and shall include a record of the elevation above mean sea level to which the structure is floodproofed.

G. **Non Residential** - New construction or substantial improvement of any non-residential structure located within Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.; Article V.B; or Article VIII.D., or together with attendant utility and sanitary facilities shall:

1. be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.; Article V.B; or Article VIII.D.;

2. be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,

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

1. be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.; Article V.B; or Article VIII.D.;

2. be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,
3. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:

   a. over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,

   b. frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).

   c. all components of the anchoring system described in Article VI.H.3.a. & b. shall be capable of carrying a force of 4800 pounds.

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

1. be 500 square feet or less and have a value less than $3000;

2. have unfinished interiors and not be used for human habitation;

3. have hydraulic openings, as specified in Article VI.K.2., in at least two different walls of the accessory structure;

4. be located outside the floodway;

5. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,

6. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.

J. Floodways - Encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in a floodway which, in Zone A riverine areas, is the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain, unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:

1. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,

2. is consistent with the technical criteria contained in Chapter 5 entitled "Hydraulic Analyses," Flood Insurance Study - Guidelines and Specifications for Study Contractors, (FEMA 37/January 1995, as amended).
K. Enclosed Areas Below the Lowest Floor - New construction or substantial improvement of any structure in Zone A that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs F, G, or H and is elevated on posts, columns, piers, piles, "stilts," or crawlspaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:

1. Enclosed areas are not "basements" as defined in Article XIII;

2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:
   a. be engineered and certified by a registered professional engineer or architect; or,
   b. meet or exceed the following minimum criteria:
      (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;
      (2) the bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,
      (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;

3. The enclosed area shall not be used for human habitation; and,

4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.

L. Bridges - New construction or substantial improvement of any bridge in Zone A shall be designed such that:

1. when possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.; Article V.B; or Article VIII.D.; and

2. a registered professional engineer shall certify that:
   a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.J.; and
   b. the foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

M. Containment Walls - New construction or substantial improvement of any containment wall located within Zone A shall:
1. have the containment wall elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.; Article V.B.; or Article VIII.D.

2. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and

3. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K.

N. **Wharves, Piers and Docks** - New construction or substantial improvement of wharves, piers, and docks are permitted in Zone A in and over water and seaward of the mean high tide if the following requirements are met:

1. wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and

2. for commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

**ARTICLE VII - CERTIFICATE OF COMPLIANCE**

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

A. For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer, an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer, or architect, for compliance with Article VI, paragraphs F, G, or H.

B. The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this ordinance.

C. Within 10 working days, the Code Enforcement Officer shall:

1. review the Elevation Certificate and the applicant’s written notification; and,

2. upon determination that the development conforms with the provisions of this ordinance, shall issue a Certificate of Compliance.

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

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

A. All such proposals are consistent with the need to minimize flood damage.
B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.

C. Adequate drainage is provided so as to reduce exposure to flood hazards.

D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.

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

ARTICLE IX - APPEALS AND VARIANCES

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

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

A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

B. Variances shall be granted only upon:

1. a showing of good and sufficient cause; and,

2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,

3. a showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and,

4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:

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

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

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

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as it deems necessary.

D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:

1. other criteria of Article IX and Article VI.J. are met; and,

2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:

1. the development meets the criteria of Article IX, paragraphs A. through D. above; and,

2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

F. Any applicant who meets the criteria of Article IX, paragraphs A. through E. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:

1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as $25 per $100 of insurance coverage;

2. such construction below the base flood level increases risks to life and property; and,

3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.

G. Appeal Procedure for Administrative and Variance Appeals

1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.
2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

3. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.

4. The person filing the appeal shall have the burden of proof.

5. The Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing, and shall issue a written decision on all appeals.

6. The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.

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

ARTICLE X - ENFORCEMENT AND PENALTIES

A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A MRSA § 4452.

B. The penalties contained in Title 30-A MRSA § 4452 shall apply to any violation of this Ordinance.

C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, shall submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of;

1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;

2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;

3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;

4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,

5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

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

ARTICLE XII - CONFLICT WITH OTHER ORDINANCES

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

ARTICLE XIII - DEFINITIONS

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

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

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

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

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

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

Building - see Structure.

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

Code Enforcement Officer - any person or board responsible for performing the inspection, licensing, and enforcement duties required by a particular statute or ordinance.

Development - means any change caused by individuals or entities to improved or unimproved real estate, including but not limited to the construction of buildings or other structures; the construction of additions or substantial improvements to buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; and the storage, deposition, or extraction of materials, public or private sewage disposal systems or water supply facilities.

Elevated Building - means a non-basement building

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

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

Elevation Certificate - An official form (FEMA Form 81-31, 07/00, as amended) that:

a. is used to verify compliance with the floodplain management regulations of the National Flood
Insurance Program; and,

b. is required for purchasing flood insurance.

Flood or Flooding - means:

a. A general and temporary condition of partial or complete inundation of normally dry land areas
from:

1. The overflow of inland or tidal waters.

2. The unusual and rapid accumulation or runoff of surface waters from any source.

b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of
erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels
or suddenly caused by an unusually high water level in a natural body of water, accompanied by a
severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge,
or by some similarly unusual and unforeseeable event which results in flooding as defined in
paragraph a.1. of this definition.

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

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

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

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

Floodplain Management Regulations - means zoning ordinances, subdivision regulations, building
codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading
ordinance, and erosion control ordinance) and other applications of police power. The term describes
such state or local regulations, in any combination thereof, which provide standards for the purpose of
flood damage prevention and reduction.
**Floodproofing** - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and contents.

**Floodway** - see Regulatory Floodway.

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

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

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

a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;

c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
   1. By an approved state program as determined by the Secretary of the Interior, or
   2. Directly by the Secretary of the Interior in states without approved programs.

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

**Lowest Floor** - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in Article VI.K. of this ordinance.

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

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

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

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

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

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

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

**Regulatory Floodway** -

a. means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and

b. in Zone A riverine areas, the floodway is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

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

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

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

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

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

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

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

b. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the community’s Board of Appeals.

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

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

**ARTICLE XIV - ABROGATION**

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

60.3 (b)
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GENERAL PROVISIONS

1.1. TITLE
This Ordinance shall be known as the "Hope Land Use Ordinance ", and will be referred to herein as the "Ordinance".

1.2. AUTHORITY
This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII of the Maine Constitution, 30-A M.R.S.A. § 4352 and 38 M.R.S.A. §§435 et seq.

1.3. PURPOSES
The purposes of the Ordinance are as follows:

1.3.1. Comprehensive Plan Implementation: To implement the policies and recommendations of the Hope Comprehensive Plan;

1.3.2. Protection of the General Welfare: To assure the comfort, convenience, safety, health and welfare of the residents of the Town of Hope;

1.3.3. Protection of the Environment: To protect and enhance the natural, cultural, and historic resources of the Town from unacceptable adverse impacts and to integrate new development harmoniously into the Town's natural environment;

1.3.4. Promotion of Community Development: To promote the development of an economically sound and stable community;

1.3.5. Encourage Vehicular Safety: To minimize traffic hazards on roads, limit excessive numbers of intersections, and insure the continued usefulness of all elements of the existing transportation system for their planned functions;

1.3.6. Balancing of Property Rights: To protect property rights and values by balancing the rights of landowners to use their land with the corresponding rights of neighboring landowners to enjoy their property without undue disturbance from neighboring uses;

1.3.7. Reduction of Fiscal Impact: To provide a means of evaluating development proposals to determine their fiscal impacts on the Town's ability to provide and improve necessary public facilities and services; and

1.3.8. Establishment of Procedures/Standards: To establish procedures whereby the Town Officials may review the developments governed by this Ordinance by providing fair and reasonable standards for evaluating such developments; to provide a public hearing process through which interested persons may raise questions and receive answers regarding how such developments may affect them; and to provide procedures whereby aggrieved parties may appeal decisions made under this Ordinance.
1.4. **APPLICABILITY**
This Ordinance shall apply to all land areas within the Town of Hope. All buildings or structures hereafter constructed, reconstructed, altered, enlarged, or moved, and the uses of buildings and land, including the division of land, shall be in conformity with the provisions of this Ordinance. No existing building, structure, or land area shall be used for any purpose or in any manner except as provided in this Ordinance.

1.5. **CONFLICT WITH OTHER ORDINANCES**
Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted rule, regulation or ordinance the most restrictive or higher standards shall govern.

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

1.7. **AMENDMENTS TO THE ORDINANCE OR OFFICIAL ZONING MAP**

1.7.1. **Initiation**
An amendment to this Ordinance or Official Zoning Map may be initiated by one of the following:

1.7.1.1. Recommendation of the Planning Board

1.7.1.2. Motion of Board of Selectmen

1.7.1.3. Written petition of 10% of the number of registered voters who voted in the most recent gubernatorial election.

1.7.2. **Hearings**
All proposed ordinance or map amendments shall be referred to the Planning Board for its recommendation. The Planning Board shall hold a public hearing on any proposed amendment.

1.7.3. **Majority Vote**
The amendment may be adopted or rejected by majority vote of the voters at a Town Meeting.

1.7.4. **Shoreland Zoning Amendments**
Copies of amendments to Section 6 and/or to the Shoreland Zoning Overlay Districts depicted on the Official Zoning Map shall be submitted to the Commissioner of Environmental Protection following adoption by Town Meeting and said
amendments shall not become effective unless approved by the Commissioner; provided, however that if the Commissioner fails to act upon any such amendment within forty-five (45) days after receipt of such amendment, such amendment shall be deemed approved; that notwithstanding 1 M.R.S.A. § 302, as may be amended, such amendment, upon approval or deemed approval by the Commissioner, shall have an effective date retroactive to its date of adoption by Town Meeting; and, that such amendment shall govern all applications for a shoreland zoning permit submitted to the Town within said forty-five (45) day period if such amendment is approved or deemed approved. Amendments to the Shoreland Zoning Overlay Districts depicted on the Official Zoning Map shall be shown on said map within 30 days after the approval or deemed approval by the Commissioner of said amendment.

1.8. **ANNUAL ADMINISTRATIVE REVIEW**
The Code Enforcement Officer, Planning Board, and Board of Appeals shall report annually in December to the Town Administrator and Board of Selectmen on their respective experience with the administration of this Ordinance during the previous year. Their reports to the Town Administrator and Board of Selectmen shall include any recommended amendments they may have that would:

1.8.1. Enhance their ability to more effectively meet their respective administrative responsibilities under this Ordinance;

1.8.2. Enhance the implementation of the purposes of this Ordinance.

1.9. **EFFECTIVE DATE**
The effective date of this Ordinance and Official Zoning Map and any amendments thereto, shall be the date of approval at an Annual Town Meeting or Special Town Meeting. A copy of this Ordinance and Official Zoning Map, attested by the Town Clerk, shall be on file at the Town Office.
NON-CONFORMING STRUCTURES, USES AND LOTS

2.1. NON-CONFORMING LOTS

2.1.1. Vacant Lots

2.1.1.1. A nonconforming lot may be built upon provided that such a 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 and frontage can be met. Variance of other requirements shall be obtained only by approval of the Board of Appeals.

2.1.1.2. If two (2) or more vacant, contiguous lots are in the same ownership of record at the time of adoption or amendment of this Ordinance, and if these lots do not individually meet the dimensional standards of this Ordinance, the lots shall be combined to the extent necessary to meet the dimensional standards, except:

   a. Where the contiguous lots front onto different streets; or

   b. The lots were legally created and recorded in an approved subdivision plan. No division of any lot may be made which leaves the lot's area, lot coverage or frontage below the minimum requirements of the Ordinance, which worsens an existing nonconformance or creates a new nonconformance.

2.1.2. Lots with Structures

A structure built on a lot prior to enactment of this Ordinance, which lot does not conform to lot size or lot frontage, may be repaired, maintained or improved and may be enlarged, in conformity with the applicable space and bulk requirements other than minimum lot area or lot frontage. If the proposed enlargement of the structures(s) cannot meet the applicable space and bulk requirements, a variance shall be required from the Board of Appeals (See Section 10).

2.2. NON-CONFORMING STRUCTURES

2.2.1. Maintenance, Modification, Replacement and Reconstruction

Except as otherwise provided herein, a structure lawfully in existence as of the effective date of this amendment, that does not meet the height or setback requirements of Section 5, may be repaired, maintained, improved, or replaced, as set forth in this section. It may be modified and/or accessory structures may be added to the site without a variance, provided that:

2.2.1.1. The resulting structure or structures do not exceed the height restrictions of the district in which the structure or structures are located.
2.2.1.2. The resulting structure or structures do not exceed the prescribed maximum lot coverage.

2.2.1.3. There shall be no increase in the nonconformity of a structure, except that a lawfully non-conforming structure may be expanded by up to 30% in volume and floor area in that portion of the structure that already exists in the front, side or rear yard setback area during the lifetime of the structure. The resulting structure shall be no closer to the front, side or rear lot line within the setbacks than the existing nonconforming structure. In addition, the resulting structure shall be no higher than the existing structure within the side and rear yard setbacks and no higher than the district height standard within the front yard setback.

2.2.1.4. No structure which is less than the required setback from the normal high water line of a water body or the upland edge of a wetland shall be expanded further toward the water body or wetland except as provided in Section 6.

2.3. NON-CONFORMING USES

2.3.1. Continuance (Grandfather Clause)
The use of land or structure, lawful at the time of adoption or amendment of this Ordinance, may continue although such use does not conform to the provisions of this Ordinance, except as provided in Subsection 2.5, below.

2.3.2. Resumption
Whenever a nonconforming use of land and/or structure is changed to a permitted use or a use permitted by special exception, the use shall not later revert to nonconforming use.

2.3.3. Discontinuance
A nonconforming use that is discontinued for a period of twenty-four (24) consecutive months may not be resumed. The uses of the land, building, or structure shall thereafter conform to the provisions of this Ordinance.

2.3.4. Expansion of Time
A nonconforming use, including a nonconforming outdoor use of land, shall not be extended or expanded in area or function.

2.4. TRANSFER OF OWNERSHIP
Ownership of nonconforming lots, structures and/or uses as defined in this Ordinance may be transferred without loss of their lawful but nonconforming status.

2.5. CHANGES IN NON-CONFORMING LOTS, STRUCTURES AND/OR USES
Projects not within the scope of Section 2.3 may be approved by the Board of Appeals. A non-conforming aspect of a lot, structure or use may be changed such that it is less non-
conforming or no more non-conforming than the existing situation. In making its determination, the Board of Appeals shall apply the standards of Section 2.3.

NOTE: Non-conforming lots, structures, and uses in the Shoreland Zone are addressed in Section 6.12 of this ordinance.
3.1. DISTRICTS ESTABLISHED
For the purposes of this Ordinance, the Town is hereby divided into the following districts:

3.1.1. Rural Residential District
3.1.2. Hope Corner Village District
3.1.3. South Hope Village District
3.1.4. Shoreland Zoning Overlay Districts

3.2. STANDARDS ESTABLISHING DISTRICTS AND DISTRICT DESCRIPTIONS

3.2.1. Rural Residential District: The purpose of the Rural Residential District is to preserve the existing landscape and natural resources while allowing residential and mixed development that is complementary to the existing pattern of development. Resource based opportunities including farming, forest management, and recreation are encouraged.

3.2.2. Hope Corner Village District: The purpose of the Hope Corner Village District is to encourage business, services, and mixed residential development consistent with the existing village character.

3.2.3. South Hope Village District: The purpose of the South Hope Village District is to encourage business, services, and mixed residential uses in a pattern of development that creates a village atmosphere.

3.3. OFFICIAL ZONING MAP
Districts established by this Ordinance are bounded and defined as shown on the Official Zoning Map.

3.3.1. The official copy of the Zoning Map shall be that map which bears the certification that it is true and correct, attested by the Town Clerk and on file at the Town Office.

3.4. INTERPRETATION OF DISTRICT BOUNDARIES
Where uncertainty exists as to boundary lines of Districts as shown on the Official Zoning Map, the following rules of interpretation shall apply:

3.4.1. Boundaries indicated as approximately following the center lines of streets, highways, public utilities or right of ways shall be construed as following such center lines;

3.4.2. Boundaries indicated as approximately following shore lines of any lake or pond shall be construed as following the normal high water mark;

3.4.3. Boundaries indicated as approximately following the center lines of streams, rivers or other continuous flowing water courses shall be construed as following the channel center line of such watercourses;
3.4.4. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.
SCHEDULE OF USES

4.1. **SCHEDULE OF USES**
This Section lists the Schedule of Uses in each District and the approval and permitting requirements necessary to conduct each use.

4.2. **ABBREVIATIONS IN THE SCHEDULE OF USES**
The following abbreviations contained in the Schedule of Uses have the following meanings:

<table>
<thead>
<tr>
<th>Schedule of Uses Key</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>HCV</td>
<td>Hope Corner Village District</td>
</tr>
<tr>
<td>RR</td>
<td>Rural Residential District</td>
</tr>
<tr>
<td>SHV</td>
<td>South Hope Village District</td>
</tr>
<tr>
<td>CEO</td>
<td>Use approved by the Code Enforcement Officer subject to all applicable standards in this Ordinance and other Town Ordinances</td>
</tr>
<tr>
<td>PB</td>
<td>Use approved by Planning Board through the Site Plan Review Process as defined in this Ordinance</td>
</tr>
<tr>
<td>BA</td>
<td>Use approved by the Board of Appeals through the Special Exception Review Process as defined in Section 10.3</td>
</tr>
<tr>
<td>PB/BA</td>
<td>Use approved first by Board of Appeals through the Special Exception Process (see Section 10.3) and then approved by Planning Board through the Site Plan Review Process</td>
</tr>
<tr>
<td>Yes</td>
<td>Use allowed without a permit</td>
</tr>
<tr>
<td>No</td>
<td>Use prohibited – not allowed</td>
</tr>
</tbody>
</table>

4.3. **USES SUBSTANTIALLY SIMILAR TO PERMITTED USES MAY BE ALLOWED.**

4.3.1. **Uses Allowed Without a Permit:** Uses substantially similar to those allowed without a permit, but that are not listed in the Schedule of Uses, may be allowed upon a ruling by the Code Enforcement Officer that such use is substantially similar to uses listed in the schedule.

4.3.2. **Uses Requiring a Code Enforcement Officer Approval:** Uses substantially similar to those requiring a Code Enforcement Officer Permit, but which are not listed in the Schedule of Uses, may be permitted by the Code Enforcement Officer.

4.3.3. **Uses Requiring Planning Board Approval:** Uses substantially similar to those requiring Planning Board approval, but which are not listed in the Schedule of Uses,
may be approved by the Planning Board.

4.4. **USES SUBSTANTIALLY SIMILAR TO PROHIBITED USES ARE PROHIBITED.**
Uses substantially similar to any uses listed as a Prohibited Use in the Schedule of Uses shall be prohibited.

4.5. **COMPLIANCE WITH PERFORMANCE STANDARDS REQUIRED**
All uses permitted must occur and be maintained in compliance with the applicable requirements and performance standards of this Ordinance.

4.6 **SCHEDULE OF USES**

<table>
<thead>
<tr>
<th>4.6.1. COMMERCIAL USES</th>
<th>HCV</th>
<th>RR</th>
<th>SHV</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amusement Park</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Art Gallery</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Automobile Fuel/Service Station</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Automobile Repair Service</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Automobile Sales</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Automobile Supplies</td>
<td>PB</td>
<td>No</td>
<td>PB</td>
</tr>
<tr>
<td>Bank/Credit Union/Financial Services</td>
<td>PB</td>
<td>No</td>
<td>PB</td>
</tr>
<tr>
<td>Barber/Beauty Shop</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Bed and Breakfast (3 or more rooms)</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Boat Sales/Service/Storage</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Clothing Store</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Campground, Commercial</td>
<td>PB</td>
<td>PB/BA</td>
<td>PB</td>
</tr>
<tr>
<td>Convention Center/Executive Retreat</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Crafts/Tradesman Shop</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Drive-Through Facility</td>
<td>PB</td>
<td>No</td>
<td>PB</td>
</tr>
<tr>
<td>Flea Market</td>
<td>PB</td>
<td>PB/BA</td>
<td>PB</td>
</tr>
<tr>
<td>Florist Shop</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Fuel Oil for Heating, Sales</td>
<td>PB</td>
<td>No</td>
<td>PB</td>
</tr>
<tr>
<td>Funeral Home</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Golf Course</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Golf Course - Miniature Golf</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Greenhouse, Commercial</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Grocery Store/Convenience Store/Neighborhood Store (Less than 2,000 square feet of total floor space)</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Hardware Store</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Horse Boarding Facility</td>
<td>PB</td>
<td>CEO</td>
<td>PB</td>
</tr>
<tr>
<td>Itinerant Peddler</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
</tbody>
</table>
### 4.6.1. COMMERCIAL USES

<table>
<thead>
<tr>
<th>Activity</th>
<th>HCV</th>
<th>RR</th>
<th>SHV</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kennel, Commercial</td>
<td>PB</td>
<td>CEO</td>
<td>PB</td>
</tr>
<tr>
<td>Laundromat/Dry Cleaners</td>
<td>PB</td>
<td>No</td>
<td>PB</td>
</tr>
<tr>
<td>Marina</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Modular/Mobile Home Sales including display homes</td>
<td>PB</td>
<td>No</td>
<td>PB</td>
</tr>
<tr>
<td>Motels, Hotels and Inns</td>
<td>PB</td>
<td>PB/BA</td>
<td>PB</td>
</tr>
<tr>
<td>Pharmacy</td>
<td>PB</td>
<td>No</td>
<td>PB</td>
</tr>
<tr>
<td>Professional Business Office Complex (Maximum 6 offices)</td>
<td>PB</td>
<td>No</td>
<td>PB</td>
</tr>
<tr>
<td>Professional Business Office Complex (More than 6 offices)</td>
<td>PB</td>
<td>No</td>
<td>PB</td>
</tr>
<tr>
<td>Race Track, Motorized</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Race Track, Non-motorized</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Recreation Vehicles Sales and Service</td>
<td>PB</td>
<td>No</td>
<td>PB</td>
</tr>
<tr>
<td>Redemption Center</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Retail Establishment /Service-Oriented Business (Less than or equal to 2,500 square feet)</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Retail Establishment /Service-Oriented Business (More than 2,500 square feet and less than or equal to 5,000 square feet)</td>
<td>PB</td>
<td>No</td>
<td>PB</td>
</tr>
<tr>
<td>Retail Establishment /Service-Oriented Business (More than 5,000 square feet and less than or equal to 10,000 square feet)</td>
<td>PB</td>
<td>No</td>
<td>PB</td>
</tr>
<tr>
<td>Retail Establishment /Service-Oriented Business (More 10,000 and less than or equal to 15,000 square feet)</td>
<td>PB</td>
<td>No</td>
<td>PB</td>
</tr>
<tr>
<td>Retail Establishment /Service-Oriented Business (More 15,000 square feet)</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Sporting Goods Sales</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Storage/Mini-Storage (Compartmentalized) (Less than or equal to 5,000 square feet)</td>
<td>No</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Storage/Mini-Storage (Compartmentalized) (More than 5,000 square feet and less than or equal to 15,000 square feet)</td>
<td>No</td>
<td>No</td>
<td>PB</td>
</tr>
<tr>
<td>Storage/Mini-Storage (Compartmentalized) (More than 15,000 square feet and less than or equal to 50,000 square feet)</td>
<td>No</td>
<td>No</td>
<td>PB/BA</td>
</tr>
<tr>
<td>Tattoo Parlor/Body Piercing Shop</td>
<td>PB/BA</td>
<td>No</td>
<td>PB/BA</td>
</tr>
<tr>
<td>Veterinary Clinic/Animal Hospital</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Video Rental Store</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Wind Turbine, Commercial</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Wireless Telecommunications Facilities/Cell Towers/ Commercial Antenna Towers</td>
<td>PB/BA</td>
<td>PB/BA</td>
<td>PB/BA</td>
</tr>
</tbody>
</table>
### 4.6.2. INDUSTRIAL USES

<table>
<thead>
<tr>
<th>Activity</th>
<th>HCV</th>
<th>RR</th>
<th>SHV</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asphalt/Concrete Plant</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Biomass Processing/Refining Facility</td>
<td>PB/BA</td>
<td>No</td>
<td>PB/BA</td>
</tr>
<tr>
<td>Disposal of Hazardous/Leachable Materials</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Solid Waste Landfill other than Agriculture</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Fixed Tank (not mobile) Bulk Oil and Fuel Tank Storage in excess of 1,000 gallons except for on-site heating and cooking purposes</td>
<td>PB</td>
<td>No</td>
<td>PB</td>
</tr>
<tr>
<td>Food Processing Facility/Cannery</td>
<td>PB</td>
<td>PB/BA</td>
<td>PB</td>
</tr>
<tr>
<td>Junkyard/Automobile Graveyard/Automobile Recycling Facility</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Light Manufacturing (Maximum 10,000 square feet)</td>
<td>PB/BA</td>
<td>No</td>
<td>PB/BA</td>
</tr>
<tr>
<td>Light Manufacturing (More than 10,000 square feet and less than or equal to 50,000 square feet)</td>
<td>PB/BA</td>
<td>No</td>
<td>PB/BA</td>
</tr>
<tr>
<td>Lumber Yard, Sawmill</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Sewage Treatment Facility</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Slaughterhouse</td>
<td>No</td>
<td>PB/BA</td>
<td>No</td>
</tr>
<tr>
<td>Warehouses and Storage Facilities</td>
<td>PB</td>
<td>PB/BA</td>
<td>PB</td>
</tr>
<tr>
<td>Wind Energy Facility</td>
<td>No</td>
<td>No</td>
<td>No</td>
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</tbody>
</table>

### 4.6.3. INSTITUTIONAL USES

<table>
<thead>
<tr>
<th>Activity</th>
<th>HCV</th>
<th>RR</th>
<th>SHV</th>
</tr>
</thead>
<tbody>
<tr>
<td>Athletic/Recreational Facility/Courts and Fields, Commercial/Private Club</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Athletic/Recreational Facility/Courts and Fields, Community/Public</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Cemetery</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Church</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Day Care Facility</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Fraternal Orders and Service Club, Quasi-Public Facility</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Government Facility and Service</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Hospital and Medical Clinic</td>
<td>PB</td>
<td>No</td>
<td>PB</td>
</tr>
<tr>
<td>Municipal Solid Waste Transfer Station</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Museum</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Open Space, Municipal</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>School - Commercial, Public and Private</td>
<td>PB</td>
<td>PB/BA</td>
<td>PB</td>
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### 4.6.4. RESIDENTIAL USES

<table>
<thead>
<tr>
<th>Use</th>
<th>Districts</th>
<th>HCV</th>
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<th>SHV</th>
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<tbody>
<tr>
<td>Assisted Living Facility</td>
<td></td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Barn/Stable</td>
<td></td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>Basketball/Baseball/Tennis Court</td>
<td></td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Garage</td>
<td></td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>Greenhouse</td>
<td></td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>Home Occupations</td>
<td></td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>Accessory Apartment</td>
<td></td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>Kennel, Non-Commercial</td>
<td></td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Mobile Home Park</td>
<td></td>
<td>PB/BA</td>
<td>PB/BA</td>
<td>PB/BA</td>
</tr>
<tr>
<td>Multi-Family Dwelling: (Maximum of six dwelling units per structure)</td>
<td></td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Multi-Family Dwelling: (Maximum of twelve dwelling units per structure)</td>
<td></td>
<td>PB/BA</td>
<td>PB/BA</td>
<td>PB/BA</td>
</tr>
<tr>
<td>Two Family Dwelling: two dwelling units, including conversion from Single Family Detached Dwelling</td>
<td></td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>Rooming House (Maximum of six rented rooms per structure)</td>
<td></td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Shed</td>
<td></td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>Single-Family Detached Dwelling</td>
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<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>Single-Family Mobile Home</td>
<td></td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>Subdivision (see Subdivision Ordinance)</td>
<td></td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Swimming Pool</td>
<td></td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Wind Turbine: Hobbyist</td>
<td></td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Wind Turbine: Personal</td>
<td></td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
</tbody>
</table>

### 4.6.5. NATURAL RESOURCES USES

<table>
<thead>
<tr>
<th>Use</th>
<th>Districts</th>
<th>HCV</th>
<th>RR</th>
<th>SHV</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural and Horticultural Production, Sales and Storage (of products grown on premises) and Related Management Facilities</td>
<td></td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Animal Livestock Management</td>
<td></td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Dairy Farming</td>
<td></td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Mineral Exploration</td>
<td></td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Mineral Extraction, affecting an area two acres or greater in size</td>
<td></td>
<td>No</td>
<td>PB/BA</td>
<td>No</td>
</tr>
<tr>
<td>Mineral Extraction, affecting an area of less than two acres in size</td>
<td></td>
<td>No</td>
<td>PB/BA</td>
<td>PB/BA</td>
</tr>
<tr>
<td>Mineral Products Processing and Storage</td>
<td></td>
<td>No</td>
<td>PB/BA</td>
<td>No</td>
</tr>
<tr>
<td>Timber Harvesting, Commercial and Personal</td>
<td></td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
</tbody>
</table>
## 4.6.6. VEHICULAR ACCESS AND TRANSPORTATION USES

<table>
<thead>
<tr>
<th>Use</th>
<th>HCV</th>
<th>RR</th>
<th>SHV</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airport Facility, Airplane Hanger and Related Airport uses</td>
<td>No</td>
<td>PB/BA</td>
<td>No</td>
</tr>
<tr>
<td>Heliport/ Helipad</td>
<td>No</td>
<td>PB/BA</td>
<td>No</td>
</tr>
<tr>
<td>Land Management: road and water crossings</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>Major Utility Facilities, such as Transmission Lines, Water Supply and Treatment Facility, but not including Service Drops</td>
<td>PB/BA</td>
<td>PB/BA</td>
<td>PB/BA</td>
</tr>
<tr>
<td>Minor Utility Facilities, including Service Drops</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Park &amp; Ride Parking Lot (Commercial, Private or Public)</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Private Ways</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>Road Construction</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>
5.1. LAND USE STANDARDS

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

5.2. DIMENSIONAL STANDARDS

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

<table>
<thead>
<tr>
<th>Standard/District</th>
<th>Hope Corner Village</th>
<th>Rural Residential</th>
<th>South Hope Village</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Minimum Lot Size for Residential Use (per Dwelling Unit)</td>
<td>20,000 square feet</td>
<td>40,000 square feet</td>
</tr>
<tr>
<td>4</td>
<td>Minimum Lot Size for Non-Residential Use</td>
<td>20,000 square feet</td>
<td>60,000 square feet</td>
</tr>
<tr>
<td>5</td>
<td>Minimum Road Frontage</td>
<td>75 feet</td>
<td>150 feet</td>
</tr>
<tr>
<td>6</td>
<td>Minimum Front Setback</td>
<td>25 feet</td>
<td>50 feet</td>
</tr>
<tr>
<td>8</td>
<td>Minimum Side and Rear Setback (Principal Structures and Accessory Structures more than ten (10) feet in height)</td>
<td>10 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>9</td>
<td>Minimum Side Setback (Accessory Structures up to ten (10) feet in height)</td>
<td>5 feet</td>
<td>10 feet</td>
</tr>
<tr>
<td>12</td>
<td>Maximum Building Height</td>
<td>35 feet</td>
<td>35 feet</td>
</tr>
<tr>
<td>15</td>
<td>Maximum Lot Coverage (includes Principal Structures, Accessory Structures and Impervious Surfaces: paved or non-vegetated)</td>
<td>50%</td>
<td>30%</td>
</tr>
</tbody>
</table>

Note: For purposes of setback calculations, Principal and Accessory Structures include attached porches, decks and any other attached structures excluding steps only if the steps do not exceed 25 square feet in size. Ramps for handicapped access are exempted from setback calculations. Side and rear setbacks are measured from property lines and front setbacks are measured from the edge of the road surface.

Note 2: Minimum Road Frontage may be decreased by 50% when Access Points are shared in accordance with Section 5.3.1.5.

Note 3: Structures within the Shoreland Overlay District must also meet standards set forth in Section 6. However when the shoreline setback requirement is met, the standard for front setback is the same as the side and rear setback standard for that district.
5.3. GENERAL STANDARDS

5.3.1. Access – Vehicular

An Access Point is the point of intersection of a driveway, private way, or private road and a public road. Any Access Point constructed after the adoption of this Ordinance shall be in accordance with the following standards:

5.3.1.1. Avoidance of Hazardous Conflicts. Access Points must be designed and constructed in such a way to avoid hazardous conflicts with existing turning movements and traffic flows on and from the public road.

5.3.1.2. Sight Distance. Access Points must be designed so as to provide the minimum sight distance required by the Maine Department of Transportation standards.

5.3.1.3. On-site Vehicle Turn-Around. An Access Point and the associated driveway or private road must be designed to allow vehicles to exit onto the public road without having to back onto the public road.

5.3.1.4. Grades. The maximum grade for a driveway or private road is 5% for the first 45 feet from the edge of the public road. Thereafter, the grade may not exceed 10% for driveways or private roads on lots where the use is non-residential.

5.3.1.5. Shared Access/Entrance Points. Owners of adjacent lots are encouraged to construct a shared Access Point. Road frontage requirements, if any, may be reduced by up to 50% when two (2) adjacent lot owners share one Access Point.

5.3.1.6. Drainage. In accordance with 23 M.R.S.A. § 705, as amended, culverts of size, length, and type as determined by the Town or the State must be installed and must adequately protect the road to control erosion and runoff with best management practices.

5.3.1.7. Approval. New access points on Town roads require prior approval by the Road Commissioner who will certify that all standards in this section are met and set the standards for which proper drainage surrounding the road would be achieved.

5.3.2. Agriculture

Agricultural activities and agricultural structures, shall be conducted, constructed and operated in such a manner as to prevent soil erosion, sedimentation, and contamination or nutrient enrichment of surface waters. Buffering may be used to meet these standards and to separate agricultural uses from non-compatible uses.
5.3.3. Air Pollution

Air pollution control and abatement shall comply with applicable minimum federal and state requirements. Detailed plans to minimize any activity emitting toxic or odoriferous substances must be submitted to the Code Enforcement Officer before a permit for construction is granted. An environmental impact study may be required.

