2016

Town of Madawaska Maine Ordinances

Madawaska, Me.

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There are two types of home occupations

Home occupation 1 or a home occupation 2

A home occupation is an occupation or profession which is carried on in a dwelling unit or in a building or other structure accessory to the dwelling unit. The home occupation is carried on by a member or members of the family residing in the dwelling unit and it is clearly incidental and secondary to the primary use of the dwelling unit.

The code enforcement officer will determine the type of home occupation.

The ordinance was accepted at the annual town meeting on June 20, 2000.
## THE DIFFERENCES BETWEEN HOME OCCUPATION 1 & HOME OCCUPATION 2

<table>
<thead>
<tr>
<th>Home Occupation 1</th>
<th>Home Occupation 2</th>
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<tr>
<td><strong>Is non-intrusive</strong>, with no indication that there is a home occupation being conducted on the property. There are no additional impacts on the neighborhood.</td>
<td><strong>Is intrusive</strong> with external indications that a home occupation is being conducted on the property and has additional impacts on the neighborhood.</td>
</tr>
<tr>
<td>The Code Enforcement Officer shall determine the request. The request will be forwarded either to the landowners within 300 feet or by notifying three consecutive landowners (whichever is greater) on all sides of the proposed home occupation.</td>
<td>The Board of Appeals automatically shall review the request at a public hearing. The request will be forwarded either to the landowners within 300 feet or by notifying three consecutive landowners (whichever is greater) on all sides of the proposed home occupation.</td>
</tr>
<tr>
<td>The cost of notifying the abutters will be borne by the applicant. The notification fee will be $35.00. If a public hearing is required an additional $130.00 will be applicable to cover the advertisement fee in the newspaper. If the Code Enforcement Officer receives no written and signed objections within 14 days, a permit will be issued. If there are objections, a permit will be issued. If there are objections then it shall be addressed at a public hearing by the Board of Appeals.</td>
<td>The cost of notifying the abutters will be borne by the applicant. The notification fee is $35.00 plus advertisement in newspaper of $130.00. The Board of Appeals will address the public hearing.</td>
</tr>
<tr>
<td>The use of the dwelling unit or property for a home occupation shall be clearly incidental to and compatible with the residential use of the property and surrounding residential uses.</td>
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</tr>
<tr>
<td>There shall be no charge in the outside appearance of the building or premises that shall cause the premises to differ from its residential character by use of colors, materials, construction, lighting, sounds, or noises.</td>
<td>There shall be no change in the outside appearance of the building or premises that shall cause the premises to differ from its residential character by use of colors, materials, construction, lighting, sounds, or noises.</td>
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<tr>
<td>Exterior storage of materials such as, but not limited to, trash and any other exterior evidence of home occupation shall be located and screened so as not to detract from the residential character of the principal building for advertising the home occupation.</td>
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</tr>
<tr>
<td>There shall be allowed only one non-flashing sign (maximum four (4) square feet) positioned flat against the principal building for advertising the home occupation.</td>
<td>Only one non-flashing sign of no greater than six (6) square feet shall be permitted. The sign may be affixed to the dwelling or accessory structure or erected on the lawn. The sign must be setback 20 feet from the paved portion of the right of way and no higher than 6 feet.</td>
</tr>
<tr>
<td>The Home Occupation shall employ only resident(s) of the dwelling unit.</td>
<td>The Home Occupation may employ at least (1) one but not more than three (3) persons other than resident family members.</td>
</tr>
<tr>
<td>The Home Occupation shall be carried on wholly within the principal or accessory structure.</td>
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</tr>
<tr>
<td>The Home Occupation including storage within the principal structure shall not occupy more than 35% of the total floor area.</td>
<td>The Home Occupation shall not occupy more than 35% of the total floor area of the principal structure or 50% of one accessory structure.</td>
</tr>
<tr>
<td>Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare, or other nuisance shall not be permitted.</td>
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<td>Parking requirements: Two (2) parking spaces for the dwelling one (1) parking space per working employee for a maximum of two (2) parking spaces; and one (1) parking space for every 300 square feet of business floor space or fraction thereof. Parking spaces must be 10'x20' and the applicant must show on the application where the parking spaces will be located.</td>
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</tr>
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<td>No traffic shall be generated by such home occupation in a volume greater than that in a residential area during peak hours.</td>
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</tr>
<tr>
<td>The sale of products shall be limited to normal business hours and to those items that area crafted, ordered off the premises by customers, and to items, which are accessory and incidental to a service, which is provided on the premises.</td>
<td>The operation of the Home Occupation shall be limited to 8:00 a.m. to 9:00 p.m. and to those items, which are crafted, assembled, or substantially altered on the premises, to catalog items ordered off the premises by customers, and to items, which are accessory &amp; incidental to a service, which is provided on the premises.</td>
</tr>
<tr>
<td>The Home Occupation shall not use utilities beyond that normal for residential properties.</td>
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<tr>
<td>The Home Occupation shall not involve the use of heavy commercial vehicles (not more than 3 axles) for daily delivery from or to the premises.</td>
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Should all the above condition not be maintained on a continual basis once the permit has been issued, the Board of Appeals shall review the permit and its conditions for approval, and if necessary schedule a public hearing to determine whether the permit shall be rescinded. All other applicable standards of this ordinance shall also be observed.
HOME OCCUPATION 1 & HOME OCCUPATION 2

SIMILARITIES

- The use of dwelling unit or property for a home occupation shall be clearly incidental to and compatible with the residential use of the property and surrounding residential uses.

- There shall be no change in the outside appearance of the building or premise that shall cause the premise to differ from its residential character by use of colors, materials, constructions, lighting, sound or noises.

- Exterior storage of materials, such as, but not limited to, trash and any other exterior evidence of home occupation shall be located and screened so as not to detract from the residential character of the principal building.

- Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare, or other nuisance shall not be permitted.

- Parking requirement: Two (2) parking spaces for the dwelling: one (1) parking space per working employee for a maximum of two (2) parking spaces; and one (1) parking space for every 300 square feet of business floor space or fraction thereof. Parking spaces must be 10'x20' and the applicant must show on the application where the parking spaces will be located.

- The home occupation shall not use utilities beyond that normal for residential properties.

- The home occupation shall not involve the use of heavy commercial vehicles (not more than 3 axles) for daily delivery from or to the premises.

- Should all of above conditions not be maintained on a continual basis once the permit has been issued, the Board of Appeals shall review the permit and its conditions for approval, and if necessary schedule a public hearing to determine whether the permit shall be rescinded.

- All other applicable standards of this Ordinance shall also be observed.
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town of madawaska
october 1976

chapter i  
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section i  
general

a.  
purpose

the purposes of this code are to promote the general welfare of the town, to protect the health of its inhabitants, to encourage the most appropriate use of land within the town, to conserve the value of said land; further, it is designed to fulfill all the purposes of zoning embraced in maine revised statutes.

b.  
establishment of zones

to implement the provisions of this code, the town of madawaska is hereby divided into the following type of zoning districts.
C. ZONING MAPS

The location and boundaries of the above districts are hereby established as shown on the urban and rural maps entitled “Zoning Map of the Town of Madawaska, dated [date], prepared by the Madawaska Planning Board, which map with all explanatory matter thereon, shall be deemed to be, and is hereby made part of this Code. When uncertainty exists with respect to district boundaries as shown upon such map, the following rules shall apply:

1) Unless otherwise indicated, district boundary lines are the center lines, plotted at the time of adoption of this Code of streets, alleys, parkways, waterways, or separate rights-of-way of public utilities and railroad or such lines extended.

2) Other district boundary lines which are not listed in the preceding paragraph shall be considered as lines paralleling a street and at distances from center lines of such streets as indicated by the official zoning map on file in the office of the Town Clerk. In the absence of a written dimension, the graphic scale on the official zoning map shall be used.

3) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or other circumstances not covered by 1 or 2 above, the Board of Appeals shall interpret the District boundaries.

4) Where a question arises in regard to the limits of the Resource Protection District as it affects an existing or proposed land use, the applicant shall obtain a topographic survey from a registered land surveyor based on the nearest U.S.G.S. benchmarks.

D. CONFORMITY

1) No building or structure shall be erected, altered, enlarged, rebuilt, moved or used and no premise shall be used unless in conformity with the provisions of this Code except those existing at the time of adoption of this Code which by the provisions of this chapter become legally nonconforming.
2) The regulations specified by this Code for each type of district shall be minimum requirements and shall apply uniformly to each type of district and kind of structure and/or land.

3) Land within the right-of-way lines of a street on which a lot abuts shall not be considered as part of such lot for the purposes of meeting the area requirements of this chapter notwithstanding the fact that the fee to such land may run the owner of such lot.

4) No part of a yard, or other space, or off-street parking or loading space, about or in connection with any building and required for the purpose of complying with this Code shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building except as authorized in Chapter II of this Code.

5) Where a zoning district boundary line divides a lot, the regulations applicable to the less restricted portion of such lot may extend not more than 50 feet into the more restricted portion.

6) In any district, notwithstanding limitations imposed by other sections of this Code, single lots of record, created and recorded as legally buildable lots before the adoption of this Code, may be built upon consistent with the zoning provision of this Code. These provisions shall apply even though such lots fail to meet the minimum requirements for area and/or width, which are applicable in the district, provided that yard dimensions and other requirements, not involving are and/or width, of the lot shall conform to the regulation for the district in which such lot is located. Variance of yard and other requirements not involving area or width shall be obtained only through action of the Board of Appeals.

7) In the Resource Protection District, single lots legally created and recorded may have a single-family dwelling unit built thereon provided other spatial standards such as minimum area per dwelling and water setback requirements are maintained.

E. CONFLICT WITH OTHER ORDINANCES

Where the requirements of this Code are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or that imposing the higher standards shall govern.

F. SEPARBILITY
In the event that any section, subsection or any portion of this Code 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 Code; to this end, the provisions of this Code are hereby declared to be severable.
G. AMENDMENTS

This Code may be amended by a majority vote of the registered voters of the Town voting at a regular Town meeting legally warned, called and conducted, provided that a public hearing shall first be held.

SECTION II NONCONFORMANCE

The lawful use of premises existing at the time of the adoption of this Code may be continued although such use does not conform to the provisions hereof, and such premises may be reconstructed or structurally altered subject to the following regulations:

1) A nonconforming use may not be extended, except to a building or portion thereof which is at the time of the adoption of this Code primarily arranged or designed for such nonconforming use.

2) An existing nonconforming use may be changed to another nonconforming use provided that the Board of Appeals shall find that the propose use is equally or more appropriate to the zoning district than the existing nonconforming use.

3) Whenever a nonconforming use is changed to a permitted use, such use shall not thereafter revert to nonconforming status notwithstanding any other provisions of this chapter.

4) Whenever any change in the exterior character of any nonconforming use is proposed including replacement, partial rebuilding, or enlargement, except for normal maintenance related operations, the Board of Appeals shall review all permit applications. In reviewing all such applications, the Board of Appeals shall use the criteria established herein for the consideration of special exceptions.

5) A nonconforming building damaged by fire, explosion, hurricane, earthquake, or similar uncontrollable event may be repaired or rebuilt, provided that such repairing or rebuilding shall be completed within twenty-four (24) months after the occurrence of such damage.

6) A nonconforming use which is discontinued for a period of twelve (12) consecutive months may not be resumed. The uses of the land, building or structure shall thereafter conform to the provisions of this Code.
### SECTION III  DEFINITIONS

Except where specifically defined herein, all words used in this Code shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word “lot” includes the word “plot”; the word “building” includes the word “structure”; the word “shall” is always mandatory; “occupied” or “used” shall be considered as though followed by the words “or intended, arranged, or designed to be used/occupied”. The terms Code and Ordinance are to be considered interchangeable.

**Accessory Use**
A use customarily incidental and subordinate to the principle building or use and located on the same lot with such principle building or use.

**Accessory Building**
A subordinate building or a portion of the main building, the use of which is incidental to that of the principle building or main portion thereof.

**Acre**
Shall be considered equal to 43,560 sq. ft. of land area.

**Apartment Building**
A building arranged, intended, or designed to be occupied by three (3) or more families each living in its own separate dwelling unit.

**Basement**
An area below the first floor having part but not more than one-half of its height above average mean grade of the immediately adjoining building. A basement shall not be used as the sole living quarters within a dwelling.

**Billboard**
The surface of any building or structure which is available for hire for advertising goods or services not provided on the premises.

**Building**
Any structure having a rigid roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals or chattel. Each portion of a building, on separate lots and separated from other portions by a fire wall, or a common wall shall be considered as a separate structure.

**Campground**
Any area or tract of land used to accommodate two (2) or more parties, including tents, trailers or other camping outfits.

**Code Enforcement Officer**
The person duly authorized by the Town to carry out the duties as prescribed herein and shall be used synonymously with the term Building Inspector.

**Corner Yards**
In districts where yards are required:
Such corner yards, located at the intersection of two (2) streets, shall be deemed to have a side rather than a front yard between the principle building and side street. Such side yard shall not be less than the front yard requirements of uses located on the side street.

Such corner yards, located at the intersection of two (2) streets, shall be deemed to have a side rather than a rear yard between the principle building and the abutting property on the side street. Such side yard shall not be less than the side yard requirements of uses located on the side street.

All such side yards described above shall conform with the specific regulations related to yard space and related building height contained in the district provisions of this Code.

**Coverage**

That percentage of the plot or lot area covered by the building area.

**Dwelling**

A building designed or used as the living quarters for one (1) or more families. The term shall not be deemed to include motel, rooming house, lodging house, hotel, inn, or trailer.

**Dwelling Unit**

A room or group of rooms forming a habitable unit for one (1) family with facilities for living, sleeping, cooking, and eating. It shall comprise at least 650 square feet of habitable floor space, not including the basement. The term shall not be deemed to include trailer.

**Family**

An individual, or two (2) or more persons related by blood, marriage or adoption, living together as a single household unit, or a group of not more than three (3) persons, who are not related by blood, marriage or adoption, living together as a single housekeeping unit.

**Half Story**

Shall be construed as meaning one-half (1/2) of the habitable floor area of the floor beneath and under a pitched roof.

**Height of Building**

The height of buildings shall be the vertical measurement from average mean grade of the immediately adjoining ground to the highest point of the structure. This shall not be deemed to include chimneys, spires or other similar non-habitable structures.

**Home Occupation**

An occupation or profession which is: customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit; carried on by a member of the family residing in the dwelling unit; clearly incidental and secondary to the use of the dwelling unit for residential purposes; conforms with the following conditions:
1) The occupation or profession shall be carried on wholly within the principle building or within a building or other structure accessory thereto.

2) Not more than one (1) person outside the family shall be employed in the home occupation.

3) There shall be no exterior display, no exterior sign (except as expressly permitted by the regulations of this document), no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principle building.

4) No nuisance, offensive noise, vibration, smoke, dust, odors, heat, glare, traffic or parking shall be generated.

**Hotel**

A building of ten (10) or more rooms in which lodging or boarding and lodging capabilities are provided and offered to the public for compensation and in which ingress and egress to and from rooms are made primarily through a common entrance or lobby or office. As such, it is open to the public in contradistinction to a lodging house or a motel, which are herein separately defined.

**Junk Yard**

A lot or part thereof, in any way exposed to the elements, which is used for the sale or for the storage of secondhand products or materials, or for the storage of two or more automobiles or trucks which cannot pass the State inspection test in their existing conditions and/or are inoperable.

**Lodging House**

A building other than a hotel or motel with more than three (3), but less than ten (10) rooms where lodging with or without meals are provided for compensation.

**Lot**

A recorded parcel of land having frontage upon an approved street or private right-of-way.

**Mobile Home**

A detached totally self-contained and non-sectional residential dwelling unit designed for transportation, after fabrication, on streets or highways arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for location on jacks or other temporary or permanent foundations and connections to approved utilities. A mobile home shall contain not less than 650 square feet of floor area. Mobile homes manufactured after September 1, 1974, shall be approved and certified by the Maine State Housing Authority or a State approved agent prior to locating in Madawaska.

**Mobile Home**

A contiguous parcel of land having a minimum area of ten (10) acres and
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<td>Park</td>
<td>plotted for the development of a minimum of ten (10) mobile home lots which are to be rented, leased or sold.</td>
</tr>
<tr>
<td>Motel</td>
<td>A building or group of detached or connected buildings designed, intended or used primarily to provide sleeping accommodations for travelers and having a parking space adjacent or convenient to a sleeping room. An automobile court, a tourist court, or motor lodge with more than one (1) unit shall be deemed to be a motel.</td>
</tr>
<tr>
<td>Net Residential Acreage</td>
<td>The gross available acreage less the area required for streets or access and less the areas of any portions of the site which are unsuitable for development because of topography, natural drainage or subsoil conditions.</td>
</tr>
<tr>
<td>Net Residential Density</td>
<td>Net residential density shall mean the number of dwelling units per net residential acre.</td>
</tr>
<tr>
<td>Nonconforming Use</td>
<td>A building, structure or use of land existing at the time of adoption of this Code and which does not conform to the regulations of the district or zone in which it is situated.</td>
</tr>
<tr>
<td>Normal High Water Mark</td>
<td>That line on the shores and banks of non-tidal waters which is apparent because of the contiguous different character of the soil or the vegetation due to the prolonged action of the water. In places where the shore or bank cannot be easily determined (rock slides, ledges, rapidly eroding or slumping banks), the normal high water mark shall be estimated from places where it can be determined by the above method.</td>
</tr>
<tr>
<td>Parking Space</td>
<td>Parking space shall mean an area of not less than 200 square feet, exclusive of drives or aisles giving access thereto, accessible from streets or aisles leading to streets and usable for the storage or parking of passenger vehicles. Parking space or access thereto shall be construed as to be usable year round and all parking spaces shall be suitably surfaced with bituminous binder, concrete, asphalt, gravel, or crushed stone.</td>
</tr>
<tr>
<td>Piggery</td>
<td>A building or area or portion thereof or an enclosure used or designed for the keeping of one (1) or more pigs for commercial purposes.</td>
</tr>
<tr>
<td>Project Cost</td>
<td>Project cost will be materials and labor necessary to complete the project. Local cost for materials and labor shall be used regardless of the source of material and labor.</td>
</tr>
<tr>
<td>Public Uses</td>
<td>Any building or use held, used or controlled exclusively for public purposes by any department or branch of government, state, county, or municipal.</td>
</tr>
</tbody>
</table>
Public Utility  Include every common carrier, gas company, natural gas pipeline company, electrical company, telephone company, telegraph company, water company, public heating company, wharfinger and warehouseman, as those terms are defined in this section, and each thereof is declared to be a public utility.

Renovations  Repairs and upkeep that do not change the existing external square footage.

Rooming House  Any dwelling in which more than three (3) persons, whether individually or as families is housed for compensation with or without meals. This shall be deemed to include fraternities and sororities.

Setback from Water  The minimal horizontal distance from the normal high water mark to the nearest part of the structure.

Shore Frontage  The width of the lot as it fronts the shore as measured in a straight line between the points of intersection of the side lot lines with the shoreline at normal high water mark.

Sign  Any structure or part of the structure attached thereto or painted or represented thereon, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. The word ‘sign’ does not include the flag, pennant or insignia of any nation, state, city or other political unit. Temporary display of any political, educations, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement, or event is not considered a sign.

Special Exception  A special exception is a use that would not be appropriate generally or without restriction throughout the district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such districts as special exceptions, if specific provision for such special exceptions is made in Chapter I of this Code.

Street  A way established or maintained under public authority, or a private way approved by the Planning Board and plotted, dedicated and recorded, or a way shown on a plan of a subdivision duly approved by the Planning Board.

1)  Arterial Streets  Major traffic routes connecting communities or substantial portions of communities.
2) **Collector Streets**
   Any street that carries the traffic to and from the major arterial streets to local access streets, or directly to destinations, or to serve local traffic generators.

3) **Local Residential Streets**
   Any street which affords direct access to houses and places of business which do not generate significant amounts of traffic. These streets are always to be designed and constructed so as to discourage through traffic of any type.

**Street Line**
The exterior line of a street right-of-way which separates it from abutting lots.

**Street Frontage**
The width of the lot as it fronts the street.

**Structure**
Any production or piece of work, artificially built up or composed of parts, and joined together in some definite manner.

**Trailer**
Trailer shall mean any vehicle including campers used or so constructed as to permit its being used as a conveyance on the public streets and highways and may be duly licensed such, and constructed in such a manner as will permit occupancy thereof as a temporary dwelling for one or more persons. A trailer shall not be construed as a mobile home for the purpose of this Code.

**Trailer Park**
An area occupied or designed to be occupied by trailers for seasonal use only from May through October.

**Variance**
A variance is a relaxation of the term of this Code where such relaxation will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Code will result in unnecessary or undue hardship.

As used in this Code, a variance is authorized only for height, area, and size of structure or size of yard and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconforming uses in the particular district or adjoining district.

**Yard**
An unoccupied space, open to the sky, on the same lot with a building or structure.
Yard Front  An open space on the same lot with the building between the front line of the building and the front line of the lot and extending the full width of the lot as it abuts along a public or private street.

Yard Rear  An open space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot.

Yard Side  An open space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

SECTION IV  ADMINISTRATION

A.  ENFORCEMENT OFFICER

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Code. If the Code Enforcement Officer shall find that any of the provisions of this Code are being violated, he shall notify by certified mail the person(s) responsible for such violations. Indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures, removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal activity; or shall take any other action authorized by this Code to insure compliance with or to prevent violation of its provisions.

B.  LEGAL ACTION AND VIOLATIONS

When a violation of any provisions of this Code is found to exist, the attorney for the Town upon notice from the Town Manager or Code Enforcement Officer as directed by the Board of Selectmen, is hereby authorized and directed to institute any and all actions and proceedings either legal or equitable that may be appropriate or necessary for the enforcement of the provisions of this Code, the same to be brought in the name of the Town.

C.  FINES

Any person, firm or corporations being the owner of or having control or use of any building or premise, who violates provisions hereof, shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than $20.00 nor more than $200.00 for each day such violation is permitted to exist after notification thereof. All fines collected hereunder shall inure to the Town.
D. **BUILDING PERMIT**

No building or other structure shall be erected, moved, added to, or externally enlarged without a permit therefor, issued by the Code Enforcement Officer. No building permit shall be issued except in conformity with the provisions of this Code, except after written order from the Board of Appeals. The Code Enforcement Office shall maintain a public record of all building permits. A permit for which work has not commenced within one year shall expire. If the building or part is not substantially completed within two (2) years of the issuing of the permit, the permit shall lapse. It may be renewed upon application. The building permit shall not be required if market value of the work is $15,000.00 or less.

Any accessory building or structure that does not exceed 500 square feet of usable floor space and does not exceed 21 feet in height, meets all required setbacks, and must not be used for habitation, will not require a permit.

E. **APPLICATION**

1) Any increase in external square footage, an application and building permit will be required. No building permit or application is needed for renovations, upkeep, maintenance, and repairs of existing structures not to exceed a fair market value of $15,000; this will include materials and labor.

2) Wherever on-site subsurface disposal is contemplated, the approval of building permit applications shall be subject to evidence of satisfactory subsurface soil conditions for drainage and sewage disposal, and shall be subject to prior obtainment of a plumbing permit. Such evidence shall be furnished in compliance with the Maine State Plumbing Code.

3) All developments shall be in conformance with the procedures, standards and requirements of this and other applicable Town and State rules and regulations.

4) A developer or his authorized agent shall obtain the Planning Board’s final approval when any development (excluding a single dwelling on an oversized lot) is proposed in which the total contiguous area is:

   a) Equal to, or greater than, three (3) times the minimum lot size for that district, or
b) At least 60,000 square feet or more and located in a business or industrial zone.

5) The developer or his authorized agent shall also obtain final Planning Board approval before:

a) Any contract or offer for the conveyance of the proposed development (or portion thereof) has been made,

Any subdivision into three (3) or more lots has been recorded by the proper registry of deeds,

b) A building permit for any structure within the development is issued, and

c) Any improvements (including installation of roads or utilities) have been made.

6) The Code Enforcement Officer shall approve or deny an application for a Building Permit within fourteen (14) working days of receiving said application.

7) No building or other structure shall be erected and no alteration of the natural contour of the land by grading or filling for any purpose shall be permitted in an area subject to periodic flooding. (Generally as described in Chapter II, Section I-E)

F. CERTIFICATE OF OCCUPANCY

It shall be unlawful to use or occupy or permit the use or occupancy of, any building and/or premise, or both or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy shall have been issued therefor by the Code Enforcement Officer and endorsed to the effect that the proposed use of the building or land conforms with the requirements of this Chapter.

No building permit shall be issued until an application has been made for a Certificate of Occupancy. The Certificate of Occupancy shall be issued by the Code Enforcement Officer in conformity with the provisions of this Code upon completion of the work.

A temporary Certificate of Occupancy may be issued by the Code Enforcement Officer for a period of six (6) months during construction or alterations for partial occupancy of a building pending its completion, provided that such temporary
certificate may require such conditions and safeguards as will protect the safety of the occupants and the public.

G. FEE

Application for a building permit shall be accompanied by a fee which shall be established by the Board of Selectmen.

SECTION V APPEALS

A. BOARD OF APPEALS

1) A Board of Appeals, hereafter in this section designated as “the Board” is hereby established. The Board shall consist of five (5) members who shall be residents and registered voters of the Town of Madawaska and shall be appointed by the Board of Selectmen of the Town. The term of office of the members of the Board shall be three (3) years, except that the five (5) members first appointed shall serve respectively for one (1) term of one year, two (2) terms of two (2) years, and two (2) terms of three (3) years. A vacancy in the office of a member shall be filled for the unexpired term only. No business of the Board shall be transacted under this Code unless three (3) members thereof are present. Any member of the Board may be removed for cause by the Board of Selectmen upon written charges and after public hearing, for which at least a ten (10) day notice shall be given in the same manner as the notice for meetings of the Town of Madawaska. The members of the Board shall receive no compensation for their services. The Board shall select a chairman and secretary from its own membership and shall adopt from time to time such rules and regulations as it may deem necessary to carry out the duties conferred on it by this Code.

2) The Board shall keep minutes of its proceedings, recording the vote of each member upon each matter coming before the Board for vote, and indicating the absence, or failure to vote, as the case may be, of any member. The minutes of the Board’s proceedings, and all the writings required by this Ordinance to be made by the Board shall be a public record.

3) A municipal officer or spouse thereof shall not serve as a member.

4) Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member who is being challenged.
B. POWERS AND DUTIES

Appeals shall lie from the decision of the Code Enforcement Officer to the Board and from the Board to the Superior Court in accordance with Maine Law. The Board shall have the following powers and duties:

1) **Administrative Appeals:** To hear and decide where it is alleged there is an error in any order, requirement, decision, or determination made by the Code Enforcement Office in the enforcement of this Code. The action of the Code Enforcement Officer may be modified or reversed by the Board by majority vote of those present and voting. In no case will any affirmative vote carry without at least (3) three members voting in the affirmative.

2) **Special Exceptions:** To hear and decide only those special exceptions which are authorized by this Chapter and which are specifically listed as special exceptions. To decide such questions as are involved in determining whether such special exceptions should be granted; and by majority vote of those present and voting to grant such special exceptions with such conditions and safeguards as are appropriate under this Code, or to deny such special exceptions when not in harmony with the purposes and intent of this Chapter. In no case will any affirmative vote carry without at least three (3) members voting in the affirmative.

3) **Variance Appeals:** To hear and decide, by majority vote of those present and voting upon appeal, in specific cases such variance from the terms of this Code will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Code would result in unnecessary hardship. In granting any variance, the Board shall prescribe conditions and safeguards as are appropriate under this Code. In no case will any affirmative vote carry without at least three (3) members voting in the affirmative.

4) **Miscellaneous Appeals:** To hear and decide by majority vote of those present and voting those appeals specifically mentioned herein: 1) to permit variations in nonconformance as prescribed in Chapter 1, Section II of this Code, and 2) permit variations in the Standards contained in Chapter II, Section II of this Code. In no case will any affirmative vote carry without at least three (3) members voting in the affirmative.

C. CONDITIONS

1) In hearing appeals under this Section, the Board shall determine:
a) That the use will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use districts;

b) That the use will not prevent the orderly and reasonable use of permitted or legally established uses in the district wherein the proposed use is to be located or in adjacent use districts;

c) That the safety, the health, and the welfare of the Town will not be adversely affected by the proposed use and its location; and

d) That the use will be in harmony with and promote the general purposes and intent of this Code.

2) In making such determination, the Board of Appeals shall also give consideration, among other things, to:

a) The character of the existing and probable development of uses in the district and the peculiar suitability of such district for the location of any of such uses;

b) The conservation of property values and the encouragement of the most appropriate uses of land;

c) The effect that the location of the proposed use may have upon the congestion or undue increase of vehicular traffic congestion on public streets or highways;

d) The availability of adequate and proper public or private facilities for the treatment, removal or discharge of sewage, refuse or other effluent (whether liquid, solid, gaseous or otherwise) that may be caused or created by or as a result of the use;

e) Whether the use, or materials incidental thereto or produced thereby, may give off obnoxious gases, odors, smoke or soot;

f) Whether the use will cause disturbing emission of electrical discharges, dust, light, vibration or noise;

g) Whether the operations in pursuance of the use will cause undue interference with the orderly enjoyment by the public of parking or recreational facilities, existing, or proposed by the Town or by other competent Governmental agencies;
h) To the necessity for paved off-street parking;

i) Whether a hazard to life, limb or property because of fire, flood, erosion or panic may be created by reason or use, or by the structures to be used therefor, or by the inaccessibility of the property or structures thereon for convenient entry and operation of fire and other emergency apparatus or by the undue concentration or assemblage of person upon such plot;

j) Whether the use, or the structures to be used therefor, will cause an overcrowding of land or undue concentration of population;

k) Whether the plot area is sufficient, appropriate and adequate for the use and the reasonably anticipated operation and expansion thereof;

l) Whether the proposed use will be adequately screened and buffered from contiguous properties;

m) The assurance of adequate landscaping and provision for natural drainage;

n) Whether the proposed use will provide for adequate pedestrian circulation;

o) Whether the proposed use anticipates and eliminates potential nuisances created by its location;

p) The satisfactory compliance with all applicable performance standard criteria contained in Chapter II of this Code.

Before granting any special exceptions, the Board may refer the appeal application to the Planning Board for a report prior to the closing of the agenda of its next regularly scheduled meeting. The Planning Board report shall be considered informational in character and may take into consideration the effect of the appeal proposal upon the character of the neighborhood or any other pertinent data in respect to the Madawaska Comprehensive Plan.

The Planning Board report shall be submitted to the Board for its consideration prior to the officially scheduled time of the public hearing on the appeal.

D. APPEAL PROCEDURE

a) In all cases, a party aggrieved by a decision of the Code Enforcement Officer shall commence his appeal within thirty (30) days after receipt of a written decision from the Code Enforcement Office by certified mail. The appeal
shall be filed with the Madawaska Town Manager on forms to be approved by the Board, and the aggrieved party shall specifically set forth on said form the grounds for said appeal.

b) Following the filing of an appeal, the Town Manager/Code Enforcement Officer shall notify the forthwith the Board and Planning Board, and the appeal shall be in order for hearing at the next called meeting of the Board of Appeals following by at least ten (10) days mailing of notices but within thirty (30) days appeal.

c) Before making a decision on an appeal, the Board shall hold a public hearing. In all appeals the Town Manager shall notify by mail only the owners of property abutting the property and directly across the public right-of-way including waterways for which an appeal is taken, of the nature of the appeal and of the time and place of the public hearing thereon. Notice of all appeals shall be published in a newspaper of general circulation at least seven (7) days prior to the public hearing and in at least three (3) public places within the Town.

d) For the purposes of this section, the owners of property shall be considered to be the parties listed by the Tax Assessor for the Town as those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Board.

e) The Code Enforcement Officer or his delegated alternate shall attend all hearings and may present to the Board all plans, photographs, or other material they deem appropriate for an understanding of the appeal.

f) The appellant’s case shall be heard first. The aggrieved party may appear by agent or attorney. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chairman. Hearings may be continued to other times.

g) Written notice of the decision of the Board shall be sent to the appellant, the Code Enforcement Officer, the Planning Board and the municipal officers within thirty (30) days of the date of the hearing of the appeal and within seven (7) days of the decision.

h) Appeals granted under the provision of this Chapter by the Board shall expire if the work or change involved is not commenced within six (6) months of the date on which the appeal is granted, and/or if the work or change is not
substantially completed within one (1) year of the date on which such appeal is granted, unless as otherwise provided for in the appeal.

i) If the Board shall deny an appeal, another appeal of a similar nature shall not be brought before the Board within one (1) year from the date of the denial, unless in the opinion of a majority of the Board, substantial new evidence shall be brought forward, or unless the Board finds, in its sole and exclusive judgment, that an error or mistake of law or misunderstanding of facts shall have been made.

j) The appellant shall pay a fee to the Town of Madawaska to cover the cost of notification and advertisements concerning an appeal. These fees to be determined by the Board of Selectmen.

k) In all appeals where the Planning Board has jurisdictional review, such review shall be conducted prior to the Board’s hearing of the appeal. In cases involving development review powers (subdivision reviews), the Planning Board shall have issued its decision prior to the Board’s hearing of the appeal.

