This ordinance was adopted January 7, 1995. Attached at the end of the ordinance is a list of amendments and the dates adopted.

BOARD OF APPEALS ORDINANCE

For the Town of Palmyra

I. GENERAL PROVISIONS
   A. Business of the Board shall be conducted in accordance with Maine Statutes, Town Ordinances, and Roberts’ Rules of Order.
   B. It shall be the responsibility of the Board to become familiar with all the duly enacted ordinances of the Town, which it may be expected to act upon, as well as with the applicable state statutes.
   C. It shall be the responsibility of the Board to become familiar with the community goals, desires, and policies as expressed in a “comprehensive plan”, if any, and grant the minimum relief, which will ensure that the goals and policies of the plan are preserved and substantial justice is done.

II. APPOINTMENTS
   A. Board members shall be appointed by the municipal officers (Selectmen) and sworn in by the Town Clerk or other persons authorized to administer oaths.
   B. The board shall consist of five members and two associate members.
   C. The term of each member shall be for three (3) years except the initial appointment after the Town Meeting of January 7, 1995, and shall be staggered as follows: two for three years, two for two years, and one for one year. Following the Town Meeting of January 7, 1995, subsequent years the members will be appointed for three years. Associate members will serve three-year terms.
   D. Neither a municipal officer nor his or her spouse may be a member or an associate member of the Board.
   E. When there is a permanent vacancy, the Municipal Officers shall, within 60 days of its occurrence, appoint a person to serve for the unexpired term. A vacancy shall occur upon the resignation or death of any member, or when a member ceases to be a voting resident of the Town, or when a member fails to attend four (4) consecutive regular meetings, or fails to attend at least 75% of all meetings during the preceding twelve month period. When a vacancy occurs, the Chairman of the Board of Appeals shall immediately so advise the municipal officers in writing. The Board may recommend to the municipal officers that the attendance provisions be waived for cause, in which case no vacancy will then exist until the municipal officers disapprove the recommendation. The municipal officers may remove members of the Board of Appeals by unanimous vote, for cause, after notice and hearing.

III. OFFICERS AND DUTIES
A. The officers of the Board shall consist of a Chairperson, Acting Chairperson, and Secretary, who shall be elected annually by a majority of the Board.

B. **CHAIRPERSON.** The Chairperson shall perform all duties required by law and this ordinance and preside at all meetings of the Board. The Chairperson shall rule on issues of evidence, order, and procedure, and shall take such other actions as are necessary for the efficient and orderly conduct of hearings, unless directed otherwise by a majority of the Board. The Chairperson shall appoint any committees found necessary to carry out the business of the Board.

C. **ACTING CHAIRPERSON.** The Acting Chairperson shall serve in the absence of the Chairperson and shall have all the powers of the Chairperson during the Chairperson’s absence, disability, or disqualification.

D. **SECRETARY.** The Secretary, subject to the direction of the Board and the Chairperson, shall keep minutes of all Board proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact. The Secretary shall also arrange proper and legal notice of hearing, attend to correspondence of the Board, and to other duties as are normally carried out by a secretary. The Secretary shall keep a record of all resolutions, transactions, correspondence, findings, and determinations of the Board, and shall prepare a complete record of each hearing, including: date(s), time(s), place(s) of the hearing(s); subject of the hearing; identification of each participant; any agreements made between parties and the Board regarding procedures; the testimony presented; findings of fact and conclusions; the decision of the Board; and the date of issuance of the decision. All records are public and may be inspected at reasonable times.

III. **CONFLICT OF INTEREST**

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 whose potential conflict is under consideration.

V. **POWERS AND LIMITATIONS**

A. The Board shall have the following powers to be exercised only upon receipt of a written appeal by an aggrieved party:

1. The Board may interpret the provisions of any applicable town ordinance, which are called into question.
2. The Board may approve the issuance of a special exception permit or conditional use permit in strict compliance with any applicable town ordinance.
3. The Board may grant a variance only where strict application of any applicable town ordinance, or a provision thereof, to the petitioner and his property would cause undue hardship. The words “undue hardship” as used in the subsection mean:

   a. That the land in question cannot yield a reasonable return unless a variance is granted;
   b. 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. The hardship is not a result of action taken by the applicant or prior owner.

4. The Board shall have the power to hear and determine all appeals by any person directly or indirectly affected by any decision, action or failure to act with respect to any license, permit, variance or other required approval, or any applicant therefore, including, the grant, conditional grant, a denial, suspension, or revocation of any such license, permit, variance or other approval (hereinafter a “Decision”):
   a. rendered by the Code Enforcement Officer or the Planning Board pursuant to Shoreland Zoning Ordinance;
   b. rendered by the Code Enforcement Officer or Building Inspector relating to building code enforcement pursuant to any statute or Town ordinance;
   c. rendered by the Planning Board or the Selectmen pursuant to the Subdivision Regulations or the Maine Subdivision Statute;
   d. rendered by the Selectmen pursuant to the Ordinance for the Regulation and Issuance of Special Amusement Permits or 28 M.R.S.A. §702 (also relating thereto);
   e. rendered by the Selectmen or the Road Commissioner pursuant to the Roads Standards Ordinance;
   f. rendered by the Planning Board or the Code Enforcement Officer pursuant to the Ordinance relating to Flood Hazard Building Permit System and Review Procedures;
   g. rendered by the Code Enforcement Officer or Building Inspector pursuant to the Sanitary Code.

VI. MEETINGS:
   A. The regular meeting of the Board shall be held once every other month or as necessary.
   B. The first annual organization meeting of the Board shall be held within 30 days of appointment to the Board by the Selectmen.
   C. The Chairperson shall call a special meeting within ten (10) days of receipt of a written request from the majority of the Board, which request shall specify the matters to be considered at such special meeting.
   D. All meetings of the Board shall be open to the public, except executive sessions. No votes may be taken by the Board except in public meeting. The Board shall not hold executive sessions except for consultation between the Board and its legal counsel concerning litigation or other legal matters where premature general public knowledge would clearly place the Town or Board at a substantial disadvantage.

VII. VOTING:
   A. A quorum shall consist of four (4) members of the Board.
   B. No hearing or meeting of the Board shall be held, nor any action taken, in the absence of a quorum; however, those members present shall be entitled to request the Chairperson to call a special meeting for a subsequent date.
   C. All matters shall be decided by a roll call vote. Decisions on any matter before Board shall require the affirmative vote of a majority of the entire membership of the Board unless otherwise specified herein.
   D. A tie vote or favorable vote by a lesser number than the required majority shall be considered a rejection of the application under consideration.
TOWN OF PALMYRA

E. If a member has a conflict of interest, said member shall not be counted by the Board in establishing the quorum for such matter.

F. If the board has associate members, the Chairperson shall appoint an associate member to act for a regular member who is: disqualified from voting, unable to attend the hearing, or absent from a substantial portion of the hearing due to late arrival. The associate member will act for the regular member until the case is decided.

VIII APPEAL PROCEDURE:
A. Any person aggrieved by an action which comes under the jurisdiction of the Board pursuant to Section V must file such application for appeal, in writing on forms provided within thirty (30) days of the granting or denial or a permit. The applicant shall file this appeal at the office of the Town Clerk, setting forth the ground for his/her appeal. Within seven (7) days of receiving the application for appeal, the Town Clerk shall notify the Chairperson of the Board.

B. The fee to accompany applications for appeal shall be one hundred and fifty (150) dollars with all but fifty (50) dollars refundable. A refund will be made if there is a balance in the account upon completion of the case. Checks are to be made payable to the Town of Palmyra.

IX HEARINGS:
A. The Board shall schedule a public hearing on all appeals applications within (30) days of the filing of a completed appeal application.

B. The Board shall cause notice of the date, time, and place of such hearing, the location of the building or lot, and the general nature of the question involved, to be given to the person making the application and to be published in a newspaper of general circulation in the municipality, at least two times, the date of the first publication to be at least seven days prior to the hearing. The board shall also cause notice of the hearing to be given to the municipal officers, the Planning Board, the Code Enforcement Officer, and the owners of property abutting that for which the appeal is taken at least 20 days prior to the date of the hearing.

C. The order of business at a public hearing shall be as follows:
1. The Chairperson calls the hearing to order.
2. The Chairperson determines whether there is a quorum.
3. The Chairperson gives a statement of the case and reads all correspondence and reports received.
4. The Board determines whether it has jurisdiction over the appeal.
5. The Board decides whether the applicant has the right to appear before the Board.
6. The Board determines which individuals attending the hearing are “interested parties.” “Interested parties” are those persons who request to offer testimony and evidence and to participate in oral cross-examination. They would include abutting property owners and those who might be adversely affected by the Board’s decision. Parties may be required by the Board to consolidate or join their appearances in part or in whole if their interests or contentions are substantially similar and such consolidation would expedite the hearing. Municipal officers, the Planning Board, the Code Enforcement Officer shall automatically be made parties to the proceeding.
Other persons attending the hearing and federal, state, municipal, and other governmental agencies shall be permitted to make oral or written statements and to submit oral and written questions through the Chair.

7. The appellant is given opportunity to present his or her case without interruption.
8. The Board and interested parties may ask questions of the appellant through the Chair.
9. The interested parties are given the opportunity to present their case. The Board may call its own witnesses, such as the Code Enforcement Officer.
10. The appellant may ask questions of the interested parties and Board witnesses directly.
11. All parties are given the opportunity to refute or rebut statements made throughout the hearing.
12. The Board shall receive comments and questions from all observers and interested citizens who wish to express their views.
13. The hearing is closed after all parties have been heard. If additional time is needed, the hearing may be continued to a later date. All participants should be notified of the date, time and place of the continued hearing.
14. Written testimony may be accepted by the Board for seven (7) days after the close of the hearing.

X. DECISIONS:
A. Decisions by the Board shall be made not later than thirty (30) days from the date of the final hearing.
B. The final decision on any matter before the Board shall be made by written order signed by the chairperson. The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, shall constitute the record. All decisions shall become a part of the record and shall include a statement of findings and conclusions, as well as the reasons or bases therefore, upon all the material issues of fact, law or discretion presented and the appropriate order, relief of denial thereof.
C. The Board, in reaching said decision, shall be guided by standards specified in the applicable state laws, local ordinances, policies specified in the comprehensive plan (if any) and by findings of fact by the Board in each case.
D. In reviewing an application on any matter, the standards in any applicable local ordinance or statute shall take precedence over the standards of these rules whenever a conflict occurs.
E. The Board may reverse the decision, or failure to act, of the Code Enforcement Officer or the Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this ordinance or unsupported by substantial evidence in the record.
F. Notice of any decision shall be sent by certified or registered mail or hand delivered to the applicant, his representative or agent, the Planning Board, the Code Enforcement Officer, and the municipal officers within seven (7) days of the decision.
G. Decisions of the Board shall be immediately filed in the office of the Town Clerk and shall be made public record. The date of filing of each decision shall be entered in the official records and minutes of the Board.
XI. CONSIDERATIONS:
A. The Board may reconsider any decision. The Board must decide to reconsider any decision, notify all interested parties and make any change in its original decision within 30 days of its prior decision. A meeting to decide whether to reconsider shall be called by the Chairperson in accordance with Article VI of this ordinance. The Board may conduct additional hearings and receive additional evidence and testimony.
B. Reconsideration should be for one of the following reasons:
   1. The record contains significant factual errors due to fraud or mistake regarding facts upon which the decision was based; or
   2. The Board misinterpreted the ordinance, followed improper procedures, or acted beyond its jurisdiction.

XII. APPEALS TO SUPERIOR COURT:
The decision of the Board of Appeals may be taken, within thirty (30) days after the decision is rendered, by any party to Superior Court in accordance with the Main Rules of Civil Procedure.

XIII. SEVERABILITY:
The invalidity of any section or provision of this ordinance shall not be held to invalidate any other section or provisions of this ordinance.

Town Clerk’s Certification

I certify that the foregoing ordinance was enacted in 1995 and amended in 2009.

Diane Abbott Cookson, Deputy Town Clerk
Dated at Palmyra, Maine, March 31, 2009

Town Seal

I certify that the following is a list of amendments to the foregoing ordinance and dates adopted.

Diane Abbott Cookson, Deputy Town Clerk

March 14, 2009 – Section VIII, section B – increase the application fee from $50 to $150 (with all but $50 refundable.)
## TOWN OF PALMYRA

### COMMERCIAL DEVELOPMENT REVIEW ORDINANCE

ENACTED: July 15, 2006

<table>
<thead>
<tr>
<th>Article</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>General Provisions</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>Purpose</td>
<td>2</td>
</tr>
<tr>
<td>3</td>
<td>Applicability</td>
<td>2</td>
</tr>
<tr>
<td>4</td>
<td>Administration and Enforcement</td>
<td>3</td>
</tr>
<tr>
<td>5</td>
<td>Review Criteria</td>
<td>8</td>
</tr>
<tr>
<td>6</td>
<td>Application Procedure</td>
<td>10</td>
</tr>
<tr>
<td>7</td>
<td>Development Standards Generally</td>
<td>11</td>
</tr>
<tr>
<td>8</td>
<td>Development Standards Specific Activities</td>
<td>22</td>
</tr>
<tr>
<td>9</td>
<td>Definitions</td>
<td>25</td>
</tr>
</tbody>
</table>
Article 1: General Provisions

Section 1. Title

This Ordinance is known and cited as the Town of Palmyra Commercial Development Review Ordinance and will be referred to as “this Ordinance.”

Section 2. Authority

This Ordinance is adopted pursuant to the provisions of Title 30-A MRSA Section 3001.