5.3.4. Buffers

For a change of use on a lot, unless it is determined by the Code Enforcement Officer or the Planning Board that the proposed new use does not create any additional adverse impact on adjacent lots, there must be adequate buffering installed to provide a year-round visual screen in order to minimize adverse impacts on adjacent lots. At a minimum, mechanical equipment and service and storage areas including but not limited to areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse, must be sufficiently set back and screened from view. The buffer should be provided by evergreen vegetation or other suitable landscaping, fencing, changes in grade, or a combination of these materials.

5.3.5. Carbon Monoxide/Smoke Detectors

Dwelling units, transient accommodations or other structures where people live or regularly sleep, must be equipped with hard-wired carbon monoxide/smoke detectors.

5.3.6. Clear cutting

5.3.6.1. There shall be no clear cutting of trees within 75 feet of any public right-of-way.

5.3.6.2. Before trees are clear cut elsewhere within the Town, a written plan endorsing the clear cut and prescribing steps and a timetable for the revegetation of the land to retard erosion and preserve natural beauty shall be obtained from a professional forester registered in the State of Maine and filed with the Code Enforcement Officer. The plan shall be carried out by the property owner according to the timetable in the plan.

5.3.7. Drive-Through Facilities

Any use that provides drive-through service must be located and designed to minimize the impact on adjacent uses and lots and traffic circulation. Communication systems must not be audible on adjacent residential lots. Adequate queuing space must be provided to prevent any vehicles from having to stop and
wait on a public road.

5.3.8. Dust, Fumes, Vapors, Gases, Odors, Glare, and Explosive Materials

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

5.3.9. Exterior Lighting

All exterior lighting shall be designed to minimize adverse impact on adjacent properties. For site plan review, factors to be considered by the Planning Board in determining whether exterior lighting has been designed to minimize impact on neighboring properties shall include the location, height, shading and intensity/wattage of the proposed exterior lighting. Where practical, the Planning Board shall require exterior lighting fixtures to have motion detectors or other security options so that illumination occurs only when necessary and is otherwise dimmed or turned off.

5.3.10. Erosion and Sedimentation Controls

Erosion of soil and sedimentation of watercourses and water bodies shall be minimized. Measures relating to conservation, erosion, and sediment control shall be included, where applicable, as part of an erosion and sedimentation control plan, prepared and submitted by an applicant, if required by the Planning Board, and shall be implemented during the site preparation, construction, and clean-up stages.

5.3.11. Flood Hazard Areas

When any lot is located in a Flood Hazard Area as identified by the Federal Emergency Management Agency, and locally adopted Floodplain Management Ordinance, all structures on the lot shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

5.3.12. Garage Sales

A residential lot may conduct no more than five (5) separate garage sales during a one-year period. Duration of any one sale shall not exceed three (3) days.

5.3.13. Hazardous, Special and Radioactive Materials

The handling, storage, and use of all materials identified by the standards of a federal or state agency as hazardous, special or radioactive must be done in accordance with the standards of these agencies. All materials must be stored in a manner and location which is in compliance with appropriate rules and regulations of the Maine Department of Public Safety and other appropriate federal, state, and
5.3.14. Home Occupations

Home occupations shall be permitted where the conduct of the proposed business is compatible with the surrounding uses and shall not create unreasonable disturbance to or interference with the quiet enjoyment of surrounding properties. Home occupations are limited to those uses which may be conducted within a principal or accessory structure without substantially changing the appearance or condition of the structure. Any home occupation or profession that is accessory to and compatible with a residential use may be permitted if:

5.3.14.1. It is conducted wholly within the dwelling unit or in a structure customarily accessory to a dwelling unit.

5.3.14.2. It is conducted only by a member or members of the family residing in the dwelling unit and there are no more than two (2) employees, other than family members residing in the dwelling unit, at any one time.

5.3.14.3. Signage meets the standards of this Ordinance.

5.3.14.4. Stored materials are not visible from a public road or adjacent properties.

5.3.14.5. There is no unreasonable amount of noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare, or activity.

5.3.14.6. The traffic generated does not increase the volume of traffic so as to create a traffic hazard or disturb the residential character of the immediate neighborhood.

5.3.14.7. In addition to the off-street parking provided to meet the normal requirements of the dwelling, further adequate off-street parking must be provided for the average maximum number of vehicles which are at the property at any time during peak operating hours.

5.3.14.8. The home occupation does not utilize more than fifty percent (50%) of the total floor area of the dwelling unit and accessory buildings.

5.3.14.9. The Code Enforcement Officer shall require an applicant to submit first class postage affixed letters addressed to all abutters of the applicant’s property informing them of the request for a permit. In such cases, the Code Enforcement Officer may not issue a permit until five (5) business days have elapsed since the postmark on the letter.

5.3.15. Industrial Uses
The following provisions shall apply to all permitted industrial uses:

5.3.15.1. **Danger.** No material which is dangerous due to potential for explosion, extreme fire hazard, chemical hazard or radioactivity may be used, stored, manufactured, processed or assembled except in accordance with applicable State and Federal codes and regulations.

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

5.3.16. **Itinerant Peddlers**

The purpose of this section is to provide reasonable rules and guidelines for the placement, conduct, and operation of itinerant peddlers within the Town.

5.3.16.1. **Permitting Process and Requirements**

a. No person shall be engaged as an itinerant peddler without first obtaining a peddler’s permit from the Code Enforcement Officer.

b. No permit shall be issued to an itinerant peddler proposing to do business in a public way or public place until the Code Enforcement Officer has determined that the proposed location is safe for the operation of a transient peddler’s business from a vehicle.

c. In addition to the application and supporting documentation, the applicant for a peddler’s permit shall provide the following information to the Code Enforcement Officer:

i. A description of the goods or product to be sold

ii. A site sketch of the proposed location where the peddler intends to operate

iii. A copy of the registration of the vehicle from which the goods or products will be peddled

iv. A copy of the driver’s license of the peddler or other valid identification

v. A copy of a letter of permission from the property owner if the peddler is proposing to operate from a specific parcel
vi. Payment of the appropriate fee

5.3.16.2. Performance Standards

The itinerant peddler must comply with the following performance standards to operate in the Town:

a. **Location of Operation.** The peddler shall only occupy the location specified on the permit.

b. **Duration of Operation.** The peddler shall only operate during the calendar dates specified on the permit.

c. **Hours of Operation.** The peddler shall only conduct business from one hour after sunrise to one hour before sunset.

d. **Vehicular and Pedestrian Safety.** The peddler shall ensure that the operation is conducted in a safe and responsible manner for vehicular and pedestrian safety.

e. **Signage.** The peddler shall display all signage for goods and products on or adjacent to the peddler’s vehicle. The total area of all signage shall not exceed fifty (50) square feet. All signage shall be removed at the close of business each day.

f. **Closure at the End of the Business Day.** At the close of business each day the peddler shall remove from the selling location the peddler’s vehicle, all signage, and any other indicators of the peddling operation.

g. **Site Appearance.** The peddler shall ensure that the site is kept neat and clean and that no offensive noise, vibration, smoke, dust, glare, traffic or parking problem is created because of the peddler’s operation.

5.3.17. Junkyards/Automobile Graveyard/Automobile Recycling Facilities

Junkyards, automobile graveyards, and automobile recycling businesses, whether new or existing, shall be regulated by 30-A M.R.S.A. § 3754 et seq., as amended.

5.3.17A Medical Marijuana Dispensaries

Notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, this Section 5.3.17A, when enacted, shall govern any proposed medical marijuana dispensary for which an application has not been submitted and acted
on by the Planning Board prior to September 25, 2012. The following standards apply to all medical marijuana dispensaries:

5.3.17A.1 Location Criteria. No medical marijuana dispensary shall be sited within 250 feet of the lot lines of any of the following:

(a) a church, synagogue or other house of religious worship;
(b) a public or private school;
(c) a lot used principally for one, two or multi-family residential purposes;
(d) an athletic field, park, playground or recreational facility;
(e) any juvenile or adult halfway house, correctional facility, methadone clinic, or substance abuse rehabilitation or treatment center; or
(f) a licensed child care facility.

The distance cited in this subsection shall be measured between the lot line of the proposed site for the medical marijuana dispensary and the lot line of the site of the use listed in (a) through (f) above at their closest points.

5.3.17A.2 Hours of Operation. Medical marijuana dispensaries may be open for business only between the hours of 6:00 a.m. and 6:00 p.m., locally prevailing time.

5.3.17A.3 Parking. Medical marijuana dispensaries shall provide adequate on-site parking spaces to meet anticipated peak hour parking needs for employees and visitors.

5.3.17A.4 Signage and Advertising. All signage and advertising for a medical marijuana dispensary shall comply with all applicable provisions of the Town of Hope Land Use Ordinance. In addition, no signage or advertising shall use the word “marijuana” or “cannabis,” or any other word, phrase or symbol commonly understood to refer to marijuana unless such word, phrase or symbol is immediately preceded by the word “medical” in type and font that is at least as readily discernible as all other words, phrases or symbols on the sign. Such signage and advertising must clearly indicate that the products and services are offered only for medical marijuana qualifying patients and primary caregivers.

5.3.17A.5 Security Requirements. Security measures at a medical marijuana dispensary and any associated cultivation facility shall include, at a minimum, the following:

(a) security surveillance cameras installed and operating 24
hours a day, 7 days a week to monitor all entrances, along with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises;

(b) door and window intrusion robbery and burglary alarm systems with audible and Police Department notification components that are professionally monitored and maintained in good working condition;

(c) a locking safe permanently affixed to the premises that is suitable for storage of all prepared marijuana and cash stored overnight on the licensed premises;

(d) exterior lighting that illuminates the exterior walls of the licensed premises and complies with applicable provisions of this Ordinance; and

(e) deadbolt locks on all exterior doors and locks or bars on any other access points (e.g., windows).

All security recordings shall be preserved for at least seventy-two (72) hours by the medical marijuana dispensary. The medical marijuana dispensary shall provide the Police Chief or his designee with the name and functioning telephone number of a 24-hour on-call staff person to whom the Town may provide notice of any operating problems associated with the medical marijuana dispensary.

5.3.17A.6 Fire Safety. All buildings associated with a medical marijuana dispensary, including any associated cultivation facility, shall be protected by use of fire suppression sprinkler systems or such other effective fire suppression system as may be approved by the Fire Chief. A medical marijuana dispensary shall have a Knox Box or shall provide the Fire Department with the necessary information to allow entry by Fire Department personnel in the event of an emergency at the location.

5.3.17A.7 Cultivation. If there is both the cultivation and dispensation of marijuana occurring on the same site, the cultivation area shall not be greater than 25% of the total floor area of the portion of the building used for dispensation of marijuana.

5.3.17A.8 On-site Consumption of Medical Marijuana. The consumption, ingestion or inhalation of medical marijuana on or within the premises of a medical marijuana dispensary or
cultivation facility is prohibited; provided, however, that a medical marijuana dispensary employee who is a qualifying patient, as that term is defined in 22 M.R.S.A. § 2422(9), as may be amended, may consume medical marijuana within the enclosed building area of the premises if such consumption occurs via oral consumption (i.e., eating only). For purposes of this subsection, the term “premises” includes the actual building, as well as any accessory structures, parking lot or parking areas, or other surroundings within 200 feet of the medical marijuana dispensary’s entrance.

5.3.17A.9. Visibility of Activities; Control of Emissions; Disposal Plan.

(a) All activities of medical marijuana dispensaries and cultivation facilities, including, without limitation, cultivating, growing, processing, displaying, selling and storage, shall be conducted indoors in an enclosed, locked facility.

(b) No marijuana or paraphernalia shall be displayed or kept in a dispensary or cultivation facility so as to be visible from outside the premises.

(c) Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a dispensary or cultivation facility must be provided at all times. Sufficient measures shall be provided for the proper disposal of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.

(d) All medical marijuana dispensaries shall have in place an operational plan for proper disposal of marijuana and related byproducts.

5.3.17A.10. Sale of Edible Products. No food products shall be sold, prepared, produced or assembled by a medical marijuana dispensary except in compliance with all operating and other requirements of state and local law and regulation, including, without limitation, food establishment licensing requirements. Any goods containing marijuana for human consumption shall be stored in a secure area.

5.3.17A.11. Other Laws Remain Applicable. A medical marijuana dispensary shall meet all operating and other requirements of state and local law and regulation. To the extent the State of Maine has
adopted or adopts in the future any stricter law or regulation governing medical marijuana dispensaries, the stricter law or regulation shall control.

5.3.17A.12. Maximum Number. The maximum number of medical marijuana dispensaries in the Town shall be capped at one (1).

5.3.17B Methadone Clinics

Notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, this Section 5.3.17B, when enacted, shall govern any proposed methadone clinic for which an application has not been submitted and acted on by the Planning Board prior to September 25, 2012. The following standards apply to all methadone clinics:

5.3.17B.1. Location Criteria. No methadone clinic shall be sited within 250 feet of the lot lines of any of the following:

(a) a church, synagogue or other house of religious worship;
(b) a public or private school;
(c) a lot used principally for one, two or multi-family residential purposes;
(d) an athletic field, park, playground or recreational facility;
(e) any juvenile or adult halfway house, correctional facility, medical marijuana dispensary, or substance abuse rehabilitation or treatment center other than a methadone clinic; or
(f) a licensed child care facility.

The distance cited in this subsection shall be measured between the lot line of the proposed site for the methadone clinic and the lot line of the site of the use listed in (a) through (f) above at their closest points.

5.3.17B.2. Hours of Operation. Methadone clinics may be open for business only between the hours of 6:00 a.m. and 6:00 p.m., locally prevailing time.

5.3.17B.3. Parking. Methadone clinics shall provide adequate on-site parking spaces to meet anticipated peak hour parking needs for employees and visitors.

5.3.17B.4. Security Requirements. Security measures at a methadone clinic shall include, at a minimum, the following:

(a) security surveillance cameras installed and operating 24 hours a day, 7 days a week to monitor all entrances, along
with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises;

(b) door and window intrusion robbery and burglary alarm systems with audible and Police Department notification components that are professionally monitored and maintained in good working condition;

(c) a locking safe permanently affixed to the premises that is suitable for storage of all drugs and cash stored overnight on the licensed premises;

(d) exterior lighting that illuminates the exterior walls of the licensed premises and complies with applicable provisions of this Ordinance; and

(e) deadbolt locks on all exterior doors and locks or bars on any other access points (e.g., windows).

All security recordings shall be preserved for at least seventy-two (72) hours by the methadone clinic. The methadone clinic shall provide the Police Chief or his designee with the name and functioning telephone number of a 24-hour on-call staff person to whom the Town may provide notice of any operating problems associated with the methadone clinic.

5.3.17B.5. **Fire Safety.** All buildings associated with a methadone clinic shall be protected by use of fire suppression sprinkler systems or such other effective fire suppression system as may be approved by the Fire Chief. A methadone clinic shall have a Knox Box or shall provide the Fire Department with the necessary information to allow entry by Fire Department personnel in the event of an emergency at the location.

5.3.17B.6. **Other Laws Remain Applicable.** A methadone clinic shall meet all operating and other requirements of state and local law and regulation. To the extent the State of Maine has adopted or adopts in the future any stricter law or regulation governing methadone clinics, the stricter law or regulation shall control.

5.3.17B.7. **Maximum Number.** The maximum number of methadone clinics in the Town shall be capped at one (1).

5.3.18. **Mineral Exploration and Extraction**
All exploration/extraction activities, including test pits and holes, shall be capped, refilled, or secured by other equally effective measures so as to reasonably restore disturbed areas and to protect the public health and safety. No portion of any ground area disturbed by the extraction activity shall be closer than seventy-five (75) feet from the edge of a public road.

5.3.19. Mobile Homes (Manufactured Housing)

The following provisions shall apply to all permitted mobile homes (manufactured housing):

5.3.19.1. HUD Approval Sufficient. All manufactured housing, as defined, constructed after July 1, 1976 and bearing the seal of the Department of Housing and Urban Development which certifies the manufactured home was built pursuant to the provisions of the Manufactured Homes Construction and Safety Standards as revised shall be deemed to have fulfilled the requirements of this section.

5.3.19.2. Minimum Electrical Safety Standards. All manufactured housing shall meet the minimum safety requirements for electrical installation and maintenance as provided for by the National Electrical Code.

5.3.19.3. Minimum Fire Prevention Standards. All manufactured housing shall meet the minimum fire safety requirements as provided for by the National Electrical Code and the Manufactured Housing Construction Standards of 1976 established by the Department of Housing and Urban Development (HUD).

5.3.19.4. Minimum Plumbing Standards. All manufactured housing shall meet the minimum standards of the Maine Plumbing Code as amended.

5.3.20. Mobile Home Parks

The following provisions shall apply to all permitted mobile home parks:

5.3.20.1. Except as stipulated in this ordinance, all mobile home parks shall conform to all applicable state laws and the provisions of the Subdivision Ordinance. Where provisions of this ordinance conflict with the specific provisions of the Subdivision Ordinance; the provisions of this ordinance shall prevail.

5.3.20.2. Lots served by individual subsurface wastewater disposal systems shall be approved by the Local Plumbing Inspector; lots served by central subsurface wastewater disposal systems shall use a system approved by the Maine Department of Health and Human Services:
5.3.20.3. The overall density of any Mobile Home Park served by any subsurface wastewater disposal system(s) shall not exceed one dwelling unit per 20,000 square feet of total park area, exclusive of the area of road rights-of-way.

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

<table>
<thead>
<tr>
<th>Standard/District</th>
<th>Hope Corner Village</th>
<th>Rural Residential</th>
<th>South Hope Village</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Minimum Lot Size per Dwelling Unit in a Mobile Home Park with individual subsurface wastewater disposal</td>
<td>20,000 square feet</td>
<td>20,000 square feet</td>
</tr>
<tr>
<td>2</td>
<td>Minimum Lot Size per Dwelling Unit in a Mobile Home Park with centralized wastewater treatment</td>
<td>12,000 square feet</td>
<td>12,000 square feet</td>
</tr>
<tr>
<td>3</td>
<td>Minimum Front Setback for Dwelling Units in a Mobile Home Park</td>
<td>30 feet</td>
<td>30 feet</td>
</tr>
<tr>
<td>4</td>
<td>Minimum Side Setback for Dwelling Units in a Mobile Home Park</td>
<td>20 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>5</td>
<td>Minimum Rear Setback for Dwelling Units in a Mobile Home Park</td>
<td>20 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>6</td>
<td>Maximum Lot Coverage in a Mobile Home Park</td>
<td>50%</td>
<td>30%</td>
</tr>
</tbody>
</table>

5.3.21. Noise

5.3.21.1. Noise shall not exceed 75 decibels between the hours of 8 a.m. and 9 p.m. or 50 decibels between the hours of 9 p.m. and 8 a.m., as measured at lot lines at a height of at least four (4) feet above the ground surface in accordance with the “American Standard Method for the Physical Measurement of Sound” (ASTM E1014-12).

5.3.21.2. The following noises are exempted from section 5.3.21.1 above:

a. Church bells,

b. Permissible construction or agricultural activities occurring between the hours of 8 a.m. and 9 p.m.,

c. Vehicles lawfully travelling on public roads, and

d. Sirens, whistles or bells lawfully used by emergency vehicles or any other alarm systems used in any emergency situation.

5.3.21.3. A person or business making a noise complaint must provide the Code Enforcement Officer with adequate evidence of a violation to allow the Code Enforcement Officer to properly issue notice of the alleged violation.
to the person or business against whom the complaint is made. Any person or business receiving notice of an alleged violation shall be entitled to submit evidence which rebuts the allegation. The Code Enforcement Officer shall ultimately have the authority to determine whether a violation has occurred.

**5.3.22. Off-Street Parking**

**5.3.22.1.** In all new construction, alterations and changes of use, there shall be provided off-street parking and loading space adequate for their use. The following minimum number of spaces shall be provided and maintained in case of new construction, alterations and changes in use:

<table>
<thead>
<tr>
<th>Use</th>
<th>Parking Space Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential dwellings</td>
<td>Two (2) parking spaces for each dwelling unit</td>
</tr>
<tr>
<td>Transient Accommodations</td>
<td>Bed and Breakfast accommodations, motels, hotels, boarding houses, and inns with ten (10) rooms or less: two (2) parking spaces plus one space for each guest room. Motels, hotels, boarding houses, and inns with more than ten (10) rooms: one parking space for each guest room plus one space for each three (3) employees</td>
</tr>
<tr>
<td>Schools</td>
<td>Five (5) parking spaces for each classroom plus one space for each four (4) employees</td>
</tr>
<tr>
<td>Theaters, churches, other public assembly places</td>
<td>One parking space for every four (4) seats or one parking space for every one hundred (100) square feet.</td>
</tr>
<tr>
<td>Retail Stores</td>
<td>One parking space for every two hundred (200) square feet of retail area, plus one parking space for every two (2) employees, unless public parking is provided</td>
</tr>
<tr>
<td>Restaurants, eating or drinking establishments</td>
<td>One parking space for every four (4) seats, plus one parking space for every two (2) employees, unless public parking is provided</td>
</tr>
<tr>
<td>Professional Offices and Public Buildings</td>
<td>One parking space for every two hundred (200) square feet of gross leasable area, exclusive of cellar and bulk storage areas, unless public parking is provided</td>
</tr>
<tr>
<td>Industrial</td>
<td>One parking space for each 1.5 employees, based on the highest expected average employee occupancy, plus visitor and customer parking to meet the needs of specific operations</td>
</tr>
</tbody>
</table>

**5.3.22.2.** No off-street parking shall be located within 10 feet of any side or rear lot line.

**5.3.22.3.** The Planning Board may approve the joint use of a parking facility by 2 or more principal buildings or uses where it is clearly demonstrated that the parking facility will substantially meet the intent of the requirements by reasons of variation in the time of use by patrons or employees among such
establishments.

5.3.22.4. Required off-street parking shall be located on the same lot as the principal building or use, except that where off-street parking cannot be provided on the same lot, the Planning Board may permit such off-street parking to be located a reasonable distance from the principal building or use, measured along the line of public access. If serving a non-residential use, such parking area shall be in a non-residential district. Such parking areas shall be held under the same ownership or lease.

5.3.22.5. Parking areas shall be designed to prevent stormwater runoff from flowing directly into a water body or wetland, and where feasible, to retain all runoff on-site.

5.3.22.6. Where a parking area abuts a public right-of-way, a continuous strip of landscaping of a minimum of six (6) feet in width along the public right-of-way within the parking area shall be provided and properly maintained, provided, however, that the landscaping shall not interfere with sight distance and traffic safety.

5.3.22.7. Parking areas shall be divided into small areas of no more than fifty (50) parking spaces each, by landscaping such as shade trees, shrubs, and park benches.

5.3.22.8. The Planning Board may, at its sole discretion, increase or decrease the above parking requirements depending upon individual applicant circumstances. An applicant requesting a deviation from the above standards must demonstrate to the satisfaction of the Planning Board that the request is appropriate to the planned use.

5.3.23. Private Ways

The Code Enforcement Officer may approve the use of a private way to provide frontage and access to individual lots of land in accordance with the following provisions:

5.3.23.1. A plan showing the private way shall be prepared by a registered land surveyor. The plan shall be labeled "Plan of a Private Way" and shall provide an approval block for the signature of the Code Enforcement Officer. The plan shall delineate the proposed way and each of the lots to be served by the private way.

5.3.23.2. Private ways shall be designed so as not to be subject to seasonal flooding or washout and not to disturb wetlands. Drainage ditches and culverts shall be provided wherever appropriate. A street plan, cross section and drainage
plan shall be submitted for each private way serving three (3) or more lots and approved by the Road Commissioner.

5.3.23.3. The plan shall bear notes that the Town will not be responsible for the maintenance, repair or plowing of the private way, and that further lot divisions utilizing the private way are prohibited without prior approval of the Code Enforcement Officer.

5.3.23.4. If the private way or private road is to provide access to two (2) or more lots, a maintenance agreement shall be required by the Code Enforcement Officer and recorded in the Knox County Registry of Deeds. The maintenance agreement shall specify the rights and responsibilities of each lot owner with respect to the maintenance, repair and plowing of the private way.

5.3.23.5. The construction of private ways shall comply with the following minimum standards. If the private way is to provide access to 3 or more lots, the construction of the private way shall comply with the standards for a private road as defined under Section 1400 of the Subdivision Ordinance.

<table>
<thead>
<tr>
<th></th>
<th>Number of Units or Lots Served</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Right-of-way width</td>
<td>30'</td>
</tr>
<tr>
<td>Minimum roadway width</td>
<td>12'</td>
</tr>
<tr>
<td>Minimum sub-base (heavy road gravel with min. stone size 4&quot;)</td>
<td>12&quot;</td>
</tr>
<tr>
<td>Minimum wearing surface (fine gravel)</td>
<td>2&quot;</td>
</tr>
<tr>
<td>Maximum grade</td>
<td>10%</td>
</tr>
<tr>
<td>Minimum grade</td>
<td>0.5%</td>
</tr>
<tr>
<td>Turnaround at dead end</td>
<td>Circle or &quot;T&quot;</td>
</tr>
<tr>
<td>Storm water drainage</td>
<td>Approval of Road Commissioner</td>
</tr>
</tbody>
</table>

5.3.23.6. If the Code Enforcement Officer determines the need, a turnout to provide space for 2 vehicles to pass shall be provided for every 500 feet of the private way.
5.3.23.7. The driveway shall not cause a hazard to pedestrian or vehicular traffic. The Site Plan Review criteria for vehicular access (minimum sight distance in each direction based on allowable speed) shall be used where necessary.

5.3.23.8. Not more than 1 driveway is to be allowed over any given front lot to serve back lots.

5.3.23.9. Any waiver requires Planning Board approval.

5.3.23.10. The plan and/or deed description of the private way shall be recorded in the Knox County Registry of Deeds within 90 days of the date of approval by the Code Enforcement Officer. If it is not recorded within this time period, the approval shall be null and void.

5.3.23.11. Any change, such as the creation of another lot, shall require prior approval by the Code Enforcement Officer under this subsection.

5.3.23.12. Private ways approved by the Code Enforcement Officer must be constructed and utilized at the time the lot is developed.

5.3.24. Refuse Disposal

All solid and liquid wastes shall be disposed of in a timely basis and in an environmentally safe manner. Solid and liquid wastes shall not be accumulated so as to be a safety hazard.

5.3.25. Road System Adequacy

For developments that generate one hundred (100) or more peak hour trips based on the latest edition of the Trip Generation Manual of the Institute of Traffic Engineers, intersections on major access routes to the development site within one (1) mile of any entrance road which are functioning at a Level of Service of D or better prior to the development must function at a minimum at Level of Service D after development. This requirement may be waived by the Planning Board if the project is located within a growth area designated in the Town's adopted Comprehensive Plan and the Board determines that the project will not have an unnecessary adverse impact on traffic flow or safety.

5.3.26. Signs

5.3.26.1. Signs Prohibited. Any sign, whether new or existing, which poses a traffic hazard or a nuisance to adjacent lots due to illumination, placement,
display, or obstruction of existing signs, shall not be permitted.

5.3.26.2. Temporary Signs. Signs of a temporary nature, such as, advertisements or notices of charitable functions or community meetings, lost pets, and other non-commercial signs of a similar nature, are permitted for a period not to exceed sixty (60) days, provided that the persons who posted the signs shall be responsible for their removal. This section does not apply to signs posted by the Town.

5.3.26.3 Sign Requirements. All signs, other than temporary signs, shall meet the following requirements:

a. The maximum total display area of all signs, including attached and detached, on each premises shall not exceed fifty (50) square feet. In addition, one row of letters identifying the name or owner of the business is permitted on the front of the building, provided the letters are not illuminated and do not exceed twelve (12) inches in height.

b. Signs may be externally illuminated only by downward, shielded, non-flashing lights so as to effectively prevent beams of light from being directed at neighboring residential properties or at oncoming traffic on a public road unless the light is of such low intensity or brilliance so as not to cause glare or impair the vision of the driver of any motor vehicle.

5.3.26.4. Exempt Signs. The following signs are exempt from the provisions of this section except as otherwise provided for herein: Traffic control signs, signals, and/or other devices regulating or enhancing public safety, erected by a governmental body.

5.3.27. Site Conditions

During construction, the site shall be maintained and left each day in a safe and sanitary manner and any condition which could lead to personal injury or property damage shall be immediately corrected by the developer upon order of the Code Enforcement Officer or other authorized personnel.

5.3.28. 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 undue adverse environmental impacts, including severe erosion, mass soil movement, and water pollution, whether during or after construction.
5.3.29. Stormwater Management

Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties. To the extent possible, the plan must retain stormwater on the site using the natural features of the site.

5.3.30. Subsurface Wastewater Disposal and Sewers

On-site subsurface wastewater disposal shall comply with applicable provisions of the State of Maine Subsurface Wastewater Disposal Rules, Chapter 241 (Maine State Plumbing Code, Part II), as amended.

5.3.31. Temporary Storage

Portable or mobile trailers, vans, similar vehicles, shipping containers, or railroad cars may be used for storage only upon approval of the Code Enforcement Officer and only for a temporary period not to exceed one (1) year. Such approval may be extended by the Code Enforcement Officer for successive periods of up to six (6) months each if a finding can be made that: 1) there is a valid temporary need which cannot be met with the principal structure, 2) adequate economic hardship can be shown, 3) the initial approval, or any renewal, of the use will not in any way be detrimental to the neighboring properties, and 4) the use is not intended as a permanent or long term use.

5.3.32. Transient Accommodations, Bed and Breakfast Accommodations

Bed and Breakfast accommodations shall be permitted in the private, year round residence of the host family who live on the premises provided that the maximum number of guests at any time is eight (8) persons; the maximum number of guestrooms is three (3); and breakfast is the only meal provided by the host family.

5.3.33. Utility Installation

The installation of utilities such as electrical service, transmission lines and associated cables shall be installed so as to be consistent with the abutting properties.

5.3.34. Wastewater Discharge

No building, structure, activity, or use shall discharge untreated wastewater directly to a water body. There shall be no storage of materials which by their volume, toxicity, temperature or obnoxiousness or by their location, will run off from or percolate into the soils and pollute subsurface or ground waters.
5.3.35. Water Quality Protection

An existing or proposed use on a lot must not adversely impact either the quality or quantity of groundwater available to adjacent lots.

5.3.36. Wind Turbines

The intent of the Section is to regulate the placement, construction, and modification of wind turbines while allowing the safe, effective, and efficient use of this technology.

5.3.36.1. Siting Requirements for Wind Turbines

a. Wind turbines shall be a permitted use in all Districts.

b. Each parcel shall be limited to one wind turbine.

c. Wind turbine towers shall not exceed a maximum height of one hundred (100) feet above existing grade, except school parcels which shall not exceed a maximum height of one hundred forty (140) feet above existing grade.

d. Wind turbine towers shall not be lighted unless required by the Federal Aviation Administration (FAA).

5.3.36.2. Setback Requirements

Wind turbines shall be set back a distance equal to one hundred ten percent (110%) of the height of the tower and blade length from adjoining property lines.

5.3.36.3. Sound Requirements

a. An automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation.

b. Prior to approval, the applicant shall provide documentation from the manufacturer that the wind turbine will not produce noise levels in excess of the standards in subsection c, as measured at the closest property line.

c. After approval and installation of the wind turbine, the Code Enforcement Officer shall perform sound measurements at the closest property line to determine ambient and operating decibel levels utilizing the table below.
d. Upon complaint of an abutter, ambient and maximum permitted decibel measurements shall be performed by an agent designated by the Code Enforcement Officer. The report shall be submitted to the Code Enforcement Officer for review. The fee for this service shall be paid by the complainant unless the maximum permitted decibel level has been exceeded in which case the owner of the wind turbine shall pay the fee.

e. If the maximum decibel readings are exceeded, the installation shall be considered in violation of the provisions of Section 5.3.21 and this Section.

f. The nuisance violation must be corrected within 90 days from notification of the violation and if the violation cannot be corrected, the wind turbine shall be removed or relocated.

5.3.36.4. Permitting Requirements
In addition to the application and supporting documentation required by Section 8, the applicant for a wind turbine shall provide the following information to the Code Enforcement Officer;

a. A site plan of the property showing the location of the proposed wind turbine, existing and proposed structures, and any other significant features on the property,

b. Structural drawings of the tower, base pad, footings, and guy wires prepared by the manufacturer or a professional engineer,

c. Drawings and specifications of the generator, hub, and blades, prepared by the manufacturer or a professional engineer,

d. Photographs of the proposed site and the specific wind turbine to be installed.
5.3.37. Wireless Telecommunications Facilities

5.3.37.1. Applicability
This section applies to all construction and expansion of wireless telecommunications facilities, including communication facilities and towers.