SECTION VI

RURAL FARM AND FOREST – RF

A. PURPOSE

Much of the prevailing character of the Town of Madawaska is rural and is actively being farmed. It is the intent of this Section to protect the natural rural quality and farm land properties from development sprawl by prescribing the most appropriate uses and standards. To this end, the following shall apply.

B. PERMITTED USES

1. Dwellings

2. Public and private open space recreational uses including only golf courses, ski areas, sportsmen and game clubs. All other recreational uses will be considered as special exceptions.

3. Any agricultural building or use except sawmills, piggeries, or the raising of livestock for commercial purposes.

4. Accessory uses and buildings.

5. Public utility facilities including substations, pumping stations and sewage treatment plants.
C. SPECIAL EXCEPTIONS

1. Cemeteries

2. Campgrounds

3. Sawmills, piggery, the raising of livestock for commercial purposes.

4. Rooming house

5. Riding stable, commercial kennel, or veterinary hospital

6. All other recreational uses

7. School, hospital, municipal building or use, church, or any other institution or educational, religious, philanthropic, fraternal or social nature.

8. Home occupations

9. Mineral resource extraction

10. Neighborhood commercial facilities not exceeding 1,000 ft² in building area.

D. STANDARDS

1. The general standards of performance of Chapter II shall be observed.

2. The following space standards shall apply:

   Maximum net residential density one (1) dwelling unit/net residential acres

   Minimum land area per dwelling unit 40,000 sq. ft.

   Minimum lot sizes 40,000 sq. ft.

   Minimum street frontage 150 ft.

   Minimum front yard 50 ft.

   Maximum building coverage 15%
Minimum rear and side yards  5 ft.

*Buildings higher than 40 feet shall have side and rear yards not less than 50% of building height.

Maximum building height  35 ft.

Minimum distances between principle buildings on the same lot shall be the height equivalent of the taller building.

Minimum setback from streams,  100 ft.
Water bodies, and wetlands

3. In the case of planned unit or clustered residential development, the above standards may be modified in accordance with special provisions of Chapter II, Section IV of this Code and with the condition that:

a) Sewerage and water shall be provided.
b) A minimum land area of ten (10) acres shall be provided
c) The maximum net density shall not exceed two (2) dwelling units per net residential acre.

SECTION VII  LOW DENSITY RESIDENTIAL – LDR

A. PURPOSE

To provided areas adjacent to the developed urban areas of Madawaska for future residential growth consistent with economic utility servicing. To this end, residential development shall not exceed the net residential development density allowable herein and may preferably occur in accordance with the provisions of Chapter II, Section IV of this Code.

B. PERMITTED USES

1. Dwellings
2. Public open space recreational uses
3. Accessory uses and buildings
C. SPECIAL EXCEPTIONS

1. Rooming house

2. Public utility facilities including substations, pumping stations and sewage treatment facilities.

3. Cemeteries

4. Neighborhood convenience commercial facilities not exceeding 1000 square feet in building area intended to serve the immediate area in which it is constructed, excluding gas stations

5. Recreation activity buildings and grounds operated for profit

6. Home occupations

7. Hospitals, nursing homes, homes for the aged and similar buildings and uses

8. Schools (including day nursery), municipal or state buildings or use, church, or any other institutions of educational, religious, philanthropic, fraternal, political or social nature which is not used for residential occupancy.

D. STANDARDS

1. The general standards of performance of Chapter II shall be observed.

2. The following space standards shall apply:

   Maximum net residential density two (2) dwelling units/net residential acre

   Minimum land area per dwelling unit 20,000 sq. ft.

   Minimum lot size 20,000 sq. ft.

   Minimum street frontage 100 ft.

   Minimum front yard 30 ft.

   Maximum building coverage 25%
Minimum rear and side yards  

5 ft.

*Buildings higher than 30 ft. shall have side and rear yards not less than 50% of the building height.

Maximum building height  

35 ft.

Minimum setback from streams  

100 ft.

Minimum distance between principle buildings on the same lot shall be the height equivalent of the taller building.

3. In the case of planned unit or clustered residential developments, the above standards may be modified in accordance with the special provisions of Chapter II, Section IV of this Code and with the conditions that:

a. Sewerage and water shall be provided.

b. A minimum of land area of ten (10) acres shall be provided except as otherwise prescribed herein.

c. The maximum net density shall not exceed six (6) dwellings per net residential acre.

SECTION VIII  

MEDIUM DENSITY RESIDENTIAL – MDR

A. PURPOSE

To preserve the physical, aesthetic and social quality of Madawaska newly developed urban area and consistent with this stated goal, to provide therein for the location of a variety of residential uses in accordance with the standards of this Code. To this end, residential development shall not exceed the net residential density allowable herein and may preferably occur in accordance with the provisions of Chapter II, Section IV of this Code.

B. PERMITTED USES

1. Dwellings, exclusive of mobile homes

2. Public-owned open space residential uses
3. Accessory uses and buildings

C. SPECIAL EXCEPTIONS

1. Rooming house or apartment building.

2. Professional offices

3. Funeral Homes

4. Private recreational uses exclusive of drive-in theaters

5. Public utility facilities including substations, pumping stations and sewage treatment facilities.

6. School (including day nursery), hospital, municipal or state building or use, church, or any other institution of educational, religious, philanthropic, fraternal, political or social nature, which is not used for residential occupancy.

7. Home occupations

D. STANDARDS

1. The general standards of performance of Chapter II shall be observed.

2. The following space standards shall apply:

   Maximum net residential density  4 dwelling units/ net residential acre

   Minimum land area per dwelling unit  10,000 sq. ft.

   Minimum lot size  10,000 sq. ft.

   Minimum street frontage  100 ft.

   Minimum front yard  30 ft.

   Maximum building coverage  25%
Minimum rear and side yards, all buildings 5 ft.

Maximum building height 30 ft.*
*Buildings higher than 30 feet shall have side and rear yards not less than 50% of building height.

Minimum setback from streams, water bodies and wetlands 100 ft.

Minimum distance between principal buildings on the same lot shall be the height equivalent of the taller building.

3. In the case of planned unit or clustered residential developments, the above standards may be modified in accordance with the special provision of Chapter II, Section IV of this code and with the conditions that net residential:

a) Sewage and water shall be provided

b) A minimum land area of 1 acre shall be provided

c) The maximum net density shall not exceed 10 dwelling units per net residential acre.

SECTION IX

HIGH DENSITY RESIDENTIAL – HDR

A. PURPOSE

To preserve the physical, aesthetic and social quality of Madawaska’s urban area and, consistent with this stated goal, to provide therein for the location of residential uses in accordance with the standards of this code. To this end, residential development shall not exceed the net residential density allowable herein and may preferably occur in accordance with the provisions of Chapter II, Section IV of this code.

B. PERMITTED USES

1. Dwellings, exclusive of mobile homes

2. Public-owned open space recreational uses
3. The taking of boarders or the leasing of rooms by resident families

4. Accessory uses and buildings

C. SPECIAL EXCEPTIONS

1. Room house or apartment building

2. Professional offices

3. Funeral Homes

4. Private recreational uses exclusive of drive-in theaters

5. Public utility facilities including substations, pumping stations and sewage treatment facilities

6. School (including day nursery), hospital, municipal or state building or use, church, or any other institution of educational, religious, philanthropic, fraternal, political or social nature, which is not used for residential occupancy.

7. Home occupation

D. STANDARDS

1. The general standards of performance of Chapter II shall be observed.

2. The following space standards shall apply:

   Maximum net residential density       6 dwelling units/net resident acre
   Minimum land area per dwelling unit    7000 sq. ft.
   Minimum lot size                      7,000 sq. ft.
   Minimum street frontage               50 ft.
   Minimum front yard                    30 ft.
   Maximum building coverage             25%
Minimum rear and side yard, all buildings 5ft. *

Maximum building height 35 ft.*

*Building higher than 30 feet shall have side and rear yards not less than 50% of building height.

Minimum setback from streams, water bodies and wetlands

Minimum distance between principal buildings on the same lot shall be the height equivalent of the taller building.

3. In the case of planned unit or clustered residential developments, the above standards may be modified in accordance with the special provisions of Chapter II, Section IV of this code and with the conditions that net residential:

   a) Sewage and water shall be provided

   b) A minimum land area of 1 acre shall be provided

   c) The maximum net density shall not exceed 10 dwelling units per net residential acre.

SECTION X RESOURCE PROTECTION – RP

A. PURPOSE

To further the maintenance of safe and healthful conditions, prevent and control potential water pollution sources, protect spawning grounds: fish, aquatic life, bird and other wildlife habitat, and conserve shore cover, visual as well as actual points of access to inland and coastal waters and natural beauty. To this end, no structures will be permitted except as herein defined.

B. PERMITTED USES

1. Outdoor conservations and recreational uses not operated for profit

2. Piers, docks, wharves, breakwaters, causeways, and uses projecting into water bodies subject to proper state and federal laws, excluding those involving structures designed to be occupied or operated as retail outlet.
C. SPECIAL EXCEPTIONS

1. Structures assessor to permitted uses and nonconforming uses

2. Agricultural uses and practices

3. Recreational uses operated for profit upon showing that water quality will not be adversely affected and potential flood damage would be at a minimum.

4. Conservation practices designed to stabilize or enhance natural or man-made conditions

5. Public facilities for educational, scientific or religious purposes

6. Public utilities

D. STANDARDS

1. The general standards of performance of Chapter II shall be observed.

2. All decisions on Special Exceptions and Variance Appeals or changes to district boundary lines shall be transmitted to the Maine State Planning Office with return receipts retained as a permanent record of the Board of Appeals.

3. Minimum setback from normal high water of any structure other than B.2 or C.6 above.

4. Minimum shore frontage

SECTION XI COMMERCIAL–C

A. PURPOSE

To provide general retail sales, services and business space within the Town of Madawaska in locations capable of conveniently serving community-wide and/or regional trade areas.

B. PERMITTED USES

1. Dwellings

2. Professional offices
3. Retail and wholesale businesses and service establishments, but excluding used car lots and junk yards and those specifically mentioned under Subsection C following.

4. Accessory uses and buildings including home occupations

5. Public utility facilities including substations, pumping stations and sewage treatment facilities.

6. Public buildings

C. SPECIAL EXCEPTIONS

1. Used car lot

2. Motel, hotel, rooming house or apartment building

3. Gasoline station and/or repair garage provided: (a) it not be located within 1,000 feet of an existing station or private residence, and (b) it not be located within 150 feet of an existing structure.

4. Funeral home

5. Place of assembly, including theater

6. Transportation

7. Warehousing and storage

8. Research laboratories

9. Manufacturing operations provided that they conform to the provisions of Chapter II.

D. STANDARDS

1. The general standards of performance of Chapter II shall be observed

2. The following space standards shall apply:
   Minimum lot size 40,000 sq. ft.
   Minimum street frontage 75 ft.
Minimum front yard 10 ft.

Minimum side and rear yards 10 ft.

(Except as may otherwise be required by the buffer provisions of this code and except where the side and/or rear yards abut a residential district in which case a minimum of 20 ft. shall be required.)

Maximum building height 40 ft.

Minimum setback from streams, water bodies and wetlands 75 ft.

Maximum building or outdoor None;

(Except that stored material coverage side, rear, and front yards shall be maintained.)

3. For new construction, the standards for the rear, side, and front set back will be 10 ft. For existing structures, the standards for the rear, side and front set back will be 10 ft. or no less than the closest point of the building to the property line.

SECTION XII INDUSTRIAL – I

A. PURPOSE

To provide areas within the Town of Madawaska for manufacturing, processing, treatment, and research, and to which end all the performance standards set forth in this Code shall apply.

B. PERMITTED USES

1. Wholesale, retail and storage business uses

2. Manufacturing, processing and treatment

3. Research facilities

4. Accessory uses and buildings

5. Public utility facilities including substations, pumping stations and sewage treatment plants.
C. SPECIAL EXCEPTIONS

1. Municipal and Governmental uses

2. Billboards

D. STANDARDS

1. The general standards of performance of Chapter II shall be observed

2. The following space standards shall apply:

   Minimum area of lot: None
   Minimum street frontage: None
   Minimum front yards: 50 ft.
   Minimum side and rear yards: 30 ft. except as otherwise required by the buffer provisions of this code and except where the side and/or rear yards abut a residential district in which case a minimum of 50 ft. or 50% of the building outdoor stored material height, whichever is greater, shall be required.
   Maximum building height: None*

   *Minimum distances between principle buildings on the same lot shall be equivalent of the taller building.

   Minimum setback from streams, water bodies and wetlands: 100 ft.

CHAPTER II  GENERAL STANDARDS OF PERFORMANCE

Notwithstanding any other provisions of this code, any use that may be obnoxious or injurious because of the production or emission of odor, dust, smoke, refuse
matter, fumes, noise, vibration or waste materials, or that may be dangerous to the
health or safety of the community or its disturbance or annoyance, is prohibited
until plans for the effective control and/or elimination of same are presented to
and approved by the Board of Appeals. When the effects of use are uncertain, the
Code Enforcement Officer, after prior notification to and at the expense of the
appellant, shall employ such independent recognized consultant as necessary to
insure compliance with all requirements of this code specifically related to the
public health, safety and welfare and the abatement of nuisances. The estimated
costs of such studies shall be deposited with the Town Clerk prior to their
undertaking.

SECTION I  ENVIRONMENTAL

A.  AGRICULTURE

1) All spreading or disposal of manure shall be accomplished in conformance
   with the “Maine Standards for Manure and Manure Sludge Disposal on
   Land”, as amended or revised, published by the University of Maine and
   Maine Soil and Water Conservation Commission in July, 1972, as amended
   and/or revised.

2) Where soil is tilled, an untilled filter strip at least fifty (50) feet in width of
   natural vegetation shall be retained between the tilled ground and the normal
   high water mark of the surface water areas.

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

B.  AIR POLLUTION

1) All air pollution control shall comply with minimum State requirements and
detailed plans shall be submitted to the State of Maine Department of
Environmental Protection for approval, before a building permit is granted.
No objectionable odor, dust or smoke shall be detectable beyond the property
line. These requirements do not apply to residential structures.

C.  BUFFER AREAS
1) Any nonresidential yard space abutting an existing or potential residential area shall be maintained as a buffer strip by the developer. Such buffer area shall be at least the depth of side and rear yards required under district provisions for the purpose of eliminating any adverse effects upon the environmental or aesthetic qualities of abutting properties or any type of nuisance affecting the health, safety, welfare and property values of the residents of Madawaska.

D. EARTH MATERIAL REMOVAL

1) Top soil, rock, sand, gravel and similar earth materials may be removed from locations where permitted under the terms of this Code and provided that nothing herein shall be deemed to apply to normal excavation operations incidental to construction activities for which a valid permit is held. The following standards and requirements shall be met:

a) The applicant shall submit to the Code Enforcement Officer plans of the proposed extraction site illustration showing the property lines and names of all abutting owners and ways, indicating by not greater than 5-foot contour intervals related to U.S. Geodetic Survey data the location and slope of the grades existing and as proposed upon completion of the extraction operation, and detailing proposed fencing, buffer strips, signs, lighting, parking, and loading areas, entrances and exits, together with a written statement of the proposed method, regularity, working hours and total proposed rehabilitation and restoration of the site upon completion of the operation.

b) Said plans and statement shall promptly be submitted with the recommendations of the Code Enforcement Officer to the Planning Board its consideration with respect to the effect of the proposed operation upon existing and foreseeable traffic patterns within the Town, upon existing or approved land uses which may be affected by the operation, and upon implementation of the Comprehensive Plan. The Planning Board may recommend changes to the applicant for resubmission to the Planning Board. The Planning Board shall promptly call and hold a public hearing on the final application in the same manner as provided for final subdivision review.

c) The Planning Board shall render a written decision as to whether, and under what conditions, the proposed operation may be permitted consistent with the intent and objectives of this Code. If the Planning Board approves the application, it may condition the Special Permit upon such alterations in the proposed operation, or upon the performance or omission of such acts, as it may deem proper to assure attainment of the
objectives set forth in the preceding sentence, and it may require filing with the Town Clerk a commercial surety bond, a certified check or a savings account passbook payable to the Town in such amount and upon such conditions as the Planning Board may determine to be adequate to indemnify the Town against any claims arising from the proposed operation and to assure satisfactory performance to all conditions imposed or otherwise applicable.

2) The Planning Board shall impose such conditions upon any Special Permit issued under this Subsection D as they deem necessary or desirable to assure compliance with the following requirements:

a) No part of any extraction operation shall be permitted within 100 feet of any property or street line, and natural vegetation shall be left and maintained on the undisturbed land.

b) No standing water shall be permitted in any extraction site during or after extraction operations, except when permitted under strict conditions regarding fencing, safe levels of coliform bacteria count and treatment to prevent breeding of harmful insects.

c) No slopes steeper than 3 feet horizontal to 1 foot vertical shall be permitted at any extraction site unless a fence at least 3 feet high is erected to limit access to such locations.

d) Before commencing removal of any earth materials, the owner or operator of the extraction site shall present evidence to the Planning Board of adequate insurance against liability arising from the proposed extraction operations, and such insurance shall be maintained throughout the period of operations.

e) Any top soil and subsoil suitable for purposes of revegetation shall, to the extent required for restoration, be stripped from the location of extraction operations and stockpiled for use in restoring the location after extraction operations have ceased.

f) Upon completion of active extraction operations, the land shall be left so that natural storm drainage and water courses leave the location at the original natural drainage points and in a manner such that the amount of drainage at any point is not significantly increased.
g) The hours of operation at any extraction site shall be limited as the Planning Board deems advisable to ensure operational compatibility with residents of the Town.

h) Loaded vehicles shall be suitable covered to prevent dust and contents from spilling or blowing from the load and for any debris or soil left on the public ways the Town may require same to be removed at the expense of the operator and all trucking routes and methods shall be subject to approval by the Chief of Police.

i) All access/egress roads leading to/from the extraction site to public ways shall be treated with oil, stone, calcium or other suitable materials to reduce dust and mud for a distance of at least 100 feet from such public ways.

j) No equipment, debris, junk or other material shall be permitted at an extraction site except those directly relating to active extraction operations, and any temporary shelters or buildings erected for such operations and equipment used in connection therewith shall be removed within 30 days following completion of active extraction operations.

k) Following the completion of extraction operations at any extraction site or at any one or more locations within any extraction site, ground levels and grades shall be established in accordance with the approved plans filed with the Planning Board; all debris, stumps, boulders and similar materials shall be removed and disposed of in an approved location or, in the case of inorganic material, buried and covered with a minimum of 2 feet of soil. Sufficient top soil or loam shall be retained to cover all disturbed areas, so that they shall be reseeded and properly restored to a stable condition adequate to meet the provisions of the “Environmental Quality Handbook, Erosion and Sediment Control”, as amended or revised, published by the Main Soil and Water Conservation Commission.

3) Issuance and Renewal of Permits. Special Permits shall be issued in accordance with the foregoing provisions for a period not to exceed one year, and they shall be renewable only upon application by the owner, after a finding by the Planning Board that the conduct of the operation has been substantially in accordance with any and all conditions imposed or material representations made in connection with the original Special Permit; and upon such additional and altered conditions as the Planning Board may deem necessary in accordance with Subsection 1 (c) above.
E. **FLOOD PLAIN AREAS**

Land abutting the lakes, rivers, streams and ponds subject to flooding through storm or seasonal actions, generally referred to as flood plain areas, and may be used for woodland, grassland, agricultural or outdoor recreational use. The Code Enforcement Officer shall maintain a map showing known flood plain areas, and no building shall be constructed therein. Flood plain areas shall be considered as those areas within the 100 year frequency flood plain as identified by an authorized Federal or State agency, or where such identification is not available, are located on flood plain soil identified as described in the Aroostook County Soil Survey to comprise the following soil types: Alluvial-Ondawa s1; Podunk s1; Rumney s1; Saco s1.

F. **NOISE ABATEMENT**

1) During any consecutive 8-hour period noise may not exceed an average of 65 dba (re 20 microneutons/m²) measured at any property boundary line. During the peak activity of 60 minutes in a 24-hour period a noise may not exceed 40 dba when measured at property boundary line.

G. **PREVENTION OF EROSION**

1) No person shall perform an act or use land in a manner which would cause substantial or avoidable erosion, create a nuisance, or alter existing patterns of natural water flow in the Town. This shall not affect any extractive operations complying with the standards of performance specified elsewhere in the Code.

2) All development shall generally comply with the provisions of the “Environmental Quality Handbook Erosion and Sediment Control”, as amended or revised, published by the Maine Soil and Water Conservation Commission. Special consideration will be given to the following:

a) Select a site with the right soil properties, including natural drainage and topography, for the intended use.

b) Utilize for open space those areas with soil unsuitable for construction.

c) Preserve trees and other vegetation wherever possible

d) Hold lot grading to a minimum by fitting the development to the natural contour of the land, and avoid substantial areas of excessive grade.
e) Spread jute matting, straw or other suitable material in critical areas subject to erosion during construction

f) Construct sediment basins to trap same from runoff waters during development. Expose as briefly as possible, as small an area of subsoil as possible during development and for as short a period as possible.

g) Dispose of increased run-off caused by changed land formation, paving or construction and avoid sedimentation in run-off channels, on or off the site.

h) Plant permanent vegetation and install structures as soon as possible for the purpose of soil stabilization and revegetation.

i) Locate, construct and maintain logging or wood-lot roads in conformance with the erosion prevention provisions of “Permanent Logging Roads for better Woodlot Management”, as amended or revised, published by the U.S. Department of Agriculture.

H. RADIATION

1. Dangerous radiation shall not exist at the property line in accordance with applicable State and Federal Laws.

I. SHORELAND AREA PROTECTION

1. The following standards are pursuant to Maine Revised Statutes, Part 7, Chapter 424, Section 4811, Shoreland Areas.

“To aid in the fulfillment of the state’s role as trustee of its waters and to promote public health, safety and the general welfare, it is declared to be in the public interest that shoreland areas defined as those land areas any part of which are within 250 feet of the normal high water mark of any pond, lake, river or salt water body be subjected to zoning and subdivision controls. The purpose of such controls shall be to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish, aquatic life, bird and other wildlife habitat; control building sites, placement of structures and land uses; and conserve shore cover, visual as well as actual points of access to inland and coastal waters and natural beauty.”
Shoreland areas intentionally embrace and overlay parts of other Madawaska Zoning Districts in order that the purpose of the Shoreland Control Law can best be served.

2. The following conditions, limitations, or standards shall apply to any use permitted in the Town of Madawaska on land located adjacent to the high water mark of any shoreland area described above.

   a) The excavation of channels and boat basins, wildlife management impoundments and other such excavations are subject to the condition that no fill or other material shall be placed below the high water mark of shoreline except as may be necessary for bank stabilization and as will not be an impediment to the natural flow of water even in the time of flood.

   b) Within 75 feet of the normal high water mark no principal building shall be constructed or placed except as otherwise provided in Chapter I of this code. No portion of any septic tank, leaching field or area, seepage pit or cesspool shall be located within 100 feet of the normal high water mark and no refuse, garbage, trash, timber slash, rubbish, or debris shall be placed herein. Setbacks from shorelines for all subsurface sewage disposal shall not be reduced by variance.

   c) The guidelines of the Section I, Subsection G: “Erosion Prevention” shall be fully observed.

   d) Tree harvesting or other development operations shall be conducted in such a manner that a well distributed stand of trees is retained along the shoreline. Where such clearing extends to the shoreline, a cleared opening or openings not greater than 30 feet per every 100 feet of shoreline (measured along the normal high water mark) may be created in a strip extending 50 feet inland from the normal high water mark and paralleling the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation that is equally effective in retarding erosion and preserving natural beauty.

   e) Roads shall be located, constructed and maintained in such a manner that minimal erosion results. Additionally, road crossings of water courses shall be kept to a minimum and bottoms of culverts shall be installed at stream bed elevation.
f) Wherever soil in excess of 20,000 sq. ft. is tilled and lies either wholly or partially within 250 feet, measured horizontally of the normal high water mark, such tillage shall be carried out in conformance with the provisions of a conservation plan which meets the standards of the State Soil and Water Conservation District. The number of the plan shall be filed regardless of any nonconforming land uses existing at the effective date of this Code.

J. SOIL SUITABILITY

1. In all districts the approval of building permit applications shall be subject to evidence of satisfactory subsurface soil conditions for drainage and sewage disposal, and where on-site septic disposal is proposed, shall be subject to prior obtainment of a plumbing permit.

2. The requirements and standards of the State of Maine Department of Environmental Protection, Department of Health and Welfare, and the most current edition of the State Plumbing Code shall be met.

K. WASTE-WATER POLLUTION

1. Waste water to be discharged into Madawaska Sewer System, should they be available, shall be in such quantities and/or of such quality as to be compatible with standards established by the Town.

2. To meet those standards, the Town may require that such wastes shall undergo pretreatment or full treatment at the site in order to render them acceptable for the sewage system.

3. The disposal of waste water by means other than a public system must comply with the laws of the State of Maine and the Town concerning water pollution. Where a public sanitary sewer system is located within 150 feet of the property line as measured along the public way the Town shall require participations in said sewer. Wherever the requirements of this Code are at variance with other rules and regulations of the Town, the most restrictive shall govern. In any case, entrance into the public sewers is mandatory if any portion of the building is within 150 feet of the public sewer line.

4. Proposed discharge of sanitary wastes to any water body shall be subject to the issuance of State of Maine Department of Environmental Protection licenses; further no such off-site discharge shall be allowed unless same is buried or not visible to a point below normal low water, and is secured against
damage and uncovering by high flowage periods, erosion or other foreseeable action.

**SECTION II**

**PARKING, LOADING AND TRAFFIC**

**A. ACCESS AND PARKING LAYOUT**

1) General business district land uses shall be subject to requirements regarding the preparation and implementation of plans to eliminate visual and safety concerns associated with highway development. The Planning Board shall review all plans and proposals under the term of this Code and after consulting with the Road Commissioner shall approve or deny plans prior to submission of a building permit application. Consideration shall be given to, but not limited to, the following standards:

   a. Sight distances along the public right-of-way

   b. Aesthetic and visual sighting from the public right-of-way

   c. Disruptive effects on adjacent public access points

   d. Overall traffic safety considerations

   e. Traffic signalization requirements

   f. Movement of vehicles related to use of the facility

   g. Snow removal

2) In front of areas zoned or potentially zoned for commercial use, the street right-of-way and/or pavement width shall be increased by such amount on each side as may be deemed necessary to assure the free flow of through traffic without interference by parked or parking vehicles and to provide adequate and safe parking space. In no case shall the street have a right-of-way less than 60 feet in width, or have less than two 12-foot wide travel lanes and two 8-foot parallel parking lanes.

3) The Town through the Code Enforcement Officer reserves the right to designate, in conjunction with the State of Maine Department of Transportation, all ingress and egress points to public highways and to select areas for the grouping and placement of signs and traffic directions.
4) Traffic flow in parking areas shall be clearly marked with signs and/or surface directions.

5) Off-street parking shall be constructed in accordance with State of Maine Department of Environmental Protection standards and guidelines.

B. CORNER CLEARANCES

For purpose of traffic safety in all districts, no structure other than public utility structures and traffic control devices may be erected and no vegetation other than shade trees, may be maintained at a height three feet above the plane through the curb grades of intersecting streets within a triangle two sides of which are the edges of the traveled public ways for twenty feet measured from their point of intersection or in the case of rounded street corners, the point of intersection of their tangents. The Town shall be held harmless with respect to violations and related accidents. However, the Town shall direct a continued program designed to identify intersections having traffic safety problems.

C. OFF-STREET LOADING STANDARDS

1. The following minimum off-street loading bays or berths shall be provided and maintained in the case of new construction, alterations, and changes of use:

   Office buildings, hotels and motels with a gross floor area of more than 100,000 square feet require one (1) bay.

   Retail, wholesale, warehouse and industrial operations with a gross floor area of more than 5,000 square feet require the following:

   - 5,001 to 40,000 sq. ft.  1 bay
   - 40,001 to 100,000 sq. ft.  2 bays
   - 100,001 to 160,000 sq. ft.  3 bays
   - 160,001 to 240,000 sq. ft.  4 bays
   - 240,001 to 320,000 sq. ft.  5 bays
   - 320,001 to 400,000 sq. ft.  6 bays

   Each 90,000 square feet over 400,000 square feet require one (1) additional bay

2. Each loading bay shall have minimum dimensions of 14 feet by 70 feet and may be located either within or without a building. Every part of such loading bay shall be located completely off the street. In case motor vehicles larger than the dimensions of the minimum loading bay habitually serve a given
building, additional space shall be provided so that such vehicle shall park or stand completely off the street.

3. The provisions of this section for off-street loading shall not be construed as prohibiting incidental curbside business deliveries, dispatches, or services provided that same are in compliance with all applicable State and local traffic regulations.

4. The Board of Appeals shall have full authority to waive the requirements of this Section where it may be shown that appropriate parking and loading spaces will be maintained sufficient for the intended use.

D. OFF-STREET PARKING STANDARDS

1. Off-street parking, in addition to being a permitted use, shall be considered as an accessory use when required or provided to serve conforming uses located in any district.

2. The following minimum off-street parking and loading requirements shall be provided and maintained in case of new construction, expansions and changes of use which necessitate increased parking requirements. Such parking may be provided in the open air in spaces each ten feet wide by twenty feet long, or spaces each ten feet wide by twenty feet long, or spaces dimensioned as may be required to suit the particular use or in garages. All spaces shall be accessible from lanes of adequate size and location.

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Automobile, truck and tractor repair tractor repair and filling stations:</td>
<td>1 parking space for each regular employee, plus 1 space for each 50 sq. ft. of floor area used for service work</td>
</tr>
<tr>
<td>Dwellings:</td>
<td>2 vehicle spaces per each dwelling unit</td>
</tr>
<tr>
<td>Motels, hotels, tourist, homes, rooming houses, or other rooming spaces associated with a permitted use:</td>
<td>1 parking space for each sleeping room</td>
</tr>
<tr>
<td>Schools:</td>
<td>Nursery School-2 parking spaces for each nursery room plus 1 space for each</td>
</tr>
</tbody>
</table>


Hospitals:

1 parking space for each 500 square feet or major fraction thereof, of floor area, exclusive of basement.

Nursing Homes:

1 parking space for every 4 Beds

Theaters, auditoria, churches, arenas:

1 parking space for every 4 seats or for every 100 square feet, or major fraction thereof, of assemblage space if no fixed seats.

Mortuary Chapels:

5 parking spaces for each chapel

Retail Stores:

3 square feet of parking for each square foot of retail sales floor area.

Bowling Alley:

4 parking spaces for each bowling lane.