Section 3. Effective Date

This Ordinance takes effect upon enactment by the Town Meeting. The effective date is: July 15, 2006

Section 4. Relationship With Other Ordinances

Whenever a provision of this ordinance conflicts with or is inconsistent with another provision of this ordinance or any other ordinance, regulation or statute the more restrictive provision shall control. All site review applications are required to conform to all other applicable ordinances and regulations of the Town of Palmyra.

Section 5. Validity and Severability

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

Section 6. Amendments

An amendment to this Ordinance may be initiated by a majority vote of the Selectmen, Planning Board, or by a written petition by a number of voters equal to at least 10% of the number of votes cast in the municipality in the last gubernatorial election.

All proposed amendments shall be referred to the Planning Board for their recommendation. The Planning Board will hold a public hearing on all proposed amendments.

An amendment may only be adopted by a majority vote of the voters at a Town Meeting.

Section 7. Availability

A certified copy of this Ordinance shall be filed with the Town Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost to be charged to the person making the request.
Article 2: Purpose

Section 1. Purpose

The purposes of this Ordinance is as follows:

A. To establish a procedure whereby the Planning Board may review new proposals to use or develop land and buildings for commercial, industrial, office, community and service uses, municipal, institutional, utility and recreational uses.
B. To establish a fair and reasonable set of standards for evaluating each development.
C. To mitigate potential nuisances associated with development from having a negative impact upon the community.
D. To address a wide range of environmental and planning issues associated with development including: noise, odors, stormwater, erosion, phosphorus, waterbody protection, traffic, parking, light and glare, scenic resources, groundwater, historic and archeological resources, significant wildlife and aquatic resources and other natural resources.
E. To reduce off-site impacts from development from negatively affecting municipal services and infrastructure.
F. To insure that adequate water and sewer or subsurface waste water disposal are available to serve the development.
G. To protect the water quality of all the lakes, ponds, streams, brooks, and wetlands within the community.

Article 3: Applicability

Section 1. Applicability

Review is required for all major developments, or the proposed explanation of existing commercial operations as provided below:

A. The construction or placement of any new building or structure for a nonresidential use, including accessory buildings and structures, in excess of 5000 square feet in footprint area.
B. The expansion of an existing nonresidential building or structure, including accessory buildings and structures, if it increases the square footage in excess of 5000 square feet of footprint area.
C. The conversion of an existing building, in whole or in part, from a residential use to a nonresidential use, where the area converted is more than 5000 square feet of footprint area.
D. The establishment of a nonresidential use, even if no buildings or structures are proposed including such uses as cemeteries, golf courses, commercial recreational facilities and other similar nonresidential uses.
E. The construction or conversion of an existing nonresidential use in whole or in part, to another nonresidential use that results in more than 200 vehicle trips per day or 100 vehicle trips at peak hour.

F. The construction or expansion of paved areas or other impervious surfaces, including walkways, access drives, roads, parking lots greater than 40,000 square feet.

G. Commercial facilities for the storage of bulk fuel, chemicals, or other flammable or hazardous substances that exceed 1000 gallons.

Article 4: Administration and Enforcement

Section 1. Planning Board

The Planning Board shall have the following powers and duties:

A. To administer this Ordinance.
B. To hear and decide upon applications according to this Ordinance.
C. To develop site review application forms.
D. To provide the Code Enforcement Officer with a written decision of each application.
E. To issue permits.
F. To charge impact fees when applicable.

Section 2. Code Enforcement Officer

The Code Enforcement Officer shall have the following powers and duties.

A. To enforce the provisions of this Ordinance.
B. To issue stop work orders and other appropriate notices of violation.
C. To assist the Planning Board with the review process.
D. To conduct site visits and to review applications as authorized by this Ordinance.

Section 3. Commercial Development Review Permits

The Planning Board shall review and decide upon all applications and shall submit their written decision on each application to the Code Enforcement Officer and the applicant.

No development activity shall occur until the Planning Board has issued a permit.

Section 4. Permit Fee

A non-refundable review fee shall be submitted with the application. The Planning Board shall establish the fee.

Section 5. Permit Expiration

Permits are valid for two (2) years from date of issue; however, if no construction has begun within six (6) months of date of issue, any permit issued shall be void.
Permits that have expired, the applicant shall obtain another permit as required by this Ordinance by submitting another site review application to the Planning Board. A permit is transferable to subsequent owners of the property.

Section 6. Decisions

After review of a complete application the Planning Board shall determine whether the proposal meets the review criteria contained in Article 5 of this Ordinance. The Planning Board shall make a written finding of fact to support its decision and vote to approve the application, approve the application with conditions, or deny the application. The Planning Board shall submit its decision to the applicant and the Code Enforcement Officer.

Section 7. Burden Of Proof

The applicant shall have the burden of proof to show that the proposal meets the applicable review criteria and the standards contained in this Ordinance.

Section 8. Rights Not Vested

The submittal of the application to the Planning Board to review for a complete application shall not be considered the initiation of the review process for the purposes of bringing the application under the protection of Title 1, MRSA Section 302. The formal review process shall begin upon notification to the applicant that a complete application has been received.

Section 9. Site Inspection

The Planning Board and/or the Code Enforcement Officer may perform an on-site inspection of the proposed project to obtain knowledge about the site and the surrounding area.

Section 10. Additional Information And Studies

The Planning Board may at its discretion retain independent expert assistance to supplement the evidence presented by the applicant and received during the public hearing. The cost of such expertise shall be borne by the applicant according the terms of an escrow account set-up at the time the application is submitted as listed in the Application Fee Schedule established by the Planning Board.

Section 11. Waiver

A. The Planning Board may vote to waive any of the submission requirements in this Ordinance when it finds one of the following:
   1. One or more of the submissions requirements are not applicable to the proposal due to the size of the project, circumstances of the site, design of the project, type of project, or unique features of the proposed use.
2. The applicant may submit alternative designs, which meet or exceed performance standards required under this Ordinance. Such submissions shall not be waived by may replace standard submissions.

B. The applicant shall submit information to support the waiver request with the application.

C. The Planning Board may only consider a waiver request when the applicant has submitted a written waiver request with the application. The first item of the application review shall be a consideration of any waiver request. The Planning Board shall review the waiver request and if it meets the appropriate criteria may approve the request. If the Planning Board finds that the waiver request does not meet the criteria, it shall deny the waiver and require the applicant to revise the application as necessary. The Planning Board may vote to suspend review of the application until the applicant supply all the necessary information. The applicant shall submit all required information to the Planning Board within 60 calendar days of the denial of the waiver request. Failure to submit the information within this time will require that a new application be submitted for review. In no case shall the Planning Board make a final decision on the application until the applicant supplies additional information to the satisfaction of the Board.

D. All waivers approved by the Planning Board shall be documented during the review process.

Section 12. Conditions

In determining whether conditions are appropriate or necessary, the Planning Board shall consider the unique features of the following: site and surrounding area, proposed use and proposed structure. A written finding of fact shall be created stating that unique features are found to exist and suitable conditions can be imposed to meet the purposes of this Ordinance.

The conditions shall be listed in the permit and shall be made enforceable under this ordinance.

Section 13. Public Hearing Requirements

The Planning Board may hold a public hearing on each site review application as follows:

A. The public hearing shall be held within 35 days after the proposed application is deemed complete. This period may be extended for up to 60 days by mutual consent by the applicant and the Planning Board.

B. The notice of the date, time, and place of the public hearing shall be made as follows:

C. The town shall publish a notice at least once in a newspaper having general circulation within the Town. The date of the first publication shall be at least 7 days before the hearing.  
2. The Town shall notify the applicant by first class mail.  
3. The applicant shall notify all property abutters by return receipt mail, at least 7 days before the public hearing. The applicant shall provide the Planning Board...
Board with all of the return receipts. Failure of an abutter to receive a notice shall not invalidate the public hearing, nor shall it require the Planning Board to schedule another hearing.

C. The Planning Board may vote to continue the public hearing to receive additional public comment or information concerning the application. The Board is not required to meet the notice requirements listed above for the continued public hearing.

Section 14. Appeals

A. The Board of Appeals is authorized to hear administrative appeals and variance appeals arising from this Ordinance.

1. Administrative Appeals: To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration of this Ordinance.

2. Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance, variances may be permitted only under the following conditions:
   a. Variances may be granted only from dimensional requirements including but not limited to, lot width, structure height, lot coverage, and setback requirements.
   b. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
   c. The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance it deems necessary. The party receiving the variance shall comply with any conditions imposed.

B. Appeal Procedure

1. An aggrieved party may take an administrative or variance appeal to the Board of Appeals from any decision of the Planning Board or the Code Enforcement Officer. Such appeal shall be taken within 30 days of the date of the decision appealed from, and not otherwise, except that the Board of Appeals, upon a showing of good cause, may waive the 30-day requirement.

2. Such appeal 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 it should be granted.
   b. A sketch drawn to scale showing lot lines, location of exiting buildings and structures and other physical features of the lot pertinent to the relief sought.

3. Upon being notified of an appeal, the Planning Board or the Code Enforcement Officer, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

4. The Board of Appeals shall hold a public hearing on the appeal within 45 days of its receipt of the appeal request.

C. Decision by the Board of Appeals
1. A majority of the Board of Appeals shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.

2. The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Planning Board or Code Enforcement Officer, or to decide in favor of the applicant on any matter, or to affect any variation in the application of this Ordinance from its stated terms. The Board of Appeals may reverse the decision, or failure to act of the Planning Board or the Code Enforcement Officer only upon a finding that the decision, or failure to act was clearly contrary to specific provisions of this Ordinance.

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

4. The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformation with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance it deems necessary. The party receiving the variance shall comply with any conditions imposed.

D. Appeal Procedure

1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Planning Board or the Code Enforcement Officer. Such appeal shall be taken within 30 days of the date of the decision appealed from, and not otherwise, except that the Board of Appeals, upon showing of good cause, may waive the 30-day requirement.

2. Such appeal 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 it 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.

3. Upon being notified of an appeal, the Planning Board or Code Enforcement Officer, as appropriate, shall transmit to the Board of Appeals all the papers constituting the record of the decisions appealed from.

4. The Board of Appeals shall hold a public hearing on the appeal within 45 days of its receipt of an appeal request.

E. Decision by the Board of Appeals

1. A majority of the Board of Appeals shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.

2. The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Planning Board or the Code Enforcement Officer, or to decide in favor of the applicant on any matter, or to affect any variation in the application of this Ordinance from its stated terms. The Board of Appeals may reverse the decision, or failure to act of the Planning Board or the Code Enforcement Officer only upon a finding that the decision, or failure to act was clearly contrary to specific provisions of this Ordinance.
3. The person filing the appeal shall have the burden of proof.
4. The Board of Appeals shall decide all appeals within 35 days after the close of the public hearing, and shall issue a written decision on all appeals.
5. 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, and the appropriate order, relief, or denial thereof.
6. 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 45 days from the date of any decision by the Board of Appeals.
7. The Board of Appeals may reconsider any decision within 30 days of its prior decision. The Board may conduct additional hearings and receive additional evidence or testimony.

Section 15. Enforcement and Penalties

A. The Code Enforcement Officer shall keep a record of all enforcement actions and shall institute or cause to be instituted in the name of the Town any actions that might be appropriate for the enforcement of this Ordinance, including the use of administrative consent agreements.
B. Any person, including but not limited to a landowner, landowner's agent, or contractor, who is responsible for a violation of this Ordinance is liable for the penalties in Title 30-A, MRSA, Section 4452.

Article 5: Review Criteria

Section 1. Review Criteria

An applicant for a commercial development permit shall demonstrate that the proposed use or project meets the review criteria listed below. The Planning Board shall not approve an application unless it makes written findings that all these criteria have been met.
A. The application is complete and applicable review fee has been paid.
B. The proposal conforms to all the applicable provisions of this Ordinance.
C. The proposed activity will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that an unsound or unhealthy condition results.
D. The proposed activity will not have an adverse impact on freshwater wetlands.
E. The proposed activity will not have an adverse impact upon any waterbody such as a lake, pond, or stream.
F. The proposed activity will provide for adequate storm water management.
G. The proposed activity will provide for adequate sewage disposal.
H. The proposed activity will not adversely impact on floodplain areas and will conform to the applicable requirements of the Town of Palmyra Floodplain Management Ordinance.
I. The proposed activity will not result in air or water pollution.
J. The proposed activity has sufficient water available for the current and foreseeable needs of the development.
K. The proposed activity will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
L. The proposed activity will dispose of all solid waste in conformance with all local regulations and that the type and quantity of waste proposed to be sent to Town facilities will not exceed their capacity.
M. The proposed activity will not have a significant detrimental effect on adjacent land uses or other properties that might be affected by waste, noise, glare, fumes, smoke, dust, odors or their effects.
N. The proposed activity will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of highways or roads existing or proposed.
O. The proposed activity to the maximum extent possible will not have an adverse affect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the Town of Palmyra, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
P. The proposed activity shall conform to all the applicable requirements of the Town’s Shoreland Zoning Ordinance, and all other local Ordinances.
Q. The proposed activity will not unreasonably increase a great pond’s phosphorus concentration if the development is within the watershed of a great pond.
R. The Town has the capacity to provide fire, rescue, and police services.

Article 6: Application Procedure

Section 1. Application Procedure

A. The applicant shall submit the site review application to the Planning Board along with the appropriate application fee and written evidence that abutters have been notified.
B. The Planning Board shall issue a dated receipt to the applicant upon receiving the application.
C. Within 35 days of receipt of the application, the Planning Board shall make a determination whether the application is complete and notify the applicant about their decision.
   1. If the application is not complete the Planning Board shall notify the applicant of the specific materials needed to complete the application. The applicant shall provide the required materials according to above listed procedure.
   2. If the application is complete it will be placed on the Planning Board’s agenda for review and consideration.
D. The applicant shall, at least 14 days prior to the scheduled meeting, submit to the Planning Board 6 copies of the site review application including all plans and
maps. The applicant may provide reduced copies of maps and plans, however; at least one full size set of maps and plans shall be submitted.