5.3.37.2. Exemptions
The following are exempt from the provisions of this Ordinance:

a. Wireless communication facilities for telecommunications by public officials

b. Amateur (ham) radio stations licensed by the Federal Telecommunications Commission (FCC)

c. Parabolic antennas less than seven (7) feet in diameter, that are an accessory use of the property

d. Maintenance, repair or reconstruction of a wireless telecommunications facility and related equipment, provided that there is no change in the height or any other dimension of the facility

e. A temporary wireless telecommunications facility, in operation for a maximum period of one hundred eighty (180) days

f. An antenna that is an accessory use to a residential dwelling unit

5.3.37.3. Site Plan Review Application
Wireless telecommunications facilities, including expansions of existing facilities, shall comply with the application requirements of Section 9, Site Plan Review, and shall also include the following additional information:

a. A copy of the FCC license for the facility, or a signed statement from the owner or operator of the facility attesting that the facility will comply with FCC regulations.

b. A USGS 7.5 minute topographic map showing the current location of all structures and wireless telecommunications facilities above one hundred fifty (150) feet in height above ground level, except antennas located on roof tops, within a five (5) mile radius of the proposed facility. This requirement shall be deemed to have been met if the applicant submits current information (i.e. within thirty (30) days of the date the application is filed) from the FCC Tower Registration Database. Include documentation of longitude and latitude.
c. A site plan prepared and certified by a professional engineer registered in Maine indicating the location, type and height of the proposed facility, antenna capacity, on-site and abutting off-site land uses, means of access and setbacks from property lines. The site plan must include certification by a professional engineer registered in Maine that the proposed facility complies with all American National Standards Institute (ANSI) standards and other applicable technical codes.

d. Elevation drawings of the proposed facility, and any other proposed structures, showing height above ground level.

e. A landscaping plan indicating the proposed placement of the facility on the site; location of existing structures, trees, and other significant site features; the type and location of plants proposed to screen the facility; the method of fencing, the color of the structure, and the proposed lighting method.

f. Photo simulations of the proposed facility taken from perspectives determined by the Planning Board, or their designee, during the pre-application review. Each photo must be labeled with the line of sight, elevation, and with the date taken imprinted on the photograph. The photos must show the color of the facility and method of screening.

g. A written description of how the proposed facility fits into the applicant's telecommunications network. This submission requirement does not require disclosure of confidential business information.

h. Evidence demonstrating that no existing building, site, or structure can accommodate the applicant's proposed facility, which may consist of any one or more of the following:

i. Evidence that no existing facilities are located within the targeted market coverage area as required to meet applicant's engineering requirements.

ii. Evidence that existing facilities do not have sufficient height or cannot be increased in height at a reasonable cost to meet the applicant's engineering requirements.

iii. Evidence that existing facilities do not have sufficient structural strength to support applicant's proposed antenna and related equipment. Specifically:
(1) Planned, necessary equipment would exceed the structural capacity of the existing facility, considering the existing and planned use of those facilities, and these existing facilities cannot be reinforced to accommodate the new equipment.

(2) The applicant's proposed antenna or equipment would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna or equipment on the existing facility would cause interference with the applicant's proposed antenna.

(3) Existing or approved facilities do not have space on which planned equipment can be placed so it can function effectively.

iv. For facilities existing prior to the effective date of this Ordinance, the fees, costs, or contractual provisions required by the owner in order to share or adapt an existing facility are unreasonable. Costs exceeding the pro rata share of a new facility development are presumed to be unreasonable. This evidence shall also be satisfactory for a tower built after the passage of this Ordinance or amendment thereto.

i. A signed statement stating that the owner of the wireless telecommunications facility and his or her successors and assigns agree to:

i. Respond in a timely, comprehensive manner to a request for information from a potential collocation applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;

ii. Negotiate in good faith for shared use of the wireless telecommunications facility by third parties;

iii. Allow shared use of the wireless telecommunications facility if an applicant agrees in writing to pay reasonable charges for collocation;

iv. Require no more than a reasonable charge for shared use. This charge may include but is not limited to a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction, financing, return on
equity, depreciation, and all of the costs of adapting the
tower or equipment to accommodate a shared user without
causing electromagnetic interference. The amortization of
the above costs by the facility owner shall be accomplished
at a reasonable rate, over the useful life span of the facility.

j. A form of surety approved by the Planning Board to pay for the costs
of removing the facility if it is abandoned.

5.3.37.4. Standards
a. Location. A wireless telecommunications facility may be permitted
only in the following locations:

i. Within 1,000 feet of the top of Hatchet Mountain;

ii. Collocated on an existing facility;

iii. Placed onto an existing structure when it is designed to blend
harmoniously into the existing architecture and appearance
of the original structure. Examples include, but are not
limited to, a facility using a steeple which has the appearance
of being part of the existing steeple or a facility atop a
building which has the appearance of a chimney, vent, or
other traditional appurtenance to the existing building; or

iv. On Town Property

b. Siting on Town Property. If an applicant proposes to locate a new
wireless telecommunications facility on municipal property, or
expand an existing facility on Town property, the applicant must
show the following:

i. The proposed location complies with applicable municipal
policies and ordinances.

ii. The proposed facility will not interfere with the intended
purpose of the property.

iii. The applicant has adequate liability insurance and a lease
agreement with the Town that includes reasonable
compensation for the use of the property and other
provisions to safeguard the public rights and interests in the
property.

c. Design for Collocation. A new or expanded wireless
telecommunications facility and related equipment must be
SECTION 5 – Land Use Standards

d. **Height.** The maximum height of new or expanded wireless telecommunications facilities shall be two hundred (200) feet. The facility shall be designed to collapse in a manner that does not harm other property.

e. **Setbacks.** A new or expanded wireless telecommunications facility must comply with the setback requirements set forth in this Ordinance, or be set back one hundred ten percent (110%) of its height from all property lines, whichever is greater. The setback may be satisfied by including adjacent areas outside the property boundaries if secured by an easement. An antenna is exempt from the setback requirement if it extends no more than five (5) feet horizontally from the edge of the structure to which it is attached, and it does not encroach upon an abutting property.

f. **Landscaping.** The base of a new or expanded wireless telecommunications facility must be screened, with plants, from view by abutting properties, to the maximum extent practicable. Existing plants and natural land forms on the site shall also be preserved to the maximum extent practicable.

g. **Fencing.** A new or expanded wireless telecommunications facility must be fenced with a secured perimeter fence of a height of eight (8) feet to discourage trespassing on the facility and to discourage climbing on any structure by trespassers.

h. **Lighting.** A new or expanded wireless telecommunications facility must be illuminated as necessary to comply with FAA or other applicable state, federal and local requirements or Site Plan Review conditions. Security lighting may be used as long as it is shielded to be down-directional to retain light within the boundaries of the site, to the maximum extent practicable.

i. **Color and Materials.** A new or expanded wireless telecommunications facility must be constructed with materials and colors that match or blend with the surrounding natural or built environment, to the maximum extent practicable. Unless otherwise required, muted colors, earth tones, and subdued hues shall be used.

j. **Structural Standards.** A new or expanded wireless telecommunications facility must comply with the current Electronic Industries Association/Telecommunications Industries
Association (EIA/TIA) 222 Revision Standard entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."

k. **Noise.** Except during construction, repair, or replacement, operation of a back-up power generator at any time during a power failure and testing of a back-up generator between 8 a.m. and 9 p.m. are exempt from the noise standards set forth in this Ordinance.

5.3.37.5. **Standard Conditions of Approval**

The following standard conditions of approval shall be a part of any approval issued by the Planning Board. Reference to the conditions of approval shall be clearly noted on the final approved site plan, and shall include:

a. The owner of the wireless telecommunications facility and his or her successors and assigns agree to:

i. Respond in a timely, comprehensive manner to a request for information from a potential collocation applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;

ii. Negotiate in good faith for shared use of the wireless telecommunications facility by third parties;

iii. Allow shared use of the wireless telecommunications facility if an applicant agrees in writing to pay reasonable charges for collocation.

iv. Require no more than a reasonable charge for shared use of the wireless telecommunications facility. This charge may include, but is not limited to, a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction and maintenance, financing, return on equity, depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference. The amortization of the above costs by the facility owner shall be accomplished at a reasonable rate, over the life span of the useful life of the wireless telecommunications facility.

5.3.37.6. **Abandonment**

A wireless telecommunications facility that is not operated for a continuous
period of twelve (12) months shall be considered abandoned. The Code Enforcement Officer shall notify the owner of an abandoned facility in writing and order the removal of the facility within ninety (90) days of receipt of a written notice. The owner of the facility shall have thirty (30) days from the receipt of the notice to demonstrate to the Code Enforcement Officer that the facility has not been abandoned. If the Owner fails to show that the facility has not been abandoned, the owner shall have sixty (60) days to remove the facility. If the facility is not removed within this time period, the Town may utilize the surety to remove the facility at the owner's expense. The owner of the facility shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition, including the removal of roads, and reestablishment of vegetation, to the extent that such costs are not covered by the surety. The owner of the facility may apply to the Planning Board for release of the surety when the facility and related equipment are removed to the satisfaction of the Planning Board.
SHORELAND ZONING

6.1. PURPOSES

The purposes of this Shoreland Overlay Zoning District 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 impact of development in shoreland areas.

6.2. AUTHORITY

This Section has been prepared in accordance with the provisions of 38 M.R.S.A. §§ 435-449.

6.3. APPLICABILITY

This Section applies to all land areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river, or upland edge of a freshwater wetland, and all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

6.4. RESERVED

6.5. RESERVED

6.6. RESERVED

6.7. RESERVED

6.8. RESERVED

6.9. DISTRICTS AND ZONING MAP

6.9.1. Official Shoreland Zoning Map

The Official Zoning Map, as it may be amended from time to time, shall also be the Official Shoreland Zoning Map. This map identifies all areas required to be zoned under the Mandatory Shoreland Zoning Act. These include areas within 250 feet, horizontal distance, of the normal high water line of great ponds and tidal waters; within 250 feet of the upland edge of coastal wetlands and non-forested freshwater wetlands greater than 10 acres in size; and within 75 feet of the normal high water line of streams. The areas to which this Section is applicable are hereby divided into
the following districts as shown on the Official Zoning Map which is made a part of this Ordinance: Resource Protection; Limited Residential; Limited Commercial and Stream Protection.

6.10. INTERPRETATION OF DISTRICT BOUNDARIES

Unless otherwise set forth on the Official Zoning Map, district boundary lines are property lines, the centerlines of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein; provided, however, that any dispute as to the boundaries of the Shoreland Overlay Districts shall be determined, as applicable, by on-the-ground measurement of the distance required by the ordinance from the upland edge of the wetland or other relevant natural resource prepared by a land surveyor or other qualified professional licensed in the State of Maine or by identification of the natural resource indicated in the textual description of the district prepared by a wetland biologist, soil scientist or other professional licensed in the State of Maine. Where uncertainty exists as to the exact location of district boundary lines, the Zoning Board of Appeals shall be the final authority as to location.

6.11. 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.

6.12. NON-CONFORMANCE

6.12.1. Purpose.

It is the intent of this Section 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 6.12. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

6.12.2. General

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

6.12.2.2. Repair and Maintenance. This Section 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.

6.12.3. Non-conforming Structures

6.12.3.1. 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 with the water setback, and is in accordance with subparagraphs (a), and (b) below.

a. Legally existing non-conforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as all other applicable standards contained in this Ordinance are met.

i. Expansion of any portion of a structure within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement.

ii. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body or wetland setback requirement.

iii. For structures located less than 75 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total floor area for all portions of those structures within that 75-foot distance is 1,000 square feet, and the maximum height of any portion of a structure that is within 75 feet, horizontal distance, of a water body, tributary stream or upland edge of a wetland is 20 feet or the height of the existing structure, whichever is greater, provided that no expansion shall occur that does not comply with subsections i and ii.

iv. For structures located less than 100 feet, horizontal distance, from the normal high-water line of a great pond or a river flowing to a great pond, the maximum combined total floor
area for all portions of those structures within that 100-foot
distance is 1,500 square feet, and the maximum height of any
portion of a structure that is within 100 feet, horizontal
distance, of a great pond is 25 feet or the height of the existing
structure, whichever is greater, except that any portion of
those structures located less than 75 feet, horizontal distance
from the normal high-water line of a water body, tributary
stream, or the upland edge of a wetland must meet the floor
area and height limits of division (iii). No expansion shall
occur that does not comply with subsections i and ii.

For the purposes of Section 6.12.3.1 (a) (iv), a basement is
not counted toward floor area.

b. Whenever a new, enlarged, or replacement foundation is constructed
under a non-conforming structure, the structure and new foundation
must be placed such that the setback requirement is met to the
greatest practical extent as determined by the Planning Board or its
designee, basing its decision on the criteria specified in Section
6.12.3.2, below. If the completed foundation does not extend beyond
the exterior dimensions of the structure and the foundation does not
cause the structure to be elevated by more than three (3) additional
feet, as measured from the uphill side of the structure, it shall not be
considered to be an expansion of the structure.

6.12.3.2. 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 or its designee, and
provided that the applicant demonstrates that the present subsurface
wastewater 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 or its designee shall consider
the size of the lot, the slope of the land, the potential for soil erosion, the
location of other structures on the property and on adjacent properties, the
location of the septic system and other on-site soils suitable for septic
systems, and the type and amount of vegetation to be removed to accomplish
the relocation. When it is necessary to remove vegetation within the water
or wetland setback area in order to relocate a structure, the Planning Board
shall require replanting of native vegetation to compensate for the destroyed
vegetation. In addition, the area from which the relocated structure was

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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.

6.12.3.3. Reconstruction or Replacement. Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of 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 or its designee in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 6.12.3.1 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 6.12.3.2 (a) above.
Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board or its designee shall consider, in addition to the criteria in Section 6.12.3.2 above, the physical condition and type of foundation present, if any.

6.12.3.4. 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 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, floodplain management, archaeological and historic resources, and functionally water-dependent uses.

6.12.4. Non-conforming Uses

6.12.4.1. 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 6.12.3.1 above.

6.12.4.2. 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.

6.12.4.3. 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 6.12.3.4 above.

6.12.5. Non-conforming Lots

6.12.5.1. Non-conforming Lots. A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals.

6.12.5.2. 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 (12 M.R.S.A. §§ 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.

6.12.5.3. 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 wastewater 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 6.12.5.3(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.

6.13. ESTABLISHMENT OF SHORELAND OVERLAY DISTRICTS
Shoreland Districts intentionally overlay and embrace underlying land use districts and where the provisions of the overlay districts conflict with those of the underlying districts, the stricter provisions shall prevail.

6.13.1. Resource Protection District

The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed and areas which meet the criteria for Limited Commercial need not be included within the Resource Protection District.

6.13.1.1. 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. For the purposes of this paragraph “wetlands associated with great ponds and rivers” shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. “Wetlands associated with great ponds or rivers” are considered to be part of that great pond or river.

6.13.1.2. Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100-year floodplain as designated on the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils.

6.13.1.3. Areas of two (2) or more contiguous acres with sustained slopes of 20% or greater.
6.13.1.4. 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.

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

6.13.2. Limited Residential District

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

6.13.3. Limited Commercial District

The Limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District. This district includes areas devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

6.13.4. Stream Protection District

The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland. Where a stream and its associated shoreland area are located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

6.14. TABLE OF LAND USES

All land use activities in the Shoreland Zoning Overlay District shall conform to all of the applicable land use standards in Section 6.15. The district designation for a particular site shall be determined from the Hope Zoning Map.

<table>
<thead>
<tr>
<th>Land Uses Table Key</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
</tr>
<tr>
<td>No</td>
</tr>
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### LAND USES IN THE SHORELAND ZONE

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<thead>
<tr>
<th>LAND USES</th>
<th>DISTRICT</th>
<th>LR</th>
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<th>SP</th>
<th>RP</th>
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<tbody>
<tr>
<td>Agriculture</td>
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<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Aquaculture</td>
<td></td>
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<td>Yes</td>
<td>PB</td>
<td>PB</td>
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<tr>
<td>Campgrounds, commercial</td>
<td></td>
<td>PB</td>
<td>PB</td>
<td>No</td>
<td>No^6</td>
</tr>
<tr>
<td>Clearing or removal of vegetation for activities other than Timber harvesting</td>
<td></td>
<td>Yes</td>
<td>Yes</td>
<td>CEO</td>
<td>CEO^1</td>
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<tr>
<td>Conversions of seasonal residences to year-round residences</td>
<td></td>
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<td>LPI</td>
<td>LPI</td>
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<tr>
<td>Emergency operations</td>
<td></td>
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<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Essential services</td>
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<td>Yes^10</td>
<td>Yes^10</td>
<td>CEO^5</td>
<td>CEO^5</td>
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<tr>
<td>A. Roadside distribution lines (34.5kV and lower)</td>
<td></td>
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<td>PB^5</td>
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<td>B. Non-roadside or cross-country distribution lines of 10 poles or less</td>
<td></td>
<td>PB</td>
<td>PB</td>
<td>PB^5</td>
<td>PB^5</td>
</tr>
<tr>
<td>C. Non-roadside or cross-country distribution lines of 11 or more poles</td>
<td></td>
<td>PB</td>
<td>PB</td>
<td>PB^5</td>
<td>PB^5</td>
</tr>
<tr>
<td>D. Other essential services</td>
<td></td>
<td>PB</td>
<td>PB</td>
<td>PB^5</td>
<td>PB^5</td>
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<td>Filling and earth moving of ≤10 cubic yards</td>
<td></td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Filling and earth moving of &gt;10 cubic yards</td>
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<td>Fire prevention activities</td>
<td></td>
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<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Forest management activities except for timber harvesting</td>
<td></td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Home occupations</td>
<td></td>
<td>PB</td>
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<td>PB</td>
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<tr>
<td>Individual private campsites</td>
<td></td>
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<tr>
<td>Marinas</td>
<td></td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>No</td>
</tr>
<tr>
<td>Medical Clinics</td>
<td></td>
<td>No</td>
<td>No</td>
<td>No</td>
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</tr>
<tr>
<td>Mineral exploration</td>
<td></td>
<td>Yes^2</td>
<td>Yes^2</td>
<td>No</td>
<td>Yes^2</td>
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<tr>
<td>Mineral extraction including sand and gravel extraction</td>
<td></td>
<td>PB</td>
<td>PB</td>
<td>No</td>
<td>PB^3</td>
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<tr>
<td>Motorized vehicular traffic on existing roads and trails</td>
<td></td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Non-intensive recreational uses not requiring structures, i.e. hunting, fishing, hiking</td>
<td></td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Parking lot</td>
<td></td>
<td>PB</td>
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<td>No</td>
<td>No^6</td>
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<td>Principal structures and uses</td>
<td></td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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</tr>
<tr>
<td>A. One and two family residential, including driveways</td>
<td></td>
<td>CEO</td>
<td>CEO</td>
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<td>PB^8</td>
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### LAND USES

<table>
<thead>
<tr>
<th>LAND USES</th>
<th>LR</th>
<th>LC</th>
<th>SP</th>
<th>RP</th>
</tr>
</thead>
<tbody>
<tr>
<td>B. Multi-unit residential</td>
<td>PB</td>
<td>PB</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>C. Commercial</td>
<td>No⁹</td>
<td>PB</td>
<td>No</td>
<td>No</td>
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<td>D. Industrial</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>E. Governmental and institutional</td>
<td>PB</td>
<td>PB</td>
<td>No</td>
<td>No</td>
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<tr>
<td>F. Small non-residential facilities for educational, scientific, or nature interpretation</td>
<td>CEO</td>
<td>CEO</td>
<td>PB⁴</td>
<td>PB</td>
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<tr>
<td>Public and private recreational areas involving minimal structural development</td>
<td>PB</td>
<td>CEO</td>
<td>PB</td>
<td>PB</td>
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<tr>
<td>Road construction</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>No⁷</td>
</tr>
<tr>
<td>Service drops, as defined, to allowed uses</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Signs</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
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<td>Soil and water conservation practices</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Structures accessory to allowed uses</td>
<td>CEO</td>
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<td>PB⁴</td>
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<tr>
<td>Structures in or over the water</td>
<td></td>
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<tr>
<td>A. Temporary</td>
<td>Yes</td>
<td>Yes</td>
<td>PB</td>
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<tr>
<td>B. Permanent</td>
<td>CEO</td>
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<td>Subsurface wastewater disposal systems for allowed uses</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
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<tr>
<td>Surveying and resource analysis</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Timber harvesting</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>CEO</td>
</tr>
<tr>
<td>Uses similar to allowed uses</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
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</tr>
<tr>
<td>Uses similar to uses requiring a CEO permit</td>
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<td>CEO</td>
<td>CEO</td>
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<tr>
<td>Uses similar to uses requiring a PB permit</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
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<tr>
<td>Wildlife management practices</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</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 CEO 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. See further restrictions in Section 6.15.12.
6. Unless area is zoned RP due to floodplain criteria and a permit is obtained from PB.
7. Except as provided in Section 6.15.8.
8. Single-family residential structures may be allowed by special exception only according to the provisions of Section 8.10.1, Resource Protection District Dwelling Exception. Two-family residential structures are prohibited.
9. Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.
10. Permit not required but must file a written “notice of intent to construct” with CEO.

**NOTE:** Where more than one authority controls a land use, that use may require approval from more than one authority depending on the site, the size of the projected structure(s), or other factors. The following activities shall require a permit from the Maine Department of Environmental Protection pursuant to 38 M.R.S.A., § 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, great pond, stream or brook and operates in such a manner that material or soil may be washed into them:

- A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
- B. Draining or otherwise dewatering;
- C. Filling, including adding sand or other material to a sand dune; or
6.15. LAND USE STANDARDS

All land use activities within the Shoreland Overlay Zoning District, which includes Stream Protection, Resource Protection, Limited Residential, and Limited Commercial Districts, shall conform to the standards of the underlying zone where the land is located.

6.15.1. Minimum Lot Standards

6.15.1.1 Minimum Lot Standards Table

<table>
<thead>
<tr>
<th></th>
<th>Minimum Lot Area (sq. ft.)</th>
<th>Minimum Shore Frontage (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential per dwelling unit</td>
<td>40,000</td>
<td>200</td>
</tr>
<tr>
<td>Governmental and Institutional per principal structure</td>
<td>60,000</td>
<td>300</td>
</tr>
<tr>
<td>Public and Private Recreational Facilities</td>
<td>40,000</td>
<td>200</td>
</tr>
</tbody>
</table>

6.15.1.2. 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.

6.15.1.3. Lots located on opposite sides of a public 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.

6.15.1.4. 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.

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

6.15.2 Principal and Accessory Structures

6.15.2.1. All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds and rivers that flow to great ponds, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland. 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 one hundred (100) square feet in area or 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.

6.15.2.2. Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, Limited Commercial, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height, except as otherwise required by Section 6.12.2.a. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.

6.15.2.3. The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the 100-year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood-plain soils. Accessory structures may be placed in accordance with the standards of the April 2005 Floodplain Management Ordinance and need not meet the elevation requirements of this paragraph.

6.15.2.4. The total footprint area of all structures, parking lots and other impervious surfaces, within the shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed.

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

6.15.3. Structures In or Over the Water

6.15.3.1. Temporary. Any structure which remains in or over the water of a great pond for less than seven (7) months in any period of twelve (12) consecutive months, including docks and floats, is a temporary structure. Temporary structures do not require a permit from the Town but must be removed no later than the 1st of November of each year.

6.15.3.2. Permanent. Any structure which remains in or over the water of a great pond for seven (7) months or more in any period of twelve (12) consecutive months is a permanent structure. Any structure, including docks and floats, not removed by the 1st of November shall be considered a permanent structure. Permanent structures are not allowed without a permit from the Code Enforcement Officer or the Planning Board. Permanent structures shall also require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. § 480-C. Permits may also be required from the Army Corps of Engineers if located in navigable waters.

6.15.4. Campgrounds

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

6.15.4.1. 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.

6.15.4.2. 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 or a river flowing to a great pond, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

6.15.5. Commercial and Industrial Uses.
The list of commercial and industrial uses prohibited in the Shoreland Zone includes, but is not limited to, the following:

6.15.5.1. Auto washing facilities

6.15.5.2. Auto or other vehicle service and/or repair operations, including body shops

6.15.5.3. Chemical and bacteriological laboratories

6.15.5.4. Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms

6.15.5.5. Commercial painting, wood preserving, and furniture stripping

6.15.5.6. Dry cleaning establishments

6.15.5.7. Electronic circuit assembly

6.15.5.8. Laundromats, unless connected to a sanitary sewer

6.15.5.9. Metal plating, finishing, or polishing

6.15.5.10. Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas

6.15.5.11. Photographic processing

6.15.5.12. Printing

6.15.6. Individual Private Campsites

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

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

6.15.6.2. 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 or river flowing to a great pond and seventy-five (75) feet, horizontal distance,
from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

6.15.6.3. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.

6.15.6.4. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.

6.15.6.5. 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.

6.15.6.6. 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 wastewater disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

6.15.7. Parking Areas

6.15.7.1. Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities 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.

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

6.15.7.3. 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.
6.15.8. Roads and Driveways.

The Code Enforcement Officer may approve the use of a private way to provide frontage and access to individual lots of land as provided in Section 5.3.23. The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features within the shoreland overlay district.

6.15.8.1. Roads and driveways shall be set back at least one-hundred (100) feet, horizontal distance, from the normal high-water line of a great pond or a river that flows to a great pond, and seventy-five (75) feet, horizontal distance from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Code Enforcement Officer. 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 6.15.8.1 does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 6.15.8.1 except for that portion of the road or driveway necessary for direct access to the structure.

6.15.8.2. 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.

6.15.8.3. New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District the road and/or driveway shall be set back as
far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.

6.15.8.4. 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 6.15.17.

6.15.8.5. Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.

6.15.8.6. 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.

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

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

<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 grade is ten (10) percent or less.

c. On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.
d. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning and their inlet and outlet ends shall be stabilized with appropriate materials.

6.15.8. 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.

6.15.9. Signs

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

6.15.9.1. Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. In the Limited Commercial District, however, such signs shall not exceed sixteen (16) square feet in area. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.

6.15.9.2. Name signs are allowed, provided such signs shall not exceed two (2) signs per premises, and shall not exceed twelve (12) square feet in the aggregate.

6.15.9.3. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.

6.15.9.4. Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.

6.15.9.5. Signs relating to public safety shall be allowed without restriction.

6.15.9.6. No sign shall extend higher than twenty (20) feet above the ground.

6.15.9.7. Signs may be illuminated only by shielded, non-flashing lights.

6.15.10. Storm Water Runoff

6.15.10.1. 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.
6.15.10.2. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

NOTE: The Stormwater Management Law 38 M.R.S.A. § 420-D or Maine Construction Management Law may require a permit to be obtained from the DEP.

6.15.11. Subsurface Wastewater Disposal

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

6.15.11.1. Clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland.

6.15.11.2. A holding tank is not allowed for a first-time residential use in the shoreland zone.

6.15.12. Essential Services

6.15.12.1. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

6.15.12.2. The installation of essential services, other than road-side distribution lines, is not allowed in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

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

6.15.13. 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:

6.15.13.1. 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 6.15.13.4 below.

6.15.13.2. 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 or a river flowing to a great pond, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.

6.15.13.3. 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 (2 1/2:1) slope or flatter.

   c. Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.

6.15.13.4. In keeping with the purposes of this Section, 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.

6.15.14. Agriculture

6.15.14.2. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond or a river flowing to a great pond, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.

6.15.14.3. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

6.15.14.4. There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond; within seventy-five (75) feet, horizontal distance, from other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this Ordinance and not in conformance with this provision may be maintained.

6.15.14.5. Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond; within seventy-five (75) feet, horizontal distance, of other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan.

6.15.15. Timber Harvesting

Timber harvesting activities within the shoreland zone shall follow Maine Forest Service Rule – Chapter 21: Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas in accordance with 38 M.R.S.A. § 438-B(5), as may be amended from time to time.

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

6.15.16.1. 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.

6.15.16.2. Except in areas as described in Section 6.15.16.1, 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 or a river flowing to a great pond, and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

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

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

<table>
<thead>
<tr>
<th>Diameter of Tree at 4-1/2 feet Above Ground Level (inches)</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 – &lt; 4 in.</td>
<td>1</td>
</tr>
<tr>
<td>4 – &lt; 8 in.</td>
<td>2</td>
</tr>
<tr>
<td>8 – &lt; 12 in.</td>
<td>4</td>
</tr>
<tr>
<td>12 in. 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.

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 (2) trees between 4 and 8 inches in diameter, three (3) trees between 8 and 12 inches in diameter, and two (2) trees over 12 inches in diameter, the rating score is:
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 proposes clearing within the required buffer;

(ii) Each successive plot must be adjacent to, but not overlap a previous plot;

(iii) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;

(iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Ordinance;

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

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

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

c. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 6.15.16.2 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 6.15.16.2 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.

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

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

6.15.16.4. Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.

6.15.16.5. Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 6.15.16.

6.15.17. Erosion and Sedimentation Control

6.15.17.1. 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 rip-rap

6.15.17.2. 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.

6.15.17.3. 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.

6.15.17.4. 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.

6.15.17.5. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.

6.15.18. 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 wastewater 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 a state-certified professional. 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 remedy to counteract soil limitations where they exist.

6.15.19. 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.

6.15.20. 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.

6.16. ADMINISTRATION

6.16.1. Permits Required

After the effective date of this Ordinance no person shall, without first obtaining a permit in accordance with Section 8 of this Ordinance, 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. Any permit required by this Section shall be in addition to any other permit required by other law or ordinance.

6.16.2. Permits Not Required

6.16.1.2. Replacement Road Culvert. A permit is not required for the replacement of an existing road culvert as long as:

a. The replacement culvert is not more than 25% longer than the culvert being replaced (maximum 75 feet); and
b. Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.

6.16.2.2. 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.

6.16.3. Installation of Public Utility Service

A public utility, water district, sanitary district or any utility company of any kind may not install services to any new structure located in the Shoreland Zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous ordinance has been issued by the appropriate Town officials or other written arrangements have been made between the Town officials and the utility.

6.16.4. Appeals

All appeals of activities within the Shoreland Zone shall be heard in accordance with Section 10 of this Ordinance.

6.16.5. Enforcement

Violations of this Section shall be handled in accordance with Section 8.11 of this Ordinance.
ADMINISTRATION AND ENFORCEMENT

8.1. CREATION OF ADMINISTERING BODIES

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

8.1.2. Planning Board: The Planning Board is established in accordance with Article VIII, Pt. 2, §1, of the Maine Constitution, 30-A M.R.S.A. § 3001, and the Planning Board Ordinance. The Planning Board shall be appointed by the Board of Selectmen. The Planning Board shall approve, approve with conditions, or deny those applications on which it is empowered to act as provided in this Ordinance. Approval shall be granted only if the proposed use is in conformance with the provisions of this Ordinance (Sections 6 and 9).

8.1.3. Board of Appeals: The Board of Appeals is established in accordance with Article VIII, Pt 2, Section 1 of the Maine Constitution, 30-A M.R.S.A. § 2691, and the Board of Appeals Ordinance. The Board of Appeals shall be appointed by the Board of Selectmen. The Board of Appeals shall approve, approve with conditions, or deny applications and appeals on which it is empowered to act as provided in this Ordinance. (Section 10)

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

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

8.4. CODE ENFORCEMENT OFFICER
The Code Enforcement Officer shall review all applicable applications pursuant to this Ordinance. A permit issued by the Code Enforcement Officer shall be required before beginning or undertaking any of the following activities:

8.4.1. Activities Requiring Permit

8.4.1.1. Flood Hazard Areas. All construction or earth moving activities or other improvements within the 100-year flood plain designated on the Flood Insurance Rate Maps published by the Federal Emergency Management Agency.
8.4.1.2. New Construction. New construction of buildings or structures pursuant to Section 4, Schedule of Uses, if such construction adds a footprint of more than 100 square feet and maintains a height of at least six feet throughout the new construction.

8.4.1.3. Alteration. Alteration of a building, structure, or land, or parts thereof, pursuant to Section 4, Schedule of Uses, if such alteration adds a footprint of more than 100 square feet and maintains a height of at least six feet throughout the alteration, including, but not limited to:

a. Interior renovations for change in use;

b. Enclosing open frame porch, for the creation of additional sleeping space or any activity which increases the existing amount of water used daily;

c. Erection of fences as specified under State Statute

8.4.1.4. Erecting of Signs. Placement of signs except temporary signs pursuant to Section 4, Schedule of Uses.

8.4.1.5. Moving or Demolition. All buildings or structures which are removed from or moved onto, or moved around within a lot, or demolished pursuant to Section 4, Schedule of Uses.

8.4.1.6. Change of Use. The change of any premises from one category of land use to any other land use pursuant to Section 4, Schedule of Uses.

8.4.2. Procedure

8.4.2.1. Application. All applications for a Land Use Permit shall be submitted, with appropriate fee, in writing to the Code Enforcement Officer on forms provided. Applications shall be dated, and the Code Enforcement Officer shall note upon each application the date and time of its receipt.

8.4.2.2. Submissions: All applications for a Land Use Permit shall be accompanied by a sketch plan, accurately drawn to scale and showing actual dimensions or distances, and showing:

a. The actual shape and dimensions of the lot for which a permit is sought;

b. The location and size of all buildings, structures, and other significant features currently existing on the lot, as well as all waterbodies and wetlands within two hundred fifty (250) feet of the property lines;

c. The location of new buildings, structures or portions thereof to be
constructed. Building plans shall be submitted if deemed necessary by the Code Enforcement Officer;

d. The existing and intended use of each building or structure;

e. Where applicable, the location of soil test pits, subsurface wastewater disposal system, parking lots and driveways, signs, buffers, private wells; and

f. Such other information as may be reasonably required by the Code Enforcement Officer to provide for the administration and enforcement of this Ordinance.

8.4.2.3. To Whom Issued: Permits shall be issued only to an owner or individual who can show evidence of right, title or interest in the property or to 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.

8.4.2.4. Compliance with Land Use Ordinance: All activities undertaken pursuant to a permit issued under this Section shall comply with all applicable standards set forth in this Ordinance.

8.4.2.5. Deadline for Decision: The Code Enforcement Officer shall, within thirty-five (35) days of receipt of an application: issue the permit, if all proposed construction and uses meet the provisions of the Ordinance; refer the application to the Planning Board or the Board of Appeals for its review; or deny the application. All decisions of the Code Enforcement Officer shall be in writing.

8.4.2.6. Copies: One (1) copy of the application, with the permit or other written decision of the Code Enforcement Officer, shall be returned to the applicant, and one (1) copy, with a copy of the permit or written decision, shall be retained by the Code Enforcement Officer as a permanent public record.

8.4.2.7. Sewage Disposal: If the property is not served by a public sewer, a valid Subsurface Wastewater Disposal Application shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface wastewater disposal system.

8.4.2.8. Posting: The applicant shall cause any permit issued to be conspicuously posted on the lot on which the activity will occur at a location clearly visible from the street.