Restaurants:

1 parking space for each square feet, or major fraction thereof, of floor area not used for storage or food preparation.
Drive-in restaurants, snack bars and diners: Minimum 25 parking spaces plus 4 square feet of parking for each square foot of floor space in excess of 2,500 square feet.

Offices, professionals, and public buildings: 1 parking space for each 500 square feet, or major fraction thereof, of floor area exclusive of bulk storage area.

Mobile Homes: 2 vehicle spaces per each mobile home

Transportation Terminals: In addition to meeting all applicable standards as enumerated above, transportation terminals shall meet the following: 1 parking space for each employee, 1 parking space for each three seats of the terminal’s major carrier vehicle and 1 parking space for each rented vehicle to be based on-site.

Industries and Businesses: 1 parking space for each 1,000 square feet of floor area, or major fraction thereof, for that part of every business, manufacturing and industrial building not catering to retail trade.

3. Required off-street parking in all residential and business districts shall be located on the same lot as the principal building or within 100 feet measured along lines of access for business and industrial except that where it cannot reasonably be provided on the same lot, the Board of Appeals may authorize residential off-street parking to be located on another lot within 300 feet of the residential uses and a reasonable distance from business and industrial uses served as measured along lines of public access. Such parking areas shall be held under the same ownership or lease as the residential uses served and evidence of such control or lease shall be required.

4. Where off-street parking for more than six vehicles is required or provided, the following construction requirements shall apply:
a. Appropriate driveways from streets or alleys, as well as maneuvering areas, shall be provided. Location and width of approaches over public sidewalks shall be approved by the Code Enforcement Officer. When access to parking areas is available from more than one street, the location of points of ingress and egress shall have the approval of the Planning Board.

b. The surface of driveways, maneuvering areas and parking areas shall be uniformly graded with a subgrade consisting of gravel or equivalent materials at least six inches in depth, well compacted and with a wearing surface equivalent in qualities of compaction and durability to fine gravel.

c. A system of surface drainage shall be provided in such a way that the water run-off shall not run over or across any public sidewalk or street or adjacent property.

d. Where artificial lighting is provided, it shall be shaded or screened so that no light source shall be visible from outside the area and its access driveways.

5. The Boards of Appeals may approve the joint use of a parking facility by two or more principal buildings or uses where it is clearly demonstrated that said parking facility will substantially meet the intent of the requirements by reasons of variation in the probably time of maximum use by patrons or employees among such establishments.

6. The Board of Appeals shall have full authority to waive the requirements of this Section where it may be shown that appropriate parking and loading spaces will be maintained sufficient for the intended use.

SECTION III
SIGN

A. GENERAL

1. All signs shall be painted and constructed so as to be in good taste and conformity to the general character and architecture of the area.

SECTION IV
RESIDENTIAL

A. CLUSTERED OR PLANNED UNIT RESIDENTIAL DEVELOPMENT

Notwithstanding other provisions of this Code relating to space and bulk, the Planning Board, in reviewing and approving proposed residential developments located in the Town, may modify said provisions related to space and bulk to permit innovative approaches to housing and environmental design in accordance
with the following standards. This shall not be construed as granting variances to relieve hardship.

1. There shall be compliance with the State and local codes and ordinances.

2. Each building shall be an element of an overall plan for site development. Only developments having a total site plan for structures will be considered.

3. There shall be no approval, without appeal, of any proposed development which exceeds the allowable net residential densities permitted in the district in which it is located. For the purposes of this Code, net residential density shall be established by the area of residual space available for residential development after deduction of vehicular rights-of-way and land not buildable because of drainage, subsurface conditions or other natural impediments.

4. Residual open space shall be usable for recreational or other outdoor living purposes and for preserving large trees, tree groves, woods, ponds, streams, glens, rock outcrops, native plant life, wildlife cover and the like. The use of any open space may be further limited or controlled at the time of final approval where necessary to protect adjacent properties or uses. Residual open space shall be dedicated to the recreational amenity and environmental enhancement of the development and shall be recorded as such. Such dedications may include private covenants or arrangements to preserve the integrity of open spaces and their use for agricultural or conservation purposes.

5. The developer shall take into consideration the following points, and shall illustrate the treatment of spaces, paths, roads, service and parking areas and other features required in his proposal.

A. **Orientation:** buildings and other improvements shall respect scenic vistas and natural features.

B. **Drainage:** adequate provision shall be made for storm waters, with particular concern for the effects of any effluent draining from the site. Erosion resulting from any improvements on the site shall be prevented by landscaping or other means.

C. **Water Supply:** adequate provision shall be made for both ordinary use as well as special fire needs.
D. **Utilities:** utilities shall be installed underground wherever possible. Transformer boxes, pumping stations, and meters shall be located so as not to be unsightly or hazardous to the public.

E. **Recreation:** facilities shall be provided consistent with the development proposal.

F. **Buffering:** planting, landscaping, disposition and form of buildings and other improvements, fencing and screening shall be utilized to integrate the proposed development with the landscape and the character of any surrounding development.

G. **Buildings:** disposition of buildings shall recognize the need for natural light and ventilation

6. For purposes of this section, the tract or parcel of land involved must be either in single ownership, or the subject of an application filed jointly by the owners of all the property included.

7. The developer shall file with the town at the time of submission of final plans a performance guarantee. This may be tendered in the form of a certified check payable to the Town, a savings account passbook issued in the name of the Town, or a faithful performance bond running to the Town and issued by a surety company acceptable to the municipality. The conditions and amount of such check, passbook or performance bond shall be determined by the Town Manager with the advice of concerned departments or agencies. The amount shall be at least equal to the total cost of furnishing, installing, connecting and completing the entire street grading, paving, storm drainage, and utilities or other improvements specified in the final plan, and shall guarantee the satisfactory completion of all specified improvements.

8. Common open space shall be dedicated after approval of the project. There shall be no further subdivision of this land nor buildings constructed upon it without further planning review which would cause the net residential density to exceed the density permitted in that district.

9. The common open space(s) shall be shown on the development plan and with appropriate notation on the face thereof to indicate that:

   a) it shall not be used for future building lots; and
b) a part or all of the common open space may, at the option of the Town be dedicated for acceptance by the Town for operation as a municipal recreation facility.

10. If any or all of the common open space is to be reserved for use by the residents, the formation and incorporation by the developer of a neighborhood association shall be required prior to final plot approval.

11. Covenants for mandatory membership in the association setting forth the owners’ rights and interest and privileges in the association and the common land, shall be reviewed by the Planning Board and included in the deed for each lot.

12. This neighborhood association shall have the responsibility of maintaining the common open space(s).

13. The association shall levy annual charges against all property owners to defray the expenses connected with the maintenance of open space, neighborhood recreational facilities and Town assessments.

14. The developer or subdivider shall maintain control of such open space(s) and be responsible for their maintenance until development sufficient to support the association has taken place or, alternatively, the objectives of clustering have been met. Such determination shall be made by the Planning Board upon request of the neighborhood association or the developer or subdivider.

**SECTION V**

**SITE DESIGN STANDARDS**

**A. MINIMUM STANDARD FOR STREET DESIGN AND CONSTRUCTION**

The design of streets shall provide for proper continuation of streets from adjacent development and for proper projection of streets into adjacent unsubdivided and open land.

**B. ACCEPTANCE OF STREETS AND WAYS**

1. A street or way constructed on private lands by the owner(s) thereof and not dedicated for public travel prior to the date of enactment of this ordinance shall be laid out and may be accepted as a public street or way by the Board of Selectmen only upon the following conditions:
A. The owner(s) shall give the Town a deed to the property within the boundaries of the street at the time of its acceptance by the Town.

B. A plan of said street or way shall be recorded in the Aroostook County Registry of Deeds at the time of its acceptance.

C. A petition for the laying out and acceptance of said street or way shall be submitted to the Board of Selectmen upon a form to be prescribed by the Madawaska Road Commissioner. Said petition shall be accompanied by a plan, profile, and cross section of said street or way as follows:

   1. A plan drawn when practical to a scale of 50 feet to 1 inch, and to be on one or more sheets of paper not exceeding 24 inches by 36 inches in size. Said plan shall show the north point, the location and ownership of all adjoining lots of land, passage ways, street lights, electric lines, boundary monuments, water ways, topography, and natural drainage courses with contour at not greater than 2 feet intervals, all angles, bearings, and radii necessary for the plotting of said street, lots, their reproduction on the ground, the distance to the nearest established street or way, together with the stations of their side lines.

   2. A profile of said street or way drawn to a horizontal scale of 50 feet to 1 inch, and a vertical scale of 5 feet to 1 inch. Said profile shall show the profile of the side lines and center line of said street or way and the proposed grades thereof. Any buildings abutting on said street or way shall be shown on said profile.

   3. A cross section of said street or way drawn to a horizontal scale of 5 feet to 1 inch and a vertical scale of 1 foot to 1 inch.

   4. The location and size of the proposed water and/or sewer mains in accordance with this Code.

2. Said street or way shall be previously constructed in accordance with the following specifications:
A. **General.** All streets shall intersect at right angles wherever possible, but under no circumstances shall they intersect at an angle of less than sixty (60°) degrees. “T” intersections formed on opposite sides of the same collector street shall not be closer than 200 feet center line to center line. Street lines at intersections and curves shall be so designed as to permit adequate visibility for both pedestrian and vehicular traffic. Curves in general shall have a minimum center line radius of 100 feet. Curb lines radii at street intersections should be at least 20 feet. A dead-end street or cul-de-sac shall not exceed 1,000 feet in length and shall be provided with a suitable turn around at the closed end. When a turning circle is used, it shall have a minimum outside radius of 50 feet. Grades of all streets shall be reasonably minimized, but in no case shall the grade be less than 0.5% or more than 6%, for collector and arterial streets and not less than .5% or more than 10% for residential streets, unless specifically approved by the Planning Board and the Madawaska Road Commissioner. The construction of all streets will include the removal of all stumps, roots, brush, perishable materials, and all trees not intended for preservation. All loam, loamy material, and clay shall be removed from the street or way to the depth specified by the Madawaska Road Commissioner. All streets shall have a crown to provide for proper drainage. The crown shall be a minimum of 1/8” per running foot to a maximum of ¼” per running foot of roadway width. The right-of-way lines of all streets shall be marked with granite monuments sufficient to reproduce the right-of-way lines.

The developer will be responsible for street boundaries clearly defined and well staked out. The developer will install sewer pipes, manholes and water pipes. The developer will rough grade, as described later, all proposed new streets. The developer will install necessary culverts and storm sewers up to two feet in size. The Town will be responsible for culverts and storm sewers over two feet in size.

B. **Local Residential Streets.** All local residential streets shall have a minimum street right-of-way width of 50 feet. The street shall be graded to a subgrade of not less than 12 inches in the roadway location. The subgrade shall be carefully shaped and thoroughly compacted before gravel is set in place. When a minimum length of 300 feet (or the entire length of the street if it is less than 300 feet long) has been excavated to subgrade and this subgrade properly prepared for the gravel, the Madawaska Road
Commissioner shall be notified. The roadway shall be built to a minimum thickness of 12 inches with heavy road gravel which meets the approval of the Madawaska Road Commissioner.

The 50 foot minimum width of the street right-of-way shall be divided in the following manner:

1. A 28-foot roadway consisting of two ten foot lanes for traffic and 8’ of space on one side of the roadway for curbside parking

C. Collector Streets. All collector streets shall be designed and constructed in accordance with the specifications for local residential streets, except that paved travelled surface shall be at least 32 feet in width.

D. Arterial Streets. All arterial streets shall have minimum right-of-way width of 68 feet and a roadway of 40 feet in width. The street shall be graded to a subgrade of not less than 12 inches in the roadway location. The subgrade shall be carefully shaped and thoroughly compacted before gravel is set in place. When a minimum length of 300 feet (or entire length of the street, if it is less than 300 feet long) has been excavated to subgrade, and this subgrade properly prepared for the gravel, the Madawaska Road Commissioner shall be notified. The roadway shall be built to a minimum thickness of 12 inches with heavy road gravel which meets the approval of the Road Commissioner.

3. All engineering work, including the setting of grade stakes necessary for the construction of the street and sidewalks, and storm sewers shall be performed by the developer at his expense.

4. Any sewers and appurtenances, drains, including house drains and catch basins which are to be built in the street or sidewalk and all underground utilities, and their respective services, shall be constructed before any road material is placed. The sole exception shall be for house connections to serve lots where no construction has begun prior to the placing of such road materials.

5. Whenever it shall be deemed necessary by the Planning Board, after consulting with the Road Commissioner that a storm sewer shall be constructed to serve the street under consideration, such storm sewer shall be completed before the gravel or road material is placed thereon. Said sewer shall be built by the developer in accordance with the following method:
A. The developer shall cause the storm sewers and appurtenances, including catch basins, to be built to the specifications of the Road Commissioner. When said street has been accepted, said sewers shall be deeded to the Town at no cost to the Town.

6. When reasonably available, a water main of at least 8 inches in diameter must exist for the use of buildings, residents and occupants of the street to be accepted. The Chief of the Madawaska Fire Department must, in writing, certify that adequate water service for sufficient fire protection exists. It shall be the policy of the Town to cause the installation of such fire hydrants as may be required for fire protection at the same time as the installation of the water main.

C. ACCEPTANCE OF STREETS AND WAYS REQUIRED BY THE PUBLIC INTEREST

Notwithstanding the provisions of any other Section hereof, the Town may at any time lay out and accept any street or way in the Town as a public street or way of said Town whenever the general public interest so requires. The cost of said street or way may be borne by said Town.

D. EASEMENTS

The Planning Board may require easements for sewerage, other utilities, drainage, and stream protection. In general, easements shall not be less than twenty feet in width. Wider easements may be required.

E. NO STREET OR WAY TO BE ACCEPTED UNTIL AFTER REPORT BY THE PLANNING BOARD AND THE MADAWASKA ROAD COMMISSIONER

No street or way shall be laid out and accepted by the Town Meeting until the Planning Board and the Road Commissioner shall have made a careful investigation thereof and shall have reported to the Board of Selectmen their recommendations in writing with respect thereto.

F. PRIVATE STREET AND WAYS

Private streets and ways may be constructed within the Town upon showing by the applicant that the public health, safety and welfare will be maintained. It shall be clearly demonstrated, in written form, that the proposed private street will be adequately maintained, will provide sufficient spaces for emergency vehicle access, will conveniently serve its intended properties and will not exceed the maximum permissible lengths established by the Town.
SECTION VI  MOBILE HOME PARKS, SEASONAL TRAILER PARKS AND CAMPGROUNDS

A. LICENSES

No person, firm, or corporation shall establish or maintain a mobile home park, seasonal trailer park or campground within the Town without a license issued in conformity with the provisions of this Code. A mobile home park, seasonal trailer park or campground in existence prior to the adoption of this Code may be enlarged only if the extension complies with the terms as specified herein.

1. Application for a mobile home park, seasonal trailer park and/or campground license shall be filed with the Code Enforcement Officer who shall, in turn, present said application to the Planning Board for review as a subdivision except that applications for license renewals are not subject to Planning Board review. The Planning Board shall review plans of the proposal and approve, approve with conditions, or deny approval of the proposal on the basis of standards contained herein, and as contained in Chapter III of this Code. The Planning Board shall inform the Code Enforcement Officer of its decision in writing and they shall act on the application.

2. Each application for a license or a renewal thereof shall be accompanied by a fee as established by the Board of Selectmen for a mobile home park, trailer park, or campground designed for the accommodation of no more than ten mobile homes, trailers, or tent sites, and an additional fee as established by the Board of Selectmen for each additional mobile home, trailer, or tent site in excess thereof. Each such license shall expire on the first day of April next following the date of issuance. Before any license shall be renewed, the premises shall be subject to inspection by the Health Officer and Code Enforcement Officer. If they shall find all requirements of this and other Village and State Ordinances and Laws have been complied with, they shall certify same.

3. Such licenses shall be conspicuously posted on the premises at all times and shall not be transferable.

4. The Board of Selectmen is hereby authorized to revoke any license issued pursuant to the terms of this Code if after due investigation they determine the holder thereof has violated any of the provisions of this or any applicable code, law or statute.
B. TRAILER PARKS AND CAMPGROUNDS

In any district where campgrounds or trailers parks are permitted under the terms of this Code, the following regulations and minimum standards shall apply:

1. A time limit is placed on the occupancy of any one camping space on a continuing basis as follows: twelve weeks for the period May 15 to September 15 of each year, and two weeks for all other time. No trailers or mobile homes other than such as are camping units as defined herein shall be permitted within any camper park, temporarily or otherwise.

2. A campground may not be constructed on less than 5 acres of land.

3. Each tent site must be provided with a masonry or metal fireplace approved by the Fire Chief.

4. Spaces in campgrounds and trailer parks may be used by travel trailers, equivalent facilities constructed in or on automobile vehicles, tents, or other short-term shelter devices.

5. A trailer park or campground shall provide water and sewerage systems, sanitary stations, and convenience facilities in accordance with the regulations of the State Plumbing Code and the State of Maine Department of Health and Welfare. In no case shall less than one toilet, lavatory, and shower be provided for each gender for every ten (10) camping and tent sites.

6. Trailers and tent sites shall be parked on sites containing a minimum of 4,200 square feet and having a minimum frontage along the traveled way of 70 feet, exclusive of drives and aisles.

7. Trailers shall be so parked in spaces that:

   A. There will be a minimum of 15 feet between vehicles.

   B. There will be a minimum of 15 feet between all trailers and the exterior boundary of the park.

   C. There will be a minimum of 25 feet between all trailers and all public rights-of-way located inside the boundaries of the trailer park or campground. Setbacks from roads outside the trailer park will be a minimum of 150 feet.
D. No camping unit or structure shall be located less than 100 feet from any residence.

E. Buffering: planting, landscaping, disposition and form of buildings and other improvements, fencing, and screening shall be utilized to integrate the proposed development with the landscape and the character of any surrounding developments.

8. The storage, collection, and disposal of refuse shall not create health hazards, rodent harborage, insect breeding areas, accident hazards, air pollution, and the like.

9. No unoccupied camping unit shall be stored or exhibited for sale for commercial purposes within the park.

C. MOBILE HOME PARKS

Mobile home parks or subdivisions shall be constructed and installed in accordance with the following minimum standards and in accordance with Chapter II of this Code. Mobile home parks shall provide areas for the location and development of mobile homes, as defined in this code.

1. Streets – Design and construction of all mobile home park streets shall be in accordance with the specifications established in Chapter II, Section V, of this Code and with the provisions of Chapter II of this Code.

2. Utilities - Design and construction of all mobile home park utilities shall be in accordance with the specifications established in this Code. In addition, sewerage systems may be designed to collect sewage from each mobile home and dispose of it in a common septic tank disposal facility provided that the design, construction and operation of said facility are in compliance with the specifications of the State Plumbing Code. Water Systems shall be capable of delivering 250 gallons per day per lot.

3. Mobile home lot – A mobile home lot shall consist of a minimum of 10,000 square feet and shall have a minimum frontage of 70 feet. There shall be a minimum frontage of 70 feet. There shall be a minimum distance of 20 feet between mobile homes. The density provisions of this Code shall be fully complied with.

4. Setback Requirements – There shall be a minimum distance of 150 feet between mobile home lot lines and public road rights-of-way located
outside the boundaries of the mobile home park. There shall be a minimum distance of 25 feet between boundaries not fronting on a public right-of-way and mobile homes outside the park and mobile home stands. There shall be a minimum distance of 25 feet between interior park rights-of-way and mobile home stands.

5. **Refuse Disposal** - Each mobile home lot shall be provided with an area for refuse storage. Within a maximum of 150 feet from each mobile home lot, there shall be a flytight, watertight, and rodent-proof container, capable of storing the amount of refuse that the mobile home for which it was designed could generate in one week. The park management shall dispose of refuse from said containers by transporting the refuse in a closed truck to the Town of Madawaska disposal area at least once a week.

6. **Fire Protection** - Fire extinguishers shall be kept in all service buildings. A mobile home park shall provide suitable ingress and egress so that every mobile home may be readily serviced in emergency situations.

7. **Responsibilities of mobile home park management** – The management of mobile home parks shall be responsible for operating their respective parks in accordance with all Town codes and ordinances and all State laws and regulations. The park management shall maintain a register of all park residents and notify the Assessors of all impending arrivals, or departures, or changes in ownership. The maintenance of all open space areas, roads, and utilities in a park shall be the responsibility of the park management.

8. **Responsibilities of park occupants** – Mobile home park occupants shall be responsible for maintaining their mobile home lots in an orderly condition and for preventing the accumulation of refuse on such lots or under the mobile home.

9. No unoccupied mobile home shall be stored or exhibited for sale for commercial purposes within a mobile home park.

10. **Buffering** – planting, landscaping, disposition and form of buildings, other improvements, fencing, and screening, shall be utilized to integrate the proposed development with the landscape and the character of any surrounding development.
CHAPTER III DOCUMENTATION AND PLANNING REVIEW PROCEDURE

SECTION I AUTHORITY AND ADMINISTRATION

A. PURPOSE

The purpose of this chapter of the Land Use and Development Code is to provide uniform procedures and standards for observance by the Planning Board, other Officers of the Town, and developers in regulating major new development of all kinds in the Town of Madawaska. It is not the intent of this chapter to regulate the construction of a single dwelling on an oversize lot.

B. AUTHORITY

In accordance with the provisions of Maine Revised Statues, the following regulations governing the development of the Town are adopted by the Town of Madawaska.

C. ADMINISTRATION

1.) The Madawaska Planning Board, hereinafter called the Planning Board, shall administer this chapter.

2.) Whenever development of any kind or use, exclusive of a single dwelling on an oversized lot, and whether occurring essentially at one time or over a period of years, is proposed for a parcel or assembly of parcels of land which in total contiguous area is equivalent to or greater in area than three times the minimum lot size as prescribed for that zone, and before any contract of offer for the conveyance of the proposed development or any portion thereof shall have been made, and before any plot of subdivision into three or more lots shall have been recorded by the proper registry of deeds, and before any permit for the erection of a structure within such development shall be issued, and before any improvements, including the installation of roads or utilities, shall be undertaken, and before the sale from the same ownership not an approved subdivision of a third lot by reference to metes and bounds shall have been made, the developer or his authorized agent shall obtain the endorsement of the Planning Board for Final Approval of such development. All developments shall be executed in strict conformance with approved plans.

3.) As of any intended development, the developer or his authorized agent shall prepare and formally submit to the Planning Board both a Preliminary Plan for study, and modification where required, and a Final Plan. The Final Plan shall not be submitted until the developer has received from the Planning Board written
notice that a legal majority of the Planning Board has approved the Preliminary Plan. These requirements may be waived by the Planning Board in accordance with Subsection F following.

D. **ENFORCEMENT**

When the violation of any provision of this chapter shall be found to exist, the Town Attorney upon notice from the Town Manager is hereby authorized and directed to institute in the name of the Town any and all actions and proceedings that may be appropriate or necessary to the enforcement of the provisions of this chapter.

E. **FINES**

Any person, firm, corporation, or other legal entity who conveys or offers to convey, including by rental or lease, land within a proposed development as governed by this chapter before receiving Final Approval as required by this chapter, shall be punishable by a fine of not more than $1,000 for each conveyance, offering or agreement. Any person, firm, corporation, or other legal entity that otherwise violates any of the provisions of this chapter shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not more than $100.00 for each offense. Each day such a violation is continued after notification thereof shall constitute a separate offense. All fines collected shall constitute a separate offense. All fines collected under this chapter shall be paid to the Town of Madawaska.

F. **VARIATION**

1.) A variation in the strict application of this chapter or a provision thereof may be permitted only where in the opinion of the Planning Board, strict application to the developer and his property would cause undue hardship, or would not be in the best interest of the Town, or would be waived according to Paragraph 2 following.

2.) The Planning Board may waive the procedures leading up to the Final Approval required under Sections III and IV of this chapter when, in its opinion, the development is not of potential impact so as to require governance by this chapter or such provisions thereof. The developer may make such request in writing to the Planning Board without appearing in person before it. In so waiving the requirements of those sections, the Planning Board shall nonetheless require a satisfactory description of the nature and extent of the development proposed in drawing and otherwise as necessary to provide a basis on which to give approval.
The documents necessary to making application for a Building Permit may be sufficient for this purpose.

G. CONFLICT WITH OTHER ORDINANCES

In any case where a provision of this chapter is found to be in conflict with a provision of any other ordinance or code of the Town existing on the effective date of this Code, the provision which establishes the higher standard for the promotion of health and safety shall prevail.

H. APPEALS

An appeal from any order, relief, or denial of the Planning Board may be taken by any party to Superior Court in accordance with Maine Law.

I. SEVERABILITY

The invalidity of any section, subsection, paragraph, sentence, clause, phrase, or word of this chapter shall not be held to invalidate any other section, subsection, paragraph, sentence, clause, phrase, or word of this chapter; to this end, the provisions of this chapter are hereby declared to be severable.

SECTION II PREAPPLICATION

A. CONFERENCE

1) Prior to formal application for approval, the developer may appear before the Planning Board to discuss the proposed development. No binding commitments shall be made between the Town and the developer at this conference.

2) If the developer chooses to meet with the Planning Board in this manner, he shall make request by due process that he be included upon the agenda of a regular meeting of the Planning Board. At that meeting he shall appear with information sufficient to:

   a. Locate the site and identify the zoning classification

   b. Describe the site: its area, shape, and existing features, both natural, and man-made

   c. Describe the general intent of development.

3.) The Planning Board shall respond generally by indicating to the developer its concerns and by making suggestions as to what may or may not be possible.
SECTION III  

PRELIMINARY PLAN

A.  APPLICATION

Written application for approval shall be filed with the Secretary of the Planning Board, together with the Preliminary Plan, at least five business days prior to a regularly scheduled meeting. Such written application shall be on forms as prescribed by the Planning Board. To contribute to the costs of administration and inspection, a fee as established from time to time by the Madawaska Board of Selectmen shall be filed with the application. No fees shall be refundable.

B.  REQUIREMENTS

The Preliminary Plan submitted by the developer shall consist of three copies of all materials necessary to provide the following information. Where practical, sheet size of drawings shall be 24” x 30”. The developer may request a waiver of requirements not relevant or not of substantial import to his proposal, in which case he shall list them.

1. Names of: Project, Owner, Developer, Surveyor and/or Engineer and/or Architect.

2. Graphic and written scale, north point, date.

3. Location within the Town, abutting owners, boundaries of tract with accurate distances and bearings.

4. Zoning District classification, proposed uses, special exceptions and variances required.

5. As applicable: building areas, lot areas and lot coverage ratios; net residential density ratios; street frontages; front, side and rear setbacks; buffer strips; and distances between structures.

6. Proposed dedications to open space or public use, and proposed restrictive covenants.

7. Proposed construction schedule and phasing of improvements.

8. Identification, approximate dimensions locating and sizing major features of the development as proposed for approval, including as applicable, streets, drives, maneuvering space, parking areas, number of spaces,
easements and rights-of-way, both within and adjacent to the
development; lots or other divisions of land; heights and shapes of existing
and proposed structures; and other improvements and facilities.

9. Widths and cross sections, including curbs and sidewalks, longitudinal
profiles and radii of curves of all existing and proposed streets as
prescribed in Chapter II, Section V-B of this Code; sight lines and angles
of intersection of traveled ways; directions of traffic flow; means of access
for general, service, and emergency vehicles.

10. Existing and proposed topography in contours of two to five foot intervals
(two foot intervals will generally be required except that the Board may
require, depending on the site, five foot contours) with all elevations
referred to U.S.G.S. datum, or known bench marks at the discretion of the
Board, and indicating all known bench marks at the discretion of the
Board, and indicating all grading and filling.

11. Location and boundaries of soil areas and their names in accord with the
National Cooperative Soil Survey Classification, and identifying each soil
for any separate area of one acre or larger in size. Such study shall be
undertaken or approved as to its accuracy by a certified soil scientist,
geologist, or Soils Engineer.

12. Location of any tests or studies made, such as sample borings, bearing
studies, etc.

13. Location of existing and proposed modification of natural features such as
water bodes, springs, streams, swamps, wetlands, woodlands, cleared
areas, trees over 5 inch diameter, gullies, ravines, ledge, and outcroppings.

14. Proposed planting, including buffer and screening provisions as well as
integration with natural features.

15. Existing pattern of surface drainage, modifications proposed to it; flow on
and from existing and proposed areas.

16. Location, size, and type of existing and proposed sanitary and storm
sewers identifying direction of flow. Description of proposed disposal of
storm water and sewage, if connection to public storm and sanitary sewers
is not proposed.

17. Location, size and type of existing and proposed water supply for both
general consumption and fire protection.
18. Location of existing and proposed electric and telephone service.


20. Proposed storage areas, including facilities for maintenance of the proposed development.


22. Proposed conservation provisions.

23. Where application is made for approval of development of only a portion of a larger tract, the developer shall submit a plan indicating the general form of future development over the remainder and its relationship to the proposed development as submitted for approval.

C. PRELIMINARY PLAN REVIEW

1. The Planning Board shall review the Preliminary Plan of the proposed development as submitted. It shall verify the provision of all information as required under the preceding Subsection B, and shall accept or deny any waivers requested as listed by the developer to undertake further studies as it deems necessary to ascertain that the public convenience, safety, health and welfare are protected, that the Town will not in the future incur extraordinary expense as a result of the development, either on or off the site, and that the environment will not be harmed unduly.

2. The Planning Board shall include in its review the following general and specific requirements that the development as proposed for approval:

   a) Shall be in conformance with the applicable sections of the Comprehensive Plan of the Town, and will all pertinent State and local codes and ordinances, including the Performance Standards related to specific types of development which are stipulated in Chapter II of this Code.

   b) Will not cause congestion or unsafe conditions with respect to use of the highway or public roads, existing or proposed on or off the site.

   c) Will not place an unreasonable burden by either direct cause or subsequent effect on the ability of the Town to provide municipal services including
utilities, waste removal, adequate roads, fire and police protection, school facilities, school transportation, recreational facilities, and others.

d) Has sufficient water supply available for present and future needs as reasonably foreseeable.

e) Will provide for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.

f) Will not result in undue pollution of air, or surficial or ground waters, either on or off the site. The Planning Board shall consider at least: the nature, location, and course of all potential contaminants to the air or water; and particularly in respect of pollution of water, the elevation of the proposed development above bodies of water in the vicinity, the extent of flood plains, the nature of soil and subsoil both in their function as aquifers and in their ability to adequately support waste disposal – the topography of the land and its relation to the movement and disposal of effluents, and the availability, adequacy, and suitability of streams for the disposal of effluents.

g) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

h) Will not affect the shoreline of any body of water in consideration of pollution, erosion, flooding, destruction of natural features, and change of ground water table so that a dangerous or unhealthy condition may result.

i) Will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or man-made assets.

3. The Planning Board may require the reservation of open space for recreation or school sites, drainage, or other purposes consistent with the Comprehensive Plan for the development of the Town of Madawaska. The Planning Board may require the developer to landscape such open space and to provide shade trees and ground cover.

4. The Planning Board shall decide on the acceptability of the Preliminary Plan and shall issue its approval, conditional approval, or denial. It shall note all specific aspects which do not meet with its approval either in specifically satisfying the criteria listed in Subsections B and C above, in meeting the Performance Standards stipulated in Chapter II of this Code, or in generally providing for the protection and preservation of the public’s health, safety, and welfare. The
Planning Board may grant its conditional approval of any or all aspects of the Preliminary Plan pending any changes required in order to bring it into conformance with its approval, or pending the results of further studies required of the developers as provided for in Subsection C:1 above.

5. The Planning Board shall issue a written notice directed to the applicant, through its minutes or otherwise, of its decision within forty-five days after application for a proposed development has been submitted. By mutual agreement between the Planning Board and the applicant, this period may be extended as necessary to permit the developer to seek an appeal on land use from the Zoning Board of Appeals.