E. The Planning Board shall make a final decision upon the application within 90 days of the initial meeting. However, upon mutual consent of the applicant and the Planning Board the final decision may be extended.

F. The Planning Board shall make a final decision in writing to the applicant and to the Code Enforcement Officer within 7 working days. Any conditions imposed upon the application shall be listed in the Planning Board’s final decision.

Section 2. Submission Requirements

All site review applications shall be submitted on the forms developed by the Planning Board and shall include the following materials and information.

A. Site Review Application.

B. Site Review Application Fee.

C. Waiver Request, if applicable.

D. General information including the following:
   1. Name, address, and telephone number of the application and applicant’s agent, if applicable.
   2. Property location, including address, map, and lot number
   3. Verification of the applicant’s right, title or interest in the property.
   4. Estimated cost of the proposal.
   5. Schedule of construction, including anticipated beginning and completion dates.
   6. A description of the project.

E. General location information including the following:
   1. A copy of the tax map showing the property and surrounding parcels.
   2. A copy of the Somerset County soil map showing the property.
   3. A copy of the USGS Topographic map showing property.
   4. A copy of the Town Shoreland Zoning Map showing the property if located in a Shoreland District.
   5. A copy of the FIRM Map showing the property if located in designated floodplain.
   6. A copy of the National Wetlands Inventory Map showing property.
   7. A map drawn to scale showing the location, boundaries, elevations, uses and square footage size of the following:
      a. Developed site.
      b. Type of Structures.
      c. Setbacks.
      d. Parking areas.
      e. Driveways and roads.
      f. Drainage ways, easements, and right of ways.
      g. Watercourses, waterbodies, and wetlands
      h. Number of acres within the development
      i. Size of all impervious areas.
      j. All other significant natural and physical features and true north.

F. The location of all proposed subsurface wastewater disposal systems.
G. Indication of the water source for the proposal including evidence that an adequate water supply is available to supply all the water needs of the proposal including fire suppression. (Please note: the fire chief should be consulted to determine whether or not appropriate structures required to supply a water source to handle fire threat.)

H. Evidence that all other local permits have been obtained including but not limited to: Shoreland Zoning and Floodplain Management.

I. An erosion control plan as per requirements of this Ordinance.

J. A storm water control plan as per the requirements of this Ordinance.

K. A phosphorus control plan as per requirements of this Ordinance.

L. The traffic access data for the site including an estimate of the amount of vehicular traffic to be generated on a daily basis.

M. Any proposed areas or structures to be dedicated to public use.

N. Scaled drawings showing the location and construction specifications for all proposed roads including drainage features such as ditches and culverts, access points, driveways, parking areas, and other traffic management control features.

O. Any other material to show that the applicable performance standards or other requirements of this Ordinance are followed.

P. The estimated quantities of flammable or hazardous materials to be stored or handled on site.

Article 7: Development Standards Generally

Section 1. Air Quality

A. No development is permitted which will cause emissions of dust, ash, smoke, or particulates likely to damage human or animal health, vegetation, or property, by reason of concentration or toxicity. Evidence that relevant state and federal regulatory requirements have been met shall be considered sufficient to meet this standard. This shall not be construed to regulate dust or odors generated by agricultural practices conducted using accepted Best Management Practices (BMP).

Section 2. Access To Public Streets

This section shall apply to all development requiring a permit that directly access streets classified Arterial or Collector by the Maine Department of Transportation. Compliance with this section shall not relieve the applicant of the need for permitting under State Access Management Regulations.

A. General Provisions

1. The number of access points shall be the minimum necessary to assure safe and proper vehicular access to the site. As a general rule, no more than two access points onto any single road will be allowed. Where more than one road abuts the development site, the Planning Board may require the developer to access the site from the road with less potential for congestion and traffic hazard.
2. All streets, which can be expected to carry traffic to and from the development, shall have sufficient capacity or be suitably improved to accommodate the amount and types of traffic generated by the development. No development shall increase the volume to capacity ratio of any street above 0.8 nor reduce the level of service to "D" or below on any street. (Source: A Policy on Design of Urban Highways and Arterial Streets – based upon material published in Highway Capacity Manual, National Academy of Sciences, 1965).

3. Access points shall be of a design and have sufficient capacity to avoid the stopping or standing of vehicles attempting to enter the development from the street. Where necessary to ensure safety of drivers and pedestrians and to avoid congestion, the developer shall install turning lanes, traffic directional islands, frontage roads, signalization, or other traffic controls within public streets. All such installations shall conform to standards in the Manual on Uniform Traffic Control Devices published by the American Traffic Safety Services Association.

4. The Planning Board may require the developer to plan or install access to adjoining adjoining properties where it will serve to reduce demand for vehicular movement on public roads.

5. In order to provide adequate visibility, all access points shall be kept free from visual obstructions, including signs, within a triangular area defined by legs of 25 feet measured along the driveway and street lines.

B. Location and Design of Access Points
1. Sight Distance: All access points shall be located to provide minimum sight distance of the (10) feet for each mile per hour of posted speed limit in both directions. Sight distance is measured from a point ten (10) feet behind the edge of the traveled way, with the height of the eye at 3.5 feet, to the top of an object 4.5 feet above the street surface.

2. Access points shall be designed and constructed to a standard consistent with their estimated volume as follows:
   - Low Volume: Peak hour volume of six (6) or fewer vehicles.
   - Medium Volume: Any access that is not a low volume.
   - High Volume: Peak hour volume of one hundred (100) or more vehicles.

a. Design Criteria
   - All portions of an access point within the right of way of the street shall be paved with a bituminous concrete pavement. Paving shall consist of a minimum thickness of three (3) inches of bituminous concrete over a compacted subbase of gravel of at least 25 inches in thickness.
All access points entering a curbed street shall be curbed to the full radium of the access point to a minimum distance of fifty (50) back from the edge of the existing curbline.

All access points shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 75 degrees.

The curb radius for two-way access points shall be at least 20 feet. The curb radius for one-way access points or access points with median islands shall be between five and ten feet on the inside corner and at least 30 feet on the outside corner.

The width of a low volume driveway shall be no more than 20 feet. The width of a medium or high volume driveway may be between 20 and 26 feet. For driveways with a median island, the width shall apply to each side. Where truck traffic is a major element, the width may be increased to 30 feet. The width of individual, “right turn only” channels shall be no more than 20 feet.

From the edge of the traveled way, the access point should not exceed a grade of 2 percent for a minimum of 40 feet, or, where a traffic study has been done, for the full distance of the predicted queue of vehicles at the peak hour.

b. Median and Channelization Islands
Median or channelization island(s) are required for high volume access points and may also be required for medium volume access points at the discretion of the Planning Board. Median islands shall be between 6 feet and 10 feet in width and shall create a throat (entry lane) of adequate length based on the traffic study, but in no case less than 60 feet. All islands shall be curbed with sloped curbing, with proper signs installed to direct traffic.

c. Spacing standard
No low or medium volume access point shall be located within one hundred (100) feet of any street intersection. No high volume access point shall be within two hundred fifty (250) feet of any intersection. Distance shall be measured from the point of tangency for the intersection curb radius to the point of tangency for the access point curb radius.

The minimum separation distance between two low volume access points or a low and a medium volume access point is fifty (50) feet. The minimum separation distance between two medium volume access points or a high and a medium volume access point is seventy-five (75) feet. The minimum separation distance between two high volume access points is one hundred fifty (150) feet.

No access point shall be located within ten (10) feet of a property line.
d. Any access point which intersects an existing or planned sidewalks shall incorporate ramped access curbing in accordance with the Americans with Disabilities Act.

Section 3. Erosion Control

A. All soil disturbances must be conducted in a manner, which avoids sediment leaving the property. Development must employ best management practices (BMP) for erosion control. Erosion of soil and sedimentation shall be avoided by employing BMP’s as established in “Maine Erosion & Sediment Control Handbook for Construction – Best Management Practices” Cumberland County SWCD & MDEP – March 1991.

B. The least possible amount of disturbance will occur during construction in regard to tree removal, de-vegetation, and soil disturbance. In particular, strips of naturally vegetated areas existing on the down slope side of the construction site shall be maintained as undisturbed buffer areas.

C. All watercourses, waterbodies, and wetlands will be protected from sedimentation by the installation of silt fence barriers or other appropriate means. Such barriers shall be installed before digging, soil removal, the stripping of vegetation, scarification, or soil disturbance of any kind occurs within 500 feet of a watercourse, waterbody, or wetland or on slopes greater than 10%. The barriers shall be installed at all points immediately down slope of soil exposing activities.

Section 4. Historic and Archeological Resources

If any portion of the site has been identified, or is found to contain historic or archaeological resources, the development plan shall include appropriate measures for protecting these resources, including, but not limited to, modification for the proposed building and site layout and design.

Section 5. Material Storage

A. All outdoor storage areas, including areas used for the storage or collection of solid waste, automobiles, auto parts, building materials, machinery, or other such items, shall have screening sufficient to minimize impact on roads, neighboring and other properties in the area. Walls, fencing, dense plant material, or a combination of techniques can be used to achieve this intent. A dense evergreen hedge six (6) feet or more in height at the time of planting shall be the preferred means of attaining this standard.

B. Where the Planning Board recognizes a potential safety hazard to children, a physical barrier sufficient to deter small children from entering the area shall be provided and maintained in good condition.

C. No bulk storage of flammable or explosive liquids, solids, or gases shall be permitted unless storage facilities are located at least seventy-five (75) feet from any property line if aboveground, or forty- (40) feet if underground. All materials shall be stored in compliance with requirements of the Maine
Department of Public Safety and other appropriate Federal, State, and local regulations. Propane gas tanks in two hundred (200) pound cylinders or smaller and heating fuel tanks of 330 gallons or smaller are not considered bulk storage for the purpose of these standards except where three or more are aggregated.

All above-ground storage facilities for toxic, flammable, or explosive liquids shall be located on impervious surfaces and shall be completely enclosed with a dike high enough to contain the total capacity of the storage tank(s) plus the rain falling into the area during a twenty-five (25) year, 24-hour duration storm, or 150 percent of the volume of the storage facility, whichever is greater.

Section 6 Natural Resource Protection

A. Natural Features
Site development shall minimize, insofar as possible, disturbance of natural Features. Designating on the site plan the limits of development-related clearing shall do this. Outside of the limits, there shall be no tree removal, water channelization, soil disturbance or grading and filling.

B. Habitat Protection
If any portion of the parcel has been identified as a critical natural area, or as containing threatened or endangered species of plants or animals, the subject shall be located outside the clearing limits. The Planning Board may require a mitigation or management plan to be reviewed by the Maine Department of Inland Fisheries and Wildlife (IFW) or Natural Areas Program of the Department of Conservation as appropriate.

1. If any portion of the area to be developed included areas mapped by the Maine IFW as Deer Wintering Areas, the developer shall consult with the Department on means to limit the impact of the development on the habitat, and incorporate those recommendations into the development plan insofar as practicable.

2. If any portion of the area to be developed includes wetland, as determined by the Town of Palmyra, the Maine DEP, or a certified soil scientist, the developer shall avoid, minimize, and mitigate impacts on the wetland both during and after the construction.

C. Groundwater Protection
1. Any development, which will generate a demand of 2,000 gallons per day or greater out of the groundwater supplies, shall not affect groundwater availability beyond the boundaries of the property. The developer shall demonstrate that groundwater will not be diminished in quantity or quality as a result of the project.

2. Within the area identified as Significant Sand and Gravel Aquifer by the Maine Geological Survey, no activity involving the production, use, or storage of hazardous or toxic chemicals or petroleum products shall be conducted except in accordance with a Spill Prevention and Management Plan developed at the time of application and approved by the Town of Palmyra.

Section 7 Noise
A. The maximum permissible noise from any continuous, regular, or frequent source of sound within a development shall be no more than 55 decibels between the hours of 7 AM and 9:30 PM, and 45 decibels at other times. These levels specified may be exceeded by 10dB for no more than 15 minutes per day.

B. Noise shall be measured by a meter set on the A-weight response scale, slow response. The meter shall meet the American National Standards Institute (ANSI S1.4-1961) specifications for General Purpose Sound Level Meters. Sound levels shall be measured at least 4 feet above ground at the property boundary.

C. Sounds emanating from safety signals, warning devices, emergency pressure relief values, and other emergency or public safety devices are exempt from these provisions.

D. On sites abutting a residential use, development construction shall be staged so that exterior activities are not conducted between the hours of 9:30 PM and 7 AM. The Planning Board may require additional measures for noise suppression.

Section 8. Outdoor Lighting

A development may employ outdoor lighting, which serves security, safety and operational needs to the extent that it does not impair the vision of vehicle operators on adjacent streets or infringe on the enjoyment of neighboring properties. Lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians or from adjacent dwellings. Intensity should not exceed one (1) footcandle at the property line, and under no circumstances be located or directed so as to create a nuisance to abutting residential properties.

Section 9. Parking

A. General

No new or expanded development shall be permitted unless off street parking is provided in accordance with the following provisions.

B. Parking Lot Design Criteria

1. Location

All parking spaces and aisles shall be at least five (5) feet from any side or rear lot line. This shall not be construed to eliminate the requirement for screening, Subsection 10, below. Aisles and parking spaces will not be located within right-of-way of the public road.