8.4.2.9. Appeals: Appeals from decisions of the Code Enforcement Officer may be taken pursuant to the provisions of this Ordinance.

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

8.6. **POSITIVE FINDINGS REQUIRED**
Approval shall be granted by the Code Enforcement Officer after receipt of a complete application if he/she finds it to be consistent with the long-range goals of the Comprehensive Plan, other adopted plans of the Town, and the goals and purposes of the established districts, only upon a positive finding by the Code Enforcement Officer that the proposed use:

8.6.1. Is a permitted use in the district in which it is proposed to be located;

8.6.2. Is in conformance with the applicable performance standards of this Ordinance;

8.6.3. Will not result in unsafe or unhealthful conditions;

8.6.4. Will not result in undue land, water or air pollution;

8.6.5. Will not result in undue erosion or sedimentation;

8.6.6. Will avoid problems associated with development in flood hazard areas;

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

8.6.8. Will conserve shore cover and visual, as well as actual, points of access to inland waters;

8.6.9. Will protect archaeological and historic resources as designated in the comprehensive plan;

8.6.10. Will avoid problems associated with floodplain development and use; and

8.6.11. Will not adversely impact public infrastructure.

8.7. **VIOLATIONS**
Violations of the terms and conditions of this Ordinance shall be corrected within thirty (30) days of receipt of Notice of Violation, unless an extension of time is granted by the Code Enforcement Officer. Said violation may void all permits.

8.8. **COMMENCEMENT AND COMPLETION OF WORK**
Projects for which a permit has been granted under this Section shall commence within six (6) months of the date of issuance of the permit and shall be completed within twenty-four (24) months of that date. Activities which are not commenced or completed within the time limits provided above shall be subject to a new application and the permit issued under this Section shall be considered void. Activities may be extended for up to twenty-four (24) months by the Code Enforcement Officer, for good cause, if an application for an
extension is submitted not later than thirty (30) days prior to the expiration of the prior permit.

8.9. **CERTIFICATE OF OCCUPANCY REQUIRED**

After a building, structure, or part thereof has been erected, altered, enlarged, or moved, or a use has been changed, pursuant to approval under this Ordinance, a Certificate of Occupancy shall be obtained from the Code Enforcement Officer for the proposed use before the same may be occupied or used.

8.10. **SHORELAND ZONE PERMITS**

Within thirty-five (35) days of the date of receiving a written application for activities within the Shoreland Zone, the Planning Board or Code Enforcement Officer, as indicated in Section 6.14, 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 thirty-five (35) days after the first available date on the Planning Board’s agenda following receipt of the completed application, or within thirty-five (35) days of the public hearing, if 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 requirements of Section 6.

After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use is in conformance with the standards of Section 8.6 above.

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

8.10.1. **Resource Protection District Dwelling Exception**

In addition to the criteria specified in Section 8.6 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:

8.10.1.1. There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.
8.10.1.2. 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 creation of the Resource Protection District.

8.10.1.3. All proposed buildings, sewage disposal systems and other improvements are:

a. Located on natural ground slopes of less than 20%; and

b. Located outside the floodway of the 100-year flood-plain along rivers and artificially formed great ponds along rivers, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency’s Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year flood-plain elevation; and the development is otherwise in compliance with any applicable municipal flood-plain ordinance.

If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year flood-plain.

8.10.1.4. 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.

8.10.1.5. All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body to the greatest practical extent, but not less than on hundred (100) feet, horizontal distance. In the case of a tributary stream or upland edge of a wetland these structures may not be set less than seventy-five (75) feet from the high-water line. 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 flood-plain, and its proximity to moderate-value and high-value wetlands.

8.11. ENFORCEMENT

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

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

8.11.3. Legal Actions: When the above does not result in the correction or abatement of the violation or nuisance condition, the Board of Selectmen, upon notice from the Code Enforcement Officer, is hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that are determined to be appropriate or necessary to enforce the provisions of the Ordinance in the name of the Town. 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.

8.11.4. Fines: Any person, firm, or corporation being the owner of or having control or use of any building or premises who violates any of the provisions hereof, shall be subject to enforcement action and upon being found to be in violation shall be fined in accordance with 30-A M.R.S.A. § 4452, as may be amended. Each day such a violation is permitted to exist after notification thereof shall constitute a separate offense. All fines collected hereunder shall inure to the Town.

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

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

8.12.1. Application Fee: An application for a land use permit review must be accompanied by an application fee. This fee is intended to cover the cost of the Town's administrative processing of the application including notification, advertising, mailings, and similar costs. The fee shall not be refundable. This application fee must be paid to the Town.

8.12.2. Technical Review Fee: In addition to the application fee, the applicant may be required to pay a technical review fee to defray the Town's legal and technical costs of the application review. If required by the Code Enforcement Office and/or
Planning Board, this fee must be paid to the Town and shall be deposited in the Development Review Trust Account, which shall be separate and distinct from all other municipal accounts. The application will be considered incomplete until evidence of payment of this fee is submitted to the Planning Board. The technical review fee may be used by the Planning Board to pay reasonable costs incurred by the Planning Board, at its discretion, which relate directly to the review of the application pursuant to the requirements of this Ordinance. Such services may include, but need not be limited to, consulting, engineering or other professional fees, and attorney fees. The Town shall provide the applicant, upon written request, with an accounting of his or her account and shall refund all of the remaining monies in the account after the payment by the Town of all costs and services related to the review. Such refund shall be accompanied by a final accounting of expenditures from the fund.

8.12.3. Impact Fees: In accordance with 30-A M.R.S.A. § 4354, as amended, the Town may require through the adoption of an Impact Fee Ordinance that the applicant provide for the construction of off-site capital improvements or the payment of impact fees instead of the construction. Infrastructure facilities include, but are not limited to: (1) wastewater collection and treatment facilities; (2) municipal water facilities; (3) solid waste facilities; (4) public safety equipment and facilities; (5) roads and traffic control devices; (6) parks and other open space or recreational areas; and (7) school facilities.
SECTION 9 – Site Plan Review

SITE PLAN REVIEW

9.1. PURPOSE

Substantial development or major changes in the uses of land may cause a material impact on the cost and efficiency of municipal services, public utilities, road systems and traffic congestion, and may affect the visual characteristics of neighborhoods and the Town, and the general health, safety and welfare of the community. The purpose of this Section is to minimize the potential negative impacts of development, while maximizing development’s positive effects by assessing the impact of new development on surrounding properties, municipal facilities and services, and the natural environment.

Only uses that have been recognized as being permitted uses in their zoning districts, or as the result of successful review as a special exception, are permitted to proceed to site plan review. Therefore, the purpose of site plan review is not to establish the right of a use to be located in the proposed area, but rather to ensure that the way the use is designed and placed on a lot is appropriate to its surroundings.

The Planning Board may consider the historic importance, scenic beauty or irreplaceability of natural areas during the site plan review. This may require a proposed development or structure to relate harmoniously to the terrain and surrounding environment, including existing buildings in the vicinity that have a visual relationship, with the proposal being considered.

9.2. ADMINISTRATION

9.2.1. Determination of Need for Site Plan Review. If site plan review is determined to be required, then no building permit, plumbing permit or certificate of occupancy shall be issued by the Code Enforcement Officer or Local Plumbing Inspector for any use or development within the scope of this Section until a site plan application for the proposed development has been approved by the Planning Board.

9.2.2. Pre-Application Meeting. An applicant shall request a pre-application meeting with the Planning Board prior to formal submission of a site plan. The materials submitted must include, but are not limited to, a written statement defining the proposed project and a Sketch Plan. The Sketch Plan may be a freehand drawing and shall show:

9.2.2.1. The outline of the tract or parcel with estimated dimensions, road rights-of-way and existing easements;

9.2.2.2. The layout of existing and proposed building(s), driveways and parking areas;
9.2.2.3. Identification of general areas of steep slopes, wetlands, streams and floodplains; and

9.2.2.4. Estimated calculation of the percent of lot coverage (see definition in Section 11.2).

9.2.3. Application

9.2.3.1. Number of Copies. Every applicant applying for site plan review should submit ten copies (10) of the application and supporting documentation to the Code Enforcement Officer. All copies shall be prepared in accordance with Section 9.4, and accompanied by a fee as determined by the Board of Selectmen.

9.2.3.2. Submission Deadline. An application for site plan review shall be submitted at least fifteen (15) calendar days prior to the Planning Board meeting at which the applicant wishes to be heard. Recommendations from the Fire Chief and Road Commissioner shall be solicited prior to the site plan review meeting.

9.2.3.3. Application Completeness Review. Within thirty-five (35) days of receiving an application, the Planning Board shall hold a completeness review. The purpose of an application completeness review is to determine if all information required to be submitted is sufficiently complete to proceed to a public hearing on the application. If the application is determined to be incomplete by the Planning Board, the applicant shall be notified of the items that must be submitted in order to make the application complete.

9.2.3.4 Site Plan Review Meeting. The Planning Board shall hold a public hearing to review the site plan application. A notice of the public hearing shall be circulated via first class mail to owners of abutting properties of the property under review, and notice of the public hearing shall be published in a newspaper of community-wide circulation no less than five (5) days prior to the date of the public hearing. The applicant shall be responsible for the costs of all public hearing notices.

9.2.3.5. On-Site Inspection. The Planning Board may schedule an on-site inspection meeting. The on-site inspection shall be jointly attended by the applicant or his or her duly authorized representative and at least four Planning Board members.

9.2.3.6. Approval Deadline. Within sixty (60) days after the date on which the site plan application is determined to be complete by the Planning Board, the Board shall act to approve, approve with conditions, continue, or disapprove the site plan application submitted or amended. The time limit
for review may be extended by mutual agreement between the Planning Board and the applicant.

9.2.3.7. **Special Exceptions.** An applicant for site plan review shall obtain any special exception and/or variances that may be required from the Board of Appeals prior to review by the Planning Board. An applicant may request a pre-application meeting prior to receiving special exception approval.

9.2.4. An application for site plan review shall be submitted at least fifteen (15) calendar days prior to the Planning Board meeting at which the applicant wishes to be heard. Recommendations from the Fire Chief and Road Commissioner shall be solicited prior to the site plan review meeting.

9.2.5. The Planning Board may schedule an on-site inspection meeting. The on-site inspection shall be jointly attended by the applicant or his or her duly authorized representative and at least two Planning Board members.

9.2.6. Within sixty (60) days after the date on which the site plan application first appears on the Planning Board agenda, the Board shall act to approve, approve with conditions, continue, or disapprove the site plan application submitted or amended. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant.

9.2.7. An applicant for site plan review shall obtain any special exception and/or variances that may be required from the Board of Appeals prior to review by the Planning Board. An applicant may request a pre-application meeting prior to receiving special exception approval.

9.3. **APPLICABILITY**

The following shall require site plan review and approval:

9.3.1. The construction or expansion of buildings, including accessory buildings and structures, for commercial use by a total floor area of 1,000 sq. ft. or more, or a lot’s alteration of more than ten thousand (10,000) square feet at multi-family residential properties.

9.3.2. Reuse of a commercial building that has been vacant for more than two (2) years;

9.3.3. The conversion of a residential building to a commercial use.

9.3.4. Minor revisions to an existing site plan seeking an amendment to that previously approved site plan.

9.3.5. Any change of use in which the intensity of use – as reflected in traffic generated,
impacts on municipal services, the environment and surrounding neighborhood – will differ in a substantial way from that of the preceding use.

9.4. SITE PLAN CONTENT

The site plan application shall include as a minimum:

9.4.1. Site Plan
A site plan or plans prepared at a scale of not less than 1 inch equals 50 feet, containing the following information:

9.4.1.1. Name and address of the applicant or his/her authorized agent and name of proposed development and any land within five hundred (500) feet of the proposed development in which the applicant has title or interest

9.4.1.2. Existing soil conditions as described by a soil scientist, geologist, engineer or Soil Conservation Service medium intensity soil survey

9.4.1.3. Town tax map and lot numbers and names of abutting land owners

9.4.1.4. Scale, true north arrow, legend and a space for dates of any revisions that may be required

9.4.1.5. Exact dimensions and acreage of parcel to be built upon. The corners of the parcel shall be located and marked on the ground and shall be referenced on the plan. For any site for which construction or grading is proposed, other than an enlargement of an existing building or construction of an accessory building, the Planning Board may require that the site plan include an actual field survey of the boundary lines of the lot, giving complete descriptive data by bearings and distances made and certified by a registered land surveyor.

9.4.1.6. Existing and proposed locations and dimensions of any utility lines, sewer lines, waterlines, easements, drainage ways and public or private rights-of-way

9.4.1.7. The size, shape and location of existing and proposed buildings on the parcel

9.4.1.8. If the site is to be served by a subsurface wastewater disposal system, a report by a licensed site evaluator shall be provided

9.4.1.9. Location and dimensions of on-site pedestrian and vehicular access ways, parking areas, loading and unloading facilities, design of ingress and egress of vehicles to and from the site onto public streets and curb and
sidewalk lines.

9.4.1.10. Landscaping plan showing location, type and approximate size of plantings and location and dimensions of all fencing and screening. Maintenance and replanting provisions shall be noted.

9.4.1.11. Natural contours at intervals of two (2) feet and final contours at intervals of two (2) feet, the natural contours to be shown by dashed lines and the final contours to be shown by solid lines. Where sufficient detail cannot be shown with two (2) foot contours, spot evaluations shall be required, with existing spot evaluations shown in parentheses to be distinguishable from final spot elevations. Where construction will not disturb the entire lot proposed for development, the requirement to map contours or spot elevations shall apply only to those portions of the lot that will be altered in any way and portions of the lot downslope from the proposed alterations to an extent sufficient to clearly delineate the existing and proposed course of drainage and the point or points of discharge from the lot.

9.4.1.12. Specification of quantities and grades of materials to be used if land-filling is proposed

9.4.1.13. Photos of the project area prior to any site preparation shall be submitted with the map


9.4.2. Written Statement

A written statement by the applicant shall consist of:

9.4.2.1. Evidence by the applicant of his/her title and interest in the land that the application covers

9.4.2.2. A description of the proposed uses to be located on the site

9.4.2.3. Total floor area and footprint of each proposed building and structure and the lot coverage as defined in Section 11.2

9.4.2.4. Summary of existing and proposed easements, restrictions, and covenants on the property

9.4.2.5. Method of solid, liquid, chemical, or other waste disposal

9.4.2.6. Erosion and sedimentation control plan, stormwater drainage control plan, and soils information
9.4.2.7. Approximate volume of soil to be added or removed, the amount of blasting required, and a disposition plan for removed materials

9.4.2.8. If public water and sewer are to be used, written statements from the water utility and sewer district shall be provided commenting on the capacity of the system and the availability of the utility to provide service to the new development

9.4.2.9. An estimate of the date when construction will start and be completed

9.4.2.10. List of approvals and permits required by the Office of the State Fire Marshal and other State and Federal Agencies

9.4.3. Minor Revisions to Approved Site Plans

9.4.3.1. Applicants proposing minor revisions to an existing site plan shall submit ten copies (10) of the revision application to the Town Office fifteen (15) calendar days prior to the Planning Board meeting at which the applicant wishes to be heard.

9.4.3.2. Application materials shall consist of the amended site plan as proposed and supporting documentation for all written statement requirements and standards applicable to the revision.

9.4.3.3. The Planning Board may schedule an on-site inspection meeting. The on-site inspection shall be jointly attended by the applicant, or his or her duly-authorized representative, and at least two (2) Planning Board members.

9.4.3.4. Within sixty (60) days after the date on which the site plan revision application first appears on the Planning Board agenda, the Board shall act to approve, approve with conditions, continue, or disapprove the site plan application submitted or amended. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant.

9.4.3.5. Minor revision applications are exempt from the pre-application process.

9.5. PERFORMANCE STANDARDS

The following standards are to be used by the Planning Board in judging applications for site plan reviews and shall serve as minimum requirements for approval of the site plan. The site plan shall be approved unless, in the judgment of the Planning Board, the applicant is not able to reasonably meet one or more of these standards. In all instances, the burden of proof shall be on the applicant.
9.5.1. Preservation and Enhancement of the Landscape
At completion, as defined during site plan review, landscaping should be designed and planted to define, soften or screen the appearance of off-street parking areas from the public right-of-way and abutting properties and structures.

9.5.2. Soils and Erosion Control
The soils on the site shall have adequate capacity and stability to support all proposed development. Filling, excavation and earth moving activity shall be carried out in a way that keeps erosion and sedimentation to a minimum. The design shall include best management practices that;

9.5.2.1. Preserve and protect the natural vegetation

9.5.2.2. Keep the duration of exposure of disturbed soils to as short a period as possible and stabilize the disturbed soils as quickly as practicable

9.5.2.3. Use temporary vegetation or mulching to protect exposed critical areas during development

9.5.3. Vehicular Access
Vehicular access shall comply with the access management standards of Section 5.3.1.

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

9.5.5. Surface Water Drainage
Adequate provision shall be made for surface drainage so that removal of storm waters will not adversely affect neighborhood properties, downstream water quality, or the public storm drain system or cause soil erosion. Whenever possible, on-site absorption of run-off waters shall be used to minimize discharges from the site.

9.5.6. Existing Utilities
The development shall not impose an unreasonable burden on sewers and storm drains, water lines or other public utilities.

9.5.7. Special Features of Development
Exposed storage areas, exposed machinery, installations, service areas, truck loading areas, utility buildings and similar structures shall have sufficient setbacks and screening to provide a sound and visual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding
properties.

**9.5.8. Exterior Lighting**
All exterior lighting shall be designed to minimize adverse impact on adjacent properties. Factors to be considered by the Planning Board in determining whether exterior lighting has been designed to minimize impact on neighboring properties shall include the location, height, shading and intensity/wattage of the proposed exterior lighting. Where practical, the Planning Board shall require exterior lighting fixtures to have motion detectors or other security options so that illumination occurs only when necessary and is otherwise dimmed or turned off.

**9.5.9. Emergency Vehicle Access**
Provisions shall be made for practical and safe emergency vehicle access to all buildings and structures at all times of the year.

**9.5.10. Municipal Services**
The development will not have an unreasonable adverse impact on municipal services.

**9.5.11. Water Quality**
Must comply with Federal and State regulations.

**9.5.12. Air Quality**
Must comply with Federal and State regulations.

**9.5.13. Water Supply**
The development has sufficient water available for the reasonably foreseeable needs of the development and will not cause an unreasonable burden on an existing water supply, if one is to be used.

**9.6. GENERAL PROVISIONS**

**9.6.1.** The Planning Board will find one, or more, of the performance standards above are not applicable to an application.

**9.6.2.** All construction performed under the authorization of a building permit issued for development within the scope of this Ordinance shall be in conformance with the approved site plan.

**9.6.3.** Site plan approval shall expire two (2) years after Planning Board approval if a building permit has not been issued. Applicants may seek a two-(2) year extension prior to an approved site plan’s expiration, unless the Ordinance, at the time of renewal, has changed to such an extent that the previously-approved use would no longer be permitted.
9.6.4. The Planning Board, after reviewing and finding specific technical deficiencies, may hire its own civil engineer, soil scientist, geologist or other expert to review the plan submitted by the applicant. The applicant shall pay for this expense.

9.6.5. The Planning Board may, in order to carry out the purposes of this Section, require reasonable conditions necessary to protect the public interest and to fit such uses harmoniously into their neighborhoods. Such conditions imposed shall be included in the building permits issued by the Code Enforcement Officer.

9.6.6. The Planning Board's decisions shall be made independently of and concurrently with State and Federal agencies' reviews but may be subject to their stricter requirements.

9.7. APPEALS

An appeal of the Planning Board's final decision may be filed by any person aggrieved by that decision. An appeal from a final decision of the Planning Board shall be to the Board of Appeals, which shall conduct its review on an appellate basis limited to the Planning Board record, to determine whether the Planning Board's decision was within the scope of its authority and supported by substantial evidence in the record.
10.1. **ADMINISTRATIVE APPEALS**

The Board of Appeals shall hear and decide appeals, on a de novo basis, where it is alleged that there is any error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer in the administration of this Ordinance. The Board of Appeals shall hear and decide appeals, on an appellate basis, where it is alleged that there is any error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance. When errors of administrative procedures or interpretation are found, the case shall be remanded to the Code Enforcement Officer or Planning Board for correction.

10.2. **VARIANCES**

The Board of Appeals shall authorize variances upon request, on a de novo basis, within the limitations set forth in this Ordinance.

10.2.1. Dimensional variances may be granted only from dimensional requirements including frontage, lot area, lot width, height, and setback requirements as set forth below.

10.2.2. Variances shall not be granted for establishment of any use otherwise prohibited by this Ordinance.

10.2.3. The Board of Appeals shall not grant a variance unless it finds that:

10.2.3.1. The proposed structure or use would meet the performance standards of this Ordinance except for the specific provision which has created the non-conformity and from which relief is sought;

10.2.3.2. The proposed structure or use will not interfere with access of firefighting apparatus to a structure on the land in question or adjacent property; and

10.2.3.2. The strict application of the terms of this Ordinance would result in an undue hardship.

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

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 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.

The Board of Appeals may grant a variance to a property owner for the purpose of making that property accessible to a person with a disability who is living or regularly visits the property. The Board of Appeals 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 property by the person with the disability.

10.2.4. The Board of Appeals may grant a variance to a property owner of a single-family dwelling that is the primary year-round residence of the petitioner from a setback requirement only when strict application of this Ordinance to the petitioner and the petitioner's property would cause undue hardship. A variance under this section may not exceed twenty (20) percent of a set-back requirement and may not be granted if the variance would cause the area of the dwelling to exceed the maximum permissible lot coverage (if applicable). If the petitioner has obtained the written consent of an affected abutting landowner, the twenty (20) percent limitation may be exceeded, except for minimum setbacks from a wetland or waterbody required by Section 6. The term "undue hardship" for this section means:

10.2.4.1. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

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

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

10.2.4.4. That the granting of the variance will not substantially reduce or impair the use of abutting property; and

10.2.4.5. That the granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

10.2.5. For variance requests for activities within the Shoreland Zone, a copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the Code Enforcement Officer 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.

10.3. SPECIAL EXCEPTIONS
The Board of Appeals shall hear and decide only those requests for special exceptions that are authorized by this Ordinance and which are specifically listed as special exceptions. The Board of Appeals shall decide such questions as are involved in determining whether such special exceptions should be granted; and by majority vote to grant such special exceptions with such conditions and safeguards as are appropriate under this Ordinance, or to deny such special exceptions when not in harmony with the purposes and intent of this Ordinance. An exception may be granted only if the petitioner has established to the satisfaction of the Board of Appeals that the following criteria are met:

10.3.1. That the proposed use will not have an adverse effect on the natural environment and/or that the site for that use does not have unusual physical characteristics such as topography, soils, lot size or shape which would have an adverse effect on surrounding properties.

10.3.2. That the proposed use would not significantly depreciate the value of surrounding property.

10.3.3. That the proposed use will not create an unreasonable demand for public services, including, but not limited to, public roads, fire protection, police protection, solid waste disposal, sewage treatment, public water supplies, schools, public open spaces and recreational programs and facilities.

10.3.4. That the proposed use would not result in an inordinate amount of pedestrian and/or vehicular traffic at or surrounding the site and/or cause any problems regarding emergency vehicle access.

10.3.5. When put to any other use, a structure originally designed as a dwelling shall not be put to a use that would cause rapid deterioration of the structure.

10.3.6. That the proposed use will not have an adverse effect on surrounding property in consideration of the expanse of pavement, intensity of use and the structure’s bulk and material.

10.3.7. That the proposed use will not have an adverse effect on the use and quiet possession of surrounding property owners, including, but not limited to, hours of operation, type of traffic and noise levels at property lines.

10.3.8. The applicant shall provide sufficient information and documentation to assure that the use will meet all applicable performance standards of this Ordinance.

10.3.9. Before granting any special exceptions, the Board of Appeals may refer the application to the Planning Board for an informational report concerning the effect of the request on the surrounding area and any other pertinent data with respect to the Comprehensive Plan.

10.3.10. The following Special Exception performance criteria shall be established where
applicable:

**10.3.10.1.** The use of heavy equipment on a regular basis in a residential neighborhood shall not be allowed before 6:00 a.m. and after 6:00 p.m.

**10.3.10.2.** Landscaping is to be preserved in its natural state insofar as practicable and shall be designed to stabilize slopes and buffer the site where necessary. The Board shall also consider the degree to which landscaping, fencing and other design elements have been incorporated to mitigate adverse effects on surrounding properties.

**10.3.10.3.** Review by the State Fire Marshall's Office is required for industrial and light industrial uses.

**10.4. HEARING PROCEDURES OF THE BOARD OF APPEALS**

**10.4.1.** The Board of Appeals may receive any oral or documentary evidence, but shall provide as a matter of policy for the exclusion of irrelevant, immaterial or unduly repetitious evidence. Every party shall have the right to present his/her case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct such cross examination as may be required for a full and true disclosure of the facts.

**10.4.2.** The appellant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chairperson. All persons at the hearing shall abide by the order of the Chairperson.

**10.4.3.** At any hearing, a party may be represented by agent or attorney. Hearings shall not be continued to other times except for good cause.

**10.4.4.** The Code Enforcement Officer or representative of the Planning Board shall attend all hearings and may present to the Board of Appeals all plans, photographs, or other material he/she deems appropriate for an understanding of the appeal.

**10.4.5.** The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, shall constitute the record.

**10.4.6. On-Site Inspection Option:** The Board of Appeals may hold an on-site inspection of the site to review the existing conditions, field verify the information submitted and investigate the development proposal. The Board of Appeals may decide not to hold an on-site inspection when the site is snow covered. If an application is pending during a period when there is snow cover, the deadline by which the Board of Appeals shall take final action on the application may be extended, which extension shall not exceed thirty (30) days after the Board of Appeals is able to conduct an on-site inspection. Written notice of the on-site inspection shall be provided to all parties entitled to notice.
10.4.7. Decision Procedures of the Board of Appeals

10.4.7.1. A majority of the members of the Board of Appeals shall constitute a quorum for the purpose of deciding an appeal.

10.4.7.2. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter on which it is required to pass under this Ordinance, or to or to grant any variance authorized by this Ordinance.

10.4.7.3. Standard of Review/Burden of Proof. When acting in a de novo capacity, the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of the evidence and the law, and reaching its own decision. When acting in an appellate capacity, the Board of Appeals may reverse the decision of the Planning Board only upon a finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The person filing the appeal shall have the burden of proof.

10.4.7.4. The Board of Appeals shall decide all appeals within thirty-five (35) days after hearing, and shall issue a written decision on all appeals.

10.4.7.5. All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, upon all the material issues of fact, law or discretion presented, and the appropriate order, relief or denial thereof. Notice of any decision shall be mailed or hand delivered to the petitioner, his representative or agent, the Code Enforcement Officer, Planning Board, and Board of Selectmen within seven (7) days of the decision date.

10.4.7.6. Upon notification of the granting of an appeal by the Board of Appeals, the Code Enforcement Officer or the Planning Board shall promptly issue a permit in accordance with the conditions of approval, provided that all required approvals have been received.

10.4.7.7. A copy of all variances affecting shoreland zoning granted by the Board of Appeals shall be submitted to the Maine Department of Environmental Protection within fourteen (14) days of the decision.

10.4.8. Reconsideration of Decision of the Board of Appeals

10.4.8.1. The Board of Appeals may reconsider any of its decisions 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 to be reconsidered. A vote to reconsider and any action taken on that reconsideration must occur and be completed within forty-five (45) days of the vote on the original decision. The Board of Appeals may conduct additional hearings and receive additional testimony.

10.4.8.2. Reconsideration should be for one of the following reasons: (1) The record contains significant factual errors due to fraud or mistake regarding facts upon which the decision was based; or (2) The Board misinterpreted the applicable ordinance, followed improper procedures, or acted beyond its jurisdiction

10.4.9. Appeal to Superior Court
An appeal may be taken within forty-five (45) days after any decision is rendered by the Board of Appeals, by any party to Superior Court in accordance with State Law, except that any appeal of a reconsidered decision under Section 10.4.8 must be made within 15 days after the decision on reconsideration.

10.5. VARIANCES RECORDED
If the Board of Appeal grants a variance under this section, a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of the granting, shall be prepared in recordable form. This certificate must be recorded in the County registry of deeds within ninety (90) days of the date of the final written approval of the variance or the variance is void. A variance is not valid until recorded as provided in this section. The date of the final written approval shall be the date stated on the written approval.
DEFINITIONS

11.1. CONSTRUCTION OF LANGUAGE

In this Ordinance, certain terms or words should be interpreted as follows:

11.1.1. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

11.1.2. The present tense includes the future tense, the singular number includes the plural and plural includes the singular.

11.1.3. The word "shall" means the action is mandatory.

11.1.4. The word “may” means the action is permitted.

11.1.5. The words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied".

11.1.6. The word "dwelling" includes the word "residence".

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

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

11.2. DEFINITIONS

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

ABUTTING PROPERTY: Any lot which is physically contiguous with the lot in question even if only at a point and any lot which is located directly across a public street or way from the lot in question.

ACCESS, VEHICULAR: A public or private roadway used to enter or leave a public highway from adjacent land using an on-road motor vehicle. An access may be a driveway or an entrance depending upon the type of land use and volume of traffic generated by that use.

ACCESSORY BUILDING, STRUCTURE OR USE: A building, structure or use which is incidental and subordinate to the principal building, structure or use. 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 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 / AGRICULTURAL ACTIVITY: 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 and does not include the construction, creation or maintenance of land management roads.

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

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

AQUACULTURE: The growing or propagation of harvestable freshwater plant or animal species.

ARCHAEOLOGICAL HISTORIC SITE OR STRUCTURE: Any site or structure that is listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district; Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or Individually listed on a inventory or historic places in communities which historic preservation programs that have been certified either: by an approved State program as determined by the Secretary of the Interior; or directly by the Secretary of the Interior in States without approved programs.

ASSISTED LIVING FACILITY: A type of multi-family dwelling, including multiple individual rooms or dwelling units to be occupied as a residential shared living environment. Such construction will normally include individual apartments or rooms, combined with shared community space, shared dining facilities, housekeeping services, personal care and assistance, transportation assistance, and specialized shared services such as medical support services and physical therapy. This definition includes boarding care, convalescent homes, elderly congregate housing, group homes, and nursing homes.

AUTOMOBILE RECYCLING FACILITY: An automobile recycling business is a business that purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts, rebuilding or repairing salvage vehicles for resale (See 30-A M.R.S.A. § 3752, as may be amended).
AUTOMOBILE REPAIR SERVICE: A place where, with or without the attendant sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; painting and undercoating of automobiles, ground transport, towing services, and vehicle rentals.

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

BASAL AREA: The area of cross-section of a tree trunk at four and one-half (4½) feet above ground level and inclusive of bark.

BASAL AREA, RESIDUAL: The sum of the basal area of trees remaining on a harvested site.

BASEMENT: Any portion of a structure with a floor-to-ceiling height of six (6) feet or more and having more than fifty (50) percent of its volume below the existing ground level.

BED-AND-BREAKFAST: An owner-occupied residential structure in which no more than three sleeping rooms are made available for a fee to overnight travelers and which may provide guests with a morning meal. Such establishments do not provide guests with the independent living quarters and eating facilities normally associated with a hotel or motel.

BOARDING HOUSE: A house in which boarders are provided, under contract, rooms and meals for a certain period of time, usually by the week or month.

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.

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

BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals or chattel. Each portion of a building, separated from other portions by a fire wall, shall be considered as a separate building.

BUILDING FOOTPRINT: The area covered by a building measured from the exterior surface of the exterior walls at grade level. Where the building is elevated above grade level on posts or similar devices, the building footprint is the area the building would cover if it were located at ground level.

BUSINESS SERVICE: A service listed under U.S. Standard Industrial Classification Code 73, including by way of example: advertising, credit reporting and collection, mailing and reproduction services, services to buildings, personnel supply services, computer and data
processing services, management and public relations, similar services to businesses, and the business offices of corporations or firms.

**CAMPGROUND, COMMERCIAL:** Any area or tract of land used to accommodate two (2) or more parties in temporary quarters, including, but not limited to tents, recreational vehicles, or other shelters, for profit.

**CAMPSITE:** Any area or tract of land used to accommodate no more than two (2) parties in temporary quarters, including, but not limited to, tents, recreational vehicles, or other shelters, not for profit.

**CANOPY:** The more or less continuous cover formed by tree crowns in a wooded area.

**CERTIFICATE OF OCCUPANCY:** Official certification that a premises conforms to provisions of the Land Use Ordinance, plumbing code, American with Disabilities Act, Life Safety 101 and NFPA 31 and may be used or occupied. Such a certificate is granted for new construction or for alteration or additions to existing structures. Unless such a certificate is issued, a structure cannot be lawfully occupied.

**CHURCH:** As used in this Ordinance, refers to a place of worship regardless of denomination.

**CLEAR CUT:** The harvesting of a stand of trees within a forested area of five (5) or more acres such that more than sixty (60) percent of the crown closure has been removed.

**CODE ENFORCEMENT OFFICER:** The official responsible for enforcement of this Ordinance and for other duties set forth by state statute and this Ordinance. The Code Enforcement Officer shall also have all the duties of a Building Inspector.

**COMMERCIAL OUTDOOR RECREATION:** Outdoor recreation activities that are operated by an entity other than a unit of government and which are available for use for a fee, including but not limited to standard golf courses, ice skating rinks, tennis courts, cross-country ski trails, and alpine ski trails, but excluding games and activities common to amusement parks. Private outdoor recreation facilities serving exclusively a residential use shall be considered accessory to the residential use.

**COMMERCIAL STRUCTURE:** A structure primarily used for the buying and selling of goods, natural or manufactured.

**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.

**COMMUNITY LIVING USE:** A state-approved, authorized, certified or licensed group home, or intermediate care facility for eight or fewer mentally handicapped or developmentally disabled persons.
CORNER LOT: Lot located at the intersection of two streets. Corner lots shall conform with the front yard setback on the primary street and the side yard setback requirements on the secondary street.