SECTION IV  FINAL PLAN

A.  APPLICATION

A request for Final Approval shall be made by the developer in writing to the Planning Board, and shall be accompanied by the Final Plan, a Performance Guarantee and other materials as described herein. Application for Final Approval shall be made on forms as prescribed by the Planning Board.

B.  REQUIREMENTS

1. The Final Plan shall include the original drawn on permanent transparency material and three dark-line prints, all prepared to the same scale as the Preliminary Plan unless otherwise prescribed by the Planning Board as being necessary to show all details clearly. The seal(s) of the registered professional surveyor and/or engineer, and/or architect responsible for the Final Plan shall be affixed to all sheets. The plan drawing shall list all others submitted with it to include them by reference as part of the Final Plan. It shall also provide space for the signature of a legal majority of the Planning Board and the date of approval following the words, “Approved: Town of Madawaska Planning Board”. The following information shall be required:

a) All information required of the Preliminary Plan

b) The identification and location of all monuments, existing and proposed

c) Information sufficient to establish on the ground the exact location, direction, width and length of every street and way line, easement, property line and boundary line.
d) The location, size and type of planting and landscaping for such parks, esplanades, or other open spaces as may be proposed or prescribed.

2. The Final Plan shall be accompanied by the following documents as applicable:

   a) Private restrictions and easements, conditions of sale and/or trusteeships, and their periods of existence.

   b) A statement from the Superintendent of the Madawaska Water District of conditions on which the District will supply water, and approving the size and location of mains, valves and hydrants proposed.

   c) A statement from the Fire Chief of the Town of Madawaska approving the number, size and location of hydrants and their supply mains proposed.

   d) A statement from the Town Engineer or Department of Public Works Director if connection to public storm sewers is proposed approving the location, diameter, slope, and invert elevations of the storm sewers proposed.

   e) Statements of approval of the means of sanitary sewerage proposed from the appropriate State Agencies having jurisdiction, together with evidence of suitability of soil and/or water bodies to dispose of the effluent from the proposed treatment of sanitary wastes and from storm water run-off.

   f) Offers of cession in a form certified as satisfactory by the Town Attorney of all land included in streets, highways, parks, or other open space ultimately to be dedicated for public use, or not specifically reserved by the developer.

   g) Proof from the Board of Appeals of the granting of an appeal for a variance or special exception, if required, and any conditions imposed.

C. PERFORMANCE GUARANTEE

The Final Plan shall be accompanied by a Performance Guarantee, or at the approval of the Planning Board, a Conditional Agreement. A Performance Guarantee may be tendered in the form of either a certified check payable to the Town of Madawaska, a savings account passbook issued in the name of the Town, or a faithful performance bond running to the Town of Madawaska and
issued by a surety company acceptable to the Town Manager. It shall be in an amount of money to be determined by the Town Manager with the advice of various Town Departments and agencies to be sufficient to cover the cost of at least furnishing, installing, connecting, and completing all the street grading, paving, storm drainage, utilities, and other improvements for public benefit or use specified in the Final Plan. It shall be conditioned upon the completion of all such improvements within two years from the date of such check or bond. A Conditional Agreement, if acceptable in lieu of a Performance Guarantee, shall be endorsed by the Planning Board on the Final Plan, and shall provide that no lot or parcel of land may be conveyed, and that no permit may be issued by the Building Inspector for any building on any portion of the development until the completion of all street improvements for public benefit or use specified in the Final Plan. Completion shall be determined by the Municipal Officers to their satisfaction, who shall receive written certification signed by the Town Manager, the Planning Board, the Public Works Director, and the Superintendent of the Madawaska Water District, that all improvements assured by the Performance Guarantee have been constructed in conformance with the Final Plan, as well as all applicable codes and ordinances. In addition, the developer shall furnish at his own expense the signed certification by a registered surveyor or civil engineer that all permanent bounds or monuments have been installed, and are accurately in place in the locations designated in the Final Plan.

D. FINAL PLAN REVIEW

1. The Planning Board shall review the Final Plan of the proposed development as submitted. It shall verify the provision of all information as required under the above subsections, and the provision of any additional information requested during the Preliminary Review. It shall examine any changes made subsequent to the Preliminary Plan for satisfactory correction.

2. The Planning Board shall approve or deny the Final Plan, taking into consideration the general and specific requirements listed under this Chapter.

3. No Final Plan shall be approved by the Planning Board unless submitted by the developer or his authorized agent within 12 months from the issuance of Preliminary Approval.

4. The Planning Board shall issue a written notice directed to the applicant, through its minutes or otherwise, of its decision within 30 days after application for Final Approval has been submitted.
5. The approval of a Final Plan by the Planning Board shall not be deemed an acceptance by the Town, of the dedication of any street, other public way, or grounds.

6. The approval of a Final Plan shall be attested on the original tracing and the three copies by the signatures of a legal majority of the members of the Planning Board.

7. Two signed copies of the Final Plan as approved shall be retained by the Planning Board (1) and the Town Clerk (1). If any subdivision of land is proposed in the Final Plan, all material required to be recorded by the Aroostook County Registry of Deeds shall be so submitted by the developer within thirty days of the date of written notice of Approval by the Planning Board.
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Town of Madawaska
Sewer Use Ordinance
June 2012
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TOWN OF MADAWASKA
SEWER USE ORDINANCE

The following rules and regulations are hereby established to regulate the use of public and private sewers, private wastewater disposal, the installation and connection of building sewers, and the discharge of water and waste into the public sewer system(s), and providing penalties for violations thereof, in the Town of Madawaska, County of Aroostook, State of Maine.

1. GENERAL PROVISIONS

1.1 PURPOSE AND POLICY

This Ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) of the Town of Madawaska and enables the Town to comply with all applicable State and federal laws, including the Clean Water Act (33 United States Code § 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). Recognizing that significant opportunities exist to reduce or prevent pollution at its source through cost effective practices, and that such practices can offer savings through reduced purchases of materials and resources, a decreased need for pollution control technologies, and lower liability costs, as well as assisting to protect the environment, the Town establishes the following objectives of this Ordinance:

A. To promote, consistent with the policy of the federal government:

- The prevention or reduction of pollutants at the source whenever feasible;
- Recycling in an environmentally-safe manner when pollution cannot be prevented;
- Treatment in an environmentally-safe manner of pollution that cannot be prevented or recycled; and
- Disposal or other release into the environment in an environmentally-safe manner only as a last resort.

To encourage the development of these efforts, the Town may:

- Set Town-wide pollution prevention goals;
- Organize an assessment program task force;
- Review data and inspect sites;
- Develop pollution prevention options;
- Conduct a feasibility analysis of selected options; and
- Promote implementation of pollution prevention techniques.

B. To prevent the introduction of pollutants into the POTW that will interfere with its operation;

C. To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
D. To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

E. To promote reuse of sludge from the POTW;

F. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW; and

G. To enable the Town to comply with its Maine Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or State law to which the POTW is subject.

This Ordinance shall apply to all users of the POTW, and other Town residents where necessary. The Ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

1.2 ADMINISTRATION

Except as otherwise provided herein, the Board of Selectmen shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the Selectmen may be delegated by the Selectmen to other Town personnel.

1.3 ABBREVIATIONS

The following abbreviations, when used in this Ordinance, shall have the following designated meanings:

- **BOD**: Biochemical Oxygen Demand
- **CFR**: Code of Federal Regulations
- **CEO**: Codes Enforcement Officer
- **COD**: Chemical Oxygen Demand
- **DPW**: Department of Public Works
- **EPA**: United States Environmental Protection Agency
- **gpd**: Gallons per day
- **IDP**: Industrial Discharge Permit
- **LPI**: Licensed Plumbing Inspector
- **mg/l**: Milligrams per liter
- **MEDEP**: Maine Department of Environmental Protection
- **MEPDES**: Maine Pollutant Discharge Elimination System
- **POTW**: Publicly Owned Treatment Works
- **RCRA**: Resource Conservation and Recovery Act
- **SIC**: Standard Industrial Classification
- **TDS**: Total Dissolved Solids
- **TSS**: Total Suspended Solids
- **USC**: United States Code
1.4 DEFINITIONS

A. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated.

1. Act or the Act. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.

2. Approval Authority. The Maine Department of Environmental Protection, or its duly appointed agent.

3. Authorized Representative of the User.
   a. If the user is a corporation:
      i. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
      ii. The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
   b. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
   c. If the user is a federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility.
   d. The individuals described in paragraphs (a) through (c), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Town.

4. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

5. Building Drain. That part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

6. Building Sewer. The extension from the building drain to the public sewer or other place of disposal, also called house connection or lateral.


8. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limitations promulgated by EPA in accordance with Sections 307(b) and
(c) of the Act (33 U.S.C. § 1317) that apply to a specific category of users and that appear in
40 CFR Chapter I, Subchapter N, Parts 405-471.

9. **Combined Sewer.** A sewer intended to receive both wastewater and storm or surface water.

10. **Commercial Use.** Premises used for financial gain, such as business or industrial use, but
excluding residential uses and related accessory uses.

11. **Commissioner.** The Commissioner of the Maine Department of Environmental Protection, or
the Commissioner's duly appointed agent.

12. **Control Authority.** The term Control Authority as used in this Ordinance, refers to the party
responsible for implementing the Town's pretreatment program.

13. **Developer.** Any individual, firm, company, association, society, corporation, or group
wishing to or causing the extension of sewer lines within the terms of this ordinance.

14. **Domestic Wastewater or Sewage.** Household toilet wastes or waste from sanitary
conveniences of residences, commercial buildings, and industrial plants, excluding ground,
surface, or storm water. (See also: Industrial Wastes.)

15. **Easement.** An acquired legal right for the specific use of land owned by others.

16. **Environmental Protection Agency or EPA.** The United States Environmental Protection
Agency or, where appropriate, the EPA Regional Water Management Division Director, or
other duly authorized official of said agency.

17. **Existing Source.** Any source of discharge, the construction or operation of which
commenced prior to the publication by EPA of proposed categorical pretreatment standards,
which will be applicable to such source if the standard is thereafter promulgated in
accordance with Section 307 of the Act.

18. **Floatable Oil.** Oil, fat, or grease (FOG) in a physical state such that it will separate by gravity
from wastewater by treatment in an approved pretreatment facility. A wastewater shall be
considered free of floatable oil if it is properly pretreated and the wastewater does not
interfere with the collection system.

19. **Force Main.** A line without access from individual properties, providing a connection from a
pump station to a pump station, trunk, or sanitary sewer main.

20. **Garbage.** The animal and vegetable waste resulting from the handling, preparation, cooking,
and serving of foods.

21. **Grab Sample.** A sample that is taken from a waste stream without regard to the flow in the
waste stream and over a period of time not to exceed fifteen (15) minutes.

22. **Grease.** The material removed from a grease interceptor (trap) serving a restaurant or other
facility requiring such grease interceptors. Also means volatile and non-volatile residual fats,
fatty acids, soaps, waxes and other similar materials.

23. **Hauler.** Those persons, firms, or corporations, who pump, haul, transport, or dispose of
septage and who are licensed by the Maine Department of Environmental Protection pursuant
to the Department's Rules (06-096 Chapter 411) and rules adopted to implement said section.
24. **Human Excrement and other Putrescible Material.** The liquid or solid matter discharged from the intestinal canal of a human, or other liquid or solid waste materials that are likely to undergo bacterial decomposition.

25. **Incompatible Pollutant.** Any pollutant that is not a compatible pollutant.

26. **Industrial Discharge Permit or IDP.** The written permit between the Town and an industrial user that outlines the conditions under which discharge to the POTW will be accepted.

27. **Industrial User.** A person who discharges industrial wastes to the POTW of the Town.

28. **Industrial Wastes or Non-Domestic Wastewater.** The wastewater and waterborne wastes from any liquid, gaseous, or solid waste substance resulting from any process of industry, manufacturing trade or business or from development of any natural resources as distinct from domestic wastewater, sewage or unpolluted water.

29. **Indirect Discharge or Discharge.** The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act.

30. **Inspector.** The Selectmen, the Superintendent, or other duly authorized representatives making inspections, observations, measurements, samplings, and testings within the terms of this ordinance.

31. **Instantaneous Discharge Limit.** The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

32. **Interference.** A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore is a cause of a violation of the Town's MEPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as RCRA; any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; the Marine Protection, Research, and Sanctuaries Act; and 40 CFR Part 503 Standards for Sewage Sludge Use and Disposal.

33. **Local Limits.** Numerical limitations on the discharge of pollutants established by the Town, as distinct from State or federal limitations for non-domestic wastewater discharged to the POTW.

34. **Medical Waste.** Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, chemotherapy wastes, and dialysis wastes.

35. **MEPDES Permit or Maine Pollutant Discharge Elimination System Permit.** A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

36. **Natural Outlet.** Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body or surface water or groundwater.

37. **Normal Domestic Wastewater.** Wastewater generated by residential users containing not more than 200 mg/l BOD and not more than 250 mg/l suspended solids.
38. **New.** When the term "new" is used in relation to new building/dwelling construction, new building service lateral connections and new public sanitary sewer system, "new" is defined as occurring on or after January 1, 2013.

39. **New Source.**

   a. Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced subsequent to the publication of proposed pretreatment standards under Section 307(c) of the Act that will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

   i. The building, structure, facility, or installation is constructed at a site at which no other source is located; or

   ii. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

   iii. The production or wastewater-generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, will be considered.

   b. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

      i. Begun, or caused to begin, as part of a continuous on-site construction program

         a) any placement, assembly, or installation of facilities or equipment; or

         b) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities that is necessary for the placement, assembly, or installation of new source facilities or equipment; or

      ii. Entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

   c. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (a)(ii) or (a)(iii) above but otherwise alters, replaces, or adds to existing process or production equipment.

40. **Non-Contact Cooling Water.** Water used for cooling that does not directly contact any raw material, intermediate product, waste product, or finished product.
41. **Pass Through.** A discharge that exits the POTW into waters of the United States in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Town's MEPDES permit, including an increase in the magnitude or duration of a violation.

42. **Person.** Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, State, and local governmental entities.

43. **pH.** A logarithmic measure devised to express the hydrogen ion concentration of a solution, expressed in Standard Units. Solutions with pH values greater than 7 are basic (or alkaline); solutions with pH values less than 7 are acidic.

44. **Pollutant.** Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

45. **Pollution Prevention.** The use of materials, processes, or practices that reduce or eliminate the creation of pollutants or wastes at the source, or minimize their release to the environment prior to recycling, treatment or disposal. It includes practices that reduce the use of hazardous materials, energy, water or other resources. It also includes practices that protect natural resources and human health through conservation, more efficient use, or effective release minimization.

46. **Pretreatment.** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

47. **Pretreatment Requirements.** Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

48. **Pretreatment Standards or Standards.** Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

49. **Prohibited Discharge Standards or Prohibited Discharges.** Absolute prohibitions against the discharge of certain substances as identified in Section 3.3 of this Ordinance.

50. **Properly Shredded Garbage.** Wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be transported freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

51. **Public Sewer.** A pipe or conduit that carries wastewater, storm water, groundwater, subsurface water, or unpolluted water from any source, which is controlled by a governmental agency or public utility.

52. **Publicly Owned Treatment Works or POTW.** A "treatment works," as defined by Section 212 of the Act (33 U.S.C. §1292) that is owned by the Town. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or
industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if these structures convey wastewater to a POTW wastewater treatment facility. The term also means the municipality that has jurisdiction over discharges to and from such a treatment plant, and any sewer that conveys wastewater to the POTW from persons outside the Town who are, by contract or agreement with the Town, users of the Town's POTW.

53. Recreational Vehicle or "RV". A mobile vehicle or trailer used for temporary living e.g. a camper or wholly self-contained transport and living unit.

54. Sanitary Sewer. A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial facilities, and institutions, together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

55. Screening Level. That concentration of a pollutant that under baseline conditions would cause a threat to personnel exposed to the pollutant, or would adversely impact structures of the POTW. To be administered as local limits applicable to a particular discharge, the screening levels must be adjusted to account for conditions at the point of discharge that differ from baseline conditions.

56. Semi-Public Use. Premises of private, non-profit organizations such as schools, hospitals, and religious institutions.

57. Septage or Septic Tank Waste. Any liquid, solid, or sludge pumped from chemical toilets, vaults, septic tanks, or cesspools or other holding tanks, that have received only domestic wastewater.

58. Septage Tank Truck. Any watertight vehicle that is used for the collection and hauling of septage as described above and that complies with the rules of the Maine Department of Environmental Protection.

59. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).

60. Sewer. A pipe or conduit that carries wastewater, storm water, groundwater, subsurface water, or unpolluted water from any source.

61. Shall. Means mandatory; may mean permissive.

62. Significant Industrial User:
   a. A user subject to categorical pretreatment standards under 40 CFR 403.8 and 40 CFR Chapter I, Subchapter N; or
   b. A user that:
      i. Discharges an average of ten thousand (10,000) gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater);
      ii. Contributes a process waste stream that comprises five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
iii. Is designated as such by the Town on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

c. Upon determining that a user meeting the criteria in Subsection b.i. or b.ii has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Town may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

63. Significant Noncompliance or SNC. An industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

a. **Chronic violations.** A pattern of violating the same pretreatment standard daily maximum or average limit (any magnitude of exceedance) sixty-six percent (66%) or more of the time in a 6-month period;

b. **Technical Review Criteria (TRC violations).** Thirty-three percent (33%) or more of the measurements exceed the same pretreatment standard daily maximum limit or average limit by more than the TRC factor in a six month period. The TRC factor is 1.4 for biochemical oxygen demand (BOD), total suspended solids (TSS), oil & grease and 1.2 for all other pollutants except pH;

c. **For continuous pH monitoring, excursions shall be considered SNC when:**

   i. The total time during which the pH values are outside the required range of pH values exceeds 7 hours and 26 minutes in any calendar month; or

   ii. An individual excursion from the range of pH values exceeds 60 minutes; or

   iii. An excursion occurs that the Town believes has caused, alone or in combination with other discharges, interference or pass-through; or has endangered the health of the sewage treatment personnel or the general public; or

   iv. Any pH less than or equal to 2.0 or greater than or equal to 12.5.

d. Any other discharge violation that the Town believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

e. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Town's exercise of its emergency authority to halt or prevent such a discharge;

f. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

g. Failure to provide within thirty (30) days after the due date, any required reports, including Industrial Discharge Permit applications, periodic self-monitoring reports, and reports on compliance with compliance schedules;
h. Failure to accurately report noncompliance; or

i. Any other violation(s) that the Town determines will adversely affect the operation or implementation of the local pretreatment program.

64. **Slug Load or Slug.** Means:

a. Any discharge of water, wastewater, sewage, or industrial sewage which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow during normal operation;

b. Any discharge at a flow rate or concentration that could cause a violation of the prohibited discharge standards in Section 3.3 of this Ordinance; or

c. Any discharge that may adversely affect the collection system and/or performance of the POTW.

65. **Source Reduction.** Any practice that:

a. Reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, or disposal; and

b. Reduces the hazards to public health and the environment associated with the release of such substances, pollutants, or contaminants.

The term includes equipment or technology modifications; process or procedure modifications; reformulation or redesign of products; substitution of raw materials; and improvements in housekeeping, maintenance, training, or inventory control. The term "source reduction" does not include any practice that alters the physical, chemical, or biological characteristics or the volume of a hazardous substance, pollutant, or contaminant through a process or activity that itself is not integral to and necessary for the production of a product or the providing of a service.

66. **Standard Industrial Classification (SIC) Code.** A classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.

67. **State.** The State of Maine.

68. **Storm Drain or Storm Sewer.** A drain or sewer for conveying storm water, groundwater, subsurface water, or unpolluted water from any source.

69. **Storm Water.** Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

70. **Superintendent.** The person designated by the Town to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Ordinance, or a duly authorized representative, all acting for the Board of Selectmen.

71. **Suspended Solids or TSS.** The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.
72. **Town.** The Town of Madawaska, Maine.

73. **Treatment Plant, Treatment Works, or Treatment Facility.** Any device or system used in the storage, treatment, equalization, recycling or reclamation of wastewater and/or wastewater sludges as defined herein.

74. **Unpolluted Water.** Water of quality equal to or better than the State Water Quality Standards or water that would not cause a violation of receiving water quality standards and would not be benefitted by discharge to the POTW.

75. **User or Industrial User.** A source of pollutants introduced into the POTW from any non-domestic source regulated under Section 307 (b), (c), or (d) of the Act.

76. **Wastewater.** Liquid and water-carried industrial wastes and/or sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

77. **Watercourse.** A natural or artificial channel for the passage of water either continuously or intermittently.
2. GENERAL SEWER USE REQUIREMENTS

2.1 USE OF PUBLIC SEWERS

A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town or in any area under the jurisdiction of the Town, any human or animal excrement, garbage, or objectionable waste.

B. It shall be unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of the Town, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance and with State and federal laws and regulations.

C. Sewers for Intended Uses Only. No person shall discharge into any public sewer of the Town, or into any fixture that thereafter discharges into any public sewer, any waste or substance other than for which the particular sewer is intended, designed or provided.

D. Applicable Permits Required. No person shall discharge into any public sewer of the Town, or into any fixture that thereafter discharges into any public sewer, any waste or substance until all applicable federal, State and local permits have been obtained.

E. Use of Sanitary Sewers. Except as specifically provided with reference to some particular sewer, sanitary sewers shall be used only for the conveyance and disposal of domestic wastewater, and for industrial wastes that are not objectionable as hereinafter provided. No sanitary sewer shall be used to receive and convey or dispose of any storm or surface water, subsoil drainage, or unpolluted water.

F. Use of Storm Sewers. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers, or a natural outlet approved by the Town Manager. A MEPDES permit is required prior to discharging industrial cooling water, process waters, or storm water runoff generated in areas of industrial activity (as defined in 40 CFR Part 122) to a storm sewer or natural outlet.

G. Use Designation. If the intended or designated use of any particular sewer or drain and allowable discharge thereto is unclear, the Codes Enforcement Officer will consider the pertinent facts and make a determination. Said determination will be final and binding.

H. Except hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater in any area where a public sewer is available, as described in paragraph (I) below.

I. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Town, is hereby required at the owner(s)' expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, within ninety (90) days subsequent to the date of official notice to do so, provided that said gravity public sewer is within one hundred (100) feet of the building to be served, unless prevented by topographical or other reasons. This requirement for connection may be waived if the household is already connected to a properly functioning, State-approved septic system conforming with Maine's Subsurface Wastewater Disposal Rules, 144A CMR 241, until such system fails, at which time the owner(s) shall connect to the public sewer. Owner(s) of new houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes whose requirement for connection was waived will be subject to a Standby Fee. See Section 14.6(A) for more information.
Where a public sanitary sewer is not available under the provisions of paragraph (I) above, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of 144A CMR 241, and rules promulgated thereto. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Town. At no time shall any quantity of industrial waste be discharged to a private, domestic wastewater disposal facility.

At such time as a public sewer becomes available to a property serviced by a private wastewater disposal system, the owner shall connect to the public sewer, as provided in paragraph (I) above. Any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with clean mineral soils, and their use shall be discontinued.

Any additional requirements may be imposed by the Selectmen, as required by new local, State and federal laws and regulations.

No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment that is part of the POTW.

2.2 BUILDING SEWERS AND CONNECTIONS

No person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Director of the DPW. All work related to the installation of building sewers, and the connection to the public sewers, shall be performed only after all permits as required by local, State, and federal law have been obtained. Any work within Town right-of-ways or easements is subject to additional permitting regulations.

Service Markers: Electronic markers shall be provided at the property line for all new building sewer laterals or point of reconnection for all existing services. Marker disks shall be placed directly over the building sewer lateral at least 6 inches above the pipe. Depth of marker burial shall not be less than 3 feet or more than 5 feet. Markers shall be laid in a level position and hand backfilled to 1 foot above the disk to prevent movement or damage. Marker disks shall produce a uniform radio operating frequency of 121.6 kHz. Marker disks shall be color coded green for sanitary sewer services in accordance with AWPA Uniform Color Code. Markers shall be Greenlee Buried Line Marker Disc.

Backwater Valves: To protect from the possibility of backflow of sewage, backwater valves shall be required for all new connections to the public sewers.

1. Materials: All bearing parts of backwater valves shall be corrosion-resistant material. Backwater valves shall comply with ASME A112.14.1, CSA B181.1 or CSA B181.2.

2. Seal: Backwater valves shall be constructed as to provide a mechanical seal against backflow.

3. Diameter: Backwater valves, when fully open, shall have a capacity not less than that of the pipes in which they are installed.

4. Access: Backwater valves shall be installed so that access is provided to the working parts for service and repair.

All persons proposing a new discharge into the system or substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Superintendent of the POTW at least forty-five (45) days prior to the proposed change or connection.

There shall be two (2) classes of building sewer permits: (a) for residential and commercial service producing only domestic wastewater, and (b) for service to establishments producing industrial wastes.
In either case, the owner(s) or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information (including pollution prevention studies) considered pertinent in the judgment of the Selectmen. A permit and inspection fee in accordance with applicable Town requirements shall be paid to the Town at the time the application is filed. One copy of the permit shall be available for inspection at all times at the site of the work.

F. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

G. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such cases, the front building sewer may be extended to the rear building and the whole considered as one building sewer, but the Town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.

H. Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the CEO or LPI, to meet all requirements of this Ordinance.

I. The size and slope of the building sewer laterals shall be subject to the approval of the Director of DPW or CEO, but in no event shall the diameter be less than six inches. Gravity sewer pipe and fittings shall be SDR 35 Polyvinyl Chloride (PVC) unless otherwise approved by the Director of DPW or CEO. The slope of the building sewer service pipe shall not be less than one-eighth inch per foot. The sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with manholes or pipe fittings as approved by the Director of DPW or CEO. A cleanout shall be provided at bends greater than 45 degrees or at 100 foot maximum intervals. An accurate record of each building sewer, its location and its depth at the street line shall be provided to the Superintendent. The methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, and the Maine Department of Environmental Protection's Rules. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials (ASTM) and Water Environment Federation (WEF) Manual of Practice No. FD-5 shall apply. All such connections shall be made gas-tight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the CEO or LPI before installation.

J. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage conveyed by such building drain shall be lifted by an approved means and discharged to the building sewer at the owner's expense.

K. Building Sewers Requiring Frequent Maintenance: Any new building sewer lateral serving a school, hospital, or similar institution, or public building, or serving a complex of commercial or industrial building, or which, in the opinion of the Director of DPW or CEO, will receive sewage or industrial wastes of such volume or character that frequent maintenance of said building sewer is anticipated, then such building sewer service shall be connected to the public sewer through a manhole. If required, a new manhole shall be installed in the public sewer and the location of this manhole and the building sewer connection to it or to any existing manholes shall be as specified by the Superintendent, Director of DPW or CEO.
L. No person(s) shall make connection of sump pumps, roof downspouts, interior or exterior foundation drains, or other sources of surface run-off, groundwater or natural precipitation to a building sewer or building drain that in turn is connected directly or indirectly to a public sanitary sewer.

1. Any person, firm or corporation having a roof, surface, ground, sump pump, foundation drain, cistern overflow, or swimming pool now connected and/or discharging into the public sanitary sewer shall disconnect and/or remove same. Any disconnects or openings in the public sanitary sewer shall be closed or repaired in an effective, workmanlike manner, as approved by the Town.

2. Every person owning improved real estate that discharges into the Town's public sanitary sewer shall allow an employee of the Town or their designated representative to inspect the buildings to confirm that there is no sump pump or other prohibited discharges into the public sanitary sewer. Any person refusing to allow their property to be inspected prior to January 1, 2013, shall immediately become subject to the Inflow Fee hereinafter provided for. Any property found to violate this provision of the Ordinance shall make the necessary changes to comply with the Ordinance and furnish proof of the changes to the Town.

3. At any future time, if the Town has reason to suspect that an illegal connection may exist in a premise, the owner, by written notice shall comply with these provisions. Should a property certified in compliance with these provisions be found to have reconnected a roof drain, sump pump or any other form of natural precipitation or groundwater to the public sanitary sewer, the property owner will be subject to the Inflow Fee for all months between the last two inspections.

4. An Inflow Fee of two-hundred dollars ($200) per year (or one-hundred dollars ($100) per biannual billing) is hereby imposed and added to every sewer billing mailed on or after January 1, 2013, to each property owner not in compliance with these provisions. The Inflow Fee shall be added every year until the property is in compliance with these provisions. The imposition of the Inflow Fee shall not limit the Town's authority to prosecute the criminal violations or seek an injunction in court ordering the person to disconnect the nonconforming connection to the public sanitary sewer.

5. This provision enforces actions necessary to achieve the Town's Inflow and Infiltration Reduction Program goals of reducing Combined Sewer Overflow events.

M. No person(s) shall allow any floor drain to be connected, or to remain connected, to any building sewer or building drain that in turn is connected directly or indirectly to a public sanitary sewer.

1. The Director of DPW or CEO, with the approval of the Board of Selectmen, may allow a waiver from these provisions, which will not result in a violation of State or Federal law, provided:

   a. The waiver requested is reasonable to accomplish the lawful purpose;

   b. The waiver will not cause undue harm or inconvenience to the Town, the POTW, or the Owner’s neighbors; and

   c. The waiver is justified by substantial reason. As used in this section the term “substantial reason” means a valid health or safety consideration, a clear and compelling logistical need, or a direct or indirect economic and/or aesthetic benefit to the Town, as determined by the Board of Selectmen.

2. The Owner shall submit to the Town the Request for Floor Drain Waiver form provided by the Town. The Town shall have the power of deciding request for waivers from the applicability of these provisions. The application shall identify the name and address of the Owner, the property in question, and a substantial reason justifying the waiver. The waiver as issued shall identify any changes, limitations or restrictions on the waiver as applied for.
3. If a property is in violation of these provisions and the Owner does not obtain a Floor Drain Waiver, a Floor Drain Fee of twenty-five dollars ($25) per year shall be applied to the sewer bill. The fee shall be added to the sewer bill every year until the property is in compliance with these provisions.

4. No person(s) shall allow any floor drain to be connected, or remain connected, to any building sewer or building drain that in turn is connected directly or indirectly to public storm sewer.

N. No person shall obstruct the free flow of air through any drain or soil pipe.

O. The applicant for the building sewer permit shall notify the CEO when the building sewer is ready for inspection and connection to the public sewer. Such notice shall be provided not less than 24 hours in advance of the time any connection is to be made to any public sewer. The connection and testing shall be made under the supervision of the CEO or his representative. This requirement shall also apply to repairs or alterations to building connections, drains or pipes thereto.

P. Suitable provisions shall be made at the point of connection for testing, which responsibility shall rest with the holder of the sewer connection permit.

Q. No building sewer shall be covered until it has been inspected and approved by the CEO or his representative. If any part of building sewer is covered before being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to the public sewer.

R. The CEO shall maintain a record of all connections made to public sewers and drains under this Ordinance and all repairs and alterations made to building connections or drains connected to or discharging into public sewers and drains of the Town or intended to so discharge. All persons concerned shall assist the CEO in securing the data needed for such records.

S. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town at the expense of the owner.

T. Proposed new discharges from residential or commercial sources involving loadings exceeding 50 population equivalents (5,000 gpd), any new industrial discharge, or any alteration in either flow or waste characteristics of existing industrial wastes that are being discharged into the POTW must be approved by the Maine Department of Environmental Protection (MEDEP). Such approvals shall be obtained in accordance with Section 4.3 of this Ordinance.

U. In the case of buildings being removed or demolished, the building sewer shall be capped at the street right-of-way line to the satisfaction of the Superintendent, Director of DPW or CEO.
2.3 LICENSING OF PERSONS AUTHORIZED TO MAKE CONNECTIONS TO THE PUBLIC SEWER

Plumbers and drain layers of established reputation and experience will be duly licensed and authorized to perform such work.

2.4 PROHIBITED DISCHARGE STANDARDS

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be accidentally discharged to the POTW.

A. General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater that causes pass-through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other federal, State, or local pretreatment standards or requirements.

B. Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, gas, solid, or any substance that may generate or form any flammable, combustible or explosive substance, fluid, gas, vapor or liquid when combined with air, water or other substances present in sewers, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;

2. Wastewater having a pH less than 5.5 or greater than 10.0, as measured at the point of connection to the sanitary sewer or other available monitoring location, or otherwise causing corrosive structural damage or hazard to the POTW equipment, or personnel, or with alkalinity in such quantities that the pH of the influent to the POTW is caused to exceed 8.0;

3. Solid or viscous substances including water or wastes containing fats, wax, grease, or oils, whether emulsified or not, or containing substances that may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees (0-65 degrees C), in amounts that will cause obstruction of the flow in the POTW resulting in interference;

4. Pollutants, including oxygen-demanding pollutants (BOD, COD, etc.), or chlorine demand requirements released in a discharge at a flow rate and/or pollutant concentration that, either singly or by interaction with other pollutants, will cause interference with the POTW;

5. Wastewater having a temperature greater than 150°F (65°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater that causes the temperature at the introduction into the POTW treatment plant to exceed 104°F (40°C);

6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass-through;

7. Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

8. Trucked or hauled pollutants, except at discharge points designated by the Superintendent in accordance with Section 4.9 of this Ordinance;
9. Medical wastes except as specifically authorized by the Town;

10. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent or sludge to fail a toxicity test;

11. Household hazardous wastes including but not limited to paints, stains, thinners, pesticides, herbicides, anti-freeze, transmission and brake fluids, motor oil and battery acid.

C. Additional Prohibitions. No user shall introduce or cause to be introduced into the POTW the following substances, pollutants or wastewater, unless specifically authorized by the Town:

1. Wastewater that imparts color that may not be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently may impart color to the treatment facility's effluent, thereby violating the Town's MEPDES permit;

2. Noxious or malodorous liquids, gases, solids, or other wastewater that, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

3. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or federal regulations;

4. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, or otherwise unpolluted wastewater;

5. Sludges, screenings, or other residues from the pretreatment of industrial wastes;

6. Detergents, surface-active agents, or other substances that may cause excessive foaming in the POTW;

7. Wastewater causing a reading on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 10 percent (10%) of the Lower Explosive Limit of the meter;

8. Garbage that has not been properly shredded (garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers);

9. Any quantities of flow, concentrations, or both that constitute a "slug" as defined in Section 1.4 of this Ordinance;

10. Waters or wastes that, by interaction with other water or wastes in the POTW, release dangerous or noxious gases, form suspended solids that affect the operation of the collection system, or create a condition deleterious to structures and treatment processes; or

11. Any materials that exert or cause unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime, slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

12. Any rags or cloths such as baby, handy or any type of wipes including wipes labeled as “disposable” or “flushable”. While the manufactures claim the wipes are disposable or...
flushable, the wipes do not fall apart or disintegrate like tissue paper. The wipes stay intact and can clog wastewater pumps and cause them to fail.

2.5 FEDERAL CATEGORICAL PRETREATMENT STANDARDS

The categorical pretreatment standards are found at 40 CFR Chapter I, Subchapter N, Part 405-471 and are hereby incorporated into this Ordinance.

MEDEP shall be the Control Authority for industrial users subject to categorical pretreatment standards. As the Control Authority, industrial users are responsible to the MEDEP for compliance with categorical pretreatment standards and the requirements of 40 CFR Part 403. Categorical industrial users shall provide the Town with copies of any reports to, or correspondence with MEDEP relative to compliance with the categorical pretreatment standards.

The industrial user is responsible for determining the applicability of categorical pretreatment standards. The user may request that EPA provide written certification on whether the user is subject to the requirements of a particular category.

2.6 LOCAL DISCHARGE RESTRICTIONS

All persons discharging industrial process wastes into public or private sewers connected to the Town's POTW shall comply with applicable federal requirements and State standards for pretreatment of wastes as they may be amended from time to time in addition to the requirements of this Ordinance.

Local numerical discharge limitations shall be in accordance with all State pretreatment standards.

If any waters or wastes are discharged or are proposed to be discharged to the POTW that exceed the standards or restrictions established in Sections 2.3, 2.4, and 2.5 of this Ordinance, which in the judgment of the Selectmen or Superintendent may have a deleterious effect upon the POTW, processes, equipment, or receiving waters, or that otherwise create a hazard to worker safety or health, or constitute a public nuisance, the Selectmen may:

Reject or prevent any discharge to the POTW after notice has been served to the discharger and the discharger has had reasonable opportunity to respond;

Require pretreatment prior to discharge to the POTW (Section 3.0);

Require control (e.g., equalization) over the quantities and rates of discharge; and/or

Require payment to cover additional cost of handling and treating the wastes.

If the Selectmen allow the pretreatment or equalization of waste flows, the design and installation of the systems and equipment shall be subject to the review and approval of the Selectmen and the State (see Section 3).

A. Maximum Allowable POTW Headworks Loadings Limitations. The Selectmen may establish numerical pollutant loading limitations to protect against pass-through and interference:

The Selectmen shall calculate and administer daily concentration limits (i.e., local limits) when required as described below to ensure that the combined industrial pollutant discharge loadings do not cause or contribute to exceedances of these limitations. For industrial discharge applications, the local limits shall apply at the end of the process train prior to dilution with non-industrial wastewaters.

Daily concentrations are the concentration of a pollutant discharged, determined from the analysis of a flow-composited sample (or other sampling procedure approved by the Selectmen) representative of the discharge over the duration of a 24-hour day or industrial operating schedule of less than 24 hours.
All concentration limits for metals represent "total" metal unless indicated otherwise. The Selectmen may impose mass limitations in addition to, or in accordance with Section 2.8, in place of the concentration-based limitations.

Unless specifically identified in an industrial discharge permit, an industrial user shall not discharge the locally limited pollutants at concentrations 20 percent greater than the background concentrations used for local limits development.

2.7 TOWN'S RIGHT OF REVISION

The discharge standards and requirements set forth in Sections 2.4, 2.5, and 2.6 are established for the purpose of preventing discharges to the POTW that would harm the sewers, wastewater treatment process, or equipment; would have an adverse effect on the receiving stream; or would otherwise endanger lives, limb, public property, or constitute a nuisance.

To meet these objectives, the Selectmen may, from time to time, review and set more stringent standards or requirements than those established in Sections 2.4, 2.5, and 2.6 if, in the Selectmen's opinion, such more stringent standards or requirements are necessary. At a minimum, this review will be performed at least once every five years. In forming this opinion, the Selectmen may give consideration to such factors as the quantity of waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment facility, degree of treatability at the wastewater treatment facility, pollution prevention activities, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer shall not be exceeded without the approval of the Selectmen.

The Selectmen shall allow affected industrial users reasonable time to comply with the development of or any changes to the local limits. The conditions and schedule for compliance shall accompany the written notification of new or amended local limits.

2.8 DILUTION

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Selectmen may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

2.9 MASS-BASED LIMITATIONS

Users implementing process changes may request that compliance be determined based on mass limitations in lieu of concentration limitations. Such mass-based limitations will be calculated from the permitted concentration-based limitations and flows, and shall be equivalent to or less than the mass discharge in effect at the time of the request. The intent of a mass-based limit is to encourage and allow pollution prevention and/or water conservation measures that might cause a facility to increase pollutant concentrations in its discharge even though the total mass of the pollutant discharged does not increase, and may in fact decrease. Decisions on granting requests for mass-based compliance limitations will be based on user-specific information and current operating conditions of the POTW, and will be at the discretion of the Selectmen. Implementation of mass-based limitations may not contravene any requirements of federal or State laws and/or regulations implemented thereunder, and may not waive applicable categorical pretreatment standards.

2.10 SEWER EXTENSIONS

A. All extensions to the sanitary sewer system owned and operated by the Town of Madawaska shall be properly designed by an engineer registered in the State of Maine. Plans and specifications for sewer
extensions shall be submitted to and approval obtained from the Selectmen before construction may proceed. The design of sewers must anticipate and allow for plans for all possible future extensions or developments within the immediate drainage area.

B. Sewer Extension Design Standards: The following design standards shall be followed for all sewer extensions.

1. Manhole: Manholes shall be constructed at all changes in slope or alignment and at intervals not to exceed 300 linear feet.

2. Materials, Joints and Connection to Building Sewers: Gravity sewer pipe and fittings shall be SDR 35 Polyvinyl Chloride (PVC) unless otherwise approved by the Superintendent. Minimum internal pipe diameter for a sewer main shall be 8 inches and for a building sewer lateral shall be 6 inches.

3. Sewer Extensions: To the maximum extent practicable, all sewer extension shall be constructed within approved street right-of-way. Otherwise, sewer extensions shall be construction centered on a 30 foot wide permanent right-of-way deeded to the Town.

4. Sewer Manhole Frames and Covers: Sewer manhole covers shall be hinged with a minimum 24" opening PAMREX frame and cover by Certainteed Corp unless otherwise approved by the Superintendent, Director of DPW or CEO.

C. Sewer extensions, including individual building sewers from the sewer to the property line, may be constructed by the Town under public consent if, in the opinion of the Board of Selectmen, the number of properties to be served by such extension warrants its cost. Under this arrangement the property owner shall pay for and install the building sewer from the property line to his residence or place of business. Property owners may propose sewer extensions within the Town by drafting a written petition, signed by a majority of the benefiting property owners, and filing it with the Board of Selectmen. The cost of such extension may be assessed to the benefited property owners in any manner determined by the Board of Selectmen.

D. If the Town does not elect to construct a sewer extension under public contract, the property owner or developer may construct the necessary sewer extension, if such extension is approved by the Board of Selectmen in accordance with the requirements of Paragraph A above. He or they must pay for the entire installation, including all expenses incidental thereto. Each building sewer installed must be installed and inspected as previously required and the inspection fees shall be paid. Design of sewers shall be as specified in paragraph E below. The installation of the sewer extension must be subject to periodic inspection by the Town, and the expenses for this inspection shall be paid for by the owner or developer. The Selectmen's decisions shall be final in matters of quality and methods of construction. The sewer, as constructed, must pass the leakage test required by the Town before it is to be used. The cost of sewer extension thus made shall be absorbed by the developers or property owners, including all building sewers.

E. Sewer design shall be in accordance with the requirements of the Town and typical engineering standards, and all sewers shall satisfy the requirements of a final leakage test before they will be approved and sewage flow accepted from them by the Town. The primary means of testing leakage in gravity sewers shall be by low pressure air test prescribed by the Selectmen after installation of the house service fitting and leads to the property line, and after completing backfill of the gravity sewer trench. Exfiltration or infiltration testing shall be permitted and performed in areas approved by the Selectmen.

Leakage in gravity sewers shall not exceed 100 gallons per inch diameter, per day, per mile of pipe when tested by either infiltration or exfiltration means. Should the pipe as laid fail to meet these requirements, the developer shall perform the necessary work at his expense to meet these requirements.

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Where groundwater is high, the Director of the DPW may elect to accept infiltration measurements in lieu of exfiltration tests.

If the installation fails any tests, the developer shall, at his expense, determine the source of leakage. He shall then repair or replace all defective materials and/or workmanship.

These tests shall be conducted at all times in the presence of the Director of the DPW or his duly authorized representative.
3. PRETREATMENT OF WASTEWATER

3.1 PRETREATMENT FACILITIES

Users shall provide wastewater treatment as necessary to comply with this Ordinance and shall achieve compliance with all local limits, prohibitions, and requirements set out in Sections 2.4, 2.5, and 2.6 of this Ordinance within the time limitations specified by EPA, the State, or the Selectmen, whichever is more stringent. All facilities required to achieve and maintain compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Selectmen for review, and shall be acceptable to the Selectmen and the MEDEP before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Selectmen under the provisions of this Ordinance.

3.2 ADDITIONAL PRETREATMENT MEASURES

A. Whenever deemed necessary to protect the POTW and determine the user's compliance with the requirements of this Ordinance, the Selectmen may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary.

B. The Selectmen may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An Industrial Discharge Permit may be issued solely for flow equalization.

C. Grease, oil, and sand interceptors shall be provided at the owner's expense when, in the opinion of the CEO and/or LPI, these devices are necessary for the preliminary treatment of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the CEO and/or LPI and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense. The owner shall be responsible for the proper removal and disposal by appropriate means of the captured materials and shall maintain records of the dates and means of disposal, which shall be subject to periodic review by the CEO. Any removal and hauling of the collected materials shall be performed by currently licensed waste disposal firms.

D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter and alarm.

E. Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, these devices shall be maintained continuously to ensure satisfactory and effective operation by the owner at his expense.

3.3 ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS

At least once every two (2) years, the Selectmen shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Selectmen may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Selectmen may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

A. Description of discharge practices, including non-routine batch discharges;

B. Description of stored chemicals;
C. Procedures for immediately notifying the Selectmen or Superintendent of any accidental or slug discharge, as required by Section 6.3 of this Ordinance; and

D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

3.4 POLLUTION PREVENTION PLANS

In accordance with the provisions of Sections 2.6 and 10.3 of this Ordinance, the Selectmen may require any person discharging wastes into the POTW to develop and implement, at that person's own expense, a pollution prevention plan. The Selectmen may require users to submit as part of the pollution prevention plan information that demonstrates adherence to the following elements:

A. **Management Support.** For changes to be effective, the visible support of top management is required. Management's support should be explicitly stated and include designation of a pollution prevention coordinator, goals, and time frames for reductions in volume and toxicity of waste streams, and procedures for employee training and involvement.

B. **Process Characterization.** A detailed process waste diagram shall be developed that identifies and characterizes the input of raw materials, the outflow of products, and the generation of wastes.

C. **Waste Assessment.** Estimates shall be developed for the amount of wastes generated by each process. This may include establishing and maintaining waste accounting systems to track sources, the rates and dates of generation, and the presence of hazardous constituents.

D. **Analysis of Waste Management Economics.** Waste management economic returns shall be determined based on the consideration of:

1. Reduced raw material purchases;
2. Avoidance of waste treatment, monitoring and disposal costs;
3. Reductions in operations and maintenance expenses;
4. Elimination of permitting fees and compliance costs; and
5. Reduced liabilities for employee/public exposure to hazardous chemicals and cleanup of waste disposal sites.

E. **Development of Pollution Prevention Alternatives.** Current and past pollution prevention activities should be assessed, including estimates of the reduction in the amount and toxicity of waste achieved by the identified actions. Opportunities for pollution prevention must then be assessed for identified processes where raw materials become or generate wastes. Technical information on pollution prevention should be solicited and exchanged, both from inside the organization and out.

F. **Evaluation and Implementation.** Technically and economically feasible pollution prevention opportunities shall be identified and an implementation timetable with interim and final milestones shall be developed. The recommendations that are implemented shall be periodically reviewed for effectiveness.
The review and approval of such pollution prevention plans by the Selectmen shall in no way relieve the user from the responsibilities of modifying facilities as necessary to produce a discharge acceptable to the Selectmen in accordance with the provisions of this Ordinance.
4. INDUSTRIAL DISCHARGE PERMIT APPLICATION

4.1 WASTEWATER CHARACTERIZATION

When requested by the Selectmen or Superintendent, a user must submit information on the nature and characteristics of its wastewater within sixty (60) days of the request. The Superintendent is authorized to prepare a form for this purpose and may periodically require users to update this information.

4.2 INDUSTRIAL DISCHARGE PERMIT REQUIREMENT

A. No significant industrial user shall discharge wastewater into the POTW without first obtaining an Industrial Discharge Permit from the Superintendent, except that a significant industrial user that has filed a timely and complete application pursuant to Section 4.4 of this Ordinance may continue to discharge for the time period specified therein.

B. The Selectmen may require other users to obtain Industrial Discharge Permits, or submit an application for an Industrial Discharge Permit, as necessary to execute the purposes of this Ordinance.

C. Any violation of the terms and conditions of an Industrial Discharge Permit shall be deemed a violation of this Ordinance and shall subject the industrial discharge permittee to the enforcement actions set out in Sections 10 through 12 of this Ordinance. Obtaining an Industrial Discharge Permit does not relieve a permittee of its obligation to comply with all federal and State pretreatment standards or requirements or with any other requirements of federal, State, and local law.

4.3 DISCHARGE PERMIT REQUEST REQUIREMENT

All industrial users must receive Town approval for any new industrial discharge, or any significant alteration in either flow or waste characteristics, in accordance with the Town's MEPDES permit. Such approvals shall be obtained in accordance with Section 6.2 of this Ordinance.

4.4 INDUSTRIAL DISCHARGE PERMITTING: EXISTING CONNECTIONS

Any user required to obtain an Industrial Discharge Permit who was discharging wastewater into the POTW prior to the effective date of this Ordinance, and is not currently covered by a valid Industrial Discharge Permit, and who wishes to continue such discharges in the future, shall, within sixty (60) days after said date, apply to the Superintendent for an Industrial Discharge Permit in accordance with Section 4.7 of this Ordinance, and shall not cause or allow discharges to the POTW to continue after one hundred twenty (120) days of the effective date of this Ordinance except in accordance with an Industrial Discharge Permit issued by the Selectmen.

4.5 INDUSTRIAL DISCHARGE PERMITTING: NEW CONNECTIONS

Any user required to obtain an Industrial Discharge Permit who proposes to begin or recommence discharging into the POTW shall obtain an Industrial Discharge Permit prior to the beginning or recommencing of such discharge. An application for this Industrial Discharge Permit, in accordance with Section 4.7 of this Ordinance, shall be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

4.6 INDUSTRIAL DISCHARGE PERMITTING: CATEGORICAL STANDARDS

Within 120 days subsequent to the effective date of a categorical pretreatment standard, an industrial user subject to such standards shall submit an application for an Industrial Discharge Permit amendment. The application shall contain the information noted under Section 4.7.
**4.7 INDUSTRIAL DISCHARGE PERMIT APPLICATION CONTENTS**

All users required to obtain an Industrial Discharge Permit, and other users subject to these rules, as required by the Selectmen, shall submit a permit application. The Selectmen may require all users to submit as part of an application the following information. Copies of all documents submitted to the Selectmen shall be submitted simultaneously to the Superintendent.

A. Description of activities, facilities, and production processes on the premises, including a list of all raw materials and chemicals used or stored at the facility that are, or could accidentally be, discharged to the POTW;

B. A list of all environmental permits held by or for the facility.

C. Each product produced by type, amount, process or processes, and rate of production;

D. Type and amount of raw materials processed (average and maximum per day);

E. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge and sampling locations;

F. The estimated average, maximum and total daily flow for each discharge and the time and duration of discharges;

G. Copies of existing pollution prevention plans and/or a description of all known pollution prevention opportunities that may exist at the facility;

H. A listing of any proposed or existing discharge of listed or characteristic hazardous waste;

I. In those instances in which the industrial user provides notification of the discharge of hazardous waste, the industrial user shall also provide the following certification: "I certify that (the company) has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree that (the company) has determined to be economically practicable";

J. An indication of whether the conditions referenced in the application are existing or proposed; and

K. Any other information as may be deemed necessary by the Selectmen or Superintendent to evaluate the Industrial Discharge Permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

**4.8 SIGNATORIES AND CERTIFICATION**

All Industrial Discharge Permit applications and user reports shall be signed by an authorized representative of the user and shall contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
4.9 HAULED WASTEWATER PERMITS

A. Septic tank waste may be introduced into the POTW only at locations designated by the Superintendent, and at such times as are established by the Superintendent. Transport and discharge of such waste shall comply with Section 14.0 of this Ordinance.

B. Discharge to the POTW of hauled industrial waste is not permitted.
5. INDUSTRIAL DISCHARGE PERMIT ISSUANCE PROCESS

5.1 INDUSTRIAL DISCHARGE PERMIT DECISIONS

The Selectmen and the Superintendent will evaluate the data provided by the industrial user and may require additional information. Within thirty (30) days of receipt of a complete Industrial Discharge Permit application (or ninety (90) days in the case of an application for a new or increased discharge requiring review and approval by MEDEP), the Selectmen will determine whether or not to issue an Industrial Discharge Permit. The Selectmen may deny any application for an Industrial Discharge Permit, with just cause.

5.2 INDUSTRIAL DISCHARGE PERMIT DURATION

An Industrial Discharge Permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An Industrial Discharge Permit may be issued for a period less than these intervals at the discretion of the Selectmen. Each Industrial Discharge Permit will indicate a specific date upon which it will expire.

Industrial Discharge Permits shall be terminated upon cessation of operations or transfer of business ownership, unless notification of such transfer is provided in accordance with Section 5.6 of this Ordinance. All Industrial Discharge Permits issued to a particular user are void upon the issuance of a new Industrial Discharge Permit to that user.

5.3 INDUSTRIAL DISCHARGE PERMIT CONTENTS

An Industrial Discharge Permit may include such conditions as are deemed reasonably necessary by the Superintendent to prevent pass through or interference, protect the quality of the water body receiving the treatment facility's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

A. Industrial Discharge Permits shall contain:

1. A statement that indicates Industrial Discharge Permit duration, which in no event shall exceed five (5) years;

2. A statement that the Industrial Discharge Permit is nontransferable without prior notification to the Town Selectmen and the Superintendent in accordance with Section 5.6 of this Ordinance, and provisions for providing the new owner or operator with a copy of the existing Industrial Discharge Permit;

3. Effluent limitations based on applicable pretreatment standards and requirements;

4. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants requiring pollution prevention reports and, for pollutants to be monitored, the following: sampling location, sampling frequency, and sample type based on this Ordinance, and State and federal laws, rules and regulations;

5. For users with reporting requirements, such reports at a minimum shall require:

   a. Periodic monitoring results indicating the nature and concentration of pollutants in the discharge from the regulated processes governed by pretreatment requirements and the estimated average and maximum daily flow for these process units;
b. A statement as to whether the applicable pretreatment standards and requirements are
being met on a consistent basis and, if not, than what additional operation and
maintenance practices and/or pretreatment systems are necessary; and

c. Submittal of any monitoring results performed in addition to the requirements of the
Industrial Discharge Permit using procedures prescribed in the permit.

6. A description of identified pollution prevention opportunities at the facility, if any;

7. A statement of applicable civil and criminal penalties for violation of pretreatment
standards and requirements, and any applicable compliance schedule. This schedule may
not extend the time for compliance beyond that required by this Ordinance, applicable State
and federal laws, rules and regulations; and

8. A statement that compliance with the Industrial Discharge Permit does not relieve the
permittee of responsibility for compliance with all applicable federal and State pretreatment
standards, including those that become effective during the term of the Industrial Discharge
Permit.

B. Industrial Discharge Permits may contain, but need not be limited to, the following conditions:

1. Limitations on the average and/or maximum rate of discharge, time of discharge, and/or
requirements for flow regulation and equalization;

2. Requirements for the installation of pretreatment technology, pollution control, or
construction of appropriate containment devices, designed to reduce, eliminate, or prevent the
introduction of pollutants into the POTW;

3. Requirements for the development and implementation of spill control plans or other
special conditions including management practices necessary to adequately prevent accidental,
unanticipated, or non-routine discharges;

4. Development and implementation of pollution prevention plans to reduce the amount of
pollutants discharged to the POTW;

5. The unit charge or schedule of user charges and fees for the management of the wastewater
discharged to the POTW;

6. Requirements for installation and maintenance of inspection and sampling facilities
and equipment; and

7. Other conditions as deemed appropriate by the Selectmen and Superintendent to ensure
compliance with this Ordinance, and State and federal laws, rules, and regulations.

5.4 INDUSTRIAL DISCHARGE PERMIT APPEALS

Any person, including the user, may petition the Selectmen to reconsider the terms of an Industrial Discharge
Permit within thirty (30) days of its issuance.

A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative
appeal.
B. In its petition, the appellant user must indicate the Industrial Discharge Permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the Industrial Discharge Permit.

C. The effectiveness of the Industrial Discharge Permit shall not be stayed pending the appeal.

D. If the Selectmen fail to act within thirty (30) days, a request for reconsideration shall be deemed to be denied.

E. Aggrieved parties may appeal the conditions of the Industrial Discharge Permit in accordance with Section 16.2 of this Ordinance.

5.5 INDUSTRIAL DISCHARGE PERMIT MODIFICATION

The Selectmen may modify an Industrial Discharge Permit for good cause, including, but not limited to, the following reasons:

A. To incorporate any new or revised federal, State, or local pretreatment standards or requirements;

B. To address significant alterations or additions to the user’s operation, processes, or wastewater volume or character since the time of Industrial Discharge Permit issuance;

C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

D. Information indicating that the permitted discharge poses a threat to the Town’s POTW, Town personnel, or the water quality in the receiving waters;

E. Violation of any terms or conditions of the Industrial Discharge Permit;

F. Misrepresentations or failure to fully disclose all relevant facts in the Industrial Discharge Permit application or in any required reporting;

G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

H. To correct typographical or other errors in the Industrial Discharge Permit; or

I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

5.6 INDUSTRIAL DISCHARGE PERMIT TRANSFER

Industrial Discharge Permits may be transferred to a new owner or operator only if the permittee provides at least sixty (60) days advance notice to the Selectmen and Superintendent, and the Selectmen approve the Industrial Discharge Permit transfer. The notice to the Selectmen and Superintendent shall include a written certification by the new owner or operator that:

A. States that the new owner and/or operator has no immediate intent to change the facility’s operations and processes that generate wastewater to be discharged to the POTW;

B. Identifies the specific date on which the transfer is to occur; and

C. Acknowledges full responsibility for complying with the existing Industrial Discharge Permit.
Failure to provide advance notice of a transfer shall render the Industrial Discharge Permit void as of the date of facility transfer.

5.7 INDUSTRIAL DISCHARGE PERMIT REISSUANCE

A user with an expiring Industrial Discharge Permit shall apply for reissuance of the Industrial Discharge Permit by submitting a complete permit application, in accordance with Section 4.7 of this Ordinance, a minimum of sixty (60) days prior to the expiration of the user's existing Industrial Discharge Permit. An expired permit will continue to be effective and enforceable until the permit is reissued if:

A. The industrial user has submitted a complete permit application at least sixty (60) days prior to the expiration date of the user's existing permit; and

B. The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the industrial user.

5.8 REGULATION OF WASTE RECEIVED FROM OTHER JURISDICTIONS

A. If another municipality, or user located within another municipality, contributes wastewater to the POTW, the Selectmen shall enter into an intermunicipal agreement with the contributing municipality or user.

B. Prior to entering into an agreement required by paragraph (A), above, the Selectmen shall request the following information from the contributing municipality:
   1. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
   2. An inventory of all users located within the contributing municipality that are discharging to the POTW; and
   3. Such other information as the Selectmen may deem necessary.

C. An intermunicipal agreement, as required by paragraph (A), above, shall contain the following conditions:
   1. A requirement for the contributing municipality to adopt a sewer use ordinance that is at least as stringent as this Ordinance and, if applicable, local limits that ensure that the pollutant loadings allocated to the contributing municipality are not exceeded. The requirement shall specify that such Ordinance and local limits shall be revised as necessary to reflect changes made to the Town's Ordinance or revisions to the loadings allocated to the contributing municipality;
   2. A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;
   3. A provision specifying which pretreatment implementation activities, including Industrial Discharge Permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Selectmen or Superintendent; and which of these activities will be conducted jointly by the contributing municipality and the Selectmen or Superintendent;
4. A requirement for the contributing municipality to provide the Town with access to all information that the contributing municipality obtains as part of its pretreatment activities;

5. Limitations on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;

6. Requirements for monitoring the contributing municipality's discharge;

7. A provision ensuring the Town's access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Town; and

8. A provision specifying remedies available for breach of the terms contained within the agreement.

D. Intermunicipal agreements may be subject to approval by MEDEP.
6. REPORTING REQUIREMENTS

6.1 PERIODIC COMPLIANCE REPORTS

A. All significant industrial users shall, at a frequency determined by the Superintendent but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge that are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports shall be signed and certified in accordance with Section 4.8 of this Ordinance.

B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to maintain its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Superintendent, using the procedures prescribed in Section 6.8 of this Ordinance, the results of this monitoring shall be included in the report.

6.2 REPORTS OF CHANGED CONDITIONS

Each industrial user shall notify Selectmen and the Superintendent of any planned significant changes to the user's operations or system that might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.

A. The Selectmen may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submittal of an Industrial Discharge Permit application under Section 4.7 of this Ordinance.

B. Upon approval of the Discharge Permit Request by the Selectmen, the Selectmen may issue an Industrial Discharge Permit under Section 5.1 of this Ordinance or modify an existing Industrial Discharge Permit under Section 5.5 of this Ordinance in response to changed conditions or anticipated changed conditions.

6.3 REPORTS OF SLUG/POTENTIALLY ADVERSE DISCHARGES

A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause adverse impacts to the POTW, the user shall immediately telephone and notify the Superintendent of the incident. This notification shall include identifying the location of the discharge, type of waste, concentration and volume, if known, and corrective actions conducted by the user.

B. Within five (5) days following such discharge, the user shall, unless waived by the Superintendent, submit to the Selectmen and Superintendent a detailed written report describing the cause(s) of the discharge and the measures to be conducted by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability that may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability that may be imposed pursuant to this Ordinance.

C. A notice shall be permanently posted on the user's employee bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph (A), above. Employers shall ensure that all employees who may cause such a discharge to occur or who may be present when a discharge occurs are advised of the emergency notification procedure.
6.4 REPORTS FROM UNPERMITTED USERS

All users not required to obtain an Industrial Discharge Permit shall provide appropriate reports to the Selectmen as the Selectmen may require.

6.5 NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING

If the results of sampling performed by a user indicate a violation, the user shall notify the Superintendent within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Selectmen and Superintendent within thirty (30) days subsequent to becoming aware of the violation. The user is not required to resample if the user or the Superintendent monitors at the user’s facility at least once a month, or if the Superintendent samples between the user’s initial sampling and when the user receives the results of this sampling.

6.6 NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE

A. Any user who commences the discharge of hazardous waste shall notify the Selectmen and the Superintendent, in writing, of any discharge into the POTW of a substance that, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges in excess of one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications shall occur no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph shall be submitted only once for each hazardous waste discharged. However, notifications of changed conditions shall be submitted under Section 6.5 of this Ordinance. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards.

B. Dischargers are exempt from the requirements of paragraph (A), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

C. In the case of any new regulations under Section 3001 of the federal Resource Conservation and Recovery Act (RCRA) identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user shall notify the Selectmen, the EPA Regional Waste Management Waste Division, and MEDEP of the discharge of such substance within ninety (90) days of the effective date of such regulations.

D. In the case of any notification made under this section, the user may certify that it has implemented a Pollution Prevention Plan as described in Section 3.4 of this Ordinance to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically and technologically practicable.
E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Ordinance, a permit issued thereunder, or any applicable federal and State laws, rules and regulations.

6.7 ANALYTICAL REQUIREMENTS

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, using the method specified by the Selectmen if applicable, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses shall be performed in accordance with procedures approved by the Selectmen and Superintendent.

6.8 SAMPLE COLLECTION

A. Except as indicated in Paragraph (B), below, the user shall collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Superintendent may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to demonstrate compliance with instantaneous discharge limitations (e.g., screening levels established to protect worker health and safety). A single grab sample may also be used in place of a composite sample with approval of the Superintendent when:

1. The effluent is not discharged on a continuous basis (i.e., batch discharges of short duration), and only when the batch exhibits homogeneous characteristics (i.e., completely mixed) and the pollutant can be safely assumed to be uniformly dispersed;

2. Sampling a facility where a statistical relationship can be established between previous grab samples and composite data; and

3. The waste conditions are relatively constant (i.e., are completely mixed and homogeneous) over the period of the discharge.

B. Samples for temperature, pH, oil and grease, phenols, sulfides, and volatile organic compounds shall be obtained using grab collection techniques.

6.9 TIMING

Written reports will be deemed to have been submitted on the date postmarked. For reports that are not mailed, the date of receipt of the report by the person designated in the Industrial Discharge Permit shall govern.