2. Interior Circulation

a. The entry lane(s) should be designed to allow continuous and uninterrupted traffic movement on the public road, through the provision of adequate throat length, deceleration lanes, or other measures. The entry lane shall not provide direct access to the parking spaces.

b. Islands containing guardrails, curbs, fences, walls, or landscaping should be used to identify circulation patterns of parking areas and restrict driving movements diagonally across parking aisles, but shall be designed and placed so as not to impede views of pedestrians and vehicles.

c. No parking spaces shall be directly accessible from the public road, nor shall motorists be required to use the public road to enter or exit a space.
All spaces shall be accessible from an aisle without the necessity of moving other vehicles.

d. Parking aisles should be oriented perpendicular to stores or businesses for safer pedestrian access and visibility.

e. Any layout that utilizes vehicular access service (drive-up) windows shall provide a minimum of five car lengths of queuing space on the incoming side of the first window. The required queuing space shall be designed so that it shall not interfere with parking and circulation on the remainder of the site.

3. Layout of Parking Stalls and Aisles

a. Parking stalls shall be a minimum of nine (9) feet in width by eighteen (18) feet in length. Stalls designated for handicapped use shall be a minimum of twelve (12) feet in width by eighteen (18) feet in length and marked appropriately. Stalls may be angled, provided aisles are designated one-way, and each stall contains the minimum rectangular dimensions. Stalls for parallel parking shall be no less than nine (9) feet in width by twenty-two (22) feet in length.

b. In paved lots, the Planning Board may require painted stripes to delineate parking stalls. If required, stripes should be a minimum of four (4) inches in width. Where double lines are used, they should be separated a minimum of twelve (12) inches on center.

c. Two-way aisles shall be a minimum of twenty-two (22) feet in width. One-way aisles shall be a minimum of eighteen (18) feet in width.

d. Bumpers or wheel stops shall be provided where improperly parked cars might restrict traffic flow or pedestrian movement on adjacent walkways, or damage landscape material.

e. Oversized parking spaces may be designed in areas that ordinarily serve such vehicles as recreational vehicles, travel trailers, delivery trucks or tractor-trailer trucks.

B. Standards for Number of Parking Spaces

1. Basic Requirements of Parking Spaces.

Adequate off-street parking shall be provided by the developer. The table below shall be interpreted as a guide, subject to adjustments in Subsection 2, following. For uses not listed, the publication Parking Demand (ITE, 1987 or most recent edition) shall be consulted. Within each development, at least one space, plus one additional space for every twenty-five (25) shall be designated as available for handicapped persons:

<table>
<thead>
<tr>
<th># of Spaces</th>
<th>Land Use Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Places of Residence or Accommodation – spaces per room or dwelling unit</td>
<td></td>
</tr>
<tr>
<td>1/3</td>
<td>Dedicated Retirement Home, Nursing Care Facility</td>
</tr>
<tr>
<td>1</td>
<td>Overnight accommodations</td>
</tr>
<tr>
<td>2</td>
<td>Multifamily buildings</td>
</tr>
</tbody>
</table>

Places of Public Assembly – spaces per seat based on maximum seating

<table>
<thead>
<tr>
<th># of Spaces</th>
<th>Land Use Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/4</td>
<td>Theater, with fixed seating</td>
</tr>
<tr>
<td>1/3</td>
<td>Church</td>
</tr>
<tr>
<td>1/2</td>
<td>Restaurant, Convention Center, Meeting Hall, Grange</td>
</tr>
</tbody>
</table>
### Places of Commerce and Industry – spaces per 1000 sq ft of gross floor area

1 1/2 Warehousing, inside sales of motor vehicles

3 Grocery stores over 5000 sq ft, Offices, professional, and personal services, except as noted.

4 Retail Sales as noted

5 Banks, Medical and Dental Offices, Fitness Clubs, Child Care

### Public and Institutional Facilities – spaces per 1000 sq ft of gross floor area

2 Elementary Schools

4 Secondary School, Community Center, Municipal Office

6 College, Hospital

### Miscellaneous – criteria as specified

1 per 1000 sf Indoor Sports Facility (Tennis, Fitness, etc.) no spectators

1 per 4 seats Stadiums, Arenas, Racetracks, and other spectator sport based on max venues seating capacity

30 per acre Mini-Golf, Go-Carts, and other Outdoor Amusements

5 per lane Bowling Alley

3 per service bay Motor Vehicle Sales and Service 1 per 10 vehicles displayed

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2. Flexibility in Standards: The Planning Board is permitted to modify these standards as minimum requirements, under the following circumstances:

   a. By up to 10 percent, based upon a showing that similar uses under similar circumstances generate greater or less demand.

   b. The following specified uses, because their peak hour/day varies from conventional parking demand, may meet up to 50 percent of their parking requirement through a shared-use agreement with another use: churches, clubs, restaurants, theaters, sport facilities.

   c. A development may include as a portion of its parking requirement the provision of parking spaces not located on the same lot provided 1) that the spaces are located within 250 feet of the property, 2) that a written agreement is in place for a long-term use of the spaces, and 3) that the spaces would not be among the minimum required for the use already existing on that lot.

   d. The provision of spaces for vehicles used in the ordinary conduct of the business, such as construction vehicles, tractor-trailers, and vehicles displayed for sale, shall not be included in the above calculations.

   e. The Planning Board may waive the installation of parking spaces provided that adequate provision is made for the development of these spaces as needed in the future, specified by conditions on the permit. Such conditions may require permanent set-aside of adequate space, and provision of construction plans along with the specified conditions under which the installation will be triggered.

3. Impact on Physical and Environmental Resources. Parking lots shall not be excessively large, nor contain an area more than 25 percent greater than the minimum set by these standards.

The Planning Board may require use of pervious or semi-pervious materials as an alternative to pavement in order to reduce the quantity or improve quality of stormwater runoff.
4. Uses: Any portion of a building or lot with a use that is distinct from principal use identified on the chart above shall be considered as a separate use for the purpose of calculating spaces, if it exceeds in area or seating capacity 25 percent of the overall extent of the development. If a mixed use consists of any residential use combined with any commercial use, the Planning Board may waive or modify space requirements for the residential use unless it consists of more than 67 percent of the total floor space.

5. Loading bays shall be provided as necessary. Loading bays shall be a minimum of twelve (12) feet by fifty-five (55) feet and be designed and delineated so as not to interfere with traffic flow or other parking spaces.

Section 10. Screening Of Structures, Parking Lots, and Other Commercial Uses

A. Screening for Structures and Parking Lots

New commercial and multi-family developments shall be separated from the street by a vegetative screen. The buffer shall include a mixture of native shrubs and trees selected for adaptability to roadside conditions. The owner shall be responsible for maintenance of the buffer planting, and shall replace decreased plant material within one growing season. The buffer shall be designed as follow:

1. All buffer areas shall maximize the retention and use of naturally occurring woodland and shrubs, with minimal clearing, unless required by the Planning Board to be replaced or augmented with plantings to achieve a reasonable screening from public ways.

2. Buffers shall be a minimum of thirty-five (35) feet in depth and extend along the entire frontage of the lot on public ways, except for the access points or driveways lanes. The number and width of lanes shall be the minimum necessary to achieve safe and efficient passage of vehicles.

B. In cases where a parking lot exceeds one hundred-fifty (150) spaces, additional landscaping shall be placed within the lot, sufficient to divide the lot into two (2) smaller units of no more than 100 spaces each. Landscaped islands should consist of fifteen (15) feet planted width, except that a pedestrian walkway may be placed within the area, provided that it occupies no more than one-half the width.

C. Screening of Adjacent Properties

Screening shall be required wherever a proposed commercial use abuts a residential development or pre-existing home, and in other instances where the Planning Board determines uses may be incompatible.

1. Screening shall consist of a natural (preferred) or artificial buffer sufficient to ensure continuous year round screening. Screening shall be sufficient to minimize the impacts of large buildings, vehicle movements, outdoor storage areas, glare, and related commercial activity. Areas shall be maintained and vegetation replaced as necessary. The following is intended as a guide:

   a. A fifty (50) foot minimum will be required if the buffer will consist of natural woodland, provided that the Planning Board may require supplemental plantings to achieve an effective visual screen.

   b. A twenty-five (25) foot minimum will be required if the buffer will consist primarily of dense planting of native coniferous trees.
2. Where no vegetation can be maintained, or due to unusual site conditions, the Planning Board may approve a screen consisting of fences, walls, berms, or combinations thereof.

Section 11. Signs

A. Purpose
   The purpose of this section is to allow advertising and informational signs that will not, by their nature and location, endanger the safety of individuals, or confuse, mislead, or obstruct the vision necessary for traffic safety, or otherwise endanger the public health, safety, and welfare.

B. Abandoned Signs
   Any free-standing sign which advertises a business conducted, product sold, or activity no longer in existence, or which, through lack of maintenance or other reason, becomes a hazard shall be removed by the owner, agent, or person responsible for the lot upon which the sign is located.

C. Illuminated Signs
   Signs may be illuminated internally or externally by lights, which shielded or hooded so that the light source is not a nuisance to traffic or neighboring properties. Lighting shall be constant in color, location, and brightness. Signs shall not give off a reflect light at an intensity greater than (50) foot candles as measured one hundred (100) feet from the sign.

D. Sign Area and Placement
   No more than two signs, projecting or free standing, which in combination are not more than 32 square feet in size, shall be permitted per premise.

   A sign may be placed in the front setback area but may not protrude beyond the property line. All signs must be mounted on buildings or secured to the ground in such a manner as to prevent them being dislodged by strong winds. Signs in the vicinity of an access point shall be placed so as not to obstruct driver vision. Such signs shall comply with standards in Subsection 2.B.1.

Section 12. Stormwater Management

A. All new construction and development shall be designed to reflect or resemble, as nearly as possible, natural runoff conditions in terms of volume, velocity, and location of runoff. All systems shall be designed so as to have no significant adverse effect on neighboring properties, downstream water quality, soil stability, or the public drainage system. Where possible, existing natural features, such as berms, swales, terraces, and wooded areas shall be retained in order to control runoff and encourage infiltration of storm water.

B. Stormwater drainage systems shall be designed to minimize the volume and rate of outflow from the development, including engineered measures and off-site improvements such that the downstream system can accommodate peak
discharge of two (2), ten (10), and twenty-five (25) year frequency, twenty-four (24) hour duration storms.
2. A stormwater control plan prepared according to the requirements of DEP Regulation chapter 500, “Stormwater Management” and chapter 502 “Direct Watersheds of Waterbodies Most At Risk From New Development” shall be deemed suitable to meet these standards.

D. Within lake watersheds, stormwater systems shall include runoff from roof drains and camp roads to encourage infiltration and minimize phosphorus loading.
E. Stormwater systems shall be maintained as necessary to ensure proper functioning.

Section 13. Wastes

A. Solid Waste
The development shall provide and bear the cost for the disposal of all solid wastes and recyclables on a timely basis and in an environmentally safe manner. The development will not produce wastes that exceed the capability of the transfer station, in either volume or type of waste. Any toxic, hazardous, or special waste must be disposed of in compliance with state and federal regulation and in a manner approved by the Planning Board.

B. Sanitary and Liquid Wastes
1. A completed site evaluation form (HHE-200), which evidences adequate soil conditions for wastewater disposal shall be a prerequisite to approval.
2. At the time of application, the developer shall specify the amount and exact nature of all industrial or chemical wastes to be generated by the development, and a plan to discharge such wastes only and in such quantities and/or quality as to be able to be accepted into the disposal system or shipped to an approved facility off site. All such plans shall be in conformance with applicable State and Federal regulations.

Section 14. Water Quality

A. General Standards
No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quality, toxicity, or temperature that run into or mix with surface or ground waters so as to contaminate, pollute, or degrade such waters with objectionable shore deposits, floating or submerged debris, oil, scum, color, odor, taste, or unsightliness, or be harmful to human, animal or aquatic life.

B. Impact on Lake Water Quality
Development proposed within watershed of a great pond shall be designed to limit the post development phosphorus export consistent with the following standards and practices.
1. Unless otherwise noted, methods and standards for review under this section will be the DEP manual Phosphorus Control in Lake Watersheds: A Technical
Guide for Evaluating New Development, revised May 1992 (herein referred to as “Phosphorus Control Method”)

2. Applicability: This section applies to
   a. Commercial development resulting in more than 10,000 square feet of disturbed area.
   b. The creation of new roads/driveways in excess of 250 feet.

Article 8: Development Standards for Specific Activities

Section 1. Adult Business

The purpose of this section is to permit the establishment of adult businesses, as defined, in such manner and location as will protect the general welfare and preserve the community standard.

   A. Physical Separation: Adult businesses shall not be located within 250 feet of existing residence, nor within 500 feet of an existing educational or religious use.
   B. Signs: In addition to the provisions of Section 7.11 of this Ordinance, signs for adult business shall not depict the human figure in any unclothed or suggestive manner. No sexually explicit message, materials, or activity shall be visible outside the building.

Section 2. Material Extraction Operations

   A. Special Permit Requirements
   Applications to the Planning Board for the five-year permit shall include the following elements:
   1. A site plan including the following features:
      a. Topography indicating not greater than ten (10) foot contours, based on USGS data;
      b. The location and slope of grades existing and proposed upon completion of the extraction operation;
      c. Proposed fencing, buffer strips, signs, lighting, parking and loading areas, entrances, and exits.
   2. A written statement of the proposed operating procedure and working hours.
   3. A five-year plan, showing new areas to be mined, and old areas to be reclaimed, together with estimates of volumes to be extracted, and detailed plans for reclamation of competed excavation.
   4. The Planning Board may require a hydrogeologic study to determine the effects of the proposed activity on groundwater movement and quality in the vicinity.
   B. Development Standards
   1. No part of any extraction operation shall be permitted within fifty (50) of any property or street line, except:
      a. Drainage ways to reduce run-off into or from the extraction area may be allowed provided suitable erosion control measures are in place. Natural vegetation shall be left and maintained on the undisturbed land.
b. As agreed to by abutting owners.