CURB CUT: The opening along the street right-of-way line at which point vehicles may enter or leave the street.

DAY CARE FACILITY: A house or place in which a person or combination of persons maintains or otherwise carries out a regular program, for a fee, for any part of a day, providing care and protection for three or more children under the age of 16 unrelated to the operator, not to include nursery schools, summer camps, formal public or private schools, and further defined by the Department of Health & Human Services as follows: DAY CARE CENTER: A Day Care Facility as defined in State statutes for thirteen (13) or more children on a regular basis; and DAY CARE HOME: A Day Care Facility as defined in State statutes for three (3) to twelve (12) children on a regular basis.

DECK: An attached open platform to a building or structure without a roof.

DE NOVO REVIEW: A review that looks at the factual and legal issues afresh, undertakes its own credibility determinations, evaluates the evidence presented, and draws its own conclusions.

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.

DRIVEWAY: A vehicular access-way serving no more than two (2) lots.

DWELLING: A building used as the living quarters for one or more families, containing a minimum of three hundred (300) square feet of floor area, exclusive of garages and similar unheated storage spaces, and equipped with a heating system and plumbing. The term includes manufactured housing as defined by 30-A M.R.S.A §4358, as may be amended.

DWELLING UNIT: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one (1) family. The term shall include mobile homes, but not recreational vehicles.

DWELLING, MULTI-FAMILY: A building, or portion thereof, used for residential occupancy by three (3) or more families, each living independently of the other.

DWELLING, SINGLE-FAMILY: A dwelling designed for and occupied by not more than one (1) family and having no roof, wall or floor in common with any other dwelling unit. The term shall include manufactured and prefabricated homes.
DWELLING, TWO-FAMILY: A detached or semi-detached building or similar structure used for residential occupancy by two (2) families living independently of each other.

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.

ENLARGEMENT OR EXPANSION OF USE: Any intensification of use in time, volume, or function, whether or not resulting from an increase in the footprint, height, floor area, land area or cubic volume occupied by a particular use, including but not limited to the addition of one or more months to a use's operating season; or the increased use of more floor area or ground area devoted to a particular use. Increases which are required in order to meet the requirements of the Americans with Disabilities Act and/or the State Fire Code are not considered to be enlargements or expansions of use.

ENTRANCE, VEHICULAR: A vehicular access serving one of the following land uses: residential use, developments serving three (3) or more dwelling units, retail, office, or service business uses including department stores, strip malls, convenience stores, gas stations, auto repair shops, restaurants, or similar uses.

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

EXPANSION OF A STRUCTURE: An increase to a structure’s footprint or volume, including all extensions such as, but not limited to, attached decks, garages, porches, and greenhouses.

FAMILY: One (1) or more persons occupying a premises and living as a single housekeeping unit.

FLEA MARKET: An outdoor market of rented space, selling antiques, used household goods, curios, and the like, at a frequency of no more than four days in any six month period.

FLOODWAY: The channel of a stream 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 creation, construction and maintenance of roads.

FORESTED WETLAND: A freshwater wetland dominated by woody vegetation that is six (6) meters (approximately 20 feet) tall or taller.

FOUNDATION: The supporting substructures of a building or other structure including but not limited to basements, slabs, sills, posts or frostwalls.

FRESHWATER WETLAND: Freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

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

2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

FRONTAGE, ROAD: The linear distance between the sidelines of a lot, measured along the lot line that borders upon whatever right-of-way serves as legal access to the lot. For the purposes of this Ordinance, the following ways shall constitute legal access to a lot along which frontage may be measured:

1. A way accepted by or established as belonging to the Town, Knox County, or the State of Maine, provided access is not specifically prohibited;

2. A way, whether dedicated to public ownership or not, as shown on an approved subdivision plan;

3. A private way which has not been approved by a governmental subdivision but which has been established in a deed recorded in a Registry of Deeds or otherwise legally established by adverse possession or adverse use.

FRONTAGE, SHORE: SEE SHORE FRONTAGE.

FUNCTIONALLY WATER-DEPENDENT USES: Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and that cannot 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, and uses that primarily provide general public access to inland waters.

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

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

**GREAT POND:** Pursuant to 38 M.R.S.A. §436-A, as may be amended, any inland body of water which in a natural state has a surface area in excess of 10 acres, and any inland body of water artificially formed or increased which has a surface area in excess of 30 acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

**GROUND COVER:** Small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

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

**HEIGHT OF A STRUCTURE OR BUILDING:** The vertical distance between the mean original grade at the side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area.

**HOME OCCUPATION:** An occupation or profession which is customarily conducted on or in a residential structure or property and which is:

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

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

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

**IMPERVIOUS SURFACE:** The area covered by buildings, structures and associated constructed facilities, areas which have been or will be covered by a low-permeability material, such as asphalt or concrete, and areas such as gravel roads and unpaved parking areas, which have been or will be compacted through design or use to reduce their permeability. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam, or
other surfaces which similarly impede the natural infiltration of stormwater.

**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 and complies with the requirements of Section 6. Included in this allowance are expansions which in-fill irregularly shaped structures.

**INDIVIDUAL PRIVATE CAMPSITE:** An area of land not associated with a campground, but which is developed for repeated camping by only one group not to exceed 10 individuals and which involves site improvements which may include but not be limited to gravel pads, parking areas, fireplaces, or tent platforms.

**INDUSTRIAL STRUCTURE:** A structure primarily used for the assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals and/or storage of goods.

**INDUSTRIAL USE:** 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.

**ITINERANT PEDDLER:** A person engaged in a temporary or transient business within the Town to sell goods and products within the public right of way or on private property.

**JUNKYARD:** A yard, field, or other area used as a place of storage for any of the following items, excluding items which are being stored out of doors for household use for a reasonable period of time:

1. Three (3) or more unserviceable, discarded, worn-out, or junked motor vehicles as defined by state law, not including temporary storage, as defined by state law, by an establishment or place of business engaged primarily in doing auto body repair work for the purpose of rendering a motor vehicle serviceable;

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

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

KENNEL, NON-COMMERCIAL: An accessory building to a residence designed or used for the accommodation of dogs or cats owned by the occupants of the residence.

LAND USE PERMIT: A permit for proposed land use activity as defined in this Ordinance and issued by the Code Enforcement Officer in accordance with the provisions of this Ordinance.

LIGHT MANUFACTURING: The fabrication or processing of materials into a finished product. Fabrication relates to the stamping, cutting or otherwise shaping of the processed materials into useful objects/products. Light manufacturing does not include the refining or other initial processing of basic raw materials such as metal ore, lumber or rubber.

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

LOT: A contiguous parcel of land in single or joint ownership described on a deed, plot plan, or similar legal document.

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.

LOT COVERAGE: The percentage of lot area covered or occupied by principal and accessory structures, and roads, driveways, parking lots and other impermeable/impervious surfaces.

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

LOT LINE: A line bounding a lot which divides one lot from another; or from a street or any other public or private space.

LOT LINE, FRONT: In the case of a lot abutting only one street, the street line separating such lot from such street; in the case of a double frontage lot, each street line separating such lot from a street shall be considered to be the front lot line, except where the rear yard requirement is greater than the front yard requirement in which case one of two opposing yards shall be a rear yard. In
the case of a lot with no road frontage, the front lot line shall be considered to be the lot line in front of the front entrance of the building.

LOT LINE, SIDE: Any lot line other than a front or rear lot line.

LOT LINE, REAR: That lot line which is parallel to and most distant from the front lot line of the lot; in the case of an irregular, triangular, or gore-shaped lot, a line twenty (20) feet in length, entirely within the lot, parallel to and at the maximum possible distance from, the front lot line shall be considered to be the rear lot line. In the case of lots which have frontage on more than one road or street, the rear yard shall be the two opposing yards.

LOT OF RECORD: Any validly recorded lot which at the time of its recordation complied with all applicable laws, ordinances, and regulations.

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

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

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, boat and tackle shops and marine fuel service facilities.

MARKET VALUE: The estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

MEDICAL CLINIC: An office building used by members of the medical profession for the diagnosis and out-patient treatment of human ailments, including, without limitation, a medical marijuana dispensary and a methadone clinic.

MEDICAL MARIJUANA DISPENSARY: A “registered dispensary” as that term is defined in 22 M.R.S.A. § 2422(6), as may be amended. A medical marijuana dispensary includes a location at which marijuana is cultivated by a registered dispensary pursuant to 22 M.R.S.A. § 2428, as may be amended. A medical marijuana dispensary is only authorized as a principal use, and not as an accessory use.

METHADONE CLINIC: A substance abuse treatment program that provides treatment for persons with heroin or other opiate addictions where the treatment provided includes
administration or prescription of methadone or other opioid replacements (e.g., methadone, methadone hydrochloride or LAAM (leva-alpha-acetyl-methadol)) for either detoxification or maintenance purposes.

**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 material from its natural location and to transport the product removed, away from the extraction site.

**MINIMUM LOT WIDTH:** The closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

**MOBILE HOME/MANUFACTURED HOUSING UNIT:** A detached residential dwelling unit designed for transportation, after fabrication, on streets or highways on its own wheels, or on a flat bed or other trailer, and arriving at the site where it is to be occupied as a dwelling unit complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, such as locating on jacks or other foundation, or connection to utilities. For the purpose of this Ordinance, a mobile home shall be treated as a single-family dwelling and be subject to all land use regulations applicable thereto. Mobile homes may be differentiated between:

1. **NEWER MOBILE HOME:** Those units constructed after June 15, 1976, which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards and complies with the Manufactured Housing Construction and Safety Standards Act of 1974, et seq., which in the traveling mode are 14 body feet or more in width and are 750 or more square feet and are constructed on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation;

2. **OLDER MOBILE HOMES:** Those units constructed before June 15, 1976, and not in compliance with the Manufactured Housing Construction and Safety Standards Act of 1974, which are constructed on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, but does not include those smaller units commonly called travel trailers.

**MOBILE HOME PARK:** A parcel of land in unified ownership approved by the Town for the placement of three (3) or more manufactured housing units.

**MOBILE HOME PARK LOT:** A parcel of land within a mobile home park, designated on the mobile home park plan, on which an individual manufactured housing unit (mobile home) may be located and which is reserved for use by the occupants of that home.

**MOTEL:** A building or group of buildings designed, intended or used primarily for providing
temporary living accommodations which may include provisions for living space, cooking, bathing and eating.

**Motel Unit:** A room or group of rooms designed and equipped for use as temporary living quarters which may include provisions for living space, cooking, bathing, and eating.

**Motor Vehicle, unserviceable:** Any motor vehicle which is wrecked, dismantled, cannot be operated legally on any public highway, or which is not being used for the purposes for which it was manufactured.

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

**Native:** Indigenous to the local forests.

**Natural Areas and Natural Communities/unique natural areas and natural communities:** Areas identified by a governmental agency such as the Maine Department of Conservation Natural Areas Program as having significant value as a natural area and any areas identified in the Comprehensive Plan.

**Neighborhood Store:** A retail store that occupies less than 2,000 square feet of total floor space and within which no alcoholic beverages are consumed.

**Non-Conforming Condition:** A 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-conformity, increase:** See increase in nonconformity of a structure

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

**Normal High-Water Line:** That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers and great ponds, the normal high-water line is the upland edge of the
wetland, and not the edge of the open water.

**PARKING LOT:** An open area other than a street used for the parking of more than four automobiles and available for employee parking and public use whether free, for compensation, or an accommodation for clients or customers.

**PARKING SPACE:** An area not less than ten (10) feet wide and twenty (20) feet long, not including the access thereto, accessible from street or aisles leading to streets and usable for the storage or parking of passenger vehicles. Parking space or access thereto may be construed to be usable year round. A parking space to accommodate the handicapped shall be an area not less than twelve (12) feet wide and eighteen (18) feet long.

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

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

**PERSON:** An individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two (2) or more individuals having a joint or common interest, or other legal entity.

**PERSONAL SERVICE:** A service listed under U.S. Standard Industrial Classification Code 72, and including laundry and cleaning services, photography studios, shoe repair shops, funeral homes, and similar services to the general public.

**PORCH:** An attachment to a building or structure which has a roof and may be screened or enclosed; it will not be heated.

**PRINCIPAL STRUCTURE:** A building or similar structure in which is conducted or in which is intended to be conducted, the main or primary use of the lot on which it is located.

**PRINCIPAL USE:** The specific primary purpose for which land is used.

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

**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.

**QUASI-PUBLIC FACILITY:** A facility for a recognized public purpose, such as an auditorium,
library, park, or museum, which is operated by a not-for-profit organization or by a public agency other than the Town, the State or the federal government.

**RECENT FLOODPLAIN SOILS:** the following soil series as described and identified by the National Cooperative Soil Survey:

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<th>Fryeburg</th>
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<th>Limerick</th>
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<tr>
<td>Lovewell</td>
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<td>Rumney</td>
<td>Saco</td>
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<td>Suncook</td>
<td>Sunday</td>
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**RECHARGE AREA:** Area composed of permeable, porous material through which precipitation and surface water infiltrate and directly replenish groundwater in aquifers.

**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 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 subsurface waste water system intended to replace:

1. Any 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.

**RESTAURANT:** A full service eating facility that meets the following criteria:

1. Food and beverages are served at a table for consumption predominately on the premises.

2. Plates and utensils are washed on premises.

3. At least fifty (50) percent of the seating is within the building.

4. State and Town hygiene requirements are met.

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

**RIGHT OF WAY:** The legal right, established by usage or grant, to pass along a specific route through property belonging to another.

**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 which often serves as the principal means of access to abutting properties.

**ROAD, PRIVATE:** SEE WAY, PRIVATE

**ROAD, PUBLIC:** A public thoroughfare, way, or easement permanently established for passage of persons or vehicles and which has been duly recorded as such in the Knox County Registry of Deeds.

**ROOMING HOUSE:** A building of residential character in which three (3) or more rooms are rented to guests for the purpose of lodging and/or the taking of meals. The renting of one or two (2) bedrooms in a dwelling otherwise used as living quarters for one family shall not be considered a rooming house but rather shall be considered an accessory use to the single family dwelling.

**SCHOOL, COMMERCIAL:** A place or institution for teaching and learning, which place or institution is established for commercial or profit-making purposes, including, by way of example only, schools for dance, music, riding, gymnastics, photography, driving or business.

**SCHOOL, PUBLIC AND PRIVATE:** A place or institution for teaching and learning, which place or institution teaches courses of study sufficient to qualify attendance there as being in compliance with state compulsory education requirements. A public school, as differentiated from a private school, is operated by a municipal corporation or school administrative district or, for the purposes of this Ordinance, by a recognized religious organization.

**SERVICE DROP, ELECTRICAL:** Any electrical utility line extension which does not cross or run beneath any portion of a water body provided that:

1. 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
2. The total length of the extension is less than 1,000 feet.
SERVICE DROP, TELEPHONE: Any telephone utility line extension which does not cross or run beneath any portion of a water body provided that:

1. The extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or

2. The extension requiring the installation of new utility poles or placement underground is less than 1,000 feet in length.

SETBACK: The minimum distance from the edge of the road surface or lot line to the nearest part of a structure.

SETBACK, BACK OR REAR: The distance between the rear line of the lot, extending the full width of the lot, and the nearest part of any principal or accessory structure. Back or rear setback and back or rear yard are synonymous.

SETBACK, FRONT: The distance between the edge of the road surface extending the width of the frontage, and the nearest part of any principal or accessory structure. Front setback and front yard setback are synonymous.

SETBACK, SHORELINE: The nearest horizontal distance from the normal high-water line to the nearest part of a structure, road, parking space or other regulated object or area.

SETBACK, SIDE: The distance between the side property line and the nearest part of any principal or accessory structure. Any lot line not a back lot line or a front lot line shall be deemed a side lot line. Side setback and side yard are synonymous.

SHORE FRONTAGE: The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

SHORELAND ZONE: The land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond, river, or saltwater body; within two hundred and fifty (250) feet of the upland edge of a coastal or freshwater wetland; or within seventy-five (75) feet of the normal high-water line of a stream.

SHORELINE: The normal high-water line of a water body, or upland edge of a freshwater wetland.

SIGN: Structure, device, letter, word, model, banner, insignia, flag, or other representation which is used as or is in the nature of an advertisement, announcement, or direction. The area of a sign is the area on one side of the smallest simple geometric shape such as a square, rectangle, triangle, circle, etc., encompassing all lettering, wording, design, symbols, together with any background which is not the same color as the building. An inconspicuous support such as a slim post is not part of sign area.

SIGN, ILLUMINATED: A sign that has characters, letters, figure, designs, or outlines
illuminated by electric lighting or luminous tubes as part of the sign, and not the so-called neon tube, or whose illumination is derived entirely from an external artificial source.

**SIGN, OFF-PREMISE:** A sign that is not located upon the same real property that the business, facility, or point of interest which it serves is located.

**SIGN, ON-BUILDING:** A sign that is attached to the building wall and which extends not more than six inches from the face of such wall.

**SIGN, ON-PREMISE:** A sign that is located upon the same real property that the business, facility or point of interest which it serves is located.

**SIGN, TEMPORARY:** A sign of a temporary nature, erected less than ninety (90) days, within any twelve (12) month period, exemplified by the following: political signs, charitable signs, fundraising sign, construction signs, carnival signs, garage sales, lawn sales, rummage sales, and all signs advertising sales of personal property (excluding mobile homes), and for rent signs. Any exterior sign displayed by an ongoing business on the business premises on which the written or printed message changes while the structure of the sign remains unchanged shall not be considered as a temporary sign. For example, chalkboards and signs with removable lettering shall not be considered temporary signs if in place for ninety (90) days or more within any twelve (12) month period.

**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 from the confluence of 2 perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minutes series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within the shoreline area.

**STRUCTURE:** Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily or permanently located, such as decks and satellite dishes, buildings, mobile homes, radio towers, sheds, signs, decks, and storage bins.

**STRUCTURE, ACCESSORY:** A building or similar structure which

1. Is subordinate in area, extent and purpose to the principal building or use served,

2. Is located on the same lot as the principal building or use served except as otherwise expressly authorized by the provisions of this Ordinance, and
3. Is customarily incidental to the principal building or use.

Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory or similar structure.

SUBSTANTIAL START: A building is substantially started when the foundation is complete. A substantial start must be made within six months of a building permit being issued.

SUBSURFACE WASTEWATER 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. § 414, as may be amended, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 M.R.S.A. Chapter 13, subchapter 1, as may be amended.

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 trees from their growing site for the primary purpose of selling or processing forest products., and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction.

TRADESMAN'S SHOP: The shop of a self-employed craftsman or person in a skilled trade.

TRANSIENT: A non-resident person residing within the Town of Hope less than thirty (30) days.

TRIBUTARY STREAM: A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or by the presence of aquatic vegetation, and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. “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.

The definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

UPLAND EDGE: The boundary where the soils change from those soils that are saturated and support the growth of wetland vegetation to those soils which are not saturated for a duration sufficient to support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six meters, approximately twenty feet tall or taller.
USE: The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

USE, ACCESSORY: A use subordinate to a permitted use located on the same lot, and customarily incidental to the permitted use.

USE, CONFORMING OR PERMITTED: A use which may be lawfully established in a particular district provided it conforms to all the requirements, standards and regulations of such district.

USE, OPEN SPACE: A use which does not disturb the existing state of the land except to restore this land to a natural condition.

VARIANCE: A variance is a relaxation of the terms of this Ordinance by decision of the Board of Appeals. It can be granted only where such variance will not be contrary to the public interest and only where a literal enforcement of the Ordinance will result in undue hardship as set forth in Section 10.2.

VEGETATION: All live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under four (4) inches in diameter, measured at four and one-half (4 ½) feet above ground level.

VOLUME OF 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.

WAREHOUSES AND STORAGE FACILITIES: Facilities that are dedicated to the storage and distribution of manufactured products, supplies and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

WATER BODY: Any great pond, river, or stream.

WATER CROSSING: Any project extending from one bank to the opposite bank of a 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.

WAY, PRIVATE: A thoroughfare or way designated for private use and maintained by a property owner or group of property owners and which has been duly recorded as such in the Knox County Registry of Deeds.

WETLAND: A freshwater wetland.

WETLANDS ASSOCIATED WITH GREAT PONDS: Wetlands contiguous with or adjacent
to a great pond, and which during normal high water, are connected by surface water to the great pond. Also included are wetlands which are separated from the great pond by a berm, causeway, or similar features less then one hundred (100) feet in width, and which have a surface elevation at or below the normal high water line of the great pond. Wetlands associated with great ponds are considered to be part of that great pond, such that the shoreland zone encloses both the great pond and the wetland as a whole.

**WHOLESALE BUSINESS ESTABLISHMENT:** Any business, housed in a permanent structure, engaged in the sale of goods in large amounts to retailers or jobbers, rather than directly to consumers.

**WILDLIFE HABITAT:** Areas identified by a governmental agency such as the Maine Department of Inland Fisheries and Wildlife as having significant value as habitat for animals and any areas identified in the comprehensive plan.

**WIND ENERGY FACILITY:** An electricity generating facility consisting of one or more wind turbines under common ownership or operating control, and includes substations, MET Towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customer(s).

**WIND TURBINE, COMMERCIAL:** A wind energy conversion system which converts wind energy into electricity through the use of a wind-driven turbine generator when the total height exceeds one-hundred fifty (150) feet or the nameplate capacity exceeds one-hundred (100) kilowatts. Such wind turbine includes the turbine, blade, tower, base and pad transformer, if any.

**WIND TURBINE, PERSONAL:** A wind energy conversion system which converts wind energy into electricity through the use of a wind-driven turbine generator when the total height is one-hundred fifty (100) feet or less and where no less than 60 percent of the energy generated remains on the property.

**WIND TURBINE, HOBBYIST:** A wind energy conversion system which converts wind energy into electricity through the use of a wind-driven turbine generator when the total height is less than fifty (50) feet and the prop diameter is twelve (12) feet or less.

**WIRELESS TELECOMMUNICATIONS FACILITIES, CELL TOWERS, ANTENNA TOWERS:** Structures that receive and/or transmit wireless communications or other signals, excluding emergency, temporary wireless telecommunications facilities, amateur (ham) radio stations, parabolic antenna less than seven (7) feet in diameter and that are an accessory use of the property, or antennas as a residential accessory use.

**WOODY VEGETATION:** Live trees or woody, non-herbaceous shrubs.
TOWN OF HOPE
LOCAL FOOD AND COMMUNITY SELF-GOVERNANCE ORDINANCE
(Approved November 8, 2011)

PREAMBLE

We, the People of the Town of Hope, Knox County, Maine, have the right to produce, process, sell, purchase and consume local foods thus promoting self-reliance, the preservation of family farms, and local food traditions. We recognize that family farms, sustainable agricultural practices, and food processing by individuals, families and non-corporate entities offers stability to our rural way of life by enhancing the economic, environmental and social wealth of our community. As such, our right to a local food system requires us to assert our inherent right to self-government. We recognize the authority to protect that right as belonging to the Town of Hope.

We have faith in our citizens’ ability to educate themselves and make informed decisions. We hold that federal and state regulations impede local food production and constitute a usurpation of our citizens’ right to foods of their choice. We support food that fundamentally respects human dignity and health, nourishes individuals and the community, and sustains producers, processors and the environment. We are therefore duty bound under the Constitution of the State of Maine to protect and promote unimpeded access to local foods.

SECTION 1: TITLE

This Ordinance shall be known and may be cited as the “Town of Hope Local Food and Community Self-Governance Ordinance” (the “ordinance”).

SECTION 2: PURPOSE

The purpose of the Town of Hope Local Food and Community Self-Governance Ordinance is to:

1. Provide citizens with unimpeded access to local food;
2. Enhance the local economy by promoting the production and purchase of local agricultural products;
3. Protect access to farmers’ markets, roadside stands, farm based sales and direct producer to patron sales;
4. Support the economic viability of local food producers and processors;
5. Preserve community social events where local foods are served or sold;
6. Preserve local knowledge and traditional food ways.
3: AUTHORITY

This Ordinance is adopted and enacted pursuant to the inherent, inalienable, and fundamental right of the citizens of the Town of Hope to self-government, and under the authority recognized as belonging to the people of the Town by all relevant state and federal laws including, but not limited to the following:

1. The Declaration of Independence of the United States of America, which declares that governments are instituted to secure peoples’ rights, and that government derives its just powers from the consent of the governed.

2. Article I, §2 of the Maine Constitution, which declares: “all power is inherent in the people; all free governments are founded in their authority and instituted for their benefit, [and that] they have therefore an unalienable and indefeasible right to institute government and to alter, reform, or totally change the same when their safety and happiness require it.”

3. §3001 of Title 30-A of the Maine Revised Statutes, which grants municipalities all powers necessary to protect the health, safety and welfare of the residents of the Town of Hope.

4. §211 of Title 7 of the Maine Revised Statutes, which states: “it is the policy of the State to encourage food self-sufficiency for the State.”

SECTION 4: STATEMENTS OF LAW

4.1 Licensure/Inspection Exemptions

(1) Producers or processors of local foods in the Town of Hope are exempt from licensure and inspection provided that the transaction is only between the producer or processor and a patron when the food is sold for home consumption. This includes any producer or processor who sells his or her products at farmers’ markets or roadside stands; sells his or her products through farm-based sales directly to a patron; or delivers his or her products directly to patrons.

(2) Producers or processors of local foods in the Town of Hope are exempt from licensure and inspection provided that their products are prepared for, consumed, or sold at a community social event.
4.2 **Right to Access and Produce Food.** Hope citizens possess the right to produce, process, sell, purchase, and consume local foods of their choosing.

4.3 **Right to Self-Governance.** All citizens of Hope possess the right to a form of governance which recognizes that all power is inherent in the people and that all free governments are founded on the people’s authority and consent.

4.4 **Right to Enforce.** Hope citizens possess the right to adopt measures which prevent the violation of the rights enumerated in this Ordinance.

**SECTION 5: STATEMENT OF LAW IMPLEMENTATION.**

The following restrictions and provisions serve to implement the preceding statements of law.

5.1 **State and Federal Law.** It shall be unlawful for any law or regulation adopted by the state or federal government to interfere with the rights recognized by this Ordinance. It shall be unlawful for any corporation to interfere with the rights recognized by this Ordinance. The term “corporation” shall mean any business entity organized under the laws of any state or country.

5.2 **Patron Liability Protection.** Patrons purchasing food for home consumption may enter into private agreements with those producers or processors of local foods to waive any liability for the consumption of that food. Producers or processors of local foods shall be exempt from licensure and inspection requirements for that food as long as those agreements are in effect.

**SECTION 6: CIVIL ENFORCEMENT**

The Town of Hope may enforce the provisions of this Ordinance through seeking equitable relief from a court of competent jurisdiction. Any individual citizen of the Town of Hope shall have standing to vindicate any rights secured by this Ordinance which have been violated or which are threatened with violation, and may seek relief both in the form of injunctive and compensatory relief from a court of competent jurisdiction.

**SECTION 7: TOWN ACTION AGAINST PREEMPTION**

The foundation for making and adopting this law is the peoples’ fundamental and inalienable right to govern themselves, and thereby secure their rights to life, liberty, and the pursuit of happiness. Any attempt to use other units and levels of government to preempt, amend, alter or overturn this Ordinance or parts of this Ordinance shall require the Town to hold public meetings that explore the adoption of other measures that expand local control and the ability of citizens to
protect their fundamental and inalienable right to self-government. It is declared that those other measures may legitimately include the partial or complete separation of the Town from the other units and levels of government that attempt to preempt, amend, alter, or overturn this Ordinance.

SECTION 8: EFFECTIVE DATE

This Ordinance shall be effective immediately upon its enactment.

SECTION 9: SEVERABILITY

To the extent any provision of this Ordinance is deemed invalid by a court of competent jurisdiction, such provision will be removed from the Ordinance, and the balance of the Ordinance shall remain valid.

SECTION 10: REPEALER

All inconsistent provisions of prior Ordinances adopted by the Town of Hope are hereby repealed, but only to the extent necessary to remedy the inconsistency.

SECTION 11: DEFINITIONS

As used in this Ordinance, the following words and phrases shall have the meanings indicated:

Community social event. “Community social event” means an event where people gather as part of a community for the benefit of those gathering, or for the community, including but not limited to a church or religious social, school event, potluck, neighborhood gathering, library meeting, traveling food sale, fundraiser, craft fair, farmers market and other public events.

Home consumption. “Home consumption” means consumed within a private home.

Local Foods. “Local Foods” means any food or food product that is grown, produced, or processed by individuals who sell directly to their patrons through farm-based sales or buying clubs, at farmers markets, roadside stands, fundraisers or at community social events.

Patron. “Patron” means an individual who is the last person to purchase any product or preparation directly from a processor or producer and who does not resell the product or preparation.
**Processor.** “Processor” means any individual who processes or prepares products of the soil or animals for food or drink.

**Producer.** “Producer” means any farmer or gardener who grows any plant or animal for food or drink.
Town of Hope Property Assessed Clean Energy (PACE) Ordinance

PREAMBLE

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

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

WHEREAS, the Town of Hope (the “Town”) wishes to establish a PACE program; and

NOW, THEREFORE, the Town hereby enacts the following Ordinance:

ARTICLE I - PURPOSE AND ENABLING LEGISLATION

Section 1 - Purpose.

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

Section 2 - Enabling Legislation.

The Town enacts this Ordinance pursuant to 35-A M.R.S.A. § 10151, et seq.

ARTICLE II - TITLE AND DEFINITIONS

Section 3 - Title.

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

Approved: June 14, 2011
Section 4 - Definitions.

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

1. **Energy saving improvement.** “Energy saving improvement” means an improvement to qualifying property that is new and permanently affixed to qualifying property and that:

   A. Will result in increased energy efficiency and substantially reduced energy use and:

      (1) Meets or exceeds applicable United States Environmental Protection Agency and United States Department of Energy Energy Star program or similar energy efficiency standards established or approved by the Trust; or

      (2) Involves air sealing, insulating, and other energy efficiency improvements of residential, commercial or industrial property in a manner approved by the Trust; or

   B. Involves a renewable energy installation or an electric thermal storage system that meets or exceeds standards established or approved by the trust.

2. **Municipality.** “Municipality” shall mean the Town of Hope.

3. **PACE agreement.** “PACE agreement” means an agreement between the owner of qualifying property and the Trust that authorizes the creation of a PACE mortgage on qualifying property and that is approved in writing by all owners of the qualifying property at the time of the agreement, other than mortgage holders.

4. **PACE assessment.** “PACE assessment” means an assessment made against qualifying property to repay a PACE loan.

5. **PACE district.** “PACE district” means the area within which the Municipality establishes a PACE program hereunder, which is all that area within the Municipality’s boundaries.

6. **PACE loan.** “PACE loan” means a loan, secured by a PACE mortgage, made to the owner(s) of a qualifying property pursuant to a PACE program to fund energy saving improvements.
7. **PACE mortgage.** “PACE mortgage” means a mortgage securing a loan made pursuant to a PACE program to fund energy saving improvements on qualifying property.

8. **PACE program.** “PACE program” means a program established under State statute by the Trust and a municipality under which property owners can finance energy savings improvements on qualifying property.

9. **Qualifying property.** “Qualifying property” means real property located in the PACE district of the Municipality.

10. **Renewable energy installation.** “Renewable energy installation” means a fixture, product, system, device or interacting group of devices installed behind the meter at a qualifying property, or on contiguous property under common ownership, that produces energy or heat from renewable sources, including, but not limited to, photovoltaic systems, solar thermal systems, biomass systems, landfill gas to energy systems, geothermal systems, wind systems, wood pellet systems and any other systems eligible for funding under federal Qualified Energy Conservation Bonds or federal Clean Renewable Energy Bonds.

11. **Trust.** “Trust” means the Efficiency Maine Trust established in 35-A M.R.S.A. § 10103 and/or its agent(s), if any.

**ARTICLE III - PACE PROGRAM**

**Section 5 - Establishment; funding.**

The Municipality hereby establishes a PACE program allowing owners of qualifying property located in the PACE district who so choose to access financing for energy saving improvements to their property through PACE loans administered by the Trust or its agent. PACE loan funds are available from the Trust in municipalities that: (1) adopt a PACE Ordinance; (2) adopt and implement a local public outreach and education plan; (3) enter into a PACE administration contract with the Trust to establish the terms and conditions of the Trust’s administration of the municipality’s PACE program; and (4) agree to assist and cooperate with the Trust in its administration of the municipality’s PACE program.

**Section 6 - Amendment to PACE program.**

In addition, the Municipality may from time to time amend this Ordinance to use any other funding sources made available to it or appropriated by it for the express purpose of its PACE program, and the Municipality shall be responsible for administration of loans made from those other funding sources.
ARTICLE IV – CONFORMITY WITH THE REQUIREMENTS OF THE TRUST

Section 7 - Standards adopted; Rules promulgated; model documents.

If the Trust or other State or federal agency adopts standards, promulgates rules, or establishes model documents subsequent to the Municipality’s adoption of this Ordinance and those standards, rules or model documents substantially conflict with this Ordinance, the Municipality shall take necessary steps to conform this Ordinance and its PACE program to those standards, rules, or model documents.

ARTICLE V – PROGRAM ADMINISTRATION; MUNICIPAL LIABILITY

Section 8 - Program Administration.

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

   A. the Trust will enter into PACE agreements with owners of qualifying property in the Municipality’s PACE district;

   B. the Trust, or its agent, will create and record a Notice of the PACE agreement in the appropriate County Registry of Deeds to create a PACE mortgage;

   C. the Trust, or its agent, will disburse the PACE loan to the property owner;

   D. the Trust, or its agent, will send PACE assessment statements with payment deadlines to the property owner;

   E. the Trust, or its agent, will be responsible for collection of the PACE assessments;

   F. the Trust, or its agent, will record any lien, if needed, due to nonpayment of the PACE assessment;

   G. the Trust or its agent on behalf of the Municipality, promptly shall record the discharges of PACE mortgages upon full payment of the PACE loan.