6.10 RECORD KEEPING

Users subject to the reporting requirements of this Ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact location, method, and time of sampling, and the name of the person(s) obtaining the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the Town, or where the user has been specifically notified of a longer retention period by the Selectmen and Superintendent. Before destroying the records, the industrial user shall request and receive permission from the Selectmen and Superintendent.
7. POWERS AND AUTHORITIES OF INSPECTORS

7.1 COMPLIANCE MONITORING

The Town shall investigate instances of noncompliance with the industrial pretreatment standards and requirements.

The Town shall, as necessary, sample and analyze the wastewater discharges of contributing users and conduct surveillance and inspection activities to identify, independently of information supplied by such users, occasional and continuing noncompliance with industrial pretreatment standards. Each industrial user will be billed directly for costs incurred for analysis of its wastewater.

7.2 RIGHT OF ENTRY: INSPECTION AND SAMPLING

All industrial users discharging to the Town's POTW shall allow unrestricted access by Town, Superintendent, State and EPA personnel ("Inspector(s)") for the purpose of determining whether the user is complying with all requirements of this Ordinance, and any Industrial Discharge Permit or order issued hereunder. Users shall allow the Inspector(s) ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

A. If a user has security measures in force that require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Inspector(s) will be permitted to enter without delay for the purposes of performing specific responsibilities.

B. The Inspector(s) shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

C. The Inspector(s) may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least annually to ensure accuracy.

D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Inspector(s) and shall not be replaced. The costs of clearing such access shall be borne by the user.

E. Unreasonable delays in allowing the Inspector(s) access to the user's premises shall be a violation of this Ordinance.

F. The Inspector(s) is authorized to obtain information concerning industrial processes that have a bearing on the kind or source of discharge to the public sewer. The industrial user may request that the information in question not be disclosed to the public in accordance with Section 8 of this Ordinance. The information in question shall be made available upon written request to governmental agencies for uses related to this Ordinance, the MEPDES permit, or the pretreatment program. The burden of proof that information should be held confidential rests with the user. However, information regarding wastewater discharge by the user (flow, constituents, concentrations, and characteristics) shall be available to the public without restriction.

G. While performing the necessary work on private properties referred to in this Section, the Inspector(s) shall observe all safety rules applicable to the premises established by the user. The user shall be held harmless for injury or death to the Inspector(s), and the Town shall indemnify the user against loss or damage to its property by Town employees and against liability claims and demands for personal injury.
or property damage asserted against the user and growing out of the monitoring activities, except as such may be caused by negligence or failure of the user to maintain safe conditions.

H. The Inspector(s) shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the POTW lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

7.3 SEARCH WARRANTS

If the Selectmen, or other agent duly authorized by the Town, has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Town designed to verify compliance with this Ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Town may seek issuance of a search warrant from the Aroostook County District Court.
8. CONFIDENTIAL INFORMATION/PUBLIC PARTICIPATION

8.1 CONFIDENTIAL INFORMATION

Information and data on a user obtained from reports, surveys, Industrial Discharge Permit Applications, Industrial Discharge Permits, and monitoring programs, and from the Town's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Selectmen, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report that might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the MEPDES program or pretreatment program, and in enforcement proceedings involving the person providing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

8.2 PUBLIC PARTICIPATION

The Town shall comply with the public participation requirements of 40 CFR Part 25 in the enforcement of industrial pretreatment standards and requirements.

9. PUBLICATION OF POLLUTION PREVENTION ACHIEVEMENTS

The Selectmen may publish annually, in the largest daily newspaper circulated in the Town, a list of users whom during the previous twelve (12) months, demonstrated a commitment to reducing the volume and toxicity of waste discharges. All pollution prevention efforts, not just those that affect wastewater discharges, are subject to recognition. The following criteria will be used to identify published users:

A. Innovative ideas the facility has used to implement process changes that eliminate or reduce the volume or toxicity of waste generated;

B. The percentage of the facility's process water reused within the system or process;

C. The percentage of the facility's potential waste reused within the system or process;

D. Implementation of employee pollution prevention training and communication programs;

E. Voluntary performance of pollution prevention audits;

F. Spill control procedures/devices (e.g., secondary containment) the facility implements to prevent accidental chemical spills from entering the sewer system; and

G. The environmental and/or economic benefits or successes derived from implementing pollution prevention methods.

The intent of the publication is to notify local consumers of the environmental responsiveness of local businesses, and to encourage industrial users to identify and implement opportunities for preventing pollution. As part of this publication, the Town shall provide an evaluation of the impact of these changes to the POTW, and summarize the current status of pollutant loadings to the POTW and goals established by the POTW for pollution prevention efforts.
10. ADMINISTRATIVE ENFORCEMENT REMEDIES

10.1 NOTIFICATION OF VIOLATION

When the Selectmen determines that a user has violated, or continues to violate, any provision of this Ordinance, an Industrial Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, the Selectmen may serve a verbal or written Notice of Violation to the user. Within the time period specified in the violation notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Selectmen. Submittal of this plan in no way relieves the user of liability for any violations occurring before or subsequent to receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Selectmen to take any action, including emergency actions or any other enforcement action, without initially issuing a Notice of Violation.

10.2 COMPLIANCE SCHEDULE DEVELOPMENT

The Selectmen may require any user that has violated or continues to violate any provision of this Ordinance, an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, to develop a compliance schedule. A compliance schedule pursuant to this section shall comply with the following conditions:

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards including, but not limited to, retaining an engineer, completing preliminary and final design plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation;

B. No increment referred to above shall exceed nine (9) months;

C. The user shall submit a progress report to the Superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance which identifies, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the action being taken by the user to return to the established schedule; and

D. In no event shall more than nine (9) months elapse between such progress reports to the Superintendent.

10.3 POLLUTION PREVENTION PLAN DEVELOPMENT

The Selectmen may require any user that has violated or continues to violate any provision of this Ordinance, an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, to develop a pollution prevention plan in accordance with Section 4.4 of this Ordinance. The pollution prevention plan must specifically address violation(s) for which this action was undertaken. The pollution prevention plan shall be developed using good engineering judgment and shall be submitted to the Selectmen no later than sixty (60) days after the user was notified of this requirement.

10.4 PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Selectmen shall publish annually, in the largest daily newspaper circulated in the Town where the POTW is located, a list of the users that, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements.
10.5 SHOW CAUSE ORDERS

The Selectmen may order a user that has violated, or continues to violate, any provision of this Ordinance, an Industrial Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Selectmen and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, executing any other action against the user.

10.6 CEASE AND DESIST ORDERS

When the Selectmen determines that a user has violated, or continues to violate, any provision of this Ordinance, an Industrial Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Selectmen may issue an order to the user directing it to cease and desist all such violations and directing the user to:

A. Immediately comply with all requirements; and
B. Implement such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

10.7 CONSENT ORDERS

The Board of Selectmen is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such Orders shall include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment systems, additional self-monitoring, and management practices. Such orders shall have the same force and effect as administrative orders issued pursuant to Sections 10.5 and 10.6 of this Ordinance and shall be judicially enforceable.

10.8 INDUSTRIAL DISCHARGE PERMIT TERMINATION

Any industrial user who violates the following conditions of this Ordinance or a wastewater discharge permit or order, or any applicable State or federal law, is subject to permit termination:

A. Violation of permit conditions;
B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
C. Failure to report significant changes in operations or wastewater constituents and characteristics; or
D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.5 of this Ordinance why the proposed action should not be taken. Exercise of this option by the Selectmen shall not be a bar to, or a prerequisite for, taking any other action against the user.
10.9 TERMINATION OF DISCHARGE

In addition to the provisions in Section 10.8 of this Ordinance, any user who violates the following conditions is subject to discharge termination:

A. Violation of Industrial Discharge Permit conditions;
B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
E. Violation of the pretreatment standards in Section 2 of this Ordinance.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.5 of this Ordinance why the proposed action should not be taken. Exercise of this option by the Selectmen shall not be a bar to, or a prerequisite for, taking any other action against the user.

10.10 EMERGENCY SUSPENSIONS

The Selectmen may immediately suspend a user's discharge, subsequent to informal notice to the user, whenever such suspension is necessary to terminate an actual or threatened discharge that reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of POTW personnel or the public. The Selectmen may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or that presents, or may present, an endangerment to the environment.

A. Any user notified of a suspension of its discharge shall immediately terminate or eliminate its wastewater discharge. In the event of a user's failure to immediately comply with the suspension order, the Selectmen may implement such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Selectmen may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Selectmen and the Superintendent that the period of endangerment has passed, unless the termination proceedings in Section 10.8 or 10.9 of this Ordinance are initiated against the user.

B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures implemented to prevent any future occurrence, to the Selectmen prior to the date of any show cause or termination hearing under Sections 10.5, 10.8 or 10.9 of this Ordinance.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

10.11 RECOVERY OF EXPENSES

Any person or industrial user violating any of the provisions of this Ordinance shall be liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation. If the Selectmen or Board of Selectmen shall have caused the disconnection of a drain from a public sewer, the Town may collect the expenses associated with completing the disconnection from any person or user responsible for, or willfully concerned in, or who profited by such violation. The Town may thereafter refuse to permit the restoration of the
former connection or of any new connection to the property concerned in the violation until the claim of the Town for the cost of completing such disconnection shall have been paid in full plus interest and the reasonable cost of any legal expenses incurred by the Town in connection therewith.

10.12 HARM TO TOWN PROPERTY

No person shall maliciously, willfully, or negligently damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment that is part of the public sewerage system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct pursuant to the local Ordinances, and shall also be subject to penalties under State and federal statutes.
11. JUDICIAL ENFORCEMENT REMEDIES

11.1 INJUNCTIVE RELIEF

When the Town determines that a user has violated, or continues to violate, any provision of this Ordinance, an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, the Town may petition the Aroostook County Superior Court through the Town's Attorney for the issuance of a temporary or permanent injunction, as appropriate, that restrains or compels the specific performance of the Industrial Discharge Permit, order, or other requirement imposed by this Ordinance on activities of the user. The Town may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, implementing any other action against a user.

11.2 CIVIL PENALTIES

A. A user who has violated, or continues to violate, any provision of this Ordinance, an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the Town for a maximum civil penalty of $10,000 per violation, per day, plus actual damages incurred by the POTW. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

B. The Town may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Town. The Town shall petition the Court to impose, assess, and recover such sums.

C. In determining the amount of civil liability, the Court shall consider all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for implementing any other action against a user.

11.3 CRIMINAL PROSECUTION

Any person or industrial user who willfully or negligently violates any provision of this Ordinance or any orders or permits issued hereunder shall, upon conviction, be guilty of a violation, punishable by a fine not to exceed $10,000 for each violation. Every separate provision violated shall constitute a separate violation. Every day that a violation occurs shall be deemed a separate violation.

11.4 NONEXCLUSIVE REMEDIES

The remedies provided for in this Ordinance are not exclusive. The Town may take any, all, or any combination of these actions against a non-compliant user. Enforcement of pretreatment violations will generally be in accordance with the Town's enforcement response plan. However, the Town may pursue other action against any user without limitation, including *ex parte* temporary judicial relief to prevent a violation of this Ordinance. Further, the Town is empowered to pursue more than one enforcement action against any non-compliant user.
12. SUPPLEMENTAL ENFORCEMENT ACTION

12.1 PERFORMANCE BONDS

The Selectmen may decline to issue or reissue an Industrial Discharge Permit to any user who has failed to comply with any provision of this Ordinance, a previous Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the Town, in a sum not to exceed a value determined by the Selectmen to be necessary to achieve consistent compliance.

12.2 LIABILITY INSURANCE

The Selectmen may decline to issue or reissue an Industrial Discharge Permit to any user who has failed to comply with any provision of this Ordinance, a previous Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

12.3 PUBLIC NUISANCES

A violation of any provision of this Ordinance, an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Selectmen. Any person(s) creating a public nuisance shall be subject to the provisions of the Town Code governing such nuisances, including reimbursing the Town for any costs incurred in removing, abating, or remedying said nuisance.

12.4 CONTRACTOR LISTING

Users that have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the Town. Existing contracts for the sale of goods or services to the Town held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the Selectmen.
13. AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

13.1 UPSET

A. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards due to factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

B. An upset shall constitute an affirmative defense to an action brought for noncompliance with pretreatment standards if the requirements of paragraph (C), below, are met.

C. A user who intends to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and the user can identify the cause(s) of the upset;

2. At the time being of the upset, the facility was operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and

3. The user has submitted the following information to the Superintendent within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):

   a. A description of the discharge and cause of noncompliance;

   b. The period of noncompliance, including exact dates and times or, if not corrected, the amount of time the noncompliance is expected to continue; and

   c. Action being implemented and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with pretreatment standards.

F. Users shall control all discharges to the extent necessary to maintain compliance with pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

13.2 PROHIBITED DISCHARGE STANDARDS

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.4(A) of this Ordinance or the specific prohibitions in Sections 2.4(B) of this Ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:
A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user’s prior discharge when the Town was regularly in compliance with its MEPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

13.3 BYPASS

A. For the purposes of this section,

1. "Bypass" means the intentional diversion of waste streams from any portion of a user's treatment facility.

2. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. A user may allow any bypass to occur that does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this section.

C. 1. If a user knows in advance of the need for a bypass, it shall submit prior notice to the Superintendent, at least ten (10) days before the date of the bypass, if possible.

2. A user shall submit oral notice to the Superintendent of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the amount of time it is expected to continue; and steps implemented or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Superintendent may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

D. 1. Bypass is prohibited, and the Selectmen may initiate enforcement action against a user for a bypass, unless:

   a. Bypass was required to prevent loss of life, personal injury, or severe property damage;

   b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and

   c. The user submitted notices as required under paragraph (C) of this section.
2. The Selectmen may approve an anticipated bypass, subsequent to considering its adverse effects, if the Superintendent determines that it will meet the three conditions listed in paragraph (D)(1) of this section.
14. SEWER USER CHARGES

14.1 AUTHORIZATION

The Selectmen is hereby authorized to establish, alter from time to time, and upon persons owning land served by drains and sewers heretofore or hereafter constructed a service charge for the use of and for the services furnished by such drains and sewers.

The Selectmen is hereby authorized to establish, alter from time to time, and upon persons owning land adjacent to, but not connected to, an available public sanitary sewer assess a Standby Fee for making the service available and for capacity development at the POTW such that the system is "ready to serve" said property.

14.2 COMPLIANCE WITH FEDERAL AND STATE REGULATIONS

The user charge system shall comply with appropriate federal and State rules and regulations pertaining to the costs associated with the use of the sewers.

14.3 BILLINGS

Sewer service charges shall be billed regularly, either quarterly or annually. An interest charge at the same rate established by the Board of Selectmen for uncollected taxes will be made on all bills not paid within 120 days after the date of billing.

14.4 SEWER SERVICE CHARGE RATE

In general, sewer service charge rates will be determined on a rate structure based on the following:

A. Residential User: a base rate sewer charge plus a usage fee based on water consumption.

B. Commercial/Industrial/Governmental: based on water consumption

14.5 SPECIAL CHARGES

A special sewer service charge and industrial cost recovery charge shall be established for any industrial firm or organization which contributes process wastewater to the public sewer system. Such charges shall comply with appropriate federal and State rules and regulations pertaining to the costs associated with the use of the sewer by an industry. The Selectmen shall establish such special sewer service charge and cost recovery charge to the industrial firm by separate agreement with said firm.

14.6 SEWER FEES AND ADJUSTMENTS

A. Standby Fee.

1. A Standby Fee is an assessment that is charged to any new dwelling adjacent to, but not connected to, an existing available public sanitary sewer system, and to any improved and unimproved properties adjacent to, but not connected to, a new available public sanitary sewer. The term "available" is defined in Section 2.1(l) and the term "new" is defined in Section 1.4(A.38) of this Ordinance. The fee ensures that adequate sewer service will be available for that parcel when needed. A Standby Fee shall apply in the following situations:

2. The Standby Fee shall be the source of a portion of the revenue for retiring debt services and for capital expenditures, operation and maintenance of the public sewage works. Such fee shall be
deemed a “ready to serve” charge levied to aid in defraying expense incurred in making service
available to the property.

3. The Standby fee will be half of the minimum base rate sewer service charge.

B. Inflow Fee. Owner(s) in violation of Section 2.2(L) of this Ordinance shall be assessed two hundred
dollars ($200) annually (or one hundred dollars ($100) per biannual billing). Imposition of this fee shall
not limit the Town’s authority to prosecute criminal violations or seek an injunction in court ordering the
person to disconnect the nonconforming connection to the public sanitary sewer.

C. Floor Drain Fee. Owner(s) in violation of Section 2.2(M) of this Ordinance, who do not receive a Floor
Drain Waiver, shall be assessed twenty-five dollars ($25) annually. The imposition of this fee shall not
limit the Town’s authority to prosecute criminal violations or seek an injunction in court ordering the
person to disconnect the nonconforming connection to the public sanitary sewer.

D. Leak Adjustment: When the Town has received satisfactory evidence from the customer that the metered
water and sewer consumption represented by the sewer bill is in excess of one and a half times the 12-
month average water and sewer consumption for that customer, and that the reason for the increase in
metered consumption is a leak, then a leak adjustment is authorized. The amount of the leak adjustment
is the amount necessary to adjust the customer’s sewer charge to an amount based on one and a half times
the 12-month average sewer consumption. Customers are eligible for a leak adjustment under this policy
only once every 12 months.

E. Abatement of Sewer Charge: Abatements for use of water for lawn sprinklers, garden hoses, or other
uses of significant volumes of water, including swimming pools, which do not enter the public sewer,
may be made on application to the Town. The request must be made within 30 days of the bill date on the
Town of Madawaska Sewer Abatement Request Form. The bill must be paid before any abatement will
be considered. The minimum threshold for abatement is 1000 cubic feet above the base consumption.
The adjusted billing determined shall not be less than the highest billing or adjusted billing during the
previous three billings. No more than one adjustment can be given in one calendar year. The Town shall
require verification of the significant sewer usage which is cause for abatement. The Town may require
the use of a meter on the external water source. The board of Selectmen shall approve or deny
abatements.
15. VALIDITY

A. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

B. The validity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance that can be given effect without such invalid part or parts.
16. INTERPRETATION OF REQUIREMENTS

16.1 INTERPRETATION

The provisions of this Ordinance with respect to the meaning of technical terms and phrases, the classification of different types of sewers, the regulations with respect to making connections to sewers or drains, and other technical matters shall be interpreted and administered by the Board of Selectmen acting in and for the Town of Madawaska, Maine.

16.2 APPEALS

Any party aggrieved by any decision, regulation or provision under this Ordinance, as amended, from time to time, shall have the right of appeal within thirty (30) calendar days of said decision to the Selectmen, who shall issue a decision within thirty (30) calendar days. If said appeal is denied by the Selectmen, then the aggrieved party shall have the right to appeal to the Aroostook County Superior Court for equitable relief, provided that said appeal is entered within thirty (30) calendar days from the issuance of the decision of the Selectmen.
17. EFFECTIVE DATE

This Ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

Duly enacted and ordained this ___ day of _____________ 20__ by the Board of Selectmen of the Town of Madawaska in Aroostook County, State of Maine, at a duly noticed and duly held session of the said Board of Selectmen.

Town of Madawaska, Maine Board of Selectmen
Sewer Use Ordinance, Town of Madawaska, Maine

Section 2.2 – Building Sewers and Connections

M. No person(s) shall allow any floor drain to be connected, or to remain connected, to any building sewer or building drain that in turn is connected directly or indirectly to a public sanitary sewer.

1. The Director of DPW or CEO, with the approval of the Board of Selectmen, may allow a waiver from these provisions, which will not result in a violation of State or Federal law, provided:
   a. The waiver requested is reasonable to accomplish the lawful purpose;
   b. The waiver will not cause undue harm or inconvenience to the Town, the POTW, or the Owner's neighbors; and
   c. The waiver is justified by substantial reason. As used in this section the term "substantial reason" means a valid health or safety consideration, a clear and compelling logistical need, or a direct or indirect economic and/or aesthetic benefit to the Town, as determined by the Board of Selectmen.

2. The Owner shall submit to the Town the Request for Floor Drain Waiver form provided by the Town. The Town shall have the power of deciding request for waivers from the applicability of these provisions. The application shall identify the name and address of the Owner, the property in question, and a substantial reason justifying the waiver. The waiver as issued shall identify any changes, limitations or restrictions on the waiver as applied for.

Waivers to Section 2.2 (M) may be issued by the Town with the following stipulations:

1. Any area that could be drained by a floor drain shall be deemed a restricted zone as described herein. The restricted zone shall extend from the floor drain to a distance of 30 feet in every direction if the floor is flat, and for an unlimited distance in every direction if the floor is pitched toward the drain.

2. Each floor drain shall be covered by an appropriate drain grate at all times. The Owner shall ensure that sufficient water is introduced into each floor drain at least weekly to prevent exchange of gasses between the room air and the sewer.

3. In the case of a business, the Owner shall train employees in procedures and precautions adequate to ensure that floor drains are properly used and maintained, and also in steps to be taken to mitigate potential damage from any spill that might occur. The Owner shall ensure that every employee, regardless of position, length of employment, or language fluency, understands the types of materials that may and may not be introduced into floor drains and how to respond to an accidental spill of prohibited materials.

4. No prohibited substance shall be housed in, transported through, or used in any restricted zone at any time. As used herein, a prohibited substance is any substance, the discharge of which to the public sewer would otherwise be prohibited by the Town, with the exception of general cleaning products in quantities of one gallon or less.

5. Owner shall immediately notify the Director of the Department of Public Works by phone if a prohibited substance enters the floor drain.

6. Any and all floor drains at the subject facility that are not covered by an exemption shall be permanently closed in a manner that is satisfactory to, and verifiable by, the Town.
The Owner of the business, organization or residence named herein requests a waiver from the provisions of Town of Madawaska, Maine Sewer Use Ordinance, Section 2.2(M). Please enter the location(s) of each floor drain for which a waiver is requested and clearly state the substantial reason justifying each waiver. Attach additional pages as necessary.

1. Location: ________________________________ Number: ____________
   Reason: __________________________________________
   Inspection date: __________ by: ______ Approved □ Disapproved □
   NOTES:

2. Location: ________________________________ Number: ____________
   Reason: __________________________________________
   Inspection date: __________ by: ______ Approved □ Disapproved □
   NOTES:

CERTIFICATION STATEMENT

On behalf of the Resident/Owner, I understand and agree that the Resident/Owner shall be fully liable for any and all disruption to the operation of the Town’s municipal sanitary sewer system, or damage to the component parts comprising that system, or harm to persons, property, or the environment, which may result wholly or in part from unauthorized materials entering the sewer system, either directly or indirectly, through any floor drain at this location.

I understand that, in the absence of an effective water seal in the drain trap, any drain can serve as a point of entry for harmful sewer gas into a building. I understand and agree that the Town shall not be liable in the event of any illness, injury, or death resulting wholly or in part from sewer gas which enters this facility through an improperly maintained drain.

I understand and agree that the Resident/Owner shall be fully liable for any and all damages caused by a backup of sewage through the floor drain into the Resident/Owner’s property. The Town of Madawaska will not be liable for any sewage backup damages and/or losses that occurred due to sewage backing up through the Resident/Owner’s floor drains.

I understand and acknowledge that the Owner is subject to all of the requirements, conditions, and restrictions of the Town of Madawaska’s Sewer Use Ordinance, as well as all other applicable municipal, State, and federal regulations, and that a complete copy of the Town of Madawaska’s Sewer Use Ordinance is available to me upon request from the Town of Madawaska.

____________________ ______________________
Signature Printed Name

____________________ ______________________
Title Date

Please return this signed application to:

Town of Madawaska
328 St. Thomas Street, Suite 101
Madawaska, Maine 04756
telephone: (207) 728-3614
SEWER ABATEMENT REQUEST FORM

If the usage figures are believed to be incorrect for the current billing cycle, an abatement form must be filled out, signed, and dated to allow the Town to respond and consider the request. The bill must be paid before any abatement will be considered.

Sewer Bill Date: ____________________________  Sewer Bill #: ____________________________

Property Address: ________________________________________________________________

(Abatement requests must be in writing to the Board of Selectmen within 30 days of the bill date.)

Dear Board of Selectmen: I am requesting abatement of my sewer bill for the noted reason(s).

- Metered water used for filling swimming pools or spas (complete chart below)
  (Abatement shall not be granted if calculated amount is less than 1,000 cubic feet)

- Excessive reading due to broken water pipes (must prove that excess water did not enter sewer system, submit documentation from plumber/contractor detailing the cause of the leak and verifying that the water usage from the leak did not enter the Town's sewer system.)

- Other (explain below)

Explanation: ______________________________________________________________________________________________________________________________

Usage History:

<table>
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<tr>
<th>Date</th>
<th>&quot;A&quot; Meter Reading Before (Cu. Ft.)</th>
<th>&quot;B&quot; Meter Reading After (Cu. Ft.)</th>
<th>&quot;C&quot; # of Cubic Ft (B - A)</th>
<th>&quot;D&quot; Sewer Rate (from bill) $/cu. ft</th>
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<td>075074</td>
<td>076224</td>
<td>1150</td>
<td>.055</td>
<td>63.25</td>
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Continued on second page
SEWER ABATEMENT REQUEST FORM, page 2

Name ____________________________________________ Account # (from bill) _________

Address ____________________________________________________________________________ Amount of Bill $ ______________

Tel. ________________________________________________________________________________

Meter location if different from above address ____________________________________________

Please return this signed application, to:
Town of Madawaska
328 St. Thomas Street, Suite 101
Madawaska, Maine 04756
telephone: (207) 728-3614

PLEASE READ THE FOLLOWING CAREFULLY:
Deadline for submittal of an application for abatement is 30 days after the issuance date of the bill in dispute. Applications will be reviewed by the Board of Selectmen. An application for abatement will not be considered unless all bills on the account are paid. An applicant will be notified of the Selectmen's action. Applicants may be asked to submit supplementary information to support the application for abatement.

Date received by Town ________________ Abatement deadline (90 days from receipt) ____________

Sewer bill is paid & no outstanding sewer charges? YES NO

Board of Selectmen response: Approved _____ Denied _____ Date ____________

Abatement Amount Approved $ ______________________

Board of Selectmen ____________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________
Adopted at the Annual Town Meeting on June 16, 2009.
MADAWASKA
SHORELAND ZONING
ORDINANCE
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Shoreland Zoning Ordinance for the Municipality of

MADAWASKA

1. Purposes. The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

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

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

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

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

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

4. Effective Date

A. Effective Date of Ordinance and Ordinance Amendments. This Ordinance, which was adopted by the municipal legislative body on June 16, 2009, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment, within forty-five (45) days of his/her receipt of the Ordinance, or Ordinance Amendment, it shall be automatically approved.

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

B. Repeal of Municipal Timber Harvesting Regulation: The municipal regulation of timber harvesting activities is repealed on the statutory date established under 38 M.R.S.A. Section 438-A (5), at which time the State of Maine Department of Conversation’s Bureau of Forestry shall administer timber harvesting standards in the shoreland zone. On the date established under 38 M.R.S.A. Section 438-A (5), the following provisions of the Ordinance are repealed:

- Section 14. Table of Land Uses, Item 3 (Forest management activities except for timber harvesting) and Item 4 (Timber Harvesting) and Item 27 (Land Management Roads)
- Section 15. (O) in its entirety; and
Section 17. Definitions, the definitions of "forest management activities" "Land management roads" and "residual basal area".

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

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

7. Conflicts with Other Ordinances. Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the municipality, the more restrictive provision shall control.

8. Amendments. This Ordinance may be amended by majority vote of the legislative body. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

9. Districts and Zoning Map

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

   (1) Resource Protection
   (2) Limited Residential
   (3) Limited Commercial
   (4) General Development
   (5) Stream Protection

B. Scale of Map. The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

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

D. Changes to the Official Shoreland Zoning Map. If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.
10. Interpretation of District Boundaries. Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the centerlines of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

NOTE: Municipalities are encouraged to incorporate specific written descriptions of district boundaries into the Ordinance so that disputes over district boundaries are minimized. The Maine Supreme Judicial Court has held that the Official Shoreland Zoning Map is the primary tool to which to refer in determining district boundaries under ordinances that are not more explicit in their district descriptions than the language of the Guidelines, and that where there is inconsistency between the Map and these general text descriptions of the shoreland districts as provided in the minimum guidelines, the Map prevails.

10A. Limited Residential District, Resource Protection District, General Development District, Limited Commercial District. All lots within 250 feet of the Normal High Water Line; or upland edge of wetland as depicted by the Madawaska Shoreland Zoning base lot line map and by site inspection.

10B. Stream Protection District – all lots within 75' of the Normal High Water Line or upland edge of wetland as depicted by the Madawaska Shoreland Zoning base lot line map and by site inspection.

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, altered, renovated or improved 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 by the Board of Appeals.

11A. Lots of record – are those lots or parcels of land created and recorded in the registry of deeds before the effective date (March 22, 1977) of the Madawaska Land Use and Development Code. After March 22, 1977, those lots or parcels of land created must meet the minimum lot size standard.


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

B. General

(1) Transfer of Ownership. Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance (see section 12 C, D, E below).
(2) Repair and Maintenance. This Ordinance allows, with a completed land use application and permit fee, normal upkeep, maintenance, construction, expansion, alteration, renovations, improvements, and relocations, and such other changes in a non-conforming use or structure, as federal, state, or local building and safety codes may require. A permit fee is not required for land use application with a construction material cost of less than $500.00.

Note: See Section 17 for the definitions of non-conforming structures, non-conforming uses and non-conforming lots.

C. Non-conforming Structures

ALTERNATIVE TO 30% EXPANSION RULE PURSUANT TO 38 M.R.S.A. SECTION 439-A SUBSECTION 4-A

(1) Expansions. A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure, and comply with all other municipal ordinances, 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.

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 upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body or wetland setback requirement.
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).

For the purposes of Section 12(C) (1) (a), 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 12(C) (2) Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the existing 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.

(1-A) Special expansion allowance. Existing principal and accessory structures that exceed the floor area or height limits set in Section 12(C)(1)(a)(iii) and Section 12(C)(1)(a)(iv) above, may be expanded, by not more than 500 square feet provided that all of the following requirements are met.

(a) The principal structure is set back at least 50 feet, horizontal distance, from the normal high-water line of a water body, tributary stream or upland edge of a wetland.

(b) A well-distributed stand of trees and other natural vegetation as defined in Section 15(P)(2)(b), extends at least 50 feet, horizontal distance, in depth as measured from the normal high-water line or upland edge for the entire width of the property.

If a well-distributed stand of trees and other vegetation meeting the requirements of Section 15(P) (2) (b) is not present, the 500 square foot special expansion allowance may be permitted only in conjunction with a written plan, including a scaled site drawing, by the property owner, and approved by the Planning Board or its designee, to reestablish a buffer of trees, shrubs, and other ground cover within 50 feet, horizontal distance, of the shoreline or tributary stream.

(c) Adjacent to great ponds and rivers flowing to great ponds, except for the allowable footpath, there exists complete natural ground cover, consisting of forest duff, shrubs and other woody and herbaceous vegetation within 50 feet, horizontal distance, of the normal high-water line. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch and plantings of native shrubs, and other woody and herbaceous vegetation in quantities sufficient to retard erosion and provide for effective infiltration of stormwater.

(d) A written plan by the property owner, including a scaled site drawing, is approved by the Planning Board and is developed, implemented, and maintained to address the following mitigation measures for the property within the shoreland zone.

(i) Unstabilized areas resulting in soil erosion must be mulched, seeded, or otherwise stabilized and maintained to prevent further erosion and sedimentation to water bodies, tributary streams, and wetlands.
(ii) Roofs and associated drainage systems, driveways, parking areas, and other non-vegetated surfaces must be designed or modified, as necessary, to prevent concentrated flow of storm water runoff from reaching a water body, tributary stream or wetland. Where possible, runoff must be directed through a vegetated area or infiltrated into the soil through the use of a dry well, stone apron, or similar device.