2. No slopes steeper than 2 feet horizontal to 1 foot vertical (2:1) shall be permitted at any extraction site unless provisions are made to limit the access to such locations.

3. The sides and bottom cuts, fills, channels, and artificial water courses shall be constructed and stabilized to prevent erosion or failure. Such structures are to be designed and built according to accepted Best Management Practices.

4. Lagooning shall be conducted in such a manner as to avoid creation of fish trap conditions. The developer shall obtain written approval from the Maine Department of Environmental Protection, and/or the Department of Inland Fisheries and Wildlife, as applicable.

5. The hours of operation at any extraction site shall be limited, if necessary to ensure operational compatibility with neighboring residences.

6. All access points from the extraction site to public roads shall be treated with suitable materials to reduce dust and mud for a distance of at least 100 feet from such public roads.

7. The five-year reclamation plan shall show that within twelve (12) months the following completion of extraction operations at a site, ground levels, and grades shall be established so that the restored drainage exits the site resembling pre-development volumes and locations. “Completion” means when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period. Debris, stumps, boulders, and similar materials shall be removed and disposed of on the property in an approved location or, in the case of inorganic material, buried and covered with a minimum of two (2) feet of soil. Only materials generated on-site may be buried or covered.

Final slopes shall not exceed two feet horizontal to one vertical (2:1). All areas shall be properly restored to a stable condition adequate to meet the provisions of the Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, published by the Cumberland County Soil and Water Conservation District, 1991, or most recent edition.

Any temporary shelters or structures erected for operations and equipment shall be removed within thirty (30) days following competition of extraction operations.

D. Existing Operations not Grandfathered

Any mineral extraction process in lawful operation as of the effective date of this Ordinance, must comply with the provisions for a permit within five (5) years. Within ninety (90) days of the enactment of this Ordinance, the Code Enforcement Officer shall notify, by certified mail, return receipt requested, the owners of all property which, to the best of his or her knowledge, contain existing operations, informing them of the requirements of this Section.

Discontinuation of any existing operation for a period of more than two (2) years shall result in the loss of grand fathered status for that operation. Discontinuation is defined as the excavation, processing, or movement of less than two hundred (200) cubic yards of material within any two (2) year period.
Section 3. Overnight Accommodations

A. Hotels, motels, rental cottages and inns designed and constructed without individual kitchen facilities (except for Bed and Breakfast) are subject to the following requirements:
1. No part of any building shall be closer that fifty (50) feet from the front lot line, rear lot line, or either side of such lot.
2. Each rental room shall be equipped with an approved hardwired smoke detector.

B. Bed & Breakfast facilities shall comply with the following:
1. The application for permit shall include a scale drawing of the lot showing the location of: existing buildings, existing and proposed parking, and existing and proposed sewage disposal system.
2. In addition to parking required by Section 7.9 of this Ordinance, two spaces shall be provided for the owners or operators of the business.
3. There shall be at least one bathroom provided for the rental rooms, in addition to the bathroom for the dwelling unit.
4. Each rental room shall be equipped with approved hardwired smoke detector.

C. Hotel, Motel, Cottage Units
Hotel, motel, or cottage units with self-contained kitchen and toilet facilities or otherwise designated as housekeeping accommodations are considered to be dwelling units and shall meet all applicable standards.
In addition, the creation of three or more units may be subject to review under the Town of Palmyra Subdivision Ordinance.

Section 4. Telecommunications Towers

A. Location
Consideration shall be given to serving new communication service demands by use of existing towers (co-location) wherever practicable. Applicants for permits for new facilities shall demonstrate why location on an existing tower is not feasible. The Planning Board may condition new permits to require co-location of other new facilities, which may be proposed, if feasible, and to ensure designs, which facilitate co-location.

B. Design and Construction
1. New towers shall be designed in such a way as to facilitate co-location.
2. A new or expanded tower shall be placed on a lot owned by the operator of the facility or leased for a period of not less than ten (10) years, and shall be set back from all lot lines a minimum horizontal distance equivalent to the height of the tower, but in no case less than required setbacks for the district in which it is located.
3. New towers shall be constructed with materials and colors that match or blend in with the surrounding natural or built environment to the maximum extent practicable.
4. All towers and supporting structures must comply with structural standards established by the Electronic Industries Association/Telecommunication
Industries Association. A registered professional engineer shall certify compliance with these standards.

5. Any communication tower that is unused or out of service for a period of eighteen (18) continuous months shall be considered abandoned and shall be removed as soon as practicable. The Town of Palmyra is hereby authorized to contract for removal of the tower and access the cost of the said removal as lien against the property.

Article 9: Definitions

The following words and phrases, as used in this ordinance, have the meaning as specified below. Any words not defined below are assumed to have their normal dictionary meaning.

Abutter: Any lot which is physically contiguous with the lot in question even if only at a point and any lot which is located directly across the public or private street from the lot in question.

Accessory building, accessory structure or use: A detached, subordinate building or structure, the use of which is clearly incidental and related to that of the principal structure and which is located on the same lot as that of the principal, structure or use.

Adult Business: Any commercial enterprise, including but not limited to bookstores, amusement centers, and theaters, which as a substantial or significant portion of its enterprise, sells, or keeps for display, books, videos, motion pictures, or any other form of representation of sexually explicit material or activities. Sexually explicit means the depiction or display of human sex organs.

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 (Agricultural Production): 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 ornamentals and green house products.

Applicant: A person, group of people, business or corporation applying for a permit under this Ordinance.

Building: Any structure having a roof supported by columns or walls intended for sheltering or housing people, animals, business processes or activities, equipment, goods or materials of kind of nature.
Building footprint: The area covered by a building measured from the exterior surface of the exterior walls at grade level exclusive of cantilevered portions of the building. Where the building is elevated above the grade level on post or similar devices, the building footprint is the area the building would cover if it were located at ground level.

Campground: A plot of ground upon which 2 or more campsites are located, established, or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education, or vacation purposes including erection of tents, trailers, lean-to, overnight cabins, or similar structures and parking facilities.

Critical Natural Area: Any area identified and listed by the Natural Areas program of the Maine Department of Conservation as containing rare or unique botanical features or habitat for rare, threatened, or endangered plant species or rare and unique natural communities.

Development: Any man-made changes to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drill operations.

Developed Area or undisturbed area: Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and streets.

Essential Service: The construction, alternation, and maintenance of gas, electric, communication facilities, stream, fuel, or water transmission, distribution, collection supply or disposal systems. Such systems may include towers, poles, wires, mains, call boxes, traffic signals, hydrants, and similar accessories, but shall not include buildings, which are necessary for the furnishing of such services.

Historic or Archeological Resource: Areas identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as an historic or archeological resource as well as areas identified in the Town of Palmyra Comprehensive Plan.

Impervious surface: The area covered by buildings and associated constructed facilities, areas which have been or will be covered by a low permeability material, such as asphalt or concrete and areas such as gravel roads and unpaved parking areas, which have been or will be compacted through design or use to reduce their permeability.

Level of Service: A term used by traffic engineers, indicating a scale of "A" to "F", measuring the volume of vehicular traffic in relation to the capacity of an intersection or road segment. Levels of service "E" to "F" describe road situations with severe problems attributable to traffic congestion.

Material (Mineral) Extraction Operation: The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of more than 1000 cubic yards of
product or overburden from the earth within 12 successive calendar months: any activity or process that for the extraction or removal of the product or overburden; and the preparation, washing, cleaning, or other treatment of that product so as to make it suitable for commercial, industrial, or construction use, but it shall not include excavation or grading preliminary to a construction project.

Overnight Accommodation: A building or buildings in which lodging or meals and lodging are offered to the general public for compensation and in which there are no separate kitchen facilities other than associated with common eating areas or owner’s quarters. The term includes establishments commonly referred to as hotels, motels, inns, bed & breakfast, and guesthouses, but does not include housekeeping units.

Peak Hour Volume: The highest number of vehicles found to be passing over a section of a lane or roadway during any 60 consecutive minutes. Typically there is a peak hour condition in the A.M. and a peak condition in the P.M. for which the roadway or intersection is analyzed for capacity and level of service.

Sight Distance: The visible distance available to a motorist at an access point to a public road, sufficient to allow a vehicle to enter the road without inhibiting the progress of other vehicles for the purpose of calculation, sight distance is measured from the height of a hypothetical driver 3 ½ feet above the driveway at a point ten (10) feet behind the street line, to an object 4 ½ feet above the street.

Sign: An advertising message, graphic illustration, or insignia erected or inscribed for public view for the purpose of promoting the interests of the occupant of the premises or owner of the sign.

Sign Area: The surface area of that portion of the sign containing the advertising matter. Signs, which have no separate sign surface, shall be measured by taking the smallest area of a rectangle or circle, which enclosed the advertising matter. No two-sided signs, only one side of the sign shall be counted towards sign area.

Sign, Freestanding: A sign that is directly and permanently supported and physically separated from any other structure.

Sign, Canopy, or Projecting: A sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structure protective cover over a door, entrance, window or outdoor service area. It also means a sign that is attached to the building wall and extends more than 6 inches from the face of such wall.

Structure: Anything constructed or erected on the ground or which is attached to something located on the ground.

Street, Public: An existing state, county, or town way; dedicated for public use and shown upon a plan approved by the Planning Board and recorded in the County Registry of Deeds.
Substantial Start: The completion of 30% of a permitted structure or use measured as a percentage of estimated total cost.

Telecommunication Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self supporting lattice towers, guyed towers, and monopoles for the purpose of transmitting or relaying radio frequency signals, including, but not limited to radio, television, cellular, and personal communication service frequencies. Towers established for personal use as citizen band and ham radio operations, and which are less than 50 feet in height, shall not be included in this definition.

Water body or watercourse: Any river, stream, brook, pond, lake, or wetland.

Wetland: An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life saturated in soil conditions. Wetlands include swamps, marshes, bogs, certain forest areas and similar areas.

I certify that the above was passed at Special Town Meeting on July 15, 2006.

_________________________________________
Diane Abbott Cookson
Deputy Town Clerk

I certify that the following amendments were passed at Town Meeting on March 10, 2007:

Article 4: Section 1, add Subsection F to read: To charge impact fees when applicable
Article 7 was amended

_________________________________________
Joan R. Bradley, Town Clerk
ENTERTAINMENT ORDINANCE
OF THE
TOWN OF PALMYRA

SECTION 1: TITLE
This ordinance shall be known and may be cited as the “Entertainment Ordinance” of the Town of Palmyra.

SECTION 2: PURPOSE
The purpose of this ordinance is to control the issuance of special permits for music, dancing, or entertainment in facilities licensed by the State of Maine to sell liquor under 29-A M.R.S.A. § 1054.

SECTION 3: DEFINITIONS
The following definitions shall apply unless the context clearly indicates another meaning:

ENTERTAINMENT – Includes any amusement, performance, exhibition, or diversion for patrons or customers at the licensed premises whether provided by professional entertainers or by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value.

LICENSEE – Includes the holder of a license issued under the Alcoholic Beverages Statutes of the State of Maine, or any person, individual, partnership, firm, association, corporation, or other legal entity, or any agent or employee of any such license or left in charge of or in control of such licensee’s premises.

SECTION 4: SPECIAL AMUSEMENT PERMIT REQUIRED
No license for the sale of liquor to be consumed on his or her licensed premises shall permit, on such licensed premises located in the Town of Palmyra, any music, except radio or mechanical device, any dancing or entertainment of any sort unless the license shall have first been obtained from the Planning Board a Special Amusement Permit.

A. Application Form. Applications for special amusement permits and annual renewals thereof shall be made in writing on forms provided by the Planning Board and signed by the licensee. Each application shall state the name and address of the applicant; the name, address, and nature of the proposed amusement; and whether the applicant has ever had a State Liquor License or Special Amusement Permit denied or revoked, and if so, an explanation thereof.

B. Live Entertainment Regulated. No license shall permit entertainment on the licensed premises, whether provided by professional entertainer(s), employees of the licensed premises, or any person, when the entertainment involves:

1. The performing of acts, or simulated acts, or sexual intercourse, or any sexual acts, which are prohibited by law;
2. The actual or simulated touching, caressing, or fondling of the breasts, buttocks, anus, or genitals by the entertainer, employee, or patron;
3. The actual or simulated displaying of the breasts, the genitals, pubic hair, buttocks, or anus;
4. The permitting by any licensee of any person to remain in or upon the licensed premises who exposes to any public view any portion of his or her breasts, genitals or anus;
5. For the purpose of this subsection the terms "displaying" or "expose" shall mean unclothed or uncostumed and not covered by a fully opaque material.

SECTION 5: PERMIT FEE
The permit fee for a special amusement permit shall be "See Fee Schedule" plus the cost of advertising for a public hearing under Section 6.

SECTION 6: PUBLIC HEARING
Prior to granting a special amusement permit, the Planning Board shall hold a public hearing after reasonable notice of the same has been given to the applicant and has been advertised, at the applicant's expense, in a newspaper of general circulation in the area, at least seven (7) days in advance. At the public hearing, the testimony of any interested parties shall be heard.

SECTION 7: ISSUANCE OF PERMIT
After public hearing, the Planning Board shall grant the Special Amusement Permit requested unless the issuance of the permit would be detrimental to the public health, safety or welfare, or would violate any applicable State Law or Town Ordinance.