2. Assessments Not a Tax. PACE assessments do not constitute a tax but may be assessed and collected by the Trust in any manner determined by the Trust and consistent with applicable law.
Section 9 - Liability of Municipal Officials; Liability of Municipality.

1. Notwithstanding any other provision of law to the contrary, municipal officers and municipal officials, including, without limitation, tax assessors and tax collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under or related to a PACE program, including, without limitation, claims for or related to uncollected PACE assessments.

2. Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under Article V, Sec. 8(1) above, a municipality has no liability to a property owner for or related to energy savings improvements financed under a PACE program.
Parking Ordinance
Town of Hope

1. AUTHORITY AND PURPOSE: This ordinance is adopted by the Municipal Officers (Selectmen) of the Town of in accordance with 30-A MRSA § 3009. The Selectmen find that unrestricted parking of motor vehicles on certain portions of public ways in Town creates a traffic hazard and is dangerous to motorists and pedestrians alike. Unrestricted parking causes traffic congestion, reduces sight distances for motorists, impedes winter maintenance, and causes motorists to drive outside the designated travel lane and into oncoming traffic. The purpose of this ordinance is to regulate parking as necessary to protect the public health, safety and welfare.

2. DEFINITIONS: Words used in this ordinance shall be defined in accordance with 29-A MRSA §101; any undefined word shall have its common, ordinary meaning.

3. RESTRICTIONS: No person shall park a motor vehicle on the following public ways (see list attached as Exhibit A) or portions of public ways, where "No Parking / Tow Away Zone" signs or signs bearing similar language have been erected by the municipality:

4. TOWING: A motor vehicle parked in violation of this ordinance may be towed by a wrecker authorized by the municipality, at the request of and under the supervision of the town constable or other official duly authorized and appointed by the Selectmen. Within 5 days of the tow the municipal official who supervised the tow shall send to the registered owner a notice stating the date and time of the tow, the location where the motor vehicle is impounded, and the requirements for release of the motor vehicle.

5. RELEASE OF TOWED VEHICLE: Any person seeking release of a motor vehicle towed pursuant to this ordinance must first (a) pay all towing charges and storage charges and (b) present satisfactory evidence of his or her right to possession and sign a receipt for the vehicle.

6. PRIMA FACIE EVIDENCE OF OPERATION: No person shall cause, allow or permit a motor vehicle registered in his or her name to park in violation of this ordinance. The fact that a motor vehicle is unlawfully parked shall be prima facie evidence of the unlawful parking of such vehicle by the person in whose name such vehicle is registered.

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

Date adopted: August 6, 2002

Jerry Litkerman, Chairman

Eric Campbell, Vice-Chairman

John Wilson

Walter Campbell

James Annis
EXHIBIT A

**Pond Road**: North side of Pond Road from Barnestown Road to shore of Hobbs Pond
Hope Planning Board Ordinance

I. Establishment

Pursuant to Article VIII of the Maine Constitution and 30-A M.R.S.A. Sections 2691 and 3001, the Town of Hope hereby establishes a Planning Board.

II. Appointment

A. Hope Planning Board members shall be appointed by the Municipal Officers and sworn into office by the Town Clerk or other person authorized to administer oaths.

B. The Planning Board shall consist of seven (7) regular members.

C. The term of each member shall be five (5) years, except the initial appointments, which shall two board members for one year, one board member for two years, one board member for three years, one board member for four years, and two board members for five years.

D. When there is a permanent vacancy on the Hope Planning Board, the Municipal Officers shall, within 60 days of a vacancy’s occurring, appoint a person to serve for the unexpired term. A vacancy shall occur upon the resignation or death of any member, or when a member ceases to be a legal resident of the Town of Hope, or when a member fails, without good cause, to attend four (4) consecutive regular meetings, or at least 75% of all meetings during the preceding twelve month period. When a vacancy occurs, the Chairperson of the Planning Board shall immediately advise the Municipal Officers in writing. The Municipal Officers may remove members of the Planning Board, by unanimous vote, for cause, after due process, including notice and hearing.

E. A Municipal Officer may not be a member of the Planning Board.

III. Organization and Rules

A. The Planning Board shall elect a Chairperson, Vice-Chairperson, and Secretary annually from among its members. Officers shall be elected at the first regularly scheduled meeting following the Annual Town Meeting.

B. Any question of whether a member shall disqualified from voting on a particular matter shall be decided by a majority vote of the members, except the member who is being challenged.

C. No meeting of the Planning Board shall be start without a quorum consisting of four members. The Board shall act by a majority vote of those members present and authorized to vote.

D. Planning Board meeting notices, site walk notices, and accompanying agendas, shall be posted at least one business day prior to the event. These notices shall be posted at the Town Office and sent electronically to Town Office staff.
E. The Planning Board shall adopt by-laws for the transaction of business and the Town Office shall keep a record of the Board's resolutions, correspondence, findings and determinations. All records are public and may be inspected at reasonable times.

IV. Powers and Duties of the Hope Planning Board

A. The Planning Board shall perform such duties and exercise such powers as are provided by Hope Ordinances and the laws of the State of Maine.

B. The Planning Board shall adopt bylaws governing board functions. Initial adoption of Planning Board bylaws, and all subsequent amendments, shall be subject to review and approval of the Board of Selectmen.

C. The Chairman of the Planning Board will submit an annual report to the Chairman of the Board of Selectmen by April 1 on the Board’s actions.

V. Repeal of Prior Planning Board Ordinance

Any Planning Board Ordinance creating an "old" Planning Board prior to the establishment of this Planning Board Ordinance is hereby repealed. It is the intent of this Ordinance to establish a “new” lawfully authorized Planning Board under the provisions of 30-A M.R.S.A 3001.
So long as a quorum is present, all municipal boards and commissions may conduct official business by majority vote despite vacancies. A quorum is a majority of all of the members of the board or commission and the basic requirement for approval of an action is by majority vote at a regular or specially called meeting. So long as there remains a sufficient number of members on the board or commission to constitute a quorum, and so long as a quorum is present at a meeting, the board or commission shall retain the full power to render decisions despite vacancies on the board.
ORDINANCE PROHIBITING RETAIL MARIJUANA ESTABLISHMENTS AND RETAIL MARIJUANA SOCIAL CLUBS IN THE TOWN OF HOPE, MAINE

Section 1. Authority
This ordinance is enacted pursuant to the Marijuana Legalization Act, 7 M.R.S. c. 417, as amended; and Municipal Home Rule Authority, Me. Const., art. VIII, pt. 2; and 30-A M.R.S § 3001.

Section 2. Definitions
For purposes of this ordinance, retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana product manufacturing facilities and retail marijuana testing facilities, and retail marijuana social clubs are defined as set forth in 7 M.R.S. § 2442.

Section 3. Prohibition on Retail Marijuana Establishments and Retail Marijuana Social Clubs
Retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, and retail marijuana social clubs, are expressly prohibited in this municipality.

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

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

Section 4. Effective Date; Duration
This ordinance shall take effect immediately upon enactment by the Voters of the Town of Hope unless otherwise provided and shall remain in effect until it is amended or repealed.

Section 5. Penalties
This ordinance shall be enforced by the municipal officers or their designee. Violations of this ordinance shall be subject to the enforcement and penalty provisions of 30-A M.R.S. § 4452. The Town may seek reasonable attorney fees and costs in any related enforcement action, and may seek such injunctive relief as is reasonably necessary.

Effective June 15, 2017
By Town of Hope Voters
SOLID WASTE FLOW CONTROL
AND
RECYCLING ORDINANCE
OF THE
TOWNS OF
CAMDEN, ROCKPORT, LINCOLNVILLE AND HOPE
SOLID WASTE FLOW CONTROL AND RECYCLING ORDINANCE
OF THE TOWNS OF CAMDEN, ROCKPORT, LINCOLNVILLE AND HOPE, MAINE

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SECTION I. TITLE

This Ordinance shall be known as the "Solid Waste Flow Control and Recycling Ordinance of the Towns of Camden, Rockport, Lincolnville and Hope, Maine".

SECTION II. ENABLING LEGISLATION

This Ordinance is enacted pursuant to the authority granted in Title 30 M.R.S.A. Sections 1304-B, 1917, 2151, 4101, and 4102.

SECTION III. PURPOSE

The Municipality has a statutory obligation to provide a solid waste disposal facility for domestic and commercial waste generated within the Municipality and is authorized to provide such a facility for industrial waste pursuant to Title 38 M.R.S.A. Sec. 1305, sub-sec. 1.

Municipal solid waste contains valuable recoverable resources, including energy, which if recovered reduce the cost of solid waste disposal. Because energy recovery technology is complex, most energy recovery facilities have high capital costs and long payback periods. To remain cost-effective and operate efficiently during their useful lives, energy recovery facilities require a guaranteed steady supply of waste during their entire useful lives. Consequently, a municipality that wants to utilize an energy recovery facility for processing solid wastes generally must agree to provide the facility with a steady supply of solid waste for a relatively long period.

The Municipality must exercise its legal authority to control the collection, transportation and disposal of solid waste generated within its borders to insure delivery of a steady supply of waste to the energy recovery facility designated herein. The Municipality finds that use of an energy recovery facility to process acceptable solid waste is an environmentally sound and economically viable solution to the solid waste disposal problem and thereby protects the public health, welfare and safety of the citizens of the Municipality.

This Ordinance is designed to control solid waste material in the Municipality by establishing limitations, prohibiting certain acts causing
solid waste disposal problems and providing for fines for violations of the provisions of this Ordinance.

SECTION IV. RESPONSIBILITY

It shall be the responsibility of each resident or primary occupant of a dwelling, commercial or industrial facility to provide for disposal of all refuse generated therein in accordance with established rules and regulations. This responsibility includes the separation of refuse; delivery of refuse to the Facility; proper on-site storage at the home, commercial or industrial facility; and proper methods of disposal.

SECTION V. DEFINITIONS

All terms not specifically defined herein shall have their ordinary meanings; words used in the present tense include the future, and plural includes the singular.

Acceptable wastes: All ordinary household, municipal, institutional, commercial and industrial wastes which consist primarily of combustible materials.

Attendant: Any person employed by the Municipality to supervise and operate the solid waste facility.

Collection facility: A building, container or designated area of the transfer station in which acceptable waste is deposited and temporarily stored for transshipment to the energy recovery facility.

Energy recovery facility: The facility designated herein which processes and recovers energy and/or useful materials from acceptable waste generated in the Municipality.

Facility: The Town of Camden, Rockport, Lincolnville and Hope Solid Waste Disposal Facility. The facility may consist of more than one site and more than one method of solid waste management.

Municipality: The Towns of Camden, Rockport, Lincolnville and Hope.

Person: Shall include individuals, partnerships, corporations and agents of any of them.
Recyclable/Storable Wastes: Solid wastes of the type presently received at the Facility which are not acceptable for transportation to the energy recovery facility, but which may be processed for recycling or stored at the Facility, including the following:

1. Materials separated for recycling;
2. Demolition or construction debris from building and roadway projects or locations;
3. Tree stumps, brush, branches, yard wastes;
4. Waste oil;
5. Discarded "white goods", including, but not limited to, refrigerators, freezers, stoves, and washing machines.

Unacceptable Wastes: All solid waste of the type municipalities are required by Title 38 M.R.S.A Sec. 1305, as amended, to regulate, which specifically excludes industrial and sewage treatment plant sludge, and solid and liquid wastes of the type presently prohibited for disposal at the Facility, including the following:

1. Liquid waste or sludges, including septage;
2. Abandoned or junk vehicles;
3. Hazardous waste, that is, waste with inherent properties that make it dangerous to manage by ordinary means, including but not limited to chemicals, explosives, pathological wastes, radioactive wastes, toxic wastes, and other wastes defined as hazardous by the State of Maine or the Resource Conservation Act of 1976, as amended, or other federal, state or local laws, regulations, orders, or other action promulgated or taken with respect thereto;
4. Dead animals or portions thereof or pathological wastes;
5. Water treatment residues;
6. Tannery sludge;
7. Asbestos

SECTION VI. DESIGNATION

In accordance with provisions of Title 38 M.R.S.A. Sec. 1304-B, the Municipality hereby designates the Penobscot Energy Recovery Company (PERC) facility located in Orrington, Maine, as the energy recovery facility and disposal facility for acceptable waste.
The Municipality also designates a municipally owned and operated transfer station in Rockport, off Limerock Street in Camden, whose operation shall be conducted in accordance with the rules and regulations of the Maine Department of Environmental Protection and this Ordinance, and rules and regulations adopted pursuant thereto, as the temporary disposal facility for acceptable waste.

The Municipality further reserves that they may designate an alternative disposal facility for a specified time for acceptable waste, should circumstances require it, upon a majority vote of the Municipal Officers.

SECTION VII. REGULATED ACTIVITY

The accumulation, collection, transportation and disposal of acceptable wastes, recyclable/storable wastes and unacceptable wastes generated within the Municipality shall be regulated in the following manner.

7.1 All acceptable wastes generated within the Municipality shall be deposited at the Facility or directly at the energy recovery facility.

7.2 All recyclable/storable wastes shall be deposited at the Facility in accordance with the provisions of this Ordinance.

7.3 All unacceptable wastes, including hazardous wastes, generated within the Municipality shall be deposited only at a suitable waste disposal facility which is designated for the express purpose of handling said unacceptable waste.

SECTION VIII. SOLID WASTE DISPOSAL CONTROL AND RECYCLING STANDARDS AND REGULATIONS

The Municipal Officers are hereby granted authority to establish detailed operating rules and regulations for all Municipal solid waste collection, recycling and disposal facilities. The rules and regulations shall be reviewed and revised as required to satisfy the needs of the Municipality. They shall include the operating hours of the Facility and shall become effective thirty (30) days following adoption by the Municipal Officers. Current rules and regulations shall be prominently displayed at the Facility and on file in all four Municipal Offices.
SECTION IX. EXEMPTED WASTE

The following categories of waste shall be exempted from regulation by this Ordinance:

9.1 Materials from manufacturing, processing or packaging operations which are segregated from solid waste and salvaged for alternate use or reuse by the generator or sold to third parties.

9.2 Glass, metal or non-combustible materials which are separated from the acceptable waste by generator as part of a recycling program approved by the Municipal Officers and which are not brought to the Facility.

9.3 Cardboard, paper or other combustible materials which are separated from acceptable waste by generator as part of a recycling program approved by the Municipal Officers and which are not brought to the Facility, provided that any such recycling program shall not reduce the BTU content of acceptable waste below the BTU level acceptable to the energy recovery facility.

SECTION X. ADMINISTRATION

This Ordinance shall be administered by the Municipal Officers. Their powers and duties are as follows:

10.1 To adopt reasonable rules, regulations, fees and penalties as needed to enforce this Ordinance.

10.2 To consider all license applications and to grant or deny each application within fifteen (15) days after receipt of a completed application at the Municipal Offices, or within such other time as the Municipal Officers and the applicant shall agree is reasonable.

10.3 To review any alleged violation of this Ordinance, and to impose appropriate penalties therefor after notice and hearing as required by this Ordinance.

10.4 To institute necessary proceedings, either legal or equitable, to enforce this Ordinance.
SECTION XI. PERMITS AND LICENSES

The Facility is operated for the benefit of the residents, non-resident taxpayers and commercial establishments of the towns of Camden, Rockport, Lincolnville and Hope. Requests from other persons for access to the Facility may be approved at the discretion of the Municipal Officers. Admission to the Facility shall only be by permit or license which shall be displayed on their vehicles in order to gain access. Commercial haulers shall obtain a license for each vehicle. Permits or licenses may be revoked by the Municipal Officers, following notice and hearing, for violation of this Ordinance or rules and regulations adopted pursuant thereto.

11.1 No person, firm or corporation shall accumulate, collect, store, transport or dispose of acceptable waste, recyclable/storable waste or unacceptable wastes generated within the Municipality, excluding agricultural wastes and licensed junkyards, without obtaining a permit or license from the Municipal Officers. A person, firm or corporation that accumulates, collects, stores, transports or disposes of less than one-quarter (1/4) ton per month of its own waste shall not be required by this section to obtain such a license but shall obtain a permit. Permits shall be issued to residents and non-resident taxpayers of the Municipality only.

11.2 Any person, firm or corporation required by this Ordinance to obtain a license shall make application to the Municipal Officers, providing the information required. Each application shall be accompanied by a non-refundable application fee.

11.3 The application shall contain all information required by the Municipal Officers including, but not limited to, a description of the activity (ies) engaged in, e.g., collection, transport or disposal of acceptable, recyclable/storable and/or unacceptable waste; types and estimated amount(s) of waste handled in each service area; a description of the facility(ies) operated and used; and equipment inventory including, for vehicles, a description of the make, model and year of each vehicle used for collection or transportation of solid waste.

All information provided shall be revised annually upon application for license renewal. If the Municipal Officers determine the application is incomplete, they shall notify the applicant, in writing, of the specific information necessary to complete it. The Municipal Officers shall be informed immediately, in writing, of any changes in or additions to equipment, including vehicles.
11.4 Licenses shall not be transferable. In the event of an emergency or vehicle breakdown, a licensee shall be issued a special license for a satisfactory replacement vehicle, upon furnishing of all information required for a licensed vehicle.

11.5 All licenses shall expire one (1) year from the date of issue unless otherwise stated on the license or revoked or suspended sooner in accordance with the provisions of this Ordinance.

11.6 There shall be an annual license fee for each vehicle licensed for activities involving the transport of solid waste. License fees shall be prorated based upon the number of months for which the license is issued. License fees shall not be refunded in the event that a license is suspended or revoked.

11.7 In the event that the Municipal Officers deny a license application, they shall notify the applicant, in writing, and shall state the reasons for the denial. The applicant may request a hearing in accordance with the procedures in Section XIII.

SECTION XII. SUSPENSION OR REVOCATION

Any permit or license issued may be suspended or revoked by order of the Municipal Officers after benefit of a hearing in accordance with the procedures in Section XIII, for the following causes:

a. Violation of this Ordinance;

b. Violation of any provision of any state or local law, ordinance, code or regulation which relates directly to the provisions of this Ordinance;

c. Violation of any license condition(s); and

d. Falsehoods, misrepresentations or omissions in the license application.

SECTION XIII. HEARINGS

13.1 Anyone denied a permit or license, or whose permit or license is suspended or revoked pursuant to Section XII, shall be entitled to a hearing before the Municipal Officers if such request is made, in writing, within thirty (30) days of the denial, suspension or revocation.

13.2 Such hearings shall be held within thirty (30) days after receipt of the written request for a hearing.
13.3 The permittee, licensee or applicant shall be notified, in writing, as to the date, time and place of the hearing at least ten (10) days prior to the hearing date. The permittee, licensee or applicant has the right to be represented by counsel, to offer evidence and to cross-examine witnesses.

13.4 A determination shall be made by the Municipal Officers within ten (10) days after the conclusion of the hearing, and notice of the decision shall be served upon the permittee, licensee or applicant by certified mail, return receipt requested.

13.5 The Municipal Officers' final determination relative to the denial, suspension or revocation of a permit or license and the period of suspension or revocation shall take effect as provided in the notice, but no later than ten (10) days after the date on which such notice has been mailed to the permittee, licensee or applicant, and shall be conclusive.

Notice of the final determination shall set forth the reasons for the denial, suspension or revocation and the effective dates thereof together with a statement that such decision may be appealed as provided in this Ordinance.

13.6 Any controversy or claim arising out of or relating to the Municipal Officers' determination shall be directly reviewable by Superior Court pursuant to Maine Rules of Civil Procedure, Rule 80B.

SECTION XIV. FEES

A. Purpose and Authority

In order to defray costs of maintaining the Facility and pursuant to Section X of this Ordinance, a fee schedule for use of the Facility shall be established.

14.1 Fee Schedule for Residential Users of the Collection Facility

No fee for acceptable wastes shall apply to any persons, firms or corporations exempted from the licensing provisions of this Ordinance who shall separate out recyclable/ storable materials pursuant to a recycling program approved by the Municipal Officers. All residential users who fail to separate out recyclable/ storable materials, in the amount of one (1) portion of recyclable/ storable materials to three (3) portions of total wastes, shall pay a fee per vehicle load of five (5) bags, or any fraction thereof, for all unseparated wastes deposited at the Facility.
14.2 Fee Schedule for Commercial Users

No fee for acceptable wastes shall apply to any persons, firms or corporations subject to the licensing provisions of this Ordinance who choose to recycle one (1) of every three (3) loads deposited at the Facility. Licensed persons, firms or corporations who fail to recycle one (1) of every three (3) loads of waste deposited at the Facility shall pay a fee of $10.00 per estimated ton.

14.3 Fee Schedule for Construction and Demolition Debris

All persons, firms or corporations shall pay a fee based upon the type and size of vehicle, per load deposited at the Facility. However, if said person, firm or corporation were to deposit one (1) load of usable fill for every three (3) loads of construction and demolition debris deposited, then no fee shall apply.

14.4 Fee Schedule for Tires

All persons, firms or corporations shall pay a fee per tire deposited at the Facility.

14.5 Fee Schedule for White Goods

All persons, firms or corporations shall pay a fee per item of white goods deposited at the Facility.

SECTION XV. ENFORCEMENT

15.1 All provisions of this Ordinance are enforceable by duly authorized police officers and the Municipal Officers.

15.2 Any person who violates any provision of this Ordinance is subject to arrest and, if convicted, to punishment as provided in Section XVI.
15.3 Whenever the Municipal Officers determine that there has been a violation by virtue of noncompliance, they shall give notice of such violation to the person(s) responsible by personal service or by certified mail, return receipt requested. The citation shall include a statement of reasons and shall allow reasonable time for performance of any act it requires. The citation may contain an outline of remedial action which, if taken, will effect compliance. The citation shall state that unless corrections are made within the allotted time, the violator is subject to prosecution and/or to permit or license revocation or suspension pursuant to the provisions of this Ordinance.

SECTION XVI. PENALTIES

16.1 Criminal penalties: Any person who violates this Ordinance shall be guilty of a Class E crime for each violation.

16.2 Civil penalties: Any person, firm or corporation who violates this Ordinance shall be subject to a civil penalty, payable to the municipality, of not more than $100.00 for each violation. Each day of violation shall be considered a separate violation. Such person, firm or corporation shall also be liable for court costs and reasonable attorney fees incurred by the Municipality.

SECTION XVII. VARIANCES

The Municipal Officers may, on written application, grant a variance from a specific provision of this Ordinance in a specific case subject to appropriate conditions where such variance is in harmony with the general purpose and intent of this Ordinance and the agreement between the Municipality and the energy recovery facility.

SECTION XVIII. CONFLICT AND SEVERABILITY

18.1 The provisions of this Ordinance shall supersede all other local laws, ordinances, resolutions, rules or regulations contrary thereto, or in conflict therewith.

18.2 The provisions of this Ordinance shall be severable and if any phrase, clause, sentence or provision, or the application thereof to any person or circumstance shall be held invalid, the remainder of this Ordinance and the application thereof shall not be affected thereby.
SECTION XIX. AMENDMENT

This Ordinance may be amended in the same manner as any other ordinance of the Municipality, subject to the contractual obligations outlined in the contract between the Municipality and the energy recovery facility.

SECTION XX. EFFECTIVE DATE

This Ordinance shall become effective JULY 27, 1989, except that provisions dependent upon the energy recovery facility designated herein shall become effective on the date that the energy recovery facility begins commercial operations, provided the Municipality provides notice of commencement in the manner required for publication of ordinances. Any person, firm or corporation required to obtain a permit or license hereunder shall have thirty (30) days from the date of adoption of this Ordinance to secure such permit or license, which shall become effective on the date specified thereon.

GIVEN UNDER OUR HANDS AT SAID LINCOLNVILLE, MAINE THIS SEVENTH DAY OF JUNE A.D. 1989

[Signatures]

Richard M. McLaughlin, Chairman
Willard H. Hardy, Sr.
Ernest F. Littlefield
Robert H. Richards

J. Rosson Overcash

A TRUE COPY ATTEST:

Joshua T. Day III
Town Clerk, Lincolnville, Maine

SELECTMEN: TOWN OF LINCOLNVILLE, ME.
HOPE
SUBDIVISION
ORDINANCE

A TRUE COPY
ATTEST:

Florance A. Merrifield
Hope Town Clerk

Adopted November 4, 2008
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SECTION 100 – PURPOSE AND INTENT

101. Purposes

The purposes of this Ordinance are:

101.1. To provide a reasonable and efficient process for the review of proposed subdivisions;

101.2. To ensure adequate review of the subdivision review criteria of the State Subdivision Law found in 30-A M.R.S.A. §4404;

101.3. To ensure new development meets the goals of the Hope Comprehensive Plan;

101.4. To ensure the health, safety, and welfare of the residents of Hope; and

101.5. To allow landowners to responsibly and appropriately develop their land.

102. Intent

The Intention of this Ordinance is to:

102.1. Protect the public health and safety by ensuring that subdivisions are designed and developed to adequate standards to ensure traffic safety, emergency access, water supply, and subsurface wastewater disposal;

102.2. Promote the general welfare of the community by minimizing the adverse impacts on abutting properties and the surrounding area; and

102.3. Protect natural resources through appropriate storm water management design, erosion and sedimentation control, groundwater protection, and the identification and protection of wildlife habitats and unique natural areas.
ARTICLE 200 – AUTHORITY AND ADMINISTRATION

201. Authority

201.1. This Subdivision Ordinance has been prepared in accordance with the provisions of 30-A M.R.S.A. §4403, under the home rule authority granted to the Town of Hope by Maine statute.

201.2 This Ordinance shall be known and may be cited as the “Hope Subdivision Ordinance.”

202. Administration

202.1. The Planning Board of the Town of Hope, hereinafter called the “Board,” shall administer this Ordinance.

202.2. The provisions of this Ordinance shall pertain to all land and buildings proposed for subdivision as defined by 30-A M.R.S.A. §4401 et seq., within the Town of Hope.

202.3. All applications, supporting documentation, and required fees shall be processed through the Code Officer within the required time period specified in this Ordinance.

202.4. The fee schedule for this Ordinance shall be approved by the municipal officers.

203. Amendments

203.1. This Ordinance may be amended by the legislative body of the Town of Hope.

203.2. A public hearing shall be held prior to the adoption of any amendment. Notice of the hearing shall be provided at least seven days in advance of the hearing.

204. Effective Date

204.1. This Ordinance shall be in full force and effect on the day following an affirmative Town Meeting to adopt this Ordinance.

204.2. Any previously enacted Subdivision Ordinance of the Town of Hope shall be repealed as of that date.
SECTION 300 – DEFINITIONS

301. Meaning of Words

In general, words and terms used in this Ordinance shall have their customary dictionary meanings. More specifically, any word or term defined in the Hope Land Use Ordinance shall have the definition contained in that Ordinance, unless defined differently below.

302. Relationship to Other Town Ordinances

When there is a conflict in language contained in this Subdivision Ordinance and other Hope Ordinances, the stricter language shall apply for purposes of this Ordinance.

303. Definitions

Affordable Housing: Housing units which will meet the sales price and/or rental targets established by the Hope Comprehensive Plan for housing affordability.

Applicant: The land owner or their representative applying for subdivision approval under this Ordinance.

Average Daily Traffic (ADT): The average number of vehicles per day that enter and exit the premises or travel over a specific section of road.

Board: The Planning Board of the Town of Hope.

Buffer Area: A part of a property or an entire property, which is not built upon and is specifically intended to separate and thus minimize the effects of a land use activity (e.g. noise, dust, visibility, glare, etc.) on abutting properties or on sensitive natural resources.

Building Envelope: An area designated on the plan that indicates where a principal structure and accessory structures, including parking, are to be located. Utilities and driveways may be located outside the building envelope.

Capital Improvements Program (CIP): The municipality's proposed schedule of future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

Capital Investment Plan: The portion of the comprehensive plan that identifies the projects for consideration for inclusion within the capital improvements program, together with an estimate of the order of magnitude for the cost of each project.

Code Officer: The Code Enforcement Officer for the Town of Hope.
Common Open Space: Land within a subdivision, not individually owned or within an individual lot, which is designed and intended for the common use or enjoyment of the residents of the development or the general public. It may include complementary structures and improvements, typically used for maintenance and operation of the open space, such as for outdoor recreation.

Complete Application: All submission requirements mandated by this Ordinance and payment of the required fee as determined by the Planning Board.


Conservation Easement: A nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining air or water quality.

Density: The number of dwelling units per acre of land as defined in the Land Use Ordinance.

Developed Area: Any area on which a site improvement or change is made, including buildings, landscaping, parking areas and streets.

Direct Watershed of a Great Pond: That portion of a watershed which drains directly to the great pond without first passing through an upstream great pond.

Driveway: A vehicular access way serving one or two dwelling units.

Dwelling Unit: A room or group of rooms used as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, bathing and sleeping facilities. A dwelling unit includes single family houses, and the units in a duplex, apartment house, multifamily dwellings, and residential condominiums.

Engineered Subsurface Waste Water Disposal System: A subsurface waste water disposal system designed, installed, and operated as a single unit to treat 2,000 gallons per day or more; or any system designed to treat waste water with characteristics significantly different from domestic waste water.

Final Plan: The final drawings, on which the applicant's plan of subdivision is presented to the Board for approval and which, if approved, shall be recorded at the Registry of Deeds.

Freshwater Wetland: Areas which are inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support a prevalence of wetland vegetation typically adapted for life in saturated soils; and are not part of a great pond, river, stream or brook. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the above criteria.
Great Pond: Any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has surface area in excess of thirty acres, except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

High Intensity Soil Survey: A map prepared by a Certified Soil Scientist, identifying the soil types down to one-eighth of an acre or less at a scale equivalent to the subdivision plan submitted. The soils shall be identified in accordance with the National Cooperative Soil Survey. The map shall show the location of all test pits used to identify the soils, and shall be accompanied by a log of each sample point identifying the textural classification and the depth to seasonal high water table or bedrock at that location.

Hundred Year Flood: The highest level of flood that, on the average, has a one percent chance of occurring in any given year.

Multifamily Development: A subdivision which contains three or more dwelling units on land in common ownership, such as apartment buildings, condominiums or mobile home parks.

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 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: Includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

Planning Board: The Planning Board of the Town of Hope.

Preliminary Plan: The preliminary drawings for a major subdivision indicating the proposed layout of the subdivision and supporting documentation that is required by this Ordinance. Approval of the preliminary plan shall not constitute approval of the final subdivision plan.

Professional Engineer: A professional engineer, registered in the State of Maine.

Public Water System: A water supply system that provides water to at least 15 service connections or services water to at least 25 individuals daily for at least 30 days a year.

Recording Plan: An original of the Final Plan, suitable for recording at the Knox County Registry of Deeds.

Sight Distance: The length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway. Used in this Ordinance as a reference for unobstructed road visibility.
Sketch Plan: Conceptual maps, renderings, and supportive data describing the project proposed by the applicant for initial discussion prior to submitting a full application for subdivision review and approval.

Street: Public and private ways such as alleys, avenues, highways, roads, and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way for vehicular access other than driveways.

Street and Road Classification:

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

Collector Road: A road with average daily traffic of 200 vehicles per day or greater, or streets which serve as feeders to arterial streets, and collectors of traffic from minor roads.

Cul-de-sac: A road with only one outlet and having the other end for the reversal of traffic movement.

Minor Road: A road which has an average daily traffic of less than 200 vehicles per day.

Private Road: Any road which is not intended to be dedicated as a municipal road and for which the Town has no maintenance responsibility.

Private Way: A minor residential road serving no more then four lots or dwelling units which is not intended to be dedicated as a municipal road and for which the Town has no maintenance responsibility.

Public Road: A strip of land owned by the Town for the passage or use by the general public by motor vehicles and for which the Town has a maintenance responsibility. New municipal roads must be accepted by a Town Meeting.

Subdivision: The definition of “Subdivision” contained in 30-A M.R.S.A. §4401 et seq., as amended.

Subdivision, Major: Any subdivision containing five or more lots or dwelling units.

Subdivision, Minor: Any subdivision containing no more than four lots or dwelling units.

Town: The town of Hope, Maine
SECTION 400 – ADMINISTRATIVE PROCEDURE

401. Purpose

In order to establish a consistent and equitable process for reviewing and approving subdivisions the following administrative procedures will be in effect for each stage of the subdivision review process.

402. Time Frame for Requesting Placement on Agenda

Applicants shall request to be placed on the Board's agenda at least fifteen (15) days in advance of a regularly scheduled meeting by contacting the Code Officer. At each stage of the review process, in order to be placed on the agenda, the applicant is required to submit any required fee and all necessary information mandated for that stage of the review process.

403. Copies of Application and Supporting Documentation

At each stage of the review process, the applicant shall provide the Code Officer ten (10) copies of all documentation and materials.

404. Preparation and Distribution of Agendas

The agenda shall be prepared by the Code Officer, under direction of the Planning Board Chair, at least seven days prior to the meeting. The agenda, application and supporting documentation shall be distributed to all Board members at least four days prior to the meeting. The agenda shall be posted at the Town Office and Town website. The Board shall take no action on items not appearing on the Board's written agenda.

405. Notice to Abutters

The Code Officer or designee shall mail a copy of the agenda to all abutters. The agenda shall indicate that a copy of the application and supporting documentation are available for review at the Hope Town Office.

406. Public File

The Code Officer or designee shall maintain a file of the application and all submissions at the Hope Town Office.

407. Ineligible Applicant

No plan shall be approved as long as the applicant is in violation of the provisions of a previously approved subdivision plan within the Town of Hope.

Adopted – November 4, 2008
SECTION 500 – PRE-APPLICATION MEETING

501. Purpose

The purpose of the pre-application meeting is for the applicant to present a general overview of the proposed subdivision and receive the Board's comments prior to the expenditure of substantial financial resources to design and engineer the subdivision.