(1-B) Planting requirements. Any planting or re-vegetation required as a condition to the Special Expansion Allowance must be in accordance with a written plan drafted by a qualified professional, be implemented at the time of construction, and be designed to meet the rating scores contained and the ground cover requirements of Section 15(P) (2) (b) when the vegetation matures within the 50 foot strip. At a minimum, the plan must provide for the establishment of a well-distributed planting of saplings spaced so that there is at least one sapling per 80 square feet of newly established buffer. Planted saplings may be no less than three (3) feet tall for coniferous species and no less than six feet tall for deciduous species. The planting plan must include a mix of at least three native tree species found growing in adjacent areas, with no one species making up more than 50% of the number of saplings planted unless otherwise approved by the Planning Board or its designee, based on adjacent stand comparison. All aspects of the implemented plan must be maintained by the applicant and future owners.

NOTE: Municipalities are encouraged to specify those professions which they deem qualified to prepare planting and mitigation plans, taking into account the availability of those professionals in the region. Such professionals may include, but are not limited to, foresters, arborists, landscape architects, and landscape contractors.

(1-C) Filing and reporting requirements. Written plans required pursuant to Section 12(C) (1-A) (d) must be filed with the registry of deeds of the county in which the property is located. A copy of all permits issued pursuant to this section must be forwarded by the municipality to the department within 14 days of the issuance of the permit.

(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, the applicant shall demonstrate that the present subsurface sewage disposal system meets, the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. 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 removed must be replanted with vegetation. Replanting shall be required as follows:
(a) Trees removed in order to relocate a structure must be replanted with at least one native
tree, three (3) feet in height, for every tree removed. If more than five trees are planted,
no one species of tree shall make up more than 50% of the number of trees planted.
Replaced trees must be planted no further from the water or wetland than the trees that
were removed.

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

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

(3) Reconstruction or Replacement. Any non-conforming structure which is located less than the
required setback from a water body, tributary stream, or 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
12(C)(1) above, as determined by the non-conforming floor area of the reconstructed or
replaced structure at its new location. If the total amount of floor area of the original structure
can be relocated or reconstructed beyond the required setback area, no portion of the relocated
or reconstructed structure shall be replaced or constructed at less than the setback requirement
for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct
a structure, vegetation shall be replanted in accordance with Section 12(C)(2) above.

Any non-conforming structure which is located less than the required setback from a water
body, tributary stream, or wetland and which is removed by 50% or less of the market value, or
damaged or destroyed by 50% or less of the market value of the structure, excluding normal
maintenance and repair, may be reconstructed in place if a permit is obtained from the Code
Enforcement Officer within one year of such damage, destruction, or removal. If it is
determined by the Code Enforcement Officer and Planning Board members that it is more than
50% based on current market value and the applicant disputes it, then he/she needs to submit an
insurance or professional appraisal.

In determining whether the building reconstruction or replacement meets the setback to the
greatest practical extent the Planning Board or its designee shall consider, in addition to the
criteria in Section 12(C)(2) above, the physical condition and type of foundation present, if any.
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 commercial fishing and maritime activities, and other functionally water-dependent uses.

D. Non-conforming Uses

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

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

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

E. Non-conforming Lots

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

(2) Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.
If two or more principal uses or structures existed on a single lot of record on the effective
date of this ordinance, each may be sold as a separate lot provided that the above referenced
law and rules are complied with. When such lots are divided each lot thus created must be as
conforming as possible to the dimensional requirements of this Ordinance.

(3) Contiguous Lots - Vacant or Partially Built: If two or more contiguous lots or parcels are in
single or joint ownership of record at the time of or since adoption or amendment of this
Ordinance, if any of these lots do not individually meet the dimensional requirements of this
Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no
principal structure the lots shall be combined to the extent necessary to meet the dimensional
requirements. A land use application shall not be eligible for a variance consideration unless the
lots are combined by deed stating the legal description of the new parcel when applicable.

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 July 20, 1993 and recorded in the
registry of deeds if the lot is served by a public sewer or can accommodate a subsurface
sewage disposal system in conformance with the State of Maine Subsurface Wastewater
Disposal Rules; and

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

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

13. Establishment of Districts

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

(1) Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands and
wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value
waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine
Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic
Information System (GIS) data layer maintained by either MDIF&W or the Department as of
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.
NOTE: The Natural Resources Protection Act, 38 M.S.R.A. sections 480-A through 480-Z, requires the Department of Environmental Protection to designate areas of "significant wildlife habitat". Significant wildlife habitat includes:

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

(2) 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.

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

(4) Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland as defined, and which are not surficially connected to a water body during the period of normal high water.

NOTE: These areas usually consist of forested wetlands abutting water bodies and non-forested wetlands.

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

NOTE: Municipalities may also include the following other areas which have been recommended for protection in the comprehensive plan of the municipality, such as:

A. Other important wildlife habitat;

B. Natural sites of significant scenic or esthetic value;

C. Areas designated by federal, state or municipal governments as natural areas of significance to be protected from development; and

D. Other significant areas which should be included in this district to fulfill the purposes of this Ordinance, such as, but not limited to, existing public access areas and certain significant archaeological and historic sites deserving of long-term protection as determined by the municipality after consultation with the Maine Historic Preservation Commission.

Along Long Lake only on Map 35 Lots 46 and 46A, Map 36 Lot 3, and Map 37 Lot 12. All other areas depicted on the Shoreland Zoning Map will be field verified as to its location.
B. **Limited Residential District.** The Limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, or Stream Protection District, and areas which are used less intensively than those in the Limited Commercial District or the General Development District.

As depicted on the Shoreland Zoning Map

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

Along Long Lake only on Map 17 Lots 21A, 21F, and 23, and on Map 35 Lot 17.

D. **General Development District.** The General Development District includes the following types of existing, intensively developed areas:

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

2. Areas otherwise discernible as having patterns of intensive commercial, industrial or recreational uses.

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

Along the St. John River the General Development District is from Martin Brook to Gagnon Brook (see Shoreland Zoning Map)

E. **Stream Protection District.** The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a 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.

As depicted on the Shoreland Zoning Map. All other streams and brooks are under the jurisdiction of the Department of Environmental Protection
14. **Table of Land Uses.** All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

**Key to Table 1:**

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

**Abbreviations:**

- **RP** - Resource Protection
- **GD** - General Development
- **LR** - Limited Residential
- **LC** - Limited Commercial
- **SP** - Stream Protection
TABLE 1. LAND USES IN THE SHORELAND ZONE

<table>
<thead>
<tr>
<th>LAND USES</th>
<th>SP</th>
<th>RP</th>
<th>LR</th>
<th>LC</th>
<th>GD</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Non-intensive recreational uses not requiring structures such as</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>Yes</td>
<td>yes</td>
</tr>
<tr>
<td>hunting, fishing and hiking</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Motorized vehicular traffic on existing roads and trails</td>
<td>no</td>
<td>yes</td>
<td>yes</td>
<td>Yes</td>
<td>yes</td>
</tr>
<tr>
<td>3. Forest management activities except for timber harvesting &amp; land</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>Yes</td>
<td>yes</td>
</tr>
<tr>
<td>management roads</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Timber harvesting</td>
<td>no</td>
<td>yes</td>
<td>yes</td>
<td>Yes</td>
<td>yes</td>
</tr>
<tr>
<td>5. Clearing or removal of vegetation for activities other than timber</td>
<td>no</td>
<td>CEO</td>
<td>CEO</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>harvesting</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Fire prevention activities</td>
<td>no</td>
<td>yes</td>
<td>yes</td>
<td>Yes</td>
<td>yes</td>
</tr>
<tr>
<td>7. Wildlife management practices</td>
<td>no</td>
<td>yes</td>
<td>yes</td>
<td>Yes</td>
<td>yes</td>
</tr>
<tr>
<td>8. Soil and water conservation practices</td>
<td>no</td>
<td>yes</td>
<td>yes</td>
<td>Yes</td>
<td>yes</td>
</tr>
<tr>
<td>9. Mineral exploration</td>
<td>no</td>
<td>yes</td>
<td>yes</td>
<td>Yes</td>
<td>yes</td>
</tr>
<tr>
<td>10. Mineral extraction including sand and gravel extraction</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>11. Surveying and resource analysis</td>
<td>no</td>
<td>yes</td>
<td>yes</td>
<td>Yes</td>
<td>yes</td>
</tr>
<tr>
<td>12. Emergency operations</td>
<td>no</td>
<td>yes</td>
<td>yes</td>
<td>Yes</td>
<td>yes</td>
</tr>
<tr>
<td>13. Agriculture</td>
<td>no</td>
<td>CEO</td>
<td>CEO</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>14. Aquaculture</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>15. Principal structures and uses</td>
<td>no</td>
<td>PB</td>
<td>CEO</td>
<td>CEO</td>
<td>yes</td>
</tr>
<tr>
<td>A. One and two family residential, including driveways</td>
<td>no</td>
<td>PB</td>
<td>CEO</td>
<td>CEO</td>
<td>yes</td>
</tr>
<tr>
<td>B. Multi-unit residential</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>16. Fire prevention activities</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>17. Structures accessory to allowed uses</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>a. Temporary</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>b. Permanent</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>18. Conversions of seasonal residences to year-round residences</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>19. Home occupations</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>20. Private sewage disposal systems for allowed uses</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>21. Essential services</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>A. Roadside distribution lines (34.5kV and lower)</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>a. Temporary</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>b. Permanent</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>22. Service drops, as defined, to allowed uses</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>A. One and two family residential, including driveways</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>B. Multi-unit residential</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>23. Public and private recreational areas involving minimal structural</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>development</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>24. Individual, private campsites</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>25. Campgrounds</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>26. Road construction</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>27. Land management roads</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>28. Parking facilities</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>29. Marinas</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>30. Filling and earth moving of &lt;20 cubic yards</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>31. Filling and earth moving of &gt;20 cubic yards</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>32. Signs</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>33. Uses similar to allowed uses</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>34. Uses similar to uses requiring a CEO permit</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>35. Uses similar to uses requiring a PB permit</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
</tr>
</tbody>
</table>

1 In RP not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.
2 Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.
3 Permitted under Section 15(H) except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.
4 Excluding bridges and other crossings not involving earthen work, in which case no permit is required.
5 Permit not required but must file a written "notice of intent to construct" with CEO.
NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to 38 M.R.S.A. section 480-C, if the activity occurs in, on, over or adjacent to any freshwater wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:

A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
B. Draining or otherwise dewatering;
C. Filling, including adding sand or other material to a sand dune; or
D. Any construction or alteration of any permanent structure.

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

NOTE: Municipalities should review the land use standards contained herein to determine whether they will result in a scale of development that is compatible with existing development or with the future desired scale of development. If not, more restrictive land use standards may be adopted by the municipality.

### A. Minimum Lot Standards

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

NOTE: In a district equivalent to a General Development District that is served by municipal water and sewer systems the Department may approve a municipal shoreland zoning ordinance that provides for greater residential densities than set forth in Section 15(A)(1) above.

(2) Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.

(3) Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

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

(5) If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.
NOTE: Municipalities may include provisions for clustered housing within the shoreland zone provided that the overall dimensional requirements, including frontage and lot area per dwelling unit, are met. When determining whether dimensional requirements are met, only land area within the shoreland zone shall be considered.

A. 1. Minimum setback requirements for all structures in all Shoreland Zone District (other than from waterbodies, tributary streams, or upland edge of wetlands).

<table>
<thead>
<tr>
<th>TYPE OF SETBACKS</th>
<th>CONFORMING LOTS AND GRANDFATHERED NON-CONFORMING LOTS WITH AN AVERAGE DEPTH OF 250 FEET OR GREATER</th>
<th>GRANDFATHERED NON-CONFORMING LOTS WITH AN AVERAGE DEPTH OF 175 FEET OR GREATER BUT LESS THAN 250 FEET</th>
<th>GRANDFATHERED NON-CONFORMING LOTS WITH AN AVERAGE DEPTH OF LESS THAN 175 FEET.</th>
</tr>
</thead>
<tbody>
<tr>
<td>FRONT YARD (ROAD)</td>
<td>30 FEET</td>
<td>15 FEET</td>
<td>10 FEET</td>
</tr>
<tr>
<td>REAR YARD (OR 15 FEET)</td>
<td>AS DEFINED BY THE STATE SHORELAND ZONING OR 10 FEET</td>
<td>OR 10 FEET</td>
<td>OR 5 FEET</td>
</tr>
<tr>
<td>SIDE YARD</td>
<td>15 FEET</td>
<td>10 FEET</td>
<td>5 FEET</td>
</tr>
</tbody>
</table>

Any grandfathered non-conforming lots with an average depth of less than 175 feet, that borders a Private Seasonal Road or Private Right of Way, shall be required to have a ten (10) foot minimum front line setback.

B. Principal and Accessory Structures

(1) All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds and 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, except that in the General Development District the setback from the normal high-water line shall be at least twenty five (25) feet, horizontal distance. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

In addition:

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

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

NOTE: A municipality may within its ordinance, authorize the Planning Board to increase the required setback of a proposed structure, as a condition to permit approval, if necessary to accomplish the purposes of this ordinance. Instances where a greater setback may be appropriate include, but are not limited to: areas of steep slope; shallow or erodible soils; or where an adequate vegetative buffer does not exist.

NOTE: A tributary stream may be perennial or intermittent. Where a tributary stream is present within the shoreland zone, setback standards from that tributary stream are applicable.

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

(3) The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent floodplain soils. Madawaska has adopted the 2008 version of the Floodplain Management Ordinance on June 16, 2009. Accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph.

(4) The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed, except in the General Development District adjacent to rivers that do not flow to great ponds classified GPA, where lot coverage shall not exceed seventy (70) percent.

NOTE: A municipality may choose not to adopt subparagraph B (5) below. However, if a municipality elects to adopt a provision similar to that subparagraph, it must be no less restrictive.

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

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

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

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

(d) The total height of the wall(s), in the aggregate, are no more than 24 inches;
(e) Retaining walls are located outside of the 100-year floodplain on rivers, streams, wetlands, and tributary streams, as designated on the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils.

(f) The area behind the wall is re-vegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and

(g) A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:

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

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

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

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

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

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

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

(1) Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

(2) The location shall not interfere with existing developed or natural beach areas.

(3) The facility shall be located so as to minimize adverse effects on fisheries.

(4) The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf shall not be wider than six feet for non-commercial uses.

(5) No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending below the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.

(6) New permanent piers and docks shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.

(7) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending below the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

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

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

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

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

(2) The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond 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.
E. Individual Private Campsites. Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:

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

(2) 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.

(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.

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

(5) A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

(6) When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per calendar year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

F. Commercial and Industrial Uses. The following new commercial and industrial uses are prohibited within the shoreland zone adjacent to great ponds, and rivers and streams which flow to great ponds:

(1) Automobile/vehicle washing facilities

(2) Auto or other vehicle service and/or repair operations, including body shops

(3) Chemical and bacteriological laboratories

(4) Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms

NOTE: 22 M.R.S.A. section 1471-U requires municipal ordinances that apply to pesticide storage, distribution or use be filed with the Maine Board of Pesticides Control, 28 State House Station, Augusta, ME 04333. If a municipality’s ordinance is more inclusive or restrictive than these Guidelines, as it pertains to pesticides, a copy of the ordinance must be filed with the Board of Pesticides Control.
(5) Commercial painting, wood preserving, and furniture stripping

(6) Dry cleaning establishments

(7) Electronic circuit assembly

(8) Laundromats, unless connected to a sanitary sewer

(9) Metal plating, finishing, or polishing

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

(11) Photographic processing

(12) Printing

G. Parking Areas

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

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

(3) In determining the appropriate size of proposed parking facilities, the following shall apply:

   (a) Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.

   (b) Internal travel aisles: Approximately twenty (20) feet wide.

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

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

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

Section 15 (H)(1) does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 15(H) (1) except for that portion of the road or driveway necessary for direct access to the structure.

(2) Existing public roads may be expanded within the legal road right of way regardless of their setback from a water body, tributary stream or wetland.

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

(4) Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 15(Q).

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

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

(7) Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:
(a) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road or driveway at intervals no greater than indicated in the following table:

<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 down slope from a line perpendicular to the centerline of the road or driveway.

(d) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning and their inlet and outlet ends shall be stabilized with appropriate materials.

(8) Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

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

(1) Signs relating to goods and services sold on the premises shall be 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.

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

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

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

(5) Signs relating to public safety shall be allowed without restriction.

(6) No sign shall extend higher than twelve (12) feet above the ground.

(7) Signs may be illuminated only by shielded, non-flashing lights.
J. Storm Water Runoff

(1) All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of stormwaters.

(2) Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

NOTE: The Stormwater Management Law (38 M.R.S.A. section 420-D) requires a full permit to be obtained from the DEP prior to construction of a project consisting of 20,000 square feet or more of impervious area or 5 acres or more of a developed area in an urban impaired stream watershed or most-at-risk lake watershed, or a project with 1 acre or more of developed area in any other stream or wetland watershed. A permit-by-rule is necessary for a project with one acre or more of disturbed area but less than 1 acre impervious area (20,000 square feet for most-at-risk lakes and urban impaired streams) and less than 5 acres of developed area. Furthermore, a Maine Construction General Permit is required if the construction will result in one acre or more of disturbed area.

K. Septic Waste Disposal

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

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

L. Essential Services

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

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

(3) Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.
M. Mineral Exploration and Extraction. Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes, shall be immediately capped, filled or secured by other equally effective measures to restore disturbed areas and to protect the public health and safety.

Mineral extraction may be permitted under the following conditions:

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

(2) No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond 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.

(3) Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:

(a) All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

NOTE: The State of Maine Solid Waste Laws, 38 M.R.S.A., section 1301 and the solid waste management rules, Chapters 400-419 of the Department of Environmental Protection's regulations may contain other applicable provisions regarding disposal of such materials.

(b) The final graded slope shall be two and one-half to one (2 1/2:1) slope or flatter.

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

(4) In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.
(1) All spreading of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).

(2) Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond or 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.

(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 and be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

Note: Assistance in preparing a Conservation Plan may be available through the local Natural Resources Conservation Office.

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

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

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

(1) In a Resource Protection District abutting a great pond, timber harvesting shall be limited to the following:

(a) Within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, timber harvesting may be conducted when the following conditions are met:

(1) The ground is frozen;
(2) There is no resultant soil disturbance;
(3) The removal of trees is accomplished using a cable or boom and there is no entry of tracked or wheeled vehicles into the 75-foot strip of land;
(4) There is no cutting of trees less than 6 inches in diameter; no more than 30% of the trees 6 inches or more in diameter, measured at 4 1/2 feet above ground level, are cut in any 10-year period; and a well-distributed stand of trees and other natural vegetation remains; and
(5) A licensed professional forester has marked the trees to be harvested prior to a permit being issued by the municipality.

(b) Beyond the 75 foot strip referred to in Section 15(O) (1) (a) above, timber harvesting is permitted in accordance with paragraph 2 below except that in no case shall the average residual basal area of trees over 4 1/2 inches in diameter at 4 1/2 feet above ground level be reduced to less than 30 square feet per acre.

NOTE: Consistent with 38 M.R.S.A. section 439-A (5) (B), a municipality may elect to replace subparagraph 15(O) (1) (a) with the following: (a) Within the strip of land extending 75 feet inland from the normal high-water line in a shoreland area zoned for resource protection abutting a great pond there shall be no timber harvesting except to remove safety hazards.

(2) Except in areas as described in Section 15(O) (1) above, timber harvesting shall conform to the following provisions:

(a) Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:

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

(ii) At distances greater than one-hundred (100) feet, horizontal distance, of a great pond or a river flowing to a great pond, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater than
ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5000) square feet they shall be at least one hundred (100) feet, horizontal distance, apart. Such clearcut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.

NOTE: Subparagraph 15 (O) (2) (b) below, should be included only if a municipality desires to permit harvesting operations to exceed 40% of the volume of trees in a 10-year period if necessary for good forest management. The adoption of subparagraph 15(O) (2) (b) is not a requirement.

(b) Timber harvesting operations exceeding the 40% limitation in Section 15(O) (2) (a) above, may be allowed by the planning board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this Ordinance. The planning board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the planning board's decision.

(c) No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.

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

(i) Surface waters are frozen; and

(ii) The activity will not result in any ground disturbance.

(e) All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.

(f) Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil re-vegetated.

(g) Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet, horizontal distance, in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed
mineral soil on a back face shall be closer than twenty five (25) feet, horizontal distance, from the normal high-water line of a water body or upland edge of a wetland.

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

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

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

(2) Except in areas as described in Section P(1), above, and except to allow for the development of permitted uses, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA 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 Section 15(P) (2) (b) a "well-distributed stand of trees" adjacent to a great pond or a river or stream flowing to a great pond, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

<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.

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

\[(4 \times 1) + (2 \times 2) + (3 \times 4) + (2 \times 8) = 36 \text{ points}\]
Thus, the 25-foot by 50-foot plot contains trees worth 36 points. Trees totaling 12 points (36 - 24 = 12) may be removed from the plot provided that no cleared openings are created.

The following shall govern in applying this point system:

(i) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
(ii) Each successive plot must be adjacent to, but not overlap a previous plot;
(iii) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
(iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by Ordinance;
(v) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of Section 15(P) (2) "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 1/2) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

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

(c) In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 15(P) paragraphs (2) and (2)(a) above.

(d) Pruning of tree branches, on the bottom 1/3 of the tree is allowed.

(e) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

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

(3) At distances greater than one hundred (100) feet, horizontal distance, from a great pond 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.
In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared. This provision shall not apply to the General Development District.

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

(5) Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 15(P).

Q. Erosion and Sedimentation Control

(1) All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall 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 re-vegetation 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.

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

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

(4) Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:

   (a) Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.

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

   (c) Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
(5) Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.

R. Soils. All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

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

T. Archaeological Site. Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

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

16. Administration

A. Administering Bodies and Agents

(1) Code Enforcement Officer. A Code Enforcement Officer shall be appointed or reappointed annually by July 1st.

(2) Board of Appeals. A Board of Appeals shall be created in accordance with the provisions of 30-A M.R.S.A. section 2691.

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

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

(1) A permit is not required for the replacement of an existing road culvert as long as:

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

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

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

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

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

C. Permit Application

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

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

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

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

(5) The Planning Board may require from the applicant, that an escrow account or fee be established by the Municipality for the purpose of obtaining independent verification of application data.

C.1 Permit Fee

(1) Due to additional State regulations and inspection requirements, there will be a charge of $20.00 for all Shoreland Zoning permits in addition to the standard building permit fee.
D. **Procedure for Administering Permits.** Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within 35 days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 35 days of the public hearing, if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

(1) Will maintain safe and healthful conditions;

(2) Will not result in water pollution, erosion, or sedimentation to surface waters;

(3) Will adequately provide for the disposal of all wastewater;

(4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

(5) Will conserve shore cover and visual, as well as actual, points of access to inland waters;

(6) Will protect archaeological and historic resources as designated in the comprehensive plan;

(7) Will avoid problems associated with floodplain development and use; and

(8) Is in conformance with the provisions of Section 15, Land Use Standards.

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

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

(1) There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.
(2) The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.

(3) All proposed buildings, sewage disposal systems, and other improvements are:

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

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

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

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

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

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

G. Installation of Public Utility Service. A public utility, water district, sanitary district or any utility company of any kind may not install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officials and the utility.
H. Appeals

(1) Powers and Duties of the Board of Appeals. The Board of Appeals shall have the following powers:

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

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

(2) Variance Appeals. Variances may be granted only under the following conditions:

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

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

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

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

(ii) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:

a. That the land in question cannot yield a reasonable return unless a variance is granted;

b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

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

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

(d) Notwithstanding Section 16(H)(2)(c)(ii) above, the Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The
board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

(e) The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

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

(3) Administrative Appeals

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

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

(4) Appeal Procedure

(a) Making an Appeal

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

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

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

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

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

(b) Decision by Board of Appeals

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

(ii) The person filing the appeal shall have the burden of proof.

(iii) The Board shall decide all administrative appeals and variance appeals within thirty-five (35) days after the close of the hearing, and shall issue a written decision on all appeals.

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

(5) Appeal to Superior Court. Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

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

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

I. Enforcement

(1) Nuisances. Any violation of this Ordinance shall be deemed to be a nuisance.

(2) Code Enforcement Officer

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

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

(c) The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of this record shall be submitted to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection.

(3) Legal Actions. When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.
(4) Fines. Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A. section 4452.

NOTE: Current penalties include fines of not less than $100 nor more than $2500 per violation for each day that the violation continues. However, in a resource protection district the maximum penalty is increased to $5000 (38 M.R.S.A. section 4452).

17. Definitions.

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

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

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

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

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

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

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

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

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

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

**DBH** - the diameter of a standing tree measured 4.5 feet from ground level.
Development – a change in land use involving alteration of the land, water or vegetation, or the
addition or alteration of structures or other construction not naturally occurring.

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

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

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

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

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

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

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

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

Fence – A structure serving as an enclosure, barrier, or a boundary, made of but not limited to, posts
or stacks joined together by boards, wire or rails. A permit application or permit fee is not required.

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

Floor area - the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls,
plus the horizontal area of any unenclosed portions of a structure such as porches and decks.
Forest management activities - timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

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

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

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

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

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

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

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

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

Ground cover - small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.
**Height of a structure** - the vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

**Home occupation** - an occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home.

**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, wetland setback distance, increase in lot coverage, increase in height of a structure, or side, front, and rear setback distances from property lines. 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.

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

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

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

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

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

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

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

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

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

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

Native – indigenous to the local forests.

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

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

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

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

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

Person - an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.
**Piers, docks, wharves, bridges** and other structures and uses extending over or below the normal high-water line or within a wetland.

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

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

**Private seasonal roads and private seasonal rights of way:** A strip of land which is thirty-five (35) feet or less in width and is primarily used to access seasonal camps or structures. The municipality has no responsibility or legal right to expend tax dollars for the maintenance and/or repair of private seasonal roads nor is the general public entitled to pass by foot, vehicle, or otherwise.

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

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

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

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

<table>
<thead>
<tr>
<th>Soil Series</th>
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<tr>
<td>Fryeburg</td>
<td>Hadley</td>
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<td>Lovewell</td>
<td>Medomak</td>
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<td>Alluvial</td>
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<td>Suncook</td>
<td>Sunday</td>
<td>Winooski</td>
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**Recreational facility** - a place designed and equipped for the conduct of sports, boat launching facilities, leisure time activities, and other customary and usual recreational activities.

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

**Replacement system** - a system intended to replace: 1.) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2.) any existing overboard wastewater discharge.
Residential dwelling unit - a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

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

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 floodplain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth.

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

Seasonal camps and structures: Structures that are generally not constructed in a manner to allow year round occupancy. Said structures are used on a limited basis throughout the year.

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

1. in the case of electric service
   a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
   b. the total length of the extension is less than one thousand (1,000) feet.

2. in the case of telephone service
   a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
   b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

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

Shore frontage - the length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.
Shoreland zone - the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

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

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

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

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

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

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

Timber harvesting - the cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15 (P), Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting.

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

This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

NOTE: Water setback requirements apply to tributary streams within the shoreland zone.
**Upland edge of a wetland** - the boundary between upland and wetland. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

**Vegetation** - all live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level.

**Water body** - any great pond, river or stream.

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

**Wetland** - a freshwater wetland.

**Woody Vegetation** - live trees or woody, non-herbaceous shrubs.
TOWN OF MADAWASKA
WELLHEAD PROTECTION
ORDINANCE

Enacted: June 19, 2007

ATRUE ATTESTED COPY

RINETTE B MADORE, NOTARY PUBLIC

Rinettes B. Madore
My Commission Expires: March 23, 2011
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Wellhead Protection Area Map
Town of Madawaska  
Public Wellhead Protection Ordinance

ARTICLE I. GENERAL PROVISIONS

SECTION 1. TITLE

This Ordinance shall be known and cited as the “Public Wellhead Protection Ordinance” of the Town of Madawaska, Maine.

SECTION 2. AUTHORITY

This Ordinance is adopted pursuant to the enabling provisions of Article VIII-A of the Maine Constitution, Title 30-A MRSA Section 3001 (Home Rule), Title 30-A MRSA Section 4311 (Growth Management), and Title 22 MRSA 2642 (Protection of Drinking Water Supplies).

SECTION 3. PURPOSE

The purpose of this ordinance is to protect the public water supply in Madawaska from land uses which pose a threat to the quality and/or quantity of the ground water being extracted from the wells which serve the public water system.

SECTION 4. EFFECTIVE DATE

This ordinance shall take effect upon its enactment by the Town. Enacted: June 19, 2007

SECTION 5. APPLICABILITY

This ordinance applies to all land uses located or proposed within the area delineated as Wellhead Protection Zones on the official Town of Madawaska Zoning Map or official Wellhead Protection Area Map.

SECTION 6. RELATIONSHIP WITH OTHER ORDINANCES

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

SECTION 7. VALIDITY AND SEVERABILITY

Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this ordinance.
SECTION 8. AMENDMENTS

A. Initiation and Procedure

A proposal for an amendment to this ordinance may be initiated by: (1) The Planning Board; (2) the Selectmen; or (3) an individual, through the petition process for placing articles on the warrant for town meeting or (4) Madawaska Water District Board of Trustees.

Amendments proposed by the Planning Board and Water District Trustees shall be forwarded to the Selectmen to be included in a future town meeting warrant. Amendments proposed by the Selectmen shall be forwarded to the Planning Board and Water District Trustees for advisory review and comment prior to being placed on a town meeting warrant. In both cases, the Selectmen shall have final authority to determine whether to present the amendment to the town meeting for approval.

B. Public Hearing and Water District Notification

The Planning board shall hold a Public Hearing on any proposed amendment, including amendments proposed by petition, at least fourteen (14) days prior to the Town Meeting vote. The Planning Board's hearing on proposed amendments shall be informational and advisory only. Notification of the public hearing and Water District notification shall follow the requirements pursuant to Title 30-A MSRA Section 4352. The applicant will pay all applicable fees for the holding of a public hearing.

C. Enactment

A proposed amendment to this ordinance must be approved by a majority vote of the Town Meeting.

Article II. Administration, Enforcement, Appeals, and Penalties

SECTION 1. ADMINISTERING BODIES AND AGENTS

A. Code Enforcement Officer

The Code Enforcement Officer (CEO) of the Town of Madawaska shall administer and enforce this ordinance. The CEO shall forward all permit applications to the Planning Board and Water District Board as required by this ordinance.

SECTION 2. PERMITS REQUIRED

After the effective date of this ordinance, no person shall engage in any land use activity identified in the Land Use Table listed in Article III, Section 2 without a permit under this ordinance.
SECTION 3. NON-CONFORMANCE

It is the intent of this Ordinance that land use activities conform to the standards of this ordinance. However, land use activities or uses that existed before the effective date of this Ordinance shall be allowed to continue, subject to the requirements set forth in this section. This ordinance allows the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

A. Non-conforming Structures

1. **Expansion**: A non-conforming structure may not be expanded unless the expansion conforms to all the regulations of the zone in which it is located.

2. **Relocation**: A non-conforming structure may be relocated within the boundaries of the parcel on which it is located provided that the site of relocation conforms to all setback requirement to the greatest practicable extent as determined by the Planning Board, 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 will be installed in compliance with the law and said Rules. In no case may a structure be relocated in a manner that causes the structure to be more non-conforming.

   In determining whether the relocation meets the setback to the greatest practicable extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems.

3. **Reconstruction, Replacement**: Any non-conforming structure that is removed, damaged or destroyed may be reconstructed or replaced provided that a permit is obtained within one year of the date of damage, destruction or removal, and provided that such reconstruction or replacement is in compliance with the standards established in Article III of this Ordinance.

B. Non-conforming Use

1. **Expansions**: Expansion of any non-conforming use is prohibited. (Existing businesses may be allowed to expand providing that the expansion is related to the existing business.)