A. In approving such a permit, the Planning Board may impose reasonable restrictions to protect property owners in the vicinity of the licensed premises from any nuisance aspects of the proposed amusement.
B. Any licensee requesting a Special Amusement Permit shall be notified in writing of the Planning Board's decision no later than fifteen (15) days from the date of their decision. In the event that a licensee is denied a permit or restrictions are imposed upon the permit, the licensee shall be provided in writing with the reasons for the denial or a list of restriction. A licensee may not reapply for the same permit within thirty (30) days.
C. A special amusement permit shall be valid only for the license year of the existing license.
D. The Planning Board may, after a public hearing, preceded by a notice to interested parties, suspend or revoke any Special Amusement Permit on the ground that the music, dancing, or entertainment so permitted is detrimental to the public health, safety or welfare, or violates any applicable State Law or Town Ordinance. If the Planning Board revokes or suspends a licensee's Special Amusement Permit, he/she shall be notified in writing within fifteen (15) days of the reasons for such action.

SECTION 8: PENALTY
Whoever violates any provision of this Ordinance shall be fined not less than $10 nor more than $100 to be recovered, on complaint, to the use of Town of Palmyra. Each day's violation shall constitute a separate offense.

This Ordinance shall become effective as of the date of adoption.

I certify that the foregoing ordinance was adopted at Town Meeting held in the Town of Palmyra on May 13, 1998.

Joan R. Bradley, Town Clerk
FLOODPLAIN MANAGEMENT ORDINANCE

FOR THE

TOWN OF PALMYRA, MAINE

ENACTED: 3-10-2012
Date

EFFECTIVE: 3-10-2012
Date

CERTIFIED BY: 
Signature

CERTIFIED BY: Valerie Sprague
Print Name

Title

Affix Seal
# FLOODPLAIN MANAGEMENT ORDINANCE

## CONTENTS

<table>
<thead>
<tr>
<th>ARTICLE</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. PURPOSE AND ESTABLISHMENT</td>
<td>2</td>
</tr>
<tr>
<td>II. PERMIT REQUIRED</td>
<td>2</td>
</tr>
<tr>
<td>III. APPLICATION FOR PERMIT</td>
<td>2</td>
</tr>
<tr>
<td>IV. APPLICATION FEE AND EXPERT'S FEE</td>
<td>4</td>
</tr>
<tr>
<td>V. REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS</td>
<td>4</td>
</tr>
<tr>
<td>VI. DEVELOPMENT STANDARDS</td>
<td>5</td>
</tr>
<tr>
<td>VII. CERTIFICATE OF COMPLIANCE</td>
<td>9</td>
</tr>
<tr>
<td>VIII. REVIEW OF SUBDIVISIONS AND DEVELOPMENT PROPOSALS</td>
<td>9</td>
</tr>
<tr>
<td>IX. APPEALS AND VARIANCES</td>
<td>10</td>
</tr>
<tr>
<td>X. ENFORCEMENT AND PENALTIES</td>
<td>12</td>
</tr>
<tr>
<td>XI. VALIDITY AND SEVERABILITY</td>
<td>12</td>
</tr>
<tr>
<td>XII. CONFLICT WITH OTHER ORDINANCES</td>
<td>12</td>
</tr>
<tr>
<td>XIII. DEFINITIONS</td>
<td>12</td>
</tr>
<tr>
<td>XIV. ABROGATION</td>
<td>17</td>
</tr>
</tbody>
</table>
ARTICLE I - PURPOSE AND ESTABLISHMENT

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

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

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

The Town of Palmyra has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A MRSA, Sections 3001-3007, 4352, 4401-4407, and Title 38 MRSA, Section 440.

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

The areas of special flood hazard are identified by the Federal Emergency Management Agency in a map entitled “Flood Insurance Rate Map - Town of Palmyra, Maine, Somerset County,” dated August 19, 1985, which is hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II - PERMIT REQUIRED

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

ARTICLE III - APPLICATION FOR PERMIT

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

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

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

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

D. A statement of the intended use of the structure and/or development;
E. A statement of the cost of the development including all materials and labor;
F. A statement as to the type of sewage system proposed;
G. Specification of dimensions of the proposed structure and/or development;

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

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

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

I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article VI;
J. A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate;
K. The following certifications as required in Article VI by a registered professional engineer or architect:
   1. a Floodproofing Certificate (FEMA Form 81-65, 03/09, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article III.H.4.; Article VI.G.; and other applicable standards in Article VI;
   2. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.K.2.a.;
   3. a certified statement that bridges will meet the standards of Article VI.L.;
   4. a certified statement that containment walls will meet the standards of Article VI.M.;
L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.
ARTICLE IV - APPLICATION FEE AND EXPERT’S FEE

A non-refundable application fee as established by the Board of Selectmen shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

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

ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Code Enforcement Officer shall:

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

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

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

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

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

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

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

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

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

ARTICLE VI - DEVELOPMENT STANDARDS

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

A. **All Development** - All development shall:

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

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

3. use construction methods and practices that will minimize flood damage; and,

4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

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

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

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

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

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

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

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

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

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

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

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

3. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:

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

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

I. **Recreational Vehicles** - Recreational Vehicles located within:

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

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

1. be 500 square feet or less and have a value less than $3000;
2. have unfinished interiors and not be used for human habitation;
3. have hydraulic openings, as specified in Article VI.K.2., in at least two different walls of the accessory structure;
4. be located outside the floodway;
5. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,
6. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.

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

1. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,
2. is consistent with the technical criteria contained in Chapter 5 entitled "Hydraulic Analyses," *Flood Insurance Study - Guidelines and Specifications for Study Contractors*, (FEMA 37/ January 1995, as amended).

L. **Enclosed Areas Below the Lowest Floor** - New construction or substantial improvement of any structure in Zone A that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs F, G, or H and is elevated on posts, columns, piers, piles, "stilts," or crawlspaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:

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

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

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

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

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

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

2. a registered professional engineer shall certify that:
   a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.J.; and
   b. the foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.
N. **Containment Walls** - New construction or substantial improvement of any containment wall located within Zone A shall:

1. have the containment wall elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.; Article V.B.; or Article VIII.D.

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

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

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

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

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

**ARTICLE VII - CERTIFICATE OF COMPLIANCE**

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE IX - APPEALS AND VARIANCES

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

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

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

B. Variances shall be granted only upon:

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

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

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

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

   a. that the land in question cannot yield a reasonable return unless a variance is granted; and,

   b. that the need for a variance is due to the unique circumstances of the property and not to the
general conditions in the neighborhood; and,

   c. that the granting of a variance will not alter the essential character of the locality; and,
d. that the hardship is not the result of action taken by the applicant or a prior owner.

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

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

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

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

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

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

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

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

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

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

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

G. Appeal Procedure for Administrative and Variance Appeals

1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.

2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

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

4. The person filing the appeal shall have the burden of proof.
5. The Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing, and shall issue a written decision on all appeals.

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

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

ARTICLE X - ENFORCEMENT AND PENALTIES

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

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

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

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

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

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

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

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

ARTICLE XI - VALIDITY AND SEVERABILITY

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

ARTICLE XII - CONFLICT WITH OTHER ORDINANCES

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

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

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

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

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

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

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

**Building** - see Structure.

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

**Code Enforcement Officer** - A person certified under Title 30-A MRSA, Section 4451 (including exceptions in subsection 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws and ordinances.

**Development** - means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials.

**Elevated Building** - means a non-basement building

a. built, in the case of a building in Zone A, to have the top of the elevated floor, elevated above the ground level by means of pilings, columns, post, piers, or "stilts," and

b. adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

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

**Elevation Certificate** - An official form (FEMA Form 81-31, 03/09, as amended) that:

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

b. is required for purchasing flood insurance.

**Flood or Flooding** - means:
a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
   
   1. The overflow of inland or tidal waters.
   
   2. The unusual and rapid accumulation or runoff of surface waters from any source.

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

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

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

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

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

**Floodplain Management Regulations** - means zoning ordinances, subdivision regulations, building
codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance,
and erosion control ordinance) and other applications of police power. The term describes such state or
local regulations, in any combination thereof, which provide standards for the purpose of flood damage
prevention and reduction.

**Floodproofing** - means any combination of structural and non-structural additions, changes, or
adjustments to structures which reduce or eliminate flood damage to real estate or improved real property,
water and sanitary facilities, structures and contents.

**Floodway** - see **Regulatory Floodway**.

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

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

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

a. Listed individually in the National Register of Historic Places (a listing maintained by the
   Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the
   requirements for individual listing on the National Register;
b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;

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

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1. By an approved state program as determined by the Secretary of the Interior, or

2. Directly by the Secretary of the Interior in states without approved programs.

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

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

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

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

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

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

**National Geodetic Vertical Datum (NGVD)** - means the national vertical datum, whose standard was established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD was based upon mean sea level in 1929 and also has been called “1929 Mean Sea Level (MSL)”.
New Construction - means structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

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

100-year flood - see Base Flood.

Recreational Vehicle - means a vehicle which is:

a. built on a single chassis;

b. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;

c. designed to be self-propelled or permanently towable by a motor vehicle; and

d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway -

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

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

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

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

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

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

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

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

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

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

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

ARTICLE XIV - ABROGATION

This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).
ORDINANCE TO REGULATE AUTOMOBILE GRAVEYARDS, JUNKYARD AND AUTOMOBILE RECYCLING BUSINESSES FOR THE TOWN OF PALMYRA

Section 1. Purpose
The purpose of this ordinance is to provide adequate controls to ensure that automobile graveyards, junkyards and automobile recycling businesses do not have a deleterious impact on the public health, safety and general welfare.

Section 2. Authority
This ordinance is enacted pursuant to 30-A M.R.S.A. Sec 3001 et seq. and Sec 3751 et seq.

Section 3. Applicability
This ordinance shall apply to all automobile graveyards, junkyards and automobile recycling businesses as defined in 30-A M.R.S.A. Sec. 3752

Section 4. Administration
4.1 This ordinance shall be administered by the municipal officers. No automobile graveyard, junkyard or automobile recycling business permit shall be issued unless the provisions of this ordinance are met.
4.2 Upon receipt of an application, the municipal officers shall hold a hearing in accordance with 30-A M.R.S.A. Sec. 3754.
4.3 Permits shall be renewed annually to remain valid except that automobile recycling business permits shall be valid for five (5) years. Once the site plan is approved it does not have to be resubmitted unless changes are made on the site. The municipal officers shall annually inspect, or cause to be inspected, the site to ensure that the provisions of this ordinance and state law are complied with.
4.4 A fee of “See Fee Schedule” shall be submitted with the land use permit application.

Section 5. Permit Required
No person may establish, operate or maintain an automobile graveyard, junkyard or automobile recycling business without first obtaining a nontransferable permit from the municipal officers.

Section 6. Submission Requirements
Any application for an automobile graveyard, junkyard or automobile recycling business permit shall contain the following information:
6.1 The property owner’s name and address and the name and address of the person or entity who will operate the site.
6.2 A site plan drawn to a scale not to exceed one inch to 100 feet (1’’-100’) on which is shown:
   a. The boundary lines of the property
   b. The soils
   c. The location of any sand and gravel aquifer recharge area as mapped by the Maine Geological Survey or a licensed geologist
   d. The location of any residences or schools within 500 feet of the area where vehicles will be placed
   e. The location of any water bodies on the property or within 200 feet of the property lines
   f. The boundaries of the 100-year flood plain
   g. The location of all roads within 1000 feet of the site

Section 7. Performance Standards
The following performance standards are required of all automobile
graveyards, junkyards and automobile recycling businesses, whether new or existing:

7.1 The site must be enclosed by a visual screen at least six (6) feet in height and built in accordance with Department of Transportation rules issued pursuant to 30-A M.R.S.A. Sec. 3759.

7.2 No vehicle shall be stored within 300 feet of any water body or inland wetland.

7.3 No vehicle shall be stored within 500 feet of any private well, school, church or public playground or public park.

7.4 No vehicles shall be stored over a sand and gravel aquifer or aquifer recharge area as mapped by the Maine Geological Survey or by a licensed geologist.

7.5 No vehicles shall be stored within the 100-year flood plain.

7.6 Upon receiving a motor vehicle, the battery shall be removed, and the engine lubricant, transmission fluid, brake fluid and engine coolant shall be drained into watertight, covered containers and shall be recycled or disposed of according to all applicable Federal and State laws, rules and regulations regarding disposal of waste oil and hazardous materials. No discharge of any fluids from any motor vehicle shall be permitted into or onto the ground.

7.7 No vehicle shall be located closer than 100 feet from any lot line.

7.8 To reduce noise, all dismantling of motor vehicles shall take place within a building, and shall be done after 7 a.m. and before 6 p.m. Mondays through Saturdays.

Section 8. Enforcement

This ordinance shall be enforced by the municipal officers or their authorized agents in accordance with state law. Any violation of this ordinance shall also be deemed a nuisance within the meaning of 17 M.R.S.A. Sec. 2802 and the violator shall be subject to the penalties set forth in 30-A M.R.S.A Sec. 4452 and any other remedy available at law.

Section 9. Effective Date and Amendment

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

Section 10. Severability and Conflict

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

Section 11. Penalty for Violation

The Maine Supreme Judicial Court has held that the statutory minimum penalty for operation of a junkyard without the required permit ($100 per day for a continuing violation) cannot be waived or reduced. Town of Orono v. LaPoint, 698 A.2d 1059 (Me. 1997). The Court’s reasoning in this decision should cause the same result in the case of any violation of the State auto graveyard and junkyard law or of the Maine Department of Transportation’s screening rules.