502. Procedure

502.1. The applicant shall follow the administrative procedures outlined in Section 400.

502.2. The applicant shall present the Sketch Plan of the proposed subdivision and make a presentation to the Planning Board regarding the proposed subdivision.

502.3. Following the applicant's presentation, the Board may ask questions and make suggestions that may be incorporated by the applicant into the application.

503. Submissions for the Pre-Application Meeting

503.1. Sketch Plan: The applicant shall show, in simple sketch form, the proposed layout of streets, lots, buildings and other features in relation to existing conditions. The Sketch Plan does not have to be engineered and may be a free-hand penciled sketch. The Sketch Plan should show the existing site conditions such as steep slopes, wet areas, and vegetation. It is recommended that the sketch plan be superimposed over the parcel(s) on which the land is located.

503.2. U.S.G.S. Topographic Map: A copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision.

503.3. County Soil Survey: A copy of the county soil survey covering the proposed subdivision, showing the outline of the proposed subdivision.

504. On-Site Inspection

504.1. The Board and applicant shall set a date for an on-site inspection prior to the Final Plan meeting for a minor subdivision and prior to the Preliminary Plan meeting for a major subdivision.

504.2. The applicant shall place "flagging" at the centerline of any proposed streets and at the approximate street intersections and lot corners, prior to the on-site inspection.

504.3. The Board shall not conduct on-site inspections when there is more than six inches of snow on the ground.
505. Rights Not Vested

The Pre-Application Meeting, the submittal or review of the Sketch Plan, shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of 1 M.R.S.A. §302, as amended.

506. Establishment of File

Prior to the pre-application meeting the Code Officer shall establish a file for the proposed subdivision. Copies of the application and all supporting documentation for each phase of the process of the proposed subdivision shall be maintained in this file which will be located at the Town Office.
SECTION 600 – MINOR SUBDIVISION FINAL PLAN

601. Purpose

The purpose of the Minor Subdivision Final Plan process is to provide a simple and expedited process for the Planning Board to review plans for subdivisions of no more than four lots or dwelling units.

602. Procedure

602.1. The applicant shall follow the administrative procedures outlined in Section 400.

602.2. Within six months after the pre-application meeting, the applicant shall submit an application for approval of a final plan at least fifteen days prior to a regularly scheduled meeting of the Board. Applications shall be submitted to the Hope Town Office. Failure to submit the application within six months shall require restart of the pre-application process. The Final Plan shall approximate the layout shown on the sketch plan, and shall address any suggestions made by the Board at the Pre-Application Meeting.

602.3. All applications for final plan approval for a Minor Subdivision shall be accompanied by a non-refundable application fee per lot or dwelling unit, as determined by the municipal officers, payable to the Town of Hope. In addition, the Board, upon reviewing the application and finding the need for outside professional assistance, may, at its sole discretion, hire its own civil engineer, soil scientist, geologist or other expert to review the plan submitted by the applicant. The applicant shall deposit an amount determined by the Board in a non-interest-bearing account with the Town of Hope in advance of the hiring of such experts to cover this expense. Any balance in the account remaining after the decision on the final plan application by the Board shall be returned to the applicant.

602.4. The applicant, or his authorized agent, shall attend the meeting of the Board to present the final plan. Failure to attend the meeting to present the final plan shall result in a delay of the Board's review of the final plan.

602.5. Prior to the first meeting for Minor Subdivision Final Plan approval, the Code Officer or his designee shall:

1. Notify all owners of abutting property by first class mail that an application for subdivision approval has been submitted.

2. Notify the clerk of an adjacent municipality if any portion of the subdivision crosses the municipal boundary.
**602.6. Determination of Complete Application:** Within thirty days of the receipt of the final plan application, the Board shall determine whether the application is complete and notify the applicant of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.

**602.7. Public Hearing Required:** The Board shall hold a public hearing on the final plan application within thirty days of determining that it has received a complete application. Notice of the public hearing shall be posted at the Town Office, on the Town’s website, and mailed to abutters.

**602.8. Approval of Final Plan:** Within thirty days from the public hearing or within sixty days of determining a complete application has been received, or within another time limit as may be otherwise mutually agreed upon by the Board and the applicant, the Board shall make findings of fact and conclusions relative to the criteria contained in 30-A M.R.S.A. §4404 and the review criteria of Section 1200. If the Board finds that all the criteria of the Statute and the review criteria of Section 1200 have been met, they shall approve the final plan. If the Board finds that any of the criteria of Section 1200 or the State Subdivision Law has not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the criteria will be met by the subdivision. The Board shall issue a written notice of findings and conclusions to the applicant.

**603. Submission Requirements for Minor Subdivision – Final Plan Approval**

The final plan shall consist of the following items:

**603.1. Application Form:** The standard application form as provided by the Town of Hope.

**603.2. Location Map:** The location map shall be drawn at a size adequate to show the relationship of the proposed subdivision to the abutting properties, and to allow the Board to locate the subdivision within the municipality. The location map shall show:

1. Existing subdivisions in the proximity of the proposed subdivision.
2. Locations and names of existing and proposed roads.
4. An outline of the proposed subdivision and any remaining portion of the owner's contiguous property.

**603.3. Documentation Required for Minor Subdivision Plan:** The final plan and supporting documentation for a Minor Subdivision shall include the following information to ensure that the review criteria of 30-A M.R.S.A., §4404 and Section 1200 are met:
1. Proposed name of the subdivision, name of the municipality, and proposed map and lot numbers.

2. Verification of right, title, or interest in the property.

3. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a registered land surveyor. The corners of the parcel shall be located on the ground and marked by monuments. The plan shall indicate the type of monument found or to be set at each lot corner.

4. A copy of the most recently recorded deed for the parcel. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.

5. A copy of any deed restrictions, covenants, or homeowner association agreement intended to cover the lots or dwellings in the subdivision.

6. The type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by subsurface wastewater disposal systems, site evaluations and locations prepared by a Licensed Site Evaluator must be included.

7. The type of water supply system to be used in the subdivision.
   a. When water is to be supplied by a public water supply, a written statement from the servicing water district shall be submitted indicating that there is adequate supply and pressure for the subdivision and that the district approves the plans for extensions where necessary.
   b. When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or hydrogeologist familiar with the area.

8. The date the plan was prepared, north point, and graphic map scale.

9. The names and addresses of the owner of record, applicant, individual who prepared the plan, and abutting property owners.

10. The location of gravel pits and freshwater wetland areas.

11. The total number of acres within the proposed subdivision, location of property lines, location of all existing buildings, and vegetative cover type. On wooded sites, the plan shall indicate building envelopes for future development and shall include a plan note detailing any restrictions placed on clearing existing vegetation.
12. The location of all rivers, streams and brooks within or adjacent to the proposed subdivision. If any portion of the proposed subdivision is located in the direct watershed of a great pond, the application shall indicate which great pond.

13. Contour lines at interval specified by the Board.

14. The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the proposed subdivision.

15. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the proposed subdivision.

16. The location, names, and present widths of existing roads, existing and proposed easements, building lines, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. In order to facilitate the addition of the subdivision into the municipal property records, this information shall also be submitted in a format compatible with the assessors’ records.

17. The width and location of any roads, public improvements or open spaces within the subdivision.

18. The location and description of any open space to be preserved.

19. The location and description of any parcels of land proposed to be dedicated to public use and the conditions of such dedication.

20. The location of any portion of the proposed subdivision that is in a flood plain, as depicted on the Hope Flood Insurance Rate Map, shall be delineated on the plan.

21. The Board may require a hydrogeologic assessment in cases where site considerations or development design indicate a serious potential of adverse impacts on ground water quality.


23. The Board may require an erosion and sedimentation control plan prepared in accordance with the *Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices*, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection (current edition). The Board must require submission of the erosion and sedimentation control plan if the subdivision is within 500 feet of a great pond.
24. If any portion of the subdivision is located within an area designated as a critical natural area by the Maine Natural Areas Program the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.

25. If the proposed minor subdivision is within the direct watershed of a great pond, the phosphorus control measures shall meet the simplified design criteria contained in Section 1302.11.2.

604. Final Approval and Filing

604.1. Previous Violations: No plan shall be approved by the Board as long as the applicant is in violation of any provision of the Hope Subdivision Ordinance and/or Land Use Ordinance.

604.2. Subdivision Plan to Meet Review Criteria: Upon determining that all criteria in 30-A M.R.S.A § 4404 and criteria of Section 1200 of this ordinance have been met, the Board shall vote to approve the subdivision and then sign the final plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial. Any subdivision not recorded at the Knox County Registry of Deeds within two years of the date upon which the plan is approved and signed by the Board shall become null and void.

604.3. Changes to the Final Plan: No changes, erasures, modifications, or revisions shall be made in any final plan after approval has been given by the Board and endorsed in writing on the Plan, unless the revised final plan is first submitted and the Board approves any modifications, except in accordance with Section 1000. The Board shall make findings that the revised plan meets the criteria of 30-A M.R.S.A. §4404 and the standards of this Ordinance. In the event that a plan is recorded without complying with this requirement, it shall be considered null and void.

604.4. Approval of Plan Shall Not Constitute Acceptance of a Private Way: The approval by the Board of a subdivision plan shall not constitute acceptance by the Town of any road, easement, or other open space shown on such plan. When a park or other recreation area shall have been shown on the plan to be dedicated to the Town, approval of the plan shall not constitute an acceptance by the Town of such area. The Board shall require the plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the municipal officers covering future deed and title dedication, and provision for the cost of development and maintenance of the dedicated area.

604.5. Failure to Complete Infrastructure Improvements: Failure to complete infrastructure improvements within five years of the date of subdivision approval shall render the plan null and void. Upon determining that a subdivision’s approval has expired under this section, the Board shall have a notice placed at the Knox County Registry of Deeds to that effect.
SECTION 700 – MAJOR SUBDIVISION PRELIMINARY PLAN REVIEW

701. Purpose

The purpose of the Major Subdivision Preliminary Plan Review process is to provide the second stage in a three-stage process to review plans for Major Subdivisions, which are defined as subdivisions of five or more lots or dwelling units.

702. Procedure

702.1. The applicant shall follow the administrative procedures outlined in Section 400 including submission of ten (10) copies of the application, plan, and all supporting documentation at least fifteen (15) days prior to the scheduled meeting.

702.2. Within six months of the pre-application meeting, the applicant shall submit an application for approval of a final plan at least fifteen (15) days prior to a scheduled meeting of the Board. Applications shall be submitted to the Hope Town Office. Failure to submit the application within six months shall require restart of the pre-application process. The preliminary plan shall approximate the layout shown on the sketch plan, plus any recommendations made by the Board.

702.3. All applications for preliminary plan approval for a Major Subdivision shall be accompanied by a non-refundable application fee per lot or dwelling unit, as determined by the municipal officers, payable to the Town of Hope. In addition, the Board, upon reviewing the application and finding the need for outside professional assistance, may, at its sole discretion, hire its own civil engineer, soil scientist, geologist or other expert to review the plan submitted by the applicant. The applicant shall deposit an amount determined by the Board in a non-interest-bearing account with the Town of Hope in advance of the hiring of such experts to cover this expense. Any balance in the account remaining after the decision on the final plan application by the Board shall be returned to the applicant.

702.4. The applicant, or his representative, shall attend the meeting of the Board to present the preliminary plan application. Failure to attend the meeting to present the preliminary plan application shall result in a delay of the Board's review of the preliminary plan.

702.5 Prior to the meeting at which an application for preliminary plan approval of a Major Subdivision is initially presented, the Code Officer or his designee shall:

1. Notify all owners of abutting property that an application for subdivision review has been submitted.
2. Notify the clerk of an adjacent municipality if any portion of the subdivision crosses the municipal boundary.

702.6. Determination of Complete Application: Within thirty days of the receipt of the preliminary plan application, the Board shall determine whether the application is complete and notify the applicant of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.

702.7. Public Hearing Required: The Board shall hold a public hearing on the preliminary plan application within thirty days of determining that it has received a complete application. Notice of the public hearing shall be posted at the Town Office, the Town’s website, and mailed to abutters.

702.8. Approval of Major Subdivision Preliminary Plan: Within thirty days from the public hearing, or within another time frame mutually agreed to by the Board and the applicant, the Board shall make findings of fact on the application, and approve, approve with conditions, or deny the preliminary plan application. When granting approval to a preliminary plan, the Board shall state the conditions of such approval, if any, with respect to:

1. The specific changes which it will require in the final plan;

2. The character and extent of the required improvements for which waivers may have been requested and which the Board finds may be waived without jeopardy to the public health, safety, and general welfare; and

3. The construction items for which cost estimates and performance guarantees will be required as a prerequisite to approval of the final plan.

702.8. Approval of a preliminary plan shall not constitute approval of the final plan or intent to approve the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary subdivision plan as a guide to the preparation of the final plan. The final plan shall be submitted for approval by the Board upon fulfillment of the requirements of this Ordinance and the conditions of preliminary plan approval. Prior to the approval of the final plan, the Board may require that additional information be submitted and changes in the plan be made as a result of further study of the proposed subdivision or as a result of new information received.

703. Submission Requirements for Major Subdivision – Preliminary Plan

The preliminary plan application shall consist of the following items:

703.1. Application Form. The standard application form provided by the Town of Hope.
703.2. Location Map. The location map shall be drawn at a size adequate to show the relationship of the proposed subdivision to the abutting properties, and to allow the Board to locate the subdivision within the municipality. The location map shall show:

1. Existing subdivisions in the proximity of the proposed subdivision.

2. Locations and names of existing and proposed roads.


4. An outline of the proposed subdivision and any remaining portion of the owner's property if the preliminary plan covers only a portion of the owner's entire contiguous holding.

703.3. Documentation Required for Preliminary Plan: A Major Subdivision preliminary plan shall include the following information. This information is in addition to the information outlined in Section 703.4.

1. Proposed name of the subdivision, name of the municipality in which it is located, map and lot numbers, name and address of the owner of record, and name and address of the individual who prepared the plan.

2. Verification of right, title or interest in the property and a copy of the most recently recorded deed for the parcel.

3. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property. When access is over a private road outside the subdivision, documented proof of right of way access and right to improve the road shall be provided.

4. A copy of any deed restrictions, covenants or homeowners association agreement intended to cover all or part of the lots or dwellings in the subdivision.

5. Information on the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by subsurface waste water disposal systems, test pit analyses, prepared by a Licensed Site Evaluator shall be provided. This information shall be referenced to the test pits shown on the plat plan.

6. Information on the type of water supply system(s) to be used in the subdivision. When water is to be supplied by a public water supply, a written statement from the servicing water district shall be submitted indicating there is adequate supply and pressure for the proposed subdivision.

7. Names and addresses of property owners within 200 feet of the proposed subdivision.
8. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from *Trip Generation Manual*, 1991 edition, published by the Institute of Transportation Engineers.

9. If the proposed Major Subdivision is in the direct watershed of a great pond, the phosphorus control measures shall meet the design criteria contained in Section 1302.11.3.

10. If any portion of the proposed subdivision is located within an area designated as a unique natural area by the Maine Natural Areas Program the plan shall indicate appropriate measures for the preservation of that portion of the parcel.

11. The Board may require a hydrogeologic assessment in cases where site considerations or development design indicate a serious potential of adverse impacts on ground water quality.


13. The Board may require an erosion and sedimentation control plan prepared in accordance with the *Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices*, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection (current edition). The Board must require submission of the erosion and sedimentation control plan if the subdivision is within 500 feet of a great pond.

14. If there is property held in common, or private roads to be maintained, the applicant shall form and incorporate a homeowners’ or road association. As evidence of the creation of such an association the submission shall include copies of the by-laws and articles of incorporation developed by the applicant. The document shall clearly establish:

   a. The association’s responsibility to properly and routinely maintain and repair private roads and private ways serving the subdivision after the applicant has legally relinquished that responsibility.
   b. Covenants for mandatory membership to be included in the deed for each lot.
   c. The association’s responsibility for maintaining any common open space.
   d. The establishment of annual charges for all property owners to maintain roads and common open space.

703.4. Preliminary Plan Requirements: The Major Subdivision Preliminary Plan shall be submitted in ten (10) copies which may be printed or reproduced on paper drawn to a scale of not more than one hundred (100) feet to the inch. Where practical, the sheet size of the drawings shall be 24 inches by 36 inches. The following information shall be shown on the preliminary plan:
1. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a registered land surveyor. The corners of the parcel shall be located on the ground and marked by monuments. The plan shall indicate the type of monument to be set in the future at each lot corner.

2. Proposed name of the subdivision, or identifying title, and individual or company who prepared the plan.

3. The date the plan was prepared, north point, and graphic map scale.

4. Abutting property owners’ names, addresses and map and lot numbers.

5. The location of all test pits dug on the site for evaluation of the subsurface wastewater disposal systems. The pits shall be numbered to correspond to the test pit analysis included with the written statement.

6. The location of any existing wells.

7. The total number of acres within the proposed subdivision, location of property lines, location of all existing buildings, and vegetative cover type. On wooded sites, the plan shall indicate building envelopes for future development and shall include a plan note detailing any restrictions placed on clearing existing vegetation.

8. The location of rivers, streams, brooks and wetlands within or adjacent to the proposed subdivision.

9. Contour lines at five (5) foot intervals unless directed otherwise by the Board.

10. The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the proposed subdivision.

11. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the proposed subdivision.

12. The location, names, and present widths of existing streets, and the location and names of parks and other open spaces within or adjacent to the proposed subdivision.

13. Sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established.

14. The location of any preserved open space or dedicated public land and the conditions of such dedication.

15. The boundaries of any flood hazard areas and the 100-year flood elevation, as depicted on the Hope Flood Insurance Rate Map, shall be delineated on the plan.
SECTION 800 – MAJOR SUBDIVISION FINAL PLAN REVIEW

801. Purpose

The purpose of the Major Subdivision Final Plan Review is to provide the final stage in a three-stage process to review plans for Major Subdivisions, which are defined as subdivisions of five or more lots or dwelling units.

802. Procedure

802.1. Administrative Procedure: The applicant shall follow the administrative procedures outlined in Section 400 including the submission of ten (10) copies of the application, subdivision plan, and all supporting documentation at least fifteen (15) days prior to a scheduled Board meeting.

802.2. Time Line: Within six months of approval of the preliminary plan, the applicant shall submit an application for approval of a final plan. Applications shall be submitted to the Hope Town Office. Failure to submit the application within six months may require restart of the preliminary plan process. The final plan shall approximate the layout shown on the preliminary plan, plus any changes required by the Board.

802.3. Fee: All applications for final plan approval for a Major Subdivision shall be accompanied by a non-refundable application fee per lot or dwelling unit, determined by the municipal officers.

802.4. Applicant Representation: The applicant, or his representative, shall attend the meeting of the Board to present the final plan application. Failure to attend the meeting shall result in a delay of the Board's review of the final plan.

802.5. Notice: Prior to the meeting at which an application for final plan approval of a Major Subdivision is presented, the Code Officer or his designee shall:

1. Notify all owners of abutting property by first class mail that an application for subdivision approval has been submitted.

2. Notify the clerk of an adjacent municipality if any portion of the subdivision crosses the municipal boundary.

802.6. Determination of Complete Application: Within thirty days of the receipt of the final plan application, the Board shall determine whether the application is complete and notify the applicant of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.
802.7. **Public Hearing:** The Board may hold a public hearing on the final plan application within thirty days of determining that it has received a complete application. Notice of the public hearing shall be posted at the Hope Town Office, the Town’s website, and mailed to abutters.

802.8. **Approval of Major Subdivision Final Plan:** Within thirty days from the public hearing or within sixty days of receiving a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact, and conclusions relative to the criteria for approval contained in 30-A M.R.S.A. §4404 and the standards of this Ordinance. If the Board finds that all the criteria of the statute and the standards of this Ordinance have been met, the Board shall approve the final plan. If the Board finds that any of the criteria of the statute or the standards of this Ordinance has not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The Board shall draft a written notice of its decision including findings of fact and conclusions. The notice of decision should include any conditions of approval required by the Board.

803. **Submission Requirements for Major Subdivision Final Plan**

The final plan application shall consist of the following items:

803.1. **Final Plan Requirements:** The Major Subdivision Final Plan shall be submitted in ten (10) copies which may be printed or reproduced on paper drawn to a scale of not more than one hundred (100) feet to the inch. In addition, two reproducible, stable-based transparencies, one to be recorded at the Knox County Registry of Deeds, the other to be filed at the Hope Town Office, shall also be submitted. Where practical, the sheet size of the drawings shall be 24 inches by 36 inches.

803.2. **Information to be included on the Final Plan:** The final plan shall consist of all information contained on the approved preliminary subdivision plan as required in Section 703.4.

803.3 Additional Information Required for Final Plan Approval: The following submission requirements may apply.

1. Evidence satisfactory to the Board that the applicant has the technical capability to complete the infrastructure improvements of the subdivision.

2. Evidence satisfactory to the Board that the applicant has the financial capability to obtain a performance guarantee as required by Section 1400 to secure the completion of all infrastructure improvements.

3. A copy of any proposed deed restrictions intended to cover all or part of the lots or dwellings in the subdivision if different than those submitted with the preliminary plan.
4. If required by the Board under the provisions of Section 703.3.12 a stormwater management plan, prepared in accordance with the *Stormwater Management for Maine: Best Management Practices*, published by the Maine Department of Environmental Protection (current edition).

5. If required by the Board under the provisions of Section 703.3.13 an erosion and sedimentation control plan prepared in accordance with the *Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices*, published by the Maine Department of Environmental Protection (current edition).

6. If required by the Board under the provisions of Section 703.3.14 a phosphorus control plan developed in accordance with the *Phosphorus Control in Lake Watersheds Handbook* published by the Maine Department of Environmental Protection (current edition).

7. The final draft(s), if any, of a homeowners’ association by-laws, road association agreement or restrictive covenants that will apply to the subdivision.

**804. Final Approval and Filing**

**804.1. Previous Violations:** No plan shall be approved by the Board as long as the applicant is in violation of any provision of the Hope Subdivision Ordinance and/or Land Use Ordinance.

**804.2. Subdivision Plan to Meet Review Criteria:** Upon determining that all criteria in 30-A M.R.S.A § 4404 and criteria of Section 1200 of this ordinance have been met, the Board shall vote to approve the subdivision and then sign the final plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial. Any subdivision not recorded at the Knox County Registry of Deeds within two years of the date on which the plan is approved and signed by the Board shall become null and void.

**804.3. Changes to the Final Plan:** No changes, erasures, or revisions shall be made in any final plan after the Board has approved and signed the final plan unless the revised final plan is first resubmitted to the Board and the Board approves any modifications. The Board shall make findings that the revised plan meets the criteria of 30-A M.R.S.A. §4404 and the standards of this Ordinance. In the event that a plan is recorded without complying with this requirement, the plan shall be considered null and void.

**804.4. Approval of Plan Shall Not Constitute Acceptance of a Private Way:** The approval by the Board of a subdivision plan shall not constitute acceptance by the Town of any street, easement, or other open space shown on such plan. When a park or other recreation area shall have been shown on the plan to be dedicated to the Town, approval of the plan shall not constitute an acceptance by the Town of such areas. The Board shall require the plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the municipal officers.
covering future deed and title dedication, and provision for the cost of development and maintenance of the dedicated area.

804.5. Phasing of Development: The Board may approve plans to develop a major subdivision in separate and distinct phases to ensure the orderly development of the subdivision.

804.6. Failure to Complete Infrastructure Improvements: Failure to complete infrastructure improvements within seven years of the date of subdivision approval shall render the plan null and void. Upon determining that a subdivision’s approval has expired under this section, the Board shall have a notice placed at the Knox County Registry of Deeds to that effect.
SECTION 900 – RESERVED

This section reserved for future use.
SECTION 1000 – REVISIONS TO APPROVED PLANS

1001. Process and Procedure

The applicant shall follow the administrative procedures outlined in Section 400.

1002. Type of Revision

If the revision involves only modifications of an approved plan such as lot line revisions or the creation of one to four additional lots or dwelling units, the procedures for Section 600 shall be followed. If the revision involves the creation of more than four lots or dwelling units, the procedures for Sections 700 and 800 shall be followed.

1003. Submissions

The applicant shall submit a copy of the approved plan as well as ten (10) copies of the proposed revisions. The application shall also include enough supporting information to allow the Board to make a determination that the proposed revisions meet the Review Criteria of Section 1200 of this Ordinance and 30-A M.R.S.A. §4404. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the title of the subdivision and the cabinet and sheet on which the original plan is recorded at the Knox County Registry of Deeds.

1004. Scope of Review

The Board's scope of review shall be limited to those portions of the plan which are proposed to be changed.
SECTION 1100 – INSPECTIONS AND ENFORCEMENT

1101. Inspection of Required Infrastructure Improvements

1101.1. Responsibilities of Developer: At least five days prior to commencing construction of required infrastructure improvements, the developer shall:

1. Notify the Code Officer of the time when he proposes to commence construction so that the Town can arrange for inspections to assure that all specifications and Board conditions of approval are met during the construction of required improvements.

2. Pay the fee that may be required for the inspection of infrastructure improvements.

1101.2. Responsibilities of Town: If the Code Officer finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications approved by the Board, he shall notify, in writing, the developer and municipal officers. The municipal officers shall take appropriate steps to assure compliance with the approved plans.

1101.3. Modification of Approved Plan: If it appears necessary or desirable to modify the required improvements before or during the construction the Code Officer is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The Code Officer shall issue any approval under this section in writing and shall transmit a copy of the approval to the Planning Board. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 1%, etc., the developer shall obtain approval of the Board under Section 1000.

1101.4. Installation of Stormwater and Erosion Control Measures: By November 1st of each year that the subdivision is under construction, the Code Officer shall require that the developer has installed temporary stormwater and erosion control measures to ensure stabilization of the project during the winter months.

1101.5. Installation of Monumentation: Prior to the sale of any lot, the developer shall provide the Board with a letter from a Registered Land Surveyor, stating that all monumentation shown on the plan has been installed.

1101.6. Proposed Public Way: Upon completion of road construction and prior to a vote by the municipal officers to submit a proposed Public Way to a Town Meeting vote, a written certification signed by a professional engineer shall be submitted to the municipal officers at the expense of the applicant, certifying that the proposed Public Way meets or exceeds the design and construction requirements of this Ordinance. If there are any

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underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility.

1101.7. Private Roads and Private Ways: The developer or homeowners’ association shall be required to maintain all improvements including maintenance and snow removal on Private Roads and Private Ways.

1102. Violations and Enforcement

1102.1. No plan of a division of land within the Town which would constitute a subdivision shall be recorded at the Knox County Registry of Deeds until a final plan has been approved and signed by the Board in accordance with this Ordinance.

1102.2. No person shall convey, or offer to convey any land in a subdivision which has not been approved by the Board and recorded at the Knox County Registry of Deeds.

1102.3. No utility company shall serve any lot in a subdivision for which a final plan has not been approved by the Board.

1102.4. Development of a subdivision without Board approval shall be a violation of state subdivision law and this Ordinance. Development includes the construction of roads, grading of lots, or construction of buildings as set forth in 30-A M.R.S.A. §4406 which require an approved plan recorded in the Registry of Deeds.

1102.5. No lot in a subdivision may be sold, leased, or otherwise conveyed before the road upon which the lot fronts is completed up to and including the entire frontage of the lot. No unit in a multi-family development shall be occupied before the road upon which the unit is accessed is completed in accordance with this Ordinance.

1102.6. Violations of the provisions of this Ordinance shall be subject to the monetary penalties and remedies set forth in 30-A M.R.S.A. §4452.
SECTION 1200 – REVIEW CRITERIA

1201. Purpose

The review criteria in this section are intended to clarify the criteria for approval found in the State Subdivision Law 30-A M.R.S.A. §4404, et seq. In reviewing a proposed subdivision, the Board shall review the application for conformance with the following review criteria and make findings that each has been met prior to final plan approval. Compliance with the design guidelines of Sections 1300 and 1400 shall be considered evidence of meeting the appropriate review criteria. Proposed subdivisions not in compliance with the design guidelines of Sections 1300 and 1400 may be considered, but the applicant shall provide clear and convincing evidence that the proposed design will meet the review criteria of this Ordinance and State law. In all instances the burden of proof shall be upon the applicant to present adequate information to indicate all review criteria and statutory criteria for approval have been met.

1202. The Proposed Subdivision will not Result in Undue Air or Water Pollution.

1202.1. The proposed subdivision shall not discharge wastewater to a water body or a designated wetland without approval from the Maine Department of Environmental Protection.

1202.2. Discharges of stormwater shall be treated to remove oil, grease, and sediment prior to discharge into surface waterbodies. When the subdivision is within the watershed of a great pond, the storm water shall be treated in order to remove excess nutrients.

1202.3. Applicable State and local health and water resource rules and regulations shall be adhered to.

1203. The Proposed Subdivision has Sufficient Water Available for the Reasonably Foreseeable needs of the Subdivision.

1203.1. Water Supply

1. Individual wells shall be sited and constructed to prevent infiltration of surface water and contamination from subsurface wastewater disposal systems and other sources of potential contamination.

2. Lot design shall permit placement of wells, subsurface wastewater disposal areas, and reserve sites for subsurface wastewater disposal areas in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules (current edition).
3. If a central water supply system is provided by the applicant, the location and protection of the source and the design, construction and operation of the system shall conform to the standards of the *Maine Rules Relating to Drinking Water* (10-144A C.M.R. 231).

4. In areas where the comprehensive plan has identified the need for additional water storage capacity for fire fighting purposes, the applicant shall provide adequate water storage facilities. Facilities may be ponds with dry hydrants, underground storage reservoirs or other methods acceptable to the fire chief. An easement shall be granted to the Town of Hope to access and maintain dry hydrants or reservoirs. The Board may waive the requirement for water storage upon submittal of evidence that the Fire Chief has indicated in writing that alternate methods of fire protection are available.

1203.2. **Water Quality** Water supplies shall meet the primary drinking water standards contained in the *Maine Rules Relating to Drinking Water*. If existing water quality contains contaminants in excess of the secondary drinking water standards in the *Maine Rules Relating to Drinking Water*, that fact shall be disclosed in a note on the plan to be recorded at the Knox County Registry of Deeds.

1204. **The Proposed Subdivision will not Cause an Unreasonable Burden on an Existing Water Supply, if one is to be used.**

In meeting the standards of Section 1203, a proposed subdivision shall not generate a demand on the source, treatment facilities or distribution system of the servicing water district beyond the capacity of those system components, considering improvements that are planned to be in place prior to occupancy of the subdivision.

1205. **The Proposed Subdivision will not Cause Unreasonable Soil Erosion or a Reduction in the Land’s Capacity to Hold Water so that a Dangerous or Unhealthy Condition Results.**

1205.1. The proposed subdivision shall prevent eroded soil from entering waterbodies, wetlands, and abutting properties.

1205.2. The procedures outlined in the erosion and sedimentation control plan shall be implemented during site preparation, construction, and clean-up of infrastructure improvements.

1205.1. Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.

1206. **The Proposed Subdivision will not Cause Unreasonable Highway or Public Road Congestion or Unsafe Conditions with Respect to the Use of the Highways or Public Roads Existing or Proposed.**
1206.1. Provision shall be made for vehicular access to the subdivision and circulation within the subdivision in such a manner as to:

1. Safeguard against hazards to traffic and pedestrians on existing roads and within the subdivision;

2. Minimize traffic congestion on any road; and

3. Provide safe and convenient circulation on public streets and within the subdivision.

1207. The Proposed Subdivision will Provide for Adequate Subsurface Waste Disposal and will not Cause an Unreasonable Burden on Municipal Services if they are utilized.

1207.1. Public System

1. Any subdivision within the area designated in the comprehensive plan for future public sewage disposal service shall be connected to the public system if it exists.

2. When a subdivision is proposed to be served by the public sewage system, the complete collection system within the subdivision, including manholes and pump stations, shall be installed at the expense of the applicant.

3. The sewer district shall certify that providing service to the proposed subdivision is within the capacity of the system’s existing collection and treatment system or improvements planned to be complete prior to the construction of the subdivision.

1207.2. Private Systems

1. The applicant shall submit documentation prepared by a licensed site evaluator that each proposed lot has soils suitable for a subsurface wastewater disposal system.

2. The site evaluator shall certify in writing that the soils on each proposed lot are suitable for a subsurface wastewater disposal system.

3. No lot shall be approved which requires a New System Variance from the Subsurface Wastewater Disposal Rules.

1208. The Proposed Subdivision will not Cause an Unreasonable Burden on the Municipality’s Ability to Dispose of Solid Waste.
1209. The Proposed Subdivision will not have an Undue Adverse Effect on the Scenic or Natural Beauty of the Area, Aesthetics, Historic Sites, Significant Wildlife Habitat Identified by the Department of Inland Fisheries and Wildlife or the Municipality, or Rare and Irreplaceable Natural Areas or any Public Rights for Physical or Visual Access to the Shoreline.

1209.1 Preservation of Natural Beauty and Aesthetics

1. The plan may, by notes on the final plan and deed restrictions, limit the clearing of trees to designated building envelopes.

2. Except in areas of the municipality designated by the comprehensive plan as growth areas, the subdivision may be designed to minimize the visibility of structures from existing public roads.

1209.2. Retention of Open Spaces and Natural or Historic Features

1. If any portion of the subdivision is located within an area designated by the Comprehensive Plan as open space, that portion shall be reserved for open space preservation.

2. If any portion of the subdivision is located within an area designated as a unique natural area by the Maine Natural Areas Program the plan shall indicate appropriate measures for the preservation of the values that qualify the site for such designation.

3. If any portion of the subdivision is designated a site of historic or prehistoric importance by the comprehensive plan or the Maine Historic Preservation Commission, appropriate measures for the protection of the historic or prehistoric resources shall be included in the plan.

4. Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended.