2. **Discontinuance**: A non-conforming use that is discontinued for a period exceeding one (1) year, or that is changed to conforming use, shall not be allowed to recur.
SECTION 4. PERMIT APPLICATION

An Applicant for a permit under this ordinance shall submit an application in writing to the Planning Board, as designated in the Wellhead Protection Area Land Use Table (Article III, Section 2). All applications shall be dated and signed by the owner(s) or lessee(s) of the property or another person with a letter of authorization from the owner(s) or lessee(s). Such signature(s) shall certify that the information in the application is complete and correct.

SECTION 5. PLANNING BOARD PERMIT HEARINGS

Within forty-five (45) days of the date of receiving a written application, the Planning Board or CEO 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 CEO shall also notify the Water District. Once the proposal is complete the Planning Board shall ask the District to provide comments on the proposal. Once a complete application has been received, the Planning Board shall approve or deny the application, in writing, within forty-five (45) days. However, if the Planning Board has a waiting list of applications, such approval of denial shall occur within forty-five (45) days of the first available opening on the Planning Board's agenda or, within forty-five (45) days of the public hearing(s), if a hearing(s) are held.

Permits shall be approved if the proposed use or structure is found to be in conformance with the provisions of this ordinance. Permits may be made subject to reasonable conditions to insure conformity with provisions of this ordinance. If a permit is either denied or approved with conditions, the reasons shall be stated in writing.

When a proposed use in a Wellhead Protection Area requires Planning Board approval under Article III, Section 2 of this ordinance, the Planning Board, may, as a condition of its approval, require the applicant to (1) grant the municipality or the Water District permission to install and maintain groundwater monitoring wells on the applicant’s property; or (2) install monitoring wells and implement a groundwater testing and monitoring program approved by the Planning Board, at the applicant’s expense.

SECTION 6. APPLICATION FEE

The Town shall establish annually, on the advice of the Planning Board and CEO, a schedule of fees, charges, and expenses for matters pertaining to this Ordinance. The schedule of fees shall be posted in the Town Office, and may be altered or amended after a public hearing by the Selectmen.

SECTION 7. INDEPENDENT REVIEW AND ADVICE

A. Professional Services

The Planning Board may require an attorney or consultant to review one or more aspects of an application for compliance or noncompliance with this ordinance and to advise the Planning Board. The attorney or consultant shall first estimate the cost of such review and the applicant shall deposit, with the Town the full estimated cost, which the Town shall place in
an escrow account. The Town shall pay the attorney or consultant from the escrow account and reimburse the applicant if funds remain after payment.

B. Additional Studies

The Planning Board may require the applicant to undertake any study that it deems reasonable and necessary to determine whether a proposed activity meets the requirements of this ordinance. The costs of such studies shall be borne by the applicant.

SECTION 8. PERFORMANCE GUARANTEES

The Planning Board may require the applicant to provide performance guarantees for an amount adequate to cover the total construction costs of all required improvements. Performance guarantees may be made by certified check, payable to the Town, or a savings account naming the Town as owner, for the establishment of an escrow account; by an irrevocable letter of credit from a financial institution establishing funding for the construction of the project, from which letter the Town may draw if construction is inadequate; or by a performance bond, payable to the Town, issues by a surety company and acceptable to the Town. The form, time periods, conditions, and amount of performance guarantees shall be determined by the Planning Board.

SECTION 9. EXPIRATION OF PERMIT

Following the issuance of a permit, if construction or use does not commence within one (1) year of the date of the permit, the permit shall lapse and become void. However, the permit may be renewed within six (6) months of the date of expiration, upon application to PB/CEO and the applicant demonstrates that there are no substantial changes in the proposed structure or use and there are no changes to the ordinance. A permit renewal fee may be assessed by the Planning Board.

SECTION 10. ENFORCEMENT AND PENALTIES

A. Inspections and Complaints

The CEO shall investigate all complaints of alleged violations of this Ordinance, pursuant to 30-A MRSA Section 4452. The CEO may seek technical advice from a representative of the Water District when investigating complaints.

The CEO may also conduct site inspections to ensure compliance with this Ordinance, pursuant to 30-A MSRA Section 4452. During investigations, the Code Enforcement Officer may be accompanied by a representative of the Water District.

B. Notice of Violations

It shall be the duty of the CEO to enforce this ordinance, in accordance with the provisions of this ordinance and state laws. If the CEO finds that any provision is being violated, the CEO shall notify in writing the person responsible for such violation. The notice shall state the nature of the violation, the ordinance provision or permit condition violated, and the action necessary to correct the violation. The notice shall inform the recipient of their right to appeal
as to the facts supporting the notice by the CEO. A copy of the notice shall be provided to the Planning Board, Water District, and Selectmen.

C. Recordkeeping

The CEO shall keep a complete record of all transactions relating to the administration and enforcement of this ordinance, and shall maintain a permanent record of those transactions at the town office. Copies of all permits shall be provided to the Water District.

D. Legal Action

When a person does not correct a violation after receiving notice to do so, the CEO shall notify the Selectmen and the Water District. The Selectmen, or their authorized agent, may institute all legal and equitable actions necessary to correct the violation and recover fines and costs.

E. Penalties

Any person who continues to violate a provision of this ordinance or condition of a permit after receiving written notice to correct the situation shall be subject to penalties as provided in 30-A MRSA Section 4452.

SECTION 11. APPEALS

A. Time for Appeal

Any party aggrieved by a decision or order of the Code Enforcement Officer, Planning Board, or Madawaska Water District Board under this ordinance may appeal the decision or order concerned within thirty (30) days to the Board of Appeals. Appeals shall be filed on forms to be provided by the Board of Appeals for this purpose.

B. Parties

For purposes of this section, the term “party” shall be limited to:

1. A permit applicant whose application is denied or granted with conditions.
2. A permit holder whose permit is suspended or revoked by the CEO or PB.
3. A person owning property within a Wellhead Protection Area designated in the Map Appendix of this ordinance, who is adversely affected by a decision or order of the Code Enforcement Officer, Planning Board, or Madawaska Water District Board with respect to any property located in the same Wellhead Protection Area.
4. A person whose use of groundwater as a domestic water supply is adversely affected by a decision or order of the Code Enforcement Officer, Planning Board, or Madawaska Water District Board under this Ordinance.
5. The Town of Madawaska through its municipal officers.
6. The Madawaska Water District.
C. Decision or Order

The purposes of this section, the term “decision or order” shall not include failure by the Code Enforcement Officer to take enforcement action with respect to a particular person, property or alleged violation, when the enforcement action has been requested by persons or organizations other than the municipal officers.

D. Type of Review

An appeal from a decision or order may be taken to the Board of Appeals under this section only where it is alleged that the decision or order concerned is based on an error of law or misinterpretation of this ordinance. All appeals to the Board of Appeals under this section shall be reviewed by the Board of Appeals as purely de novo matters, based on the administrative record made by the Code Enforcement Officer, Planning Board, or Water District Board. No new evidence shall be received or considered by the Board of Appeals as to any matter appealed to the Board of Appeals under this section.

E. Board’s Procedure

1. The Board shall decide all appeals in an open session of the Board within 30 days after the Hearing, and shall issue a written decision on all appeals.

2. All decisions shall become 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, their representative or agent, the Planning Board, agency or office, the CEO, and the Town Officers within 7 days of the decision date.

3. Upon notification of the granting of an appeal by the Board, the CEO shall immediately issue a Permit in accordance with the conditions of the approval, unless the applicant’s proposal requires subdivision or site design review. In the case of a variance appeal, the applicant shall register the variance in the Aroostook County Registry of Deeds in accordance with Title 30-A MRSA Section 4353.5 within 90 days of the date of the final written approval of the variance or the variance is void. The application shall provide proof of registration to the CEO, prior to the issuance of the Permit.

4. Appeals may be taken within 45 days from any decision of the Board of Appeals to Superior Court.

5. Any Board of Appeals reconsideration of an original decision must be reconsidered and the proceedings completed within 30 days of the vote on the original decision.

6. The right to relief from the terms of this Ordinance granted by vote of Board in a specific case shall expire if the work or change is not substantially completed within one (1) year.

7. A second appeal of a similar nature shall not be heard by the Board within one year from the date of denial of the first appeal. However, re-appeal may be made to the Board if substantial new evidence shall be found or an error or mistake in law or misunderstanding of fact shall have been found.

8. The Board may impose such conditions and safeguards regarding location, character, fencing, screening, landscaping, or other features as it may deem advisable in furthering the intent and purpose of this Ordinance.
9. The Board, with the advice and assistance of the CEO, shall maintain a current map indicating by means of appropriate symbols, colors, or other notations the locations in which it has taken approving actions.

10. The Board shall not have the power to permit any industrial use in a business district, any business use in a residential district, or any residential use in an industrial district, except as may be provided within this Ordinance.

F. Appeals

Any party who is aggrieved by a decision of the Board of Appeals may appeal that decision to the Aroostook County Superior Court, in accordance with 30-A MRSA Section 2691 (3)(6) and Rule 80B, Maine Rules of Civil Procedure.

Article III. Land Use Requirements

SECTION 1. ESTABLISHMENT OF ZONES

The Wellhead Protection Area consists of two (2) zones that are shown on the official Town of Madawaska Zoning Map or official Wellhead Protection Area Map. The two zones are defined as:

A. Zone 1: Immediate Recharge Area (300 feet from center of well)

Zone 1 includes the area immediately recharging the water supply, as shown on the official Town of Madawaska Zoning Map or official Wellhead Protection Area Map.

B. Zone 2: Primary Recharge Area (1,000 feet from center of well)

Zone 2 includes the primary recharge area shown on the official Town of Madawaska Zoning Map or official Wellhead Protection Area Map.

SECTION 2. LAND USE TABLE

The uses listed below are commonly integrated within other types of uses. For example, Use or storage of petroleum products can occur at auto repair shops as well as gas stations. Any proposed land use which incorporates the following in their primary use is subject to the requirements of this section.

[NOTE: All land uses and activities may be subject to requirements of other Town ordinances and State rules and regulations.]

SECTION 3. LOT SPECIFICATIONS

A. Minimum Lot Size

Areas not served by public sewer:
Zone Land Area per Dwelling or Commercial Unit

Zone 2. (with town sewers and public water) 20,000 sq. ft. with 100 feet of frontage on a road.
Zone 2. (without town sewers but with public water) 40,000 sq. ft. with 200 feet of frontage on a road. If public sewers are not available an “advanced treatment unit” on a septic tank will be required and the unit will need to obtain certification by the State Plumbing Code for nitrate and bacterial reduction.
Zone 2. (without town sewers and without public water and no “advanced treatment unit” on a septic tank) 80,000 sq. ft. with 200 feet of road frontage will be required.

B. Maximum Lot Coverage

For portions of lots within the Wellhead Protection Area, the maximum lot coverage that can be covered by impermeable surfaces including parking areas, shall be limited as follows:

Zone Maximum Lot Coverage

Zone 2. (with town sewer and public water) 50 percent
Zone 2. (without town sewer but with public water) 30 percent
Notwithstanding other provisions of the ordinance, lot coverage that exists as of the date of adoption of this ordinance that equal or exceed the applicable percentage limitation may be continued and may be expanded with Planning Board approval. Expansions of lot coverage shall be limited to no more than ten percent (10%) of the portion of the lot located in the Wellhead Protection Area. However, the Planning Board shall not authorize expansion of impermeable surfaces of existing uses if the total coverage of all lot areas located in the Wellhead Protection Area is greater than sixty-five percent (65%) in Zone 2 (with town sewer and public water) or greater than fifty percent (50%) in Zone 2 (without town sewer but with public water).

SECTION 4. APPLICATION REQUIREMENTS

The Planning Board may modify or waive any of the following submission requirements if it determines that, because of the size or nature of the project or circumstances of the site such requirement(s) would not be applicable or would be an unnecessary burden upon the applicant and would not affect or conflict with the purposes of this ordinance.

A. All Applications

All applications may contain the following information.

1. Written information:
   a. Name of development; municipality; tax map and lot numbers.
   b. Owner and applicant’s names and addresses; name and addresses of person who prepared the application and/or plan.
   c. Name and address to which correspondence should be sent.
d. If applicant is a corporation, state whether the corporation is licensed to do business in Maine and attach a copy of Secretary of State’s Registration.
e. Copy of recorded deed for property; verification of ownership of legal interest.
f. Interest the applicant has in any property abutting the parcel to be developed.
g. State whether the development covers the entire or contiguous holdings of applicant.
h. On-site sewage disposal report from licensed site evaluator or information from local sewer district indicating capacity.
i. Special reports:
   i. Necessary state and/or federal permits and date of application and approval (please list).
   ii. List of construction items, cost estimates.
   iii. Construction schedules.
   v. Restrictions, conditions, covenants and easements.

2. Plan information:
   a. Existing and proposed streets.
   b. Outline of development and remaining portion of property scale; written and graphic date; north point.
   c. Perimeter survey (bearings and distances; surveyor’s seal; number of acres; existing and proposed monuments; abutters names).
   d. Lot lines, numbers and sizes; building setback lines.
   e. Existing water bodies, watercourses, wetlands, and other significant natural features.
   f. Public and private rights-of-way and easements.
   g. Zoning boundaries.
   h. Location of test pits keyed to site evaluator’s or soil scientist’s report.
   i. Base flood elevation, if applicable.
   j. Written request for waivers or variances.
   k. Contours of 5 feet or other interval; refer to USGS bench if within 500 feet.
   l. Location and design of culverts, drains and other storm water control structures, existing and proposed.
   m. Location and design of proposed sewers and water lines.
   n. Typical engineering plan, profiles, and cross-sections.
   o. Medium intensity or high intensity soils maps.
   p. Location of parking, open space, conservation and/or recreation areas.
   q. Landscaping plan and details.
   r. Surface drainage plan.
   s. Soil erosion and sedimentation control features.
   t. Locations, dimensions and profiles of underground utilities.
   u. Profile and typical cross-sections of streets and other public works.
   v. Location/identification of buffers, lots or areas to be restricted or dedicated for common or public use.

B. Additional Application Requirements for Planning Board Review for Certain Activities within the Wellhead Protection Area

More than one of the categories listed below may apply to a particular use. Applicants should request assistance from the Planning Board should there be questions as to which
categories apply.

1. Non-agricultural chemical use, storage and handling, (including petroleum products)
   a. Type and volume of chemical compounds handled and/or stored.
   b. Site plan showing all storage, handling and use areas for raw materials and wastes.
   c. For outside areas, details to contain spills including:
      i. drainage and contour information to prevent the flow of runoff from entering the storage area and which keep leaks or spills from flowing off site;
      ii. provisions to collect chemicals should they enter the drainage system;
      iii. provisions to segregate underground systems to insure that there are no cross connections;
      iv. provisions to prevent accidental containment breach by collisions;
      v. statement of emergency measures which can be implemented for surface drainage systems;
   d. For inside areas, details to contain spill including the:
      i. design of dikes around rooms;
      ii. the location of floor drains and floor drains outlets;
      iii. the location of separators, holding tanks and/or drain outlets;
      iv. the specific location and design of underground storage structures;
      v. the location and design of piping systems for wash are discharged and that wastes are discharged to appropriate sewers or treatment systems.
   e. A spill prevention and control and countermeasure (SPCC) plan detailing:
      i. materials and equipment to be available;
      ii. a training plan and schedule;
      iii. a list of contacts (EPA/DEP/local fire officials) with phone numbers;
      v. an inspection schedule.
   f. A report by an industrial engineer or other competent professional detailing:
      i. steps which have been taken to reduce the use of hazardous material;
      ii. actions which have been taken to control the amount of wastes generated;
      iii. any reports to provide information on the design theory or methodology for the above features.

2. Vehicular use and storage
   a. A site plan, drawn to scale, showing locations and designs of secondary containment for fuel and storage and refueling pads.

3. Subsurface injection
   a. Subsurface Wastewater Disposal
      i. Soil evaluator's report and septic system design.
      ii. For sites/uses producing >1,000 gallons of sewage, a hydrogeologic analysis of nitrate concentrations at the property line.
   b. Sewage Disposal
      i. Evaluation of public/private sewer system capacity and integrity of sewer lines serving the development by a Registered Engineer or the sewer system superintendent.
c. Subsurface Injection  
i. Provisions and designs for all floor drains, grease traps, and holding tanks.

4. Stormwater Management

a. Engineering calculations and plans which provide:
i. Design of dry wells, storage, retention or detention facilities and other surface water;
ii. Impoundments;
iii. Stormwater system outlets;
iv. Delineation of post development drainage areas;
v. Plans for ice control, use of road salt, and snow removal.

5. Utility Corridors

a. Type and volume of chemical compounds handled and/or stored.
b. Site plan showing all storage, handling and use areas for raw materials and wastes.
c. For outside areas, details to contain spills including:
i. drainage and contour information to prevent the flow of runoff from entering the storage area and which keep leaks or spills from flowing off site;
ii. provisions to collect chemicals should they enter the drainage system;
iii. provisions to segregate underground systems to insure that there are no cross connections;
iv. provisions to prevent accidental containment breach by collisions;
v. statement of emergency measures which can be implemented for surface drainage systems;
d. For inside areas, details to contain spill including the:
i. design of dikes around rooms;
ii. the location of floor drains and floor drains outlets;
iii. the location of separators, holding tanks and/or drain outlets;
iv. the specific location and design of underground storage structures;
v. the location and design of piping systems for wash are discharged and that wastes are discharged to appropriate sewers or treatment systems.
e. A spill prevention and control and countermeasure (SPCC) plan detailing:
i. materials and equipment to be available;
ii. a training plan and schedule;
iii. a list of contacts (EPA/DEP/local fire officials) with phone numbers;
iv. an inspection schedule.
f. A report by an industrial engineer or other competent professional detailing:
i. steps which have been taken to reduce the use of hazardous material;
ii. actions which have been taken to control the amount of wastes generated;
iii. any reports to provide information on the design theory or methodology for the above features.
SECTION 5. PERFORMANCE STANDARDS

A. General Provisions

All development located within the Wellhead Protection Area shall comply with the Performance Standards established in this section to protect the quality and quantity of the public water supply.

B. Performance Standards for vehicular use and storage

1. When draining oils or fluids from vehicles, precautionary measures such as portable drip pans, must be taken to ensure that no spills occur.
2. All fuel oil, waste oil, lubricants, antifreeze, or other potential contaminants must have secondary containment equal to 110% of the liquid volume stored.
3. No vehicle washing may occur with the intent to remove oils, grease and other hazardous materials.
4. Refueling vehicles must be equipped with a shovel, an impermeable container with a volume of no less than 35 gallons and a tight fitting lid, and at least two absorbent pads or pillows. An absorbent pad or portable drip catch must be in place beneath the fill tube at all times during the refueling operation.
5. Refueling must occur on a concrete pad or other impermeable surface.

C. Performance Standards for septic systems

1. All new and replacement subsurface wastewater disposal systems shall submit evidence of site suitability prepared by a Maine licensed site evaluator in full compliance with the requirements of the State of Maine Subsurface Waste Water Disposal Rules and for systems producing > 1,000 gallons of sewage, a hydrogeologic analysis of nitrate/nitrite impact study, with nitrate/nitrite concentrations limited to 5mg/L at the property line.

D. Performance Standards for Stormwater Management

1. If a project includes less than one acre of impervious area the stormwater management system must detain or retain stormwater from 24-hour storms of 2, 10, and 25-year frequencies such that the peak flow of stormwater from the site does not exceed the peak flow of stormwater from the site prior to the undertaking of the project. The peak flow of the receiving waters may not be increased as the result of the stormwater runoff from the site for 24-hour storms of 2, 10, and 25-year frequencies. In municipalities with designated 100-year flood elevations, the site runoff may not adversely affect the designated 100-year flood elevations.

The Planning Board may waive this requirement if the system is designed to discharge stormwater flow into a stormwater system of a municipality or public utility, when the applicant has permission to discharge stormwater into that system, and demonstrates that the municipality or public utility has determined that it has adequate capacity to accommodate the change in flow.
2. Infiltration of stormwater from impervious areas greater than 20,000 square feet shall not be infiltrated, and any detention or retention structures shall be designed and constructed in such a manner that excludes groundwater interaction.

E. **Performance Standards for Utility Corridors**

1. Pesticide use shall conform to the Standards listed in Article III, Section 5(B) of this ordinance, “Non-agricultural chemical use, storage and handling”.

SECTION 6. CONTROL OF EXISTING THREATS

A. **Inspection**

The CEO shall also have the right to inspect any property located in a Wellhead Protection Area, except building interiors, at reasonable hours, with landowner permission, as provided in 30-A MRSA section 4452, for the purpose of determining compliance with this ordinance or any permit issued hereunder. The Code Enforcement Officer may be accompanied by a representative of the Water District. In the event the landowner denies or prevents access for this purpose, the CEO shall be authorized to apply for an administrative site inspection warrant pursuant to Rule 80E, Maine Rules of Civil Procedure.

B. **Monitoring**

Whenever the CEO finds that a use existing as of the date of adoption of this ordinance, including but not limited to uses of the types identified in Article III, Section 2 of this ordinance, is located within a Wellhead Protection Area designated by this ordinance and poses an actual or potential threat to the safety or quality of a public groundwater supply, the Planning Board may order the property owner to grant permission for installation, or to install, groundwater monitoring wells and to conduct testing as provided in subsection (1) above. Installation of monitoring wells and testing and monitoring of groundwater in such cases shall be at the sole cost of the municipality or the Water District, provided that if such testing indicates that the use is found to cause or contribute to reduction of ten percent (10%) or more of the State Primary or Secondary Drinking Water standards at the Water District property line, the property owner shall reimburse the municipality or Water District for all expenses incurred for installation, testing and monitoring.

C. **Enforcement**

If any use causes or contributes to a reduction of ten (10%) of proven baseline more of the State Primary or Secondary Drinking Water standards at the Water District property line, the CEO may require the owner of the property on which the contaminating use occurs to cease activity, install or construct mechanisms, or enact appropriate procedures to reduce the contamination.
Article IV. Definitions

Accessory Structure: A structure of which is incidental to that of the principal structure and which is located on the same lot.

Advanced Treatment Unit: A unit designed to pre-treat waste water for nitrate and provide bacterial reduction prior to entering a leach field. This unit will be required to meet certification by the State Plumbing Code.

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

Aquifer: A geological unit in which porous and permeable conditions exist and thus are capable of yielding usable amounts of water. (See: MDEP Aquifer Maps).

Best Management Practice: Procedures designed to minimize the impact of certain activities or land uses on groundwater quality and quantity, and shall include best management practices relating to groundwater quality as developed by the State of Maine departments of Agriculture, Forestry, Transportation and Development pursuant to 38 M.R.S.A. Section 410-J.

Board: Refers to the Town of Madawaska Planning Board.

Chemical Bulk Storage
Storage of a chemical or chemicals in a container or containers larger than those intended for normal homeowner or retailer purposes. Proper, non-commercial, homeowner use of chemicals is not included.

Code Enforcement Officer: A person appointed by the Town Officers to administer and enforce an ordinance. Reference to the CEO may be construed to include Building Inspector, Plumbing Inspector, Electrical Inspector, and the like, where applicable.

Commercial: Commercial shall include the use of lands, buildings, or structures, other than home occupations, the intent and result of which activity is the production of income from the buying and selling of goods and services, exclusive of rental of residential buildings and dwelling units.

Conforming: A building, structure, activity or land use which complies with the provisions of this ordinance.

Construction: Includes built, erected, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill, paving, drainage, and the like, shall be considered as part of construction.

Construction and Commercial Equipment & Vehicle Storage: Storage of construction equipment or other commercial vehicles in excess of thirty (30) consecutive days in which the
equipment is not used.

**Construction/Demolition:** Construction or demolition of facilities, buildings, etc. associated with the land uses or activities.

**District:** Refers to the Madawaska Water District.

**Drinking Water Standards, Primary and Secondary:** Standards for drinking water as stated in the State of Maine Rules Relating to Drinking Water, Maine Department of Human Services.

**Dump (see landfill)**

**Excavation (see construction)**

**Fill (see construction)**

**Floor Drain:** An opening in the floor that leads to the ground and/or is not permitted under other State, Federal, or local regulations. Work sinks which lead to such drains are included.

**Fuel Oil Distributor, Fuel Oil Storage:** The storage of fuel for distribution or sale. Storage of fuel oil not for domestic use, i.e., not in tanks directly connected to burners.

**Gas Station, Service Station:** A building where gasoline, or any other automobile engine fuel (stored only in underground tanks), kerosene, or motor oil and lubricants or grease are retailed directly to the public on the premises; including storage of unlicensed vehicles and not including body, frame or fender straightening and repair.

**Ground water:** The water contained within the interconnected pores, cracks or fractures located below the water table of a confined or unconfined aquifer.

**Hazardous Material:** Any gaseous, liquid or solid materials or substances designated as hazardous, by the Environmental Protection Agency and/or the Maine Department of Environmental Protection.

**Hazardous Waste:** Any substance identified under chapter 850, Identification of Hazardous Wastes, of the rules of the State of Maine, Department of Environmental Protection, effective date July 1, 1980, including revisions or amendments thereto, and any radioactive waste material which means any solid, liquid, or gas residue, including but not limited to spent fuel assemblies prior to processing, remaining after the primary usefulness of the radioactive material has been exhausted and containing nuclides that spontaneously disintegrate or exhibit ionizing radiations.

**Horticulture (see agricultural)**

**Industrial, Heavy:** The use of real estate, building, or structure, or any portion thereof, for the processing and manufacturing of materials or products predominately from extracted raw materials, or use engaged in storage of, or manufacturing processes using flammable, or explosive materials, or storage or manufacturing processes that potentially involve hazardous or nuisance conditions, such as, but not limited to, noise, smoke, vibration, odor, or appearance.
**Industrial, Light:** A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabricating, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, and excluding industrial processes which utilize extracted or raw materials, flammable or explosive materials, or which will not create nuisance conditions, such as, but limited to, noise, smoke, vibration, odor, or appearance.

**Industrial Waste:** Wastes resulting from the processes employed in industrial manufacturing, trade, or business establishments.

**Inert Fill:** Material placed on or into the ground as fill that will not react chemically with soil, geologic material, or groundwater.

**Integrated Pest Management Plan (IPM):** Integrated Pest Management (IPM) is the coordinated use of physical, biological and cultural controls and least-toxic pest control products and techniques to prevent unacceptable levels of pest damage by the most economical means with the least possible hazard to people, property and the environment. Integrated Pest Management involves the monitoring of pest populations, establishment of injury levels, modification of habitats (to eliminate sources of food, water, harborage and entry), utilization of least-toxic controls, and keeping of records and evaluation of performance on an ongoing basis.

**Intensive Open Space Uses:** Uses of open space which have the potential, because of their duration, frequency, or nature, to significantly impact the environment, particularly the groundwater quality and quantity. Examples of intensive open space uses include: automobile or all-terrain vehicle race tracks or ranges, etc.

**Landfill:** An area used for the placement of solid waste, liquid waste or other discarded material on or in the ground.

**Lot Coverage:** That area of a property that is occupied by buildings or structures, (temporary or permanent) such as but not limited to: houses, garages, sheds, decks, gazebos, fireplaces, slabs, patios, swimming pools, sidewalks, pathways, gravel or asphalt driveways and roads.

**Mining or Mineral Extraction:** Any operation within any twelve (12) successive month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site. Mineral extraction shall not include the term quarry.

**Nursery (see agriculture)**

**Open Space:** Land that is free of buildings and other permanent structures.

**Overlay District:** The overlay District is an area that shall be superimposed over underlying Districts and land uses that are subject to both the standards in the underlying and the overlay District.

**Park:** Land area set aside for public recreation, conservation, wildlife, or other similar purpose.
Paving (see construction)

Permanent Structure: Any structure which remains in place for more than seven (7) months over any consecutive twelve (12) month period.

Pesticide, Herbicide Bulk Storage: Storage of herbicides of pesticides intended for sale or intended for application on commercial premises or intended for application on cash crops. Homeowner storage or storage by non-commercial gardeners is not included.

Road: A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles, 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.

Salt or Sand/Salt Piles (uncovered): Storage of any amount of salt or sand/salt mix, for any purpose, without a rood or other structure capable of preventing precipitation from reaching the salt or sand/salt.

Silviculture (see agriculture)

Sludge: Residual material produces by water or sewer treatment processes, industrial processes, or domestic septic tanks.

Sludge Utilization: The spreading of sludge on the ground or other use of sludge which might expose surface or groundwater to the sludge.

Snow Dump: A location to which snow is transported and dumped by commercial, municipal, of State snow-plowing operations.

Solid Waste: Discarded solid material with insufficient liquid content to be free flowing. This includes but is not limited to rubbish, garbage, scrap materials, junk, refuse, inert fill materials and landscape refuse.

SPCC Plan: Spill Prevention Control and Countermeasure Plan as described in 40CFR, Part 112 of Federal Oil Pollution Prevention Regulations.

Stormwater Drainage
A sewer or other system for conveying surface runoff due to storm events and unpolluted ground or surface water, including that collected by cellar drains, but excluding sanitary sewage and industrial waste.

Stormwater Impoundment: Any structure designed and constructed to contain stormwater runoff.

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, retaining walls, satellite dishes, patio bricks and driveways. The term includes structures temporarily or permanently located.
Subdivision: A subdivision shall mean the division of a tract of parcel of land as defined in Title 30A, M.R.S.A., section 4401. The term subdivision shall also include such developments as mobile home parks, multiple-family dwelling(s), shopping centers, condominiums, and industrial parks where there are three or more units involved, and additional divisions and developments defined as subdivision in the Madawaska Land Use Ordinance.

Subsurface Injection (see subsurface wastewater disposal)

Subsurface Wastewater Disposal System: A collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or waste water on or beneath the surface of the earth. The term shall not include any waste water discharge system licensed under Title 38 MRSA §414, any surface waste water disposal system licensed under Title 38 MRSA §413 Subsection 1-A, or any public sewer. The term shall not include a waste water disposal system designed to treat waste water which is in whole or in part hazardous waste as defined in Title 38 MRSA Chapter 13, subchapter 1.

Temporary Structure: Any structure which remains in place for less than seven (7) months over any consecutive twelve (12) month period.

Timber Harvesting: The cutting and removal of trees from their growing site, 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.

Transfer Station; Recycling Facility: Facility designed for temporary storage of discarded material intended for transfer to another location for disposal, re-use, and/or processing.

Utility Corridor: Right-of-way, easement, or other corridor for transmission wires, pipes or other facilities, for conveying energy, communication signals, fuel, water, wastewater, etc.

Underground Storage Tank: As defined by State of Maine regulations published by the Maine Department of Environmental Protection.

Waste Disposal, Industrial/Commercial: (See Industrial waste)

Wastewater: Any combination of water-carried wastes from institutional, commercial and industrial establishments, and residences, together with any storm, surface or groundwater as may be present.

Wastewater Treatment Plant: Any arrangement of devices and structures used for treating wastewater.

Watershed: Land lying adjacent to water courses and surface water bodies which creates the catchment or drainage area of such water courses and bodies; the watershed boundary is determined by connecting topographic high points surrounding such catchment or drainage areas.
**Wellhead**: The specific location of a well (a hole or shaft dug or drilled to obtain water) and/or any structure built over or extending from a well.

**Wellhead Protection Area**: Consisting of 2 zones, delineated according to Article III, Section 1 of this Ordinance.

**Well, Abandoned**: A shaft, casing, tile, hole, or pipe placed, drilled, or dug in the ground for the extraction or monitoring of groundwater that has not been used for a period to two consecutive years.

**Well, Existing or New**: A shaft, casing, tile, hole, or pipe placed, drilled, or dug in the ground for extraction or monitoring of groundwater.

**Zone of Contribution**: The area from which groundwater flows to a pumping well.
<table>
<thead>
<tr>
<th>Principal Land Use</th>
<th>Zone 1 (300')</th>
<th>Zone 2 (1000')</th>
<th>Zone 2 (1000')</th>
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<td>With Public Sewer</td>
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<td>Principal Land Use</td>
<td>Zone 1 (300')</td>
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<td>Structures Accessory to Permitted Use</td>
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**Key to Land Use Chart**

YES- Requires review by CEO, Planning Board, and Water District prior to final approval.
NO- Not allowed.