I certify that the proceeding ordinance was adopted at Town Meeting on March 12, 2000
TOWN OF PALMYRA, ME

Ordinance Prohibiting Retail Marijuana Establishments and Retail Marijuana Social clubs

Section 1. Authority.

This ordinance is enacted pursuant to the Marijuana Legalization Act, 7 M.R.S.A. c. 417; and Municipal Home Rule authority, Me. Const., art. VIII, pt 2; and 30-A M.R.S.A § 23001.

Section 2. Definitions.

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

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

Retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, are expressly prohibited in the Town of Palmyra.

Retail marijuana social clubs are expressly prohibited in the Town of Palmyra.

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

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

Section 4. Effective date; duration.

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

Section 5. Penalties.

This ordinance shall be enforced by the municipal officers or their designee. Violations of this ordinance shall be subject to the enforcement and penalty provisions of 30-A M.R.S.A. § 4452.
Winter Parking: It shall be unlawful to park on any road in the Town of Palmyra in such a way as to impede snow removal November first through April 15. Violations can result in fines and towing of vehicle at owner’s expense.

Snow Plowing: The Town of Palmyra will not be responsible for damage to mail or newspaper boxes placed in the public right-of-way.

Private Snow Plowing: It is unlawful to plow or remove snow from private property and place in or along any public road so that it obstructs the roadway or impedes traffic. Reference: Maine Revised Statutes, Title 29-A, Sec. 2396, Paragraph 4.

I certify that the above was passed at Town Meeting of March 14, 1998

Joan R. Bradley, Town Clerk
PLANNING BOARD ORDINANCE
FOR THE TOWN OF PALMYRA

I. Establishment
Pursuant to M.R.S.A. Art. VIII-A and 30 M.R.S.A. ss 1917, the
Town of Palmyra hereby establishes the Municipal Planning Board

II. Appointment
A. Appointments to the Board shall be made by the Municipal
Officers.

B. The Board shall consist of five members and two associate
members

C. The term of each member shall be three(3) years, except for
the initial appointments, which were staggered, and were made
in 1973 when the Planning Board was originally established.
Associate members will serve for three(3) years.

D. When there is a permanent vacancy, the Municipal Officers
shall within 60 days of its occurrence appoint a person to
serve the unexpired term, giving an associate member first
consideration. A vacancy shall occur upon the resignation or
death of any member or when a member ceases to be a voting
resident of the Town or when a member fails to attend four
consecutive regular meetings or fails to attend at least 75
percent of all meetings during the preceding twelve month
period. When a vacancy occurs, the Chairman of the Planning
Board shall immediately so advise the Municipal Officers in
writing. The Board may recommend to the Municipal Officers
that the attendance provision be waived for cause, in which
case no vacancy will then exist unless the municipal Officers
disapprove the recommendation. The Municipal Officers may
remove members of the planning Board by unanimous vote, for
cause, after notice and hearing.

III. Organization and Rules
A. The Board shall elect a Chairman, Vice Chairman and Secretary
from among its members yearly. The Board may also create and
fill such other officers as it may determine. The terms of
all offices shall be one year with eligibility for re-
election.

B. When a member is unable to act because of interest, physical
incapacity, absence or any other reason satisfactory to the
Chairman, the Chairman shall designate an associate member to
sit in his/her stead.

C. An associate member should attend all meetings of the board
and participate in its proceeding, but may vote only when
he/she been designated by the chairman to sit in for a
member.

D. Any question of whether a member shall be disqualified from
voting on a particular matter shall be decided by a majority
vote of the members except the member who is being
challenged.
E. The Chairman shall call at least one regular meeting of the board each month.

F. No meeting of the Board shall be held without a quorum consisting of three(3) members or associate members authorized to vote. To be approved ANY application must be approved by a positive vote of a majority of the Board.

G. The Board shall adopt rules for transaction of business and the Secretary shall keep a record of its resolutions, transactions, correspondence, findings and determinations. All records shall be deemed public and may be inspected at reasonable times.

IV. Duties and Powers

A. The Board shall prepare a Comprehensive Plan as defined by 30 M.R.S.A. ss 4961.

B. The Board shall perform such duties and exercise such powers as are provided by Town ordinance and the laws of the State of Maine.

C. The Board may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose.

I certify that the foregoing ordinance was originally adopted in 1973 with a major revision accepted at Town Meeting on March 19, 2005. A revision was made to III, F on March 11, 2006.

Joan R. Bradley, Town Clerk
TOWN OF PALMYRA
ORDINANCE FOR RESTRICTING VEHICLE WEIGHT
ON POSTED WAYS

Section 1. Purpose and Authority
The purpose of this ordinance is to prevent damage to town ways and bridges in the Town of Palmyra which may be caused by vehicles of excessive weight, to lessen safety hazards and the risk of injury to the traveling public, to extend the life expectancy of town ways and bridges and to reduce the public expense of their maintenance and repair. This ordinance is adopted pursuant to 30-A MRSA, Sec. 3009 and 29-A MRSA, Sec. 2395 and 2388.

Section 2. Definitions
The definitions contained in Title 29-A MRSA shall govern the construction of words contained in this ordinance. Any words not defined therein shall be given their common and ordinary meaning.

Section 3. Restrictions and Notices
The municipal officers may, either permanently or seasonally, impose such restrictions on the gross registered weight of vehicles as may, in their judgment, be necessary to protect the traveling public and prevent abuse of the highway, and designate the town ways and bridges to which the restrictions shall apply.

Whenever notice has been posted as provided herein, no person may thereafter operate any vehicle with a gross registered weight in excess of the restriction during any applicable time period on any way or bridge so posted unless otherwise exempt as provided herein.

The notice shall contain, at a minimum, the following information: the name of the way or bridge, the gross registered weight limit, the time period during which the restriction applies, the date on which the notice was posted, and the signatures of the municipal officers. The notice shall be conspicuously posted at each end of the restricted portion of the way or bridge in a location clearly visible from the travel way. Whenever an restriction expires or is lifted, the notices shall be removed wherever posted. Whenever a restriction is revised or extended, existing notices shall be removed and replaced with new notices. No person may remove, obscure or otherwise tamper with any notice so posted except as provided herein.

Section 4. Exemptions
The following vehicles are exempt from this ordinance:
(a) any two-axle vehicle while delivering home heating fuel;
(b) any vehicle while engaged in highway maintenance or repair under the direction of;
(c) any emergency vehicle, such as firefighting apparatus or ambulances, while responding to an emergency;
(d) any school transportation vehicle while transporting students;
(e) any public utility vehicle while providing emergency service or repairs; and
(f) any vehicle whose owner or operator holds a valid permit from the municipal officers as provided herein.
Section 5. Permits

The owner or operator of any vehicle not otherwise exempt as provided herein may apply in writing to the municipal officers for a permit to operate on a posted way or bridge notwithstanding the restriction. The municipal officers may issue a permit only upon all of the following findings:

(a) no other route is reasonably available to the applicant;
(b) the current and anticipated condition of the way or bridge;
(c) the number and frequency of vehicle trips proposed;
(d) the cost and availability of materials and equipment for repairs;
(e) the extent of use by other exempt vehicles; and
(f) such other circumstances as may, in their judgment, may be relevant.

The municipal officers may issue permits subject to reasonable conditions, including but not limited to restrictions on the actual load weight and the number or frequency of vehicle trips, which shall be clearly noted on the permit.

Section 6. Administration and Enforcement

This ordinance shall be administered and may be enforced by the municipal officers or their duly authorized designee, such as road commissioner, code enforcement officer or law enforcement officer.

Section 7. Penalties

Any violation of this ordinance shall be a civil infraction subject to a fine of not less than $250.00 nor more than $1000.00. Each violation shall be deemed a separate offense. In addition to any fine, the Town may seek restitution for the cost of repairs to any damaged way or bridge and reasonable attorney fees and costs. Prosecution shall be in the name of the Town and shall be brought in the Maine District Court.

Section 8. Amendments

This ordinance may be amended by the voters of the Town of Palmyra at a town meeting.

Section 9. Severability; Effective Date

In the event any portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect.

This ordinance shall take effect immediately upon enactment by the vote of a town meeting.

I certify that the foregoing ordinance was adopted by Town Meeting on March 14, 1998

Joan R. Bradley, Town Clerk
I. Road Standards

A. Layout of Roads – All roads in a subdivision shall be planned so as to meet the following standards:

1. All roads in the subdivision shall be designed so as to provide safe vehicular travel and, in minor roads, shall be designed so as to discourage movement of through traffic.

2. The arrangement of roads in the subdivision shall provide for the continuation of arterial and collector roads into adjoining non-subdivided land unless topographic or other factors make continuance impracticable or undesirable. Where a subdivision is served by a minor road, the Planning Board may require that a right-of-way or the minor road be projected to adjacent non-subdivided land when the Board finds that such a projected road would be in keeping with the land use goals for the area and with sound planning practice.

3. Reserve strips controlling access to roads shall be prohibited.

4. Intersections of roads shall be at angles as close to (90°) ninety degrees as possible. In no case shall two roads intersect at an angle of less than (60°) sixty degrees.

5. A distance of at least 200 feet shall be maintained between centerlines of offset intersecting roads.

6. Whenever possible, subdivisions containing fifteen lots or more shall have at least two roads connecting with existing public roads.

7. Where a subdivision borders an existing narrow road (below standards set herein), the sub-divider shall be required to show areas for widening or realigning such roads on the preliminary and the final plan, marked “Reserved for road realignment (or widening) purposes”. Land reserved for such purposes may not be used for building purposes or for satisfying setback or yard or area requirements in other land use control ordinances if such exist.

B. Design and Construction Standards

All roads in a subdivision shall be designed and constructed to meet the following standards for roads according to their classification as determined by the Planning Board.

<table>
<thead>
<tr>
<th>ITEM</th>
<th>COLLECTOR</th>
<th>MINOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Minimum right-of-way width</td>
<td>66'</td>
<td>50'</td>
</tr>
<tr>
<td>2. Minimum pavement width</td>
<td>24'</td>
<td>20'</td>
</tr>
</tbody>
</table>
3. Minimum grade 0.5% 1.0%
4. Maximum grade 8% 8%
5. Maximum grade at intersections 3% within 75'
6. Minimum centerline radii on curves 200' 100'
7. Minimum tangent length between reverse curves 200' 100'
8. Depth of sub-grade grading
   A. Geo textile material shall be placed
      Before the gravel base in installed
9. Gravel base 22" 22"
10. Pavement - There will be no requirement to pave subdivision roads. The paving requirement that existed when this ordinance was first adopted will be negated
11. Minimum road crown-centerline to edge 3" 3"
12. Minimum shoulder width on each side of road 3' 3'
13. Dead-end
   a. Maximum length 1000'
   b. Radii of turn around at enclosed end including right-of-way boundary 75' 75'
   c. Outside pavement radius 50' 50'
   d. Width of pavement-minimum 30' 30'
14. Grades of roads shall conform as closely as possible to the original relief of the land.
15. All changes in grade shall be connected by vertical curves of such length and radius as will provide clear visibility for a distance of 200 ft.
16. Side slopes shall not be steeper than 3 feet horizontal and 1 foot vertical, graded, loamed (2 inches compacted) and seeded. If the side slope extends outside the required right-of-way, the sub-divider shall expand the right-of-way to include the entire side slope area.
17. All roads shall be provided with adequate drainage facilities to provide for the removal of storm water to prevent flooding on the pavement and erosion of adjacent surfaces. Driveway culverts shall be adequate to pass the design flow of the contiguous ditches, and shall be a minimum of 12 inches diameter.
18. In construction of roads, the paved area, sidewalk and shoulder shall be cleared of all stumps, roots, brush, perishable material, and all trees not intended for preservation. All loam, loamy materials, clay, and other
yielding material shall be removed from the roadway to at least sub-grade depth, or as directed by the Selectmen.

19. The roadway area shall be brought to the grade shown on the plan, profile and cross-section, by suitable gravel. The gravel shall meet the specifications for Aggregate Sub-base Courses as contained in the current edition of The Standard Specifications for Highways and Bridges of the State of Maine Department of Transportation.

20. Removed at town meeting on March 19, 2005

21. Removed at town meeting on March 19, 2005

II. Lot Owners Organization:

A lot owner’s organization shall be formed to allow for the maintenance and care of common areas in the subdivision.

1. The organization shall be organized by the sub-divider and operating, with financial subsidization by the sub-divider, if necessary, before the sale of any lots within the development.

2. Members in the organization is mandatory for all purchasers of lots therein and their successors.

3. The organization shall be responsible for maintenance of common open space or recreation land. It shall also be responsible for insurance and taxes on same land.

4. The members of the organization shall share equitably the cost of maintaining and developing common open space and recreation land in accordance with procedures established by them.

5. The organization shall have or hire adequate staff to administer common facilities and maintain the common open space and recreation land.