5. Reserved open space land may be dedicated to the municipality.

1209.3. Protection of Significant Wildlife Habitat: If any portion of a proposed subdivision lies within 250 feet of the following significant wildlife habitats identified and mapped by the Department of Inland Fisheries and Wildlife, the plan shall contain standards to minimize impacts on these habitats:

1. High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas;
2. High or moderate value deer wintering areas or travel corridors; or

3. Habitat for species appearing on the official state or federal lists of endangered or threatened species.

1209.4. Public Access: Any existing public rights of access to the shoreline of a water body shall be maintained by means of an easement or right-of-way for continued public access.

1210. The Proposed Subdivision Conforms to the Subdivision Ordinance, Comprehensive Plan and Land Use Ordinance of the Town of Hope.

1211. The Subdivider has Adequate Financial and Technical Capacity to Meet the Standards.

1211.1. Financial Capacity: The applicant shall have adequate financial resources to construct the proposed improvements to meet standards of this Ordinance. When the applicant proposes to construct the buildings as well as the subdivision improvements, the applicant shall have adequate financial resources to construct the total development. In making the above determinations the Board shall consider the proposed time frame for construction.

1211.1. Technical Ability: The applicant shall retain qualified contractors and consultants to design and construct the required improvements in the proposed subdivision. In determining the applicant’s technical ability the Board shall consider the applicant’s previous experience, the experience and training of the applicant’s consultants and contractors, and the existence of violations of previous approvals granted to the applicant.

1212. Whenever Situated Entirely or Partially within the Watershed of any Pond or Lake or within 250 feet of any Wetland, Great Pond or River, the Proposed Subdivision will not adversely Affect the Quality of that Body of Water or Unreasonably Affect the Shoreline of that Body of Water.

1213. The Proposed Subdivision will not, alone or in Conjunction with Existing Activities, Adversely Affect the Quality or Quantity of Ground Water.

1213.1. Ground Water Quality

1. If a hydrogeologic assessment is required by the Board, the assessment shall contain at least the following information:

   a. A map showing the basic soils types.
b. The depth to the water table at representative points throughout the subdivision.

c. Drainage conditions throughout the subdivision.

d. Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.

e. An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision; or at the subdivision boundaries; or at a distance of 1000 feet from contamination sources, whichever is the shortest distance.

f. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.

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

3. No subdivision shall increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards. No subdivision shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.

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

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

6. Subsurface wastewater disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells or other measures to reduce ground water contamination and protect drinking water supplies are recommended in the assessment, those standards shall be included as a note on the final plan, and as restrictions in the deeds to the affected lots.

1213.2. Ground Water Quantity

1. Ground water withdrawals by a proposed subdivision shall not lower the water table beyond the boundaries of the subdivision.
2. A proposed subdivision shall not result in a lowering of the water table at the subdivision boundary by increasing runoff with a corresponding decrease in infiltration of precipitation.

1214. If the Subdivision, or any Part of it, is in a Flood Prone Area, the Subdivider shall Determine the 100-year Flood Elevation and Flood Hazard Boundaries within the Subdivision. The Proposed Subdivision Plan must Include a Condition of Plan Approval Requiring that Principal Structures in the Subdivision will be Constructed with their Lowest Floor, Including the Basement, at Least One foot Above the 100-year Flood Elevation.

1215. All Freshwater Wetlands within the Proposed Subdivision Shall be Identified on the Subdivision Plan Submitted as Part of the Application, Regardless of the Size of these Wetlands.

1215.1 All wetlands shall be identified in accordance with the Corps of Engineers Wetland Delineation Manual, published by the United States Army Corps of Engineers (current edition).

1216. Any River, Stream or Brook within or Abutting the Proposed Subdivision shall be Identified on any Maps Submitted as Part of the Application.

1217. The Proposed Subdivision will Provide for Adequate Stormwater Management.

1217.1. Adequate provision shall be made for the management of the quantity and quality of all stormwater generated within the subdivision, and any drained ground water through a management system of best management practices such as swales, culverts, under drains, storm drains, buffers, turnouts and level spreaders conforming to Stormwater Management for Maine: Best Management Practices, published by the Maine Department of Environmental Protection (current edition). The stormwater management system shall be designed to meet the standards outlined for projects based upon their disturbed and impervious areas.

1217.2. Where necessary to achieve the above standards, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision. Wherever the storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided to the Town or homeowners’ association allowing maintenance and improvement of the system.
1218. If any Lots in the Proposed Subdivision have Shore Frontage on a River, Stream, or Great Pond, none of the Lots created Within the Subdivision Shall have a Lot Depth to Shore Frontage Ratio Greater than 4:1.

1219. The Long-Term Cumulative Effects of the Proposed Subdivision will not unreasonably Increase a Great Pond’s Phosphorus Concentration During the Construction Phase and Life of the Proposed Subdivision.


1220. For any Proposed Subdivision that Crosses Municipal Boundaries, the Proposed Subdivision will not Cause Unreasonable Traffic Congestion or Unsafe Conditions with Respect to the Use of Existing Public Ways in an Adjoining Municipality in which part of the Subdivision is Located.

1221. The Proposed Subdivision shall not be on Land that has been Subject to Liquidation Harvesting in Violation of Rules Adopted by the Maine Forest Service.
SECTION 1300 – DESIGN AND PERFORMANCE STANDARDS

1301. Purpose

The design and performance standards of Section 1300 are intended to provide direction to the applicant and Board that will enable the proposed subdivision to meet the review criteria of Section 1200. The applicant should ensure that the proposed subdivision plan addresses these design and performance standards. The Board shall review the application for conformity with these standards. In all instances, the burden of proof shall be upon the applicant to present adequate information to indicate all design and performance standards are met.

1302. Design and Performance Standards

1302.1. Sufficient Water

1. Placement of Wells: Wells shall not be constructed within 50 feet of the edge of pavement of any road. This restriction shall be included as a note on the plan.

2. Fire Protection: In areas where there is no public water supply, fire ponds may be required by the Fire Chief. Hydrants or other provisions for drafting water shall be designed to the specifications of the Fire Department. Where the dry hydrant or other water source is not within the right-of-way of a proposed or existing street, an easement to the Town of Hope shall be provided to allow access. A suitable access way to the hydrant or other water source shall be constructed.

1302.2 Impact on Natural Areas, Historic Sites, and Significant Wildlife Habitats

1. Maintenance of Forested Areas: In proposed subdivisions in which the land is forested, applicants are encouraged to design a 50-foot wide wooded buffer strip along existing roads to be depicted on the plan.

2. Open Space: Applicants are encouraged to reserve an area of the subdivision as open space to maintain the scenic or natural beauty of the area, to be shown on the plan. In major subdivisions of more than 15 lots, the applicant is required to set aside 5 percent of the area of the subdivision as open space, to be shown on the plan.

3. Historic Sites: Proposed subdivisions on land which the comprehensive plan has identified as being of historical significance shall be designed to minimize the impact on identified historic sites.

4. Identified Significant Wildlife Habitats: If areas within the proposed subdivision contain significant wildlife habitats including, but not limited to, deer wintering areas and high and moderate value waterfowl and wading bird habitats that have
been identified by the Maine Department of Inland Fisheries and Wildlife then the submissions shall include a management plan to protect these wildlife habitats.

5. **Identified Habitat of Rare and Endangered Species:** Habitat of species appearing on the official state or federal lists of rare or endangered species shall be placed in open space. Notes on the plan shall reflect recommendations from the Department of Inland Fisheries and Wildlife for habitat protection.

### 1302.3 Stormwater Management

1. A stormwater management plan shall be designed to conform to the guidelines described in the *Stormwater Management for Maine - Best Management Practices*, published by the Maine Department of Environmental Protection (current edition).

2. The minimum size for any storm drainage pipe shall be 15 inches for driveway entrances and 18 inches for cross culverts. Pipe shall be bedded in a fine granular material, containing no stones larger than three inches reaching a minimum of six inches below the bottom of the pipe extending to six inches above the top of the pipe.

3. Storm drainage pipes shall conform to the requirements of Maine Department of Transportation materials specifications. Plastic (polyethylene) pipes shall not be installed except in closed systems such as street underdrains. Where the storm drainage pipe is to be covered by ten feet or more of fill material, pipe material with a 50-year life shall be used. Metallic storm drainage pipe shall meet the thickness requirements listed below.

<table>
<thead>
<tr>
<th>Diameter</th>
<th>Galvanized /Al/Zinc Coated CMP</th>
<th>Aluminum Coated CMP</th>
</tr>
</thead>
<tbody>
<tr>
<td>15” to 24”</td>
<td>14 gauge</td>
<td>16 gauge</td>
</tr>
<tr>
<td>30” to 36”</td>
<td>12 gauge</td>
<td>14 gauge</td>
</tr>
<tr>
<td>42” to 54”</td>
<td>10 gauge</td>
<td>12 gauge</td>
</tr>
<tr>
<td>60” to 72”</td>
<td>8 gauge</td>
<td>10 gauge</td>
</tr>
</tbody>
</table>

### 1302.4 Lots

1. The Board shall not approve for building envelope development that portion of any proposed lot that:

   a. Is located in a floodway as designated in the Flood Insurance Rate Maps of the Town of Hope.
   b. Contains slopes greater than 25%.
   c. Is in a delineated wetland.
   d. Is in a right of way.
   e. Is covered by surface waters.
   f. Is utilized for stormwater management facilities.
2. Deed restrictions and notes on the plan shall either prohibit future divisions of the lots or specify that any future division shall constitute a revision to the plan and shall require approval from the Board.

3. The ratio of lot length to width shall not be more than 4:1.

4. If required by the Board, building envelopes shall be shown on the plan.

1302.5. Utilities: It is encouraged that utilities serving subdivisions be installed underground to maintain the land’s natural character.

1302.6. Monuments: Monuments shall be set at all corners and angle points of the subdivision. Monuments shall be 5/8 inch or larger rebar. Permanent monuments shall be referenced on the final plan and shall comply with the standards of the Maine Board of Land Surveyors.

1302.7 Cluster Development: Cluster development, if permitted by the Hope Land Use Ordinance, shall conform to the standards of that Ordinance and be consistent with the purposes of the Hope Comprehensive Plan.

1302.8. Subsurface Wastewater Disposal

1. The applicant shall submit evidence of site suitability for subsurface wastewater disposal prepared by a Licensed Site Evaluator in full compliance with the requirements of the Maine Subsurface Wastewater Disposal Rules.

2. On lots in which the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal system. The reserve area shall be shown on the plan.

1302.9. Identification of Freshwater Wetlands: All freshwater wetlands shall be identified on the Plan in accordance with the Wetland Delineation Manual, published by the US Army Corps of Engineers (current edition).

1302.10. Erosion and Sedimentation Control


2. The plan submitted for erosion and sedimentation control shall illustrate best management practices for site preparation, infrastructure development, and clean-up.
3. Topsoil shall be considered part of the subdivision. Except for surplus topsoil from roads, parking areas and building excavations, topsoil shall not be removed from lots.

1302.11. Phosphorus Control.

**Explanatory Statement:** The primary source of new phosphorus levels in Hope’s lakes and ponds is land disturbance through new development. Phosphorus stimulates growth of algae that can create a significant decline in water quality and can affect fish and waterfowl habitat. Phosphorus impact on water quality is permanent and has been so significant that the State of Maine now requires that the issue be addressed for all proposed subdivision developments within the watersheds of great ponds. Because much of the land in Hope is in the direct watershed of a great pond, this issue takes on added importance for our Town. Developing best management practices to control phosphorus is the best long-term insurance for maintaining water quality. Minimizing and controlling soil disturbance in a proposed subdivision is the simplest way to ensure there will not be a significant change in phosphorus export from a subdivision site.

1. When a proposed subdivision is within the direct watershed of a great pond, phosphorus control measures shall meet the design criteria in *Phosphorus Control in Lake Watersheds*, published by the Maine Department of Environmental Protection (current edition). Simplified phosphorus review may be used for a minor subdivision. Any subdivision within the watershed of a great pond shall limit its post-development phosphorus export to specific standards dependent on the water quality of the great pond in whose watershed the development is located. Upon determination of the applicable watershed, the allowable phosphorus export figure (in pounds per acre) shall be used to determine whether the proposed development meets its allocation. The Department of Environmental Protection has provided pond-by-pond statistics to use in calculating the necessary information, and current figures used to determine per-acre phosphorus allocation are available at the Hope Town Office.

2. **Minor Subdivisions:** The final plan for a Minor Subdivision in the direct watershed of a great pond shall be reviewed using the simplified best management practices listed below for controlling phosphorus export, which shall be referenced on the final plan.

   a. Natural growth must be left or established down-grade of developed areas. The following buffer widths are required to the maximum extent possible given lot layout restrictions: If the watershed’s area allocation is 0.05 lb/acre or less, a 75-foot wooded or 125-foot non-wooded buffer must be provided. If the watershed’s area allocation is greater than 0.05 lb/acre, a 50-foot wooded or 100-foot non-wooded buffer must be provided.
b. Driveways and parking areas must be designed and constructed so that runoff is directed from roofs and driveways to buffer areas. Disturbance of natural drainage areas shall be minimized.

c. Roof runoff may not be channeled directly to the lake but must be distributed over stable, well-vegetated areas or infiltrated into the soil.

d. Use of fertilizers containing phosphorus is prohibited except when establishing new turf.

e. Subsurface wastewater disposal systems must be designed to meet the Maine Wastewater Disposal Rules 144A CMR 241.

Prior to issuing a building permit for a lot in a Minor Subdivision in the direct watershed of a great pond, the Code Officer shall ensure that the applicant’s proposal meets these standards. The Code Officer shall note these conditions on the building permit.

3. **Major Subdivisions:** The final plan for a Major Subdivision in the direct watershed of a great pond shall include the type, location and details of best management practices to mitigate phosphorus export from the subdivision, and shall include the following:

   a. The applicant’s plan for phosphorus export control measures designed to meet the pounds-per-acre phosphorus export allocation for the watershed area in which the subdivision is planned.


   c. A description of best management practices to address phosphorus export, including any mitigation or compensation.

Prior to issuing a building permit for a lot in a Major Subdivision, the Code Officer shall ensure that the best management practices identified in the final subdivision approval are implemented to ensure the long-term restriction of phosphorus export. The Code Officer shall note these conditions on the building permit.
SECTION 1400 – ROAD DESIGN STANDARDS

1401. Purpose

The road design standards of Section 1400 are intended to provide direction to the applicant and Board that will enable the proposed subdivision to meet the review criteria of Section 1206. Provision shall be made for safe vehicular access to and through the subdivision. The proposed design shall minimize hazards to traffic and pedestrians within the subdivision, provide safe circulation from public ways and within the subdivision, and provide safe access for emergency vehicles. The Board shall review the application for conformance with these standards.

1402. Access Control

1402.1. The proposed subdivision road shall provide for safe access to and from public and private roads. The following criteria shall be used by the Board in reviewing subdivision applications.

1402.2. Any subdivision containing twenty (20) or more lots shall have at least two (2) road connections with existing public roads or roads on a previously-approved subdivision plan.

1402.3. Direct access to an arterial, collector, or Town road from any individual lot within a proposed subdivision is discouraged.

1402.4. Grades, Intersections, and Sight Distances: All changes in a grade shall be connected by vertical curves in order to provide minimum stopping sight distance of 150 feet. Where new street intersections or driveway curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall conform to the following table. Sight distance is measured from the driver’s seat of a vehicle that is ten feet behind the curb line with the height of the driver’s eye 3.5 feet above grade, and the height of an object 4.25 feet above grade. Egress to the subdivision shall be located and designed to provide the sight distance measured in each direction in accordance with the following table limits;

<table>
<thead>
<tr>
<th>Posted Speed Limit (mph)</th>
<th>20</th>
<th>25</th>
<th>30</th>
<th>35</th>
<th>40</th>
<th>45</th>
<th>50</th>
<th>55</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sight Distance (feet)</td>
<td>155</td>
<td>200</td>
<td>250</td>
<td>305</td>
<td>360</td>
<td>425</td>
<td>495</td>
<td>570</td>
</tr>
</tbody>
</table>

1402.5. Vertical Alignment: The grade of any proposed access where practical must be not more than +/- 3% for a minimum of forty feet from the intersection of the access and the road, measured from the edge of the traveled way of the existing road.
1402.6. Location and Spacing: The access must be located no less than 75 feet from the closest intersection of two public roads. The Board may reduce this requirement if the shape of the site does not allow conformity with this standard. The minimum distance between the proposed access and adjoining accesses or driveways must be 75 feet measured from the center lines of the access points at the right-of-way line. The Board may reduce this requirement when it cannot be met because of driveway locations on abutting lots or because of topographic or other compelling on-site conditions.

1402.7. Emergency Vehicle Access: Provisions shall be made for providing and maintaining adequate and safe emergency vehicle access to the proposed subdivision and each proposed lot.

1403. Road Design Standards

1403.1. Overview: The Board shall not approve any subdivision unless proposed roads are designed to the specifications contained in this Ordinance. These design guidelines shall control the roadway, shoulders, sidewalks, drainage systems, culverts, and other features associated with the road, and shall be met by all roads within a subdivision, unless the applicant can provide clear and convincing evidence that an alternate design will meet good engineering practice and will meet the performance standards of 30-A M.R.S.A. §4404 (5) and this Section. Approval of the final plan by the Board shall not be deemed to constitute or be evidence of acceptance by the municipality of any street or easement.

1403.2. Submission Requirements: Applicants shall submit to the Board, as part of the final plan, detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed roads. The plan view shall be at a scale of one inch equals no more than fifty feet. The vertical scale of the profile shall be one inch equals no more than five feet. The plans shall include the following information:

1. The date the plan was prepared, north point, and graphic map scale.
2. Intersections of the proposed road with existing roads.
3. Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks, and curbs, if applicable.
4. Kind, size, location, material, profile and cross-section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.
5. Complete curve data for all horizontal and vertical curves.
6. Turning radii at all intersections.
7. Centerline gradients.
8. Size, type and locations of all existing and proposed overhead and underground utilities, to include but not be limited to water, sewer, electricity, telephone, lighting, and cable television.
10. Where street lighting is proposed, the locations and specifications of the lights.
1403.3. Private Roads and Private Ways: Where the subdivision roads are to remain Private Roads or Private Ways, the following words shall appear on the recorded plan: “All roads in this subdivision shall remain private, to be maintained by the developer or the lot owners, and shall not be accepted or maintained by the Town until they meet the municipal street design and construction standards at the time of the request to become Public Roads. The cost of such improvements shall not be borne by the Town. No road shall be accepted as a Public Road or maintained by the Town without an affirmative Town Meeting vote.”

1403.4. Road Design Guidelines: The design standards of Table 1403 shall apply according to road classification.

Table 1403. Road Design Guidelines

<table>
<thead>
<tr>
<th>Description</th>
<th>Public Road</th>
<th>Private Road</th>
<th>Private Way</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Right-of-Way Width</td>
<td>50 ft.</td>
<td>40 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>Minimum Traveled Way Width</td>
<td>18 ft.</td>
<td>18 ft.</td>
<td>16 ft.</td>
</tr>
<tr>
<td>Minimum Width of Shoulders (each side)</td>
<td>3 ft.</td>
<td>3 ft.</td>
<td>N/A</td>
</tr>
<tr>
<td>Maximum Grade</td>
<td>10%</td>
<td>10%</td>
<td>10%</td>
</tr>
<tr>
<td>Minimum Centerline Radius</td>
<td>150 ft.</td>
<td>150 ft.</td>
<td>150 ft.</td>
</tr>
<tr>
<td>Roadway Crown</td>
<td>¼ in./ ft.</td>
<td>¼ in./ ft. paved</td>
<td>¼ in./ ft. paved</td>
</tr>
<tr>
<td></td>
<td></td>
<td>¼ in./ ft. gravel</td>
<td>¼ in./ ft. gravel</td>
</tr>
<tr>
<td>Minimum Angle of Street Intersections</td>
<td>80°</td>
<td>80°</td>
<td>80°</td>
</tr>
<tr>
<td>Maximum Grade within 40 ft. of Intersection</td>
<td>3%</td>
<td>3%</td>
<td>3%</td>
</tr>
<tr>
<td>Minimum Curb Radii at Intersections</td>
<td>15 ft.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Minimum R/O/W Radii at Intersections</td>
<td>10 ft.</td>
<td>10 ft.</td>
<td>10 ft.</td>
</tr>
</tbody>
</table>

1 Maximum grade of up to 12% may be allowed for a length of no more than 100 feet.
2 Roadway crown is per foot of lane width.
3 Paving is not required in a Minor Subdivision and may be waived in a Major Subdivision.
4 Street intersection angles shall be as close to 90° as feasible, but no less than the listed angle.
1403.5. Private Ways.

1. Private ways shall be limited to Minor Subdivisions only, except under conditions stated in paragraph 4 below. Further lot divisions causing the Private Way to serve more than four residences within the subdivision are prohibited without the review and approval of the Board. Applicants seeking approval for Private Ways should be aware that further subdivision of any abutting remainder land that causes the Private Way to serve more than four residences is not permitted. The developer will be required to upgrade the Private Way to Private Road or Public Road standards.

2. The applicant shall submit such further information as the Board may require in circumstances in which it determines that, due to the scale, nature of the proposed Private Way, or the impact of the Private Way on safety considerations, such information is necessary to insure compliance with the intent and purposes of this section of the ordinance.

3. If the Board determines the need, a turnout shall be provided measuring 5 feet wide by 50 feet long for every 500 feet of private way to provide for larger vehicular passage.

4. Private Ways off a subdivision road that serve groupings of up to four lots are permitted in a Major Subdivision.

1403.6. Dead-End Roads: Dead-end roads shall be constructed to provide a cul-de-sac or vehicle turnaround that conforms to Figure 14.1 or 14.2 on pages 14.7 and 14.8. The Board may require the reservation of an easement where future development is possible.

1404. Road Construction Standards

1404.1. Road Materials: The minimum thickness of material after compaction shall meet the specifications in the following table:

Table 1404.

<table>
<thead>
<tr>
<th>Road Materials</th>
<th>Public Road</th>
<th>Private Road</th>
<th>Private Way</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sub-Base Gravel Course</td>
<td>18 inches</td>
<td>12 inches</td>
<td>12 inches</td>
</tr>
<tr>
<td>Base Course – 1½&quot; minus</td>
<td>6 inches</td>
<td>3 inches</td>
<td>3 inches</td>
</tr>
<tr>
<td>Bituminous/Asphalt Pavement</td>
<td>Required</td>
<td>May be Required for Major</td>
<td>Not Required</td>
</tr>
<tr>
<td>Total Compacted Thickness</td>
<td>3 inches</td>
<td>3 inches</td>
<td>3 inches</td>
</tr>
<tr>
<td>Surface Course</td>
<td>1 inch</td>
<td>1 inch</td>
<td>1 inch</td>
</tr>
<tr>
<td>Base Course</td>
<td>2 inches</td>
<td>2 inches</td>
<td>2 inches</td>
</tr>
</tbody>
</table>
1404.2. Standards: Any approved Minor Subdivision shall comply, at a minimum, with the sub-base course, base course and surface gravel standards. Any Major Subdivision shall comply with the sub-base and base gravel course and bituminous/asphalt pavement standards (when required).

1404.3. Preparation.

1. Before any clearing has started on the right-of-way, the center line and side lines of the new road shall be staked or flagged at fifty-foot intervals.

2. Before grading is started, the entire area within the right-of-way that is necessary for construction of the traveled way, shoulders, sidewalks, drainage-ways, and utilities shall be cleared of all stumps, roots, brush, and other objectionable material. All shallow ledge, large boulders and tree stumps shall be removed from the cleared area.

3. All organic material, rocks and boulders shall be removed to a depth of two feet from below the sub-grade of the roadway. On soils which have been identified as not suitable for roadways, either the subsoil shall be removed from the site to a depth of two feet below the sub grade and replaced with material meeting the specifications for gravel sub-base in Section 1404.4, or a Maine Department of Transportation approved stabilization geotextile may be used.

4. Except in a ledge cut, side slopes shall be no steeper than a slope of three feet horizontal to one foot vertical, and shall be graded, loamed, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan.

5. All underground utilities shall be installed prior to paving to avoid cuts in the pavement.

1404.4. Bases and Pavement.

1. Sub-Base. The sub-base course shall be sand or gravel of hard durable particles. The sub-base shall contain no particles of rock exceeding eight inches. The gradation of the part that passes a three-inch square mesh sieve shall meet the grading requirements in the following table:

<table>
<thead>
<tr>
<th>Sieve Designation</th>
<th>Percentage by Weight Passing</th>
</tr>
</thead>
<tbody>
<tr>
<td>¼ inch</td>
<td>25-70%</td>
</tr>
<tr>
<td>No. 40</td>
<td>0-30%</td>
</tr>
<tr>
<td>No. 200</td>
<td>0-7%</td>
</tr>
</tbody>
</table>
2. **Base:** The base course shall be screened or crushed gravel of hard durable particles. The gradation of the part that passes a three-inch square mesh sieve shall meet the grading requirements of the following table. The base shall contain no particles of rock larger than 1½ inches in any dimension.

<table>
<thead>
<tr>
<th>Table 1404.2.</th>
<th>Percentage by Weight Passing</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sieve Designation</strong></td>
<td><strong>Square Mesh Sieves</strong></td>
</tr>
<tr>
<td>½ inch</td>
<td>45-70%</td>
</tr>
<tr>
<td>¼ inch</td>
<td>30-55%</td>
</tr>
<tr>
<td>No. 40</td>
<td>0-20%</td>
</tr>
<tr>
<td>No. 200</td>
<td>0-5%</td>
</tr>
</tbody>
</table>

3. **Pavements:** Minimum standards for the base layer of pavement shall be the Maine Department of Transportation specifications for plant mix grade B with an aggregate size no more than 1 inch maximum and a liquid asphalt content between 4.8% and 6.0% by weight depending on aggregate characteristics. The pavement may be placed between April 15 and November 15. Minimum standards for the surface layer of pavement shall be the Maine Department of Transportation specifications for plant mix grade C or D with an aggregate size no more than 3/4 inch maximum and a liquid asphalt content between 5.8% and 7.0% by weight depending on aggregate characteristics. The pavement may be placed between April 15 and November 15.

4. **Gravel Roads:** Private Roads or Private Ways in Minor Subdivisions need not be paved and may have a gravel surface. Private Roads serving Major Subdivisions need not be paved and may have a gravel surface provided that the road will serve no more than 10 lots and have grades no greater than 8%.
Note:
This figure shall also pertain to a private way. The minimum traveled way width of a private way may be maintained to within 50 feet of the entrance to the cul-de-sac.
Figure 14.2: Large Vehicle Turnaround

Notes:
1. This figure shall also pertain to a private way. The minimum traveled way width of a private way may be maintained to within 50 feet of the beginning of initial radius to the turnaround.
2. Private way right-of-way of 30 feet may be maintained for this kind of turnaround.
SECTION 1500 – PERFORMANCE GUARANTEES

1501. Process

1501.1. Performance guarantees shall be included for all improvements required to meet the standards of this Ordinance including but not limited to: road construction, utility installation, stormwater management facilities, public water systems, and erosion and sedimentation control measures.

1501.2. With submittal of an application for final plan approval, the applicant shall provide to the Board evidence that the applicant has adequate financial capacity to complete the infrastructure improvements for the proposed subdivision sufficient to allow the Board to determine an appropriate performance guarantee, which shall be required as part of the process.

1501.3. The conditions and amount of the performance guarantee shall be determined by the Board. The amount shall be consistent with the cost estimates for each major phase of construction.

1501.4. The execution and administration of the performance guarantee shall be the responsibility of the Town Administrator.

1502. Types of Performance Guarantees

1502.1. Escrow Account: A cash contribution for the establishment of an escrow account shall be made by either a certified check made out to the Town of Hope, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the applicant, the Town of Hope shall be named as co-owner, and the consent of the Town of Hope shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the applicant unless the Town of Hope has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required improvements.

1502.2. Performance Bond: A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the applicant, and the procedures for collection by the Town of Hope. The bond documents shall specifically reference the subdivision for which approval is sought. The performance bond shall be issued by a surety company and payable to the Town of Hope.

1502.3. Letter of Credit: An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan and that the Town of Hope may draw down funds if construction is inadequate.
1503. Contents of Guarantee

The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction, provisions for the release of part or all of the performance guarantee to the applicant, and a date after which the applicant will be in default and the Town of Hope shall have access to the funds to finish construction.

1504. Conditional Agreement

The Board at its discretion may provide for the applicant to enter into a binding agreement with the Town of Hope in lieu of the other financial performance guarantees. Such an agreement shall provide for approval of the final plan on the condition that no lots may be sold or built upon until it is certified by the Code Officer that all of the required improvements have been installed in accordance with this Ordinance and the approved plan.

Notice of the agreement and any conditions shall be on the final plan that is recorded at the Knox County Registry of Deeds. Release from the conditional agreement shall follow the release of guarantee procedures in Section 1506.

1505. Phasing of Development

The Board may approve plans to develop a major subdivision in separate and distinct phases.

1506. Release of Guarantee

Prior to the release of the performance guarantee, the Hope Town Administrator shall determine that the proposed improvements meet the design and construction requirements for that phase of the subdivision for which the release is requested.

1507. Default

If, upon inspection, the Code Officer finds that any of the required improvements have not been constructed in accordance with the plans and specifications of the approved plan, the Code Officer shall report that fact to the municipal officers and Board. The municipal officers shall take the necessary steps to protect the rights of the Town of Hope.
SECTION 1600 – WAIVERS

1601. Waivers Authorized for Submission Requirements and Required Improvements

Where the Board makes written findings of fact that there are special circumstances of a particular parcel proposed to be subdivided, it may waive portions of the submission requirements, unless otherwise indicated in this Ordinance, provided the applicant has demonstrated that the design and performance standards of this Ordinance and the criteria of the subdivision statute will be met, and the public health, safety, and welfare are protected. Waivers shall not have the effect of nullifying the intent and purpose of the Comprehensive Plan, Land Use Ordinance or this Ordinance.

Where the Board makes written findings of fact that due to special circumstances a required improvement is not required for the public health, safety or welfare, the Board may waive the requirement for such improvements, subject to appropriate conditions which include: ensuring that waivers do not have the effect of nullifying the intent of the Comprehensive Plan, Land Use Ordinance, or this Ordinance, and further provided the review criteria of this Ordinance and the State statute will be met by the proposed subdivision.

1602. Findings of Fact Required

Where waivers are granted, written findings of fact shall be prepared by the Board. These shall be maintained with the public file in the Town Office.

1603. Conditions

Waivers may only be granted in accordance with the provisions of Section 1601 and 1602. When granting waivers, the Board shall set conditions so that the purposes of this Ordinance are met.

1604. Waivers Shall be Shown on the Final Plan

When the Board grants a waiver to any of the improvements required by this Ordinance, the waiver shall be indicated on the Final Plan to be recorded at the Knox County Registry of Deeds.
SECTION 1700 – APPEALS

1701. Appeals to Superior Court

An aggrieved party may appeal any decision of the Board under this Ordinance to Maine Superior Court within thirty (30) days of the date the Board issues a written order and findings of its decision.
I. Establishment

Pursuant to Article VIII of the Maine Constitution and 30-A M.R.S.A. Sections 2691 and 3001, Town of Hope hereby establishes a Zoning Board of Appeals.

II. Appointment

A. Hope Zoning Board of Appeals members shall be appointed by the Municipal Officers and sworn into office by the Town Clerk or other person authorized to administer oaths.

B. The Zoning Board of Appeals shall consist of seven (7) regular members.

C. The term of each member shall be five (5) years, except the initial appointments which shall be for the following terms: two board members for one year, four board members for four years, and one board member for five years.

D. When there is a permanent vacancy on the Hope Zoning Board of Appeals, the Municipal Officers shall, within 60 days of a vacancy’s occurring, appoint a person to serve for the unexpired term. A vacancy shall occur upon the resignation or death of any member, or when a member ceases to be a legal resident of the Town of Hope, or when a member fails, without good cause, to attend four (4) consecutive regular meetings, or at least 75% of all meetings during the preceding twelve month period. When a vacancy occurs, the Chairperson of the Zoning Board of Appeals shall immediately advise the Municipal Officers in writing. The Municipal Officers may remove members of the Zoning Board of Appeals, by unanimous vote, for cause, after due process including notice and hearing.

E. Neither a Municipal Officer, nor a spouse of a Municipal Officer, may be a member of the Zoning Board of Appeals.

III. Organization and Rules

A. The Zoning Board of Appeals shall elect a Chairperson, Vice-Chairperson, and Secretary annually from among its members. Officers shall be elected at the first regularly scheduled meeting after the Annual Town Meeting.

B. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members, except the member who is being challenged.

C. No meeting of the Zoning Board of Appeals shall start without a quorum consisting of four members. The Board shall act by a majority vote of those members present and authorized to vote.
D. Zoning Board of Appeals meeting notices and accompanying agendas shall be posted at least one business day prior to the event. These notices shall be posted at the Town Office and sent electronically to Town Office staff.

E. The Zoning Board of Appeals shall adopt bylaws for the transaction of business and the Town Office shall keep a record of its resolutions, correspondence, findings and determinations. All records are public and may be inspected at reasonable times.

IV. Powers and Duties of the Hope Zoning Board of Appeals

A. The Zoning Board of Appeals shall perform such duties and exercise such powers as are provided by Hope Ordinances and the laws of the State of Maine.

B. The Zoning Board of Appeals shall adopt bylaws governing board functions. Initial adoption of Zoning Board of Appeals bylaws, and all subsequent amendments, shall be subject to review and approval of the Board of Selectmen.

C. The Chairman of the Zoning Board of Appeals will submit an annual report to the Chairman of the Board of Selectmen by April 1 on the Board’s actions over the past calendar year.

V. Repeal of Prior Zoning Board of Appeals Ordinance

Any Zoning Board of Appeals Ordinance creating an "old" Zoning Board of Appeals prior to the establishment of this Zoning Board of Appeals Ordinance is hereby repealed. It is the intent of this Ordinance to establish a "new" lawfully authorized Zoning Board of Appeals under the provisions of 30-A M.R.S.A 3001.