I certify that the above ordinance was originally adopted as Article 27 at Town Meeting on March 12, 1988. The following changes were made at Town Meeting on March 19, 2005:

- Section I, B, item 8 – subsection 8a was added
- Section I, B item 10 was revised
- Section I, B item 11 – word pavement was taken out
- Section I, B item 20 and 21 were removed

Joan R. Bradley. Town Clerk
## TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Purposes</td>
</tr>
<tr>
<td>2. Authority</td>
</tr>
<tr>
<td>3. Applicability</td>
</tr>
<tr>
<td>4. Effective Date</td>
</tr>
<tr>
<td>A. Effective Date of Ordinance and Ordinance Amendments</td>
</tr>
<tr>
<td>B. Repeal of Municipal Timber Harvesting Regulation</td>
</tr>
<tr>
<td>5. Availability</td>
</tr>
<tr>
<td>6. Severability</td>
</tr>
<tr>
<td>7. Conflicts with Other Ordinances</td>
</tr>
<tr>
<td>8. Amendments</td>
</tr>
<tr>
<td>9. Districts and Zoning Map</td>
</tr>
<tr>
<td>A. Official Shoreland Zoning Map</td>
</tr>
<tr>
<td>B. Scale of Map</td>
</tr>
<tr>
<td>C. Certification of Official Shoreland Zoning Map</td>
</tr>
<tr>
<td>D. Changes to the Official Shoreland Zoning Map</td>
</tr>
<tr>
<td>10. Interpretation of District Boundaries</td>
</tr>
<tr>
<td>11. Land Use Requirements</td>
</tr>
<tr>
<td>12. Non-conformance</td>
</tr>
<tr>
<td>A. Purpose</td>
</tr>
<tr>
<td>B. General</td>
</tr>
<tr>
<td>C. Non-conforming Structures</td>
</tr>
<tr>
<td>D. Non-conforming Uses</td>
</tr>
<tr>
<td>E. Non-conforming Lots</td>
</tr>
<tr>
<td>13. Establishment of Districts</td>
</tr>
<tr>
<td>A. Resource Protection District</td>
</tr>
<tr>
<td>B. Limited Residential District</td>
</tr>
<tr>
<td>C. Limited Commercial District</td>
</tr>
<tr>
<td>D. General Development District</td>
</tr>
<tr>
<td>E. Stream Protection District</td>
</tr>
<tr>
<td>F. Nokomis Pond Protection Zone</td>
</tr>
<tr>
<td>14. Table of Land Uses</td>
</tr>
<tr>
<td>15. Land Use Standards</td>
</tr>
<tr>
<td>A. Minimum Lot Standards</td>
</tr>
<tr>
<td>B. Principal and Accessory Structures</td>
</tr>
<tr>
<td>C. Piers, Docks, Wharves, Bridges and Other Structures and Uses</td>
</tr>
<tr>
<td>Extending Over or Beyond the Normal High-Water Line of a Water</td>
</tr>
<tr>
<td>body or Within a Wetland</td>
</tr>
<tr>
<td>D. Campgrounds</td>
</tr>
<tr>
<td>E. Individual Private Campsites</td>
</tr>
<tr>
<td>F. Commercial and Industrial Uses</td>
</tr>
<tr>
<td>G. Parking Areas</td>
</tr>
<tr>
<td>H. Roads and Driveways</td>
</tr>
<tr>
<td>I. Signs</td>
</tr>
<tr>
<td>J. Storm Water Runoff</td>
</tr>
<tr>
<td>K. Septic Waste Disposal</td>
</tr>
<tr>
<td>L. Essential Services</td>
</tr>
<tr>
<td>M. Mineral Exploration and Extraction</td>
</tr>
<tr>
<td>N. Agriculture</td>
</tr>
<tr>
<td>O. Timber Harvesting</td>
</tr>
</tbody>
</table>
SHORELAND ZONING ORDINANCE OF PALMYRA, ME

I certify that this revised Shoreland Zoning Ordinance for the Town of Palmyra was adopted at the Annual Town Meeting on March 10, 2012

Valerie Sprague
Town Clerk

Town Seal

Shoreland Zoning Ordinance for the Municipality of

PALMYRA, MAINE

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.

Further, this Ordinance also applies to all land areas within five hundred (500) feet, horizontal distance, of the normal high-water line of Nokomis Pond.

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 March 10, 2012, 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-B(5),
at which time the State of Maine Department of Conservation’s Bureau of Forestry shall administer timber harvesting standards in the shoreland zone. On the date established under 38 M.R.S.A section 438-B(5), the following provisions of this Ordinance are repealed:

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

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
   (6) *Nokomis Pond Protection Zone*

   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.

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


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

B. General

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

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

C. Non-conforming Structures

(1) Expansions. A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs (a) and (b) below.
(a) After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a wetland, that portion of the structure shall not be expanded, as measured in floor area or volume, by 30% or more, during the lifetime of the structure. If a replacement structure conforms with the requirements of Section 12(C)(3), and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date.

(b) Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 12(C)(2) Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 12(C)(1)(a) above, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.

(2) Relocation. A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board or its designee, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more 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 and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12(C)(2) above.

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the 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.

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

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

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 on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

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

This provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on April 12, 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 Districts need not be included within the Resource Protection District.

(1) Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of December 31, 2008. For the purposes of this paragraph “wetlands associated with great ponds and rivers” shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. “Wetlands associated with great ponds or rivers” are considered to be part of that great pond or river.

(2) Floodplains along rivers 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.

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

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

C. Limited Commercial District. The Limited Commercial District includes areas of mixed, light commercial and residential uses, 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.

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;

(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.

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

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

F. Nokomis Pond Protection Zone. The Nokomis Pond Protection Zone (NPPZ) includes all land areas within five hundred (500) feet, horizontal distance, of the normal high-water line of Nokomis Pond until the junction of the watershed to the town line and Nokomis Pond. The Nokomis Pond Protection Zone (NPPZ) is an overlay zone to the Shoreland Zone. The purpose of the NPPZ is to assure that the Newport Water District is informed of activities in the NPPZ that could potentially impact the drinking water quality.

(1) The town of Palmyra shall notify the Newport Water District of any proposed development projects in the NPPZ that require a permit application review. The Newport Water District may submit comments to the permitting body about the potential impact of proposed development on the water quality of Nokomis Pond.

(2) If at any point in time after March 10, 2012, Nokomis Pond is discontinued as a surface water supply, NPPZ will revert back to Shoreland Zoning regulations.
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

Abbreviations:
RP - Resource Protection
LR - Limited Residential
SP - Stream Protection
GD General Development
LC - Limited Commercial
NPPZ – Nokomis Pond Protection Zone

NOTE: Maine Public Law 761 requires that the Newport Water District be notified by the Town of any projects requiring a permit within the Nokomis Pond watershed, and provides the Water District with the right to review and comment on the potential impact of the project on the water quality of Nokomis Pond. Uses already prohibited in the Shoreland Zone are: auto washing facilities, auto or other vehicle service and/or repair operations (including body shops), chemical and bacteriological laboratories, storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms, commercial painting, wood preserving, and furniture stripping, dry cleaning establishments, electronic circuitry assembly, Laundromats (unless connected to a sanitary sewer), metal plating, finishing or polishing, petroleum or petroleum products storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas, photographic processing, and printing.
Shoreland Zoning Ordinance of Palmyra, Maine

**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>
<th>NPPZ</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>Yes12</td>
</tr>
<tr>
<td>2. Motorized vehicular traffic on existing roads and trails</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>3. Forest management activities except for timber harvesting</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>4. Timber harvesting</td>
<td>CEO</td>
<td>yes</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 harvesting</td>
<td>CEO</td>
<td>CEO</td>
<td>yes</td>
<td>yes</td>
<td>CEO</td>
<td>yes1</td>
</tr>
<tr>
<td>6. Fire prevention activities</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>7. Wildlife management practices</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>8. Soil and water conservation practices</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>9. Mineral exploration</td>
<td>no</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>
<td>no</td>
</tr>
<tr>
<td>11. Surveying and resource analysis</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>12. Emergency operations</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>13. Agriculture</td>
<td>yes</td>
<td>PB</td>
<td>yes</td>
<td>yes</td>
<td>PB</td>
<td>no</td>
</tr>
<tr>
<td>14. Aquaculture</td>
<td>PB</td>
<td>PB</td>
<td>yes</td>
<td>yes</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>15. Principal structures and uses</td>
<td>PB°</td>
<td>PB°</td>
<td>CEO</td>
<td>CEO</td>
<td>yes</td>
<td>PB</td>
</tr>
<tr>
<td>A. One and two family residential, including driveways</td>
<td>PB°</td>
<td>PB°</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB°</td>
</tr>
<tr>
<td>B. Multi-unit residential</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB°</td>
</tr>
<tr>
<td>C. Commercial</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>PB</td>
<td>no</td>
</tr>
<tr>
<td>D. Industrial</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>no</td>
</tr>
<tr>
<td>E. Governmental and institutional</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>no</td>
</tr>
<tr>
<td>F. Small non-residential facilities for educational, scientific, or nature interpretation purposes</td>
<td>PB°</td>
<td>PB</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>PB</td>
</tr>
<tr>
<td>16. Structures accessory to allowed uses</td>
<td>PB°</td>
<td>PB</td>
<td>CEO</td>
<td>CEO</td>
<td>yes</td>
<td>PB</td>
</tr>
<tr>
<td>17. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland</td>
<td>CEO10</td>
<td>CEO10</td>
<td>CEO10</td>
<td>CEO10</td>
<td>CEO10</td>
<td>CEO10 &amp; 11</td>
</tr>
<tr>
<td>a. Temporary</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>b. Permanent</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB°</td>
</tr>
<tr>
<td>18. Conversions of seasonal residences to year-round residences</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
</tr>
<tr>
<td>19. Home occupations</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
<td>PB</td>
<td>yes</td>
</tr>
<tr>
<td>20. Private sewage disposal systems for allowed uses</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
</tr>
<tr>
<td>21. Essential services</td>
<td>PB°</td>
<td>PB°</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB°</td>
</tr>
<tr>
<td>A. Roadside distribution lines (34.5kV and lower)</td>
<td>CEO°</td>
<td>CEO°</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone</td>
<td>PB°</td>
<td>PB°</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone</td>
<td>PB°</td>
<td>PB°</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>22. Other essential services</td>
<td>PB°</td>
<td>PB°</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB°</td>
</tr>
<tr>
<td>23. Service drops, as defined, to allowed uses</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>Yes</td>
</tr>
<tr>
<td>24. Public and private recreational areas involving minimal structural development</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
<td>CEO</td>
<td>no</td>
</tr>
<tr>
<td>25. Individual, private campsites</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>PB</td>
</tr>
<tr>
<td>26. Campgrounds</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>no</td>
</tr>
<tr>
<td>27. Road construction</td>
<td>PB</td>
<td>no°</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>No7</td>
</tr>
<tr>
<td>28. Parking facilities</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>no</td>
</tr>
<tr>
<td>29. Filling and earth moving of &lt;10 cubic yards</td>
<td>CEO</td>
<td>CEO</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>CEO</td>
</tr>
<tr>
<td>30. Filling and earth moving of &gt;10 cubic yards</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>PB</td>
</tr>
<tr>
<td>31. Signs</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>32. Uses similar to allowed uses</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>33. Uses similar to uses requiring a CEO permit</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>34. Uses similar to uses requiring a PB permit</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>35. Salt / Sand Storage</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>CEO</td>
<td>CEO</td>
<td>no</td>
</tr>
</tbody>
</table>

**Notes:**
- Timber harvesting in the NPPZ is not allowed within one hundred (100) feet of the normal high-water line of Nokomis Pond.
- In RP not allowed within 75 feet horizontal distance. In NPPZ not allowed one-hundred (100) feet, horizontal distance of the normal high water line of Nokomis Pond, of the normal high-water line of great ponds, except to remove safety hazards.
- Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.
- Provided that a variance from the setback requirement is obtained from the Board of Appeals.
- See further restrictions in Section 15(H)(2).
- Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.
- Except as provided in Section 15(H)(4).
- Single family residential structures may be allowed by special exception only according to the provisions of Section 16(E), Special Exceptions. Two-family residential structures are prohibited. No exceptions within one-hundred-fifty (150) feet, horizontal distance, of the normal high water line of Nokomis Pond.
15. Land Use Standards. All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

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>(1)</td>
<td></td>
</tr>
<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>
<tr>
<td>(d) New Lots with Shoreland Frontage on Nokomis Pond</td>
<td>100,000</td>
</tr>
</tbody>
</table>

(2) Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.

(3) Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

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

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

B. Principal and Accessory Structures

(1) All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds 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. All
new principal and accessory structures in the NPPZ shall set back at least one-hundred fifty (150) feet, horizontal distance, from the normal high-water line of Nokomis Pond.

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) All principal structures along Significant River Segments as listed in 38 M.R.S.A. section 437 (see Appendix A), shall be set back a minimum of one hundred and twenty-five (125) feet, horizontal distance, from the normal high-water line and shall be screened from the river by existing vegetation. This provision does not apply to structures related to hydropower facilities.

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

(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.

(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, where lot coverage shall not exceed seventy (70) percent.

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

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

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

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

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

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

(f) The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and

(g) A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:

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

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

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

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

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

(6) Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided: that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 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.
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.

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.

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. *New permanent piers and docks shall not be permitted in the NPPZ. No variances allowed.*

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.

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.

**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 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 classified GPA and the NPPZ.

(1) Auto washing facilities

(2) Auto or other vehicle service and/or repair operations, including body shops

(3) Chemical and bacteriological laboratories

(4) Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms

(5) Commercial painting, wood preserving, and furniture stripping

(6) Dry cleaning establishments

(7) Electronic circuit assembly

(8) Laundromats, unless connected to a sanitary sewer

(9) Metal plating, finishing, or polishing

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

(11) Photographic processing

(12) Printing

In addition, the following new commercial and industrial uses are prohibited within the NPPZ.

(13) Commercial vehicular storage or parking facilities
(14) Concrete, asphalt, tar, coal companies

(15) Facilities requiring large water withdrawals (not including normal amounts associated with individual households or farms)

(16) Golf courses

(17) Junk or salvage yards

(18) Landfills, dumps, transfer stations

(19) Log yards and lumber mills, not including amounts normally associated with individual households or farms

(20) Commercial machine shops

(21) Wastewater treatment facilities/operations must be built and maintained according to all State and local laws. System design capacity must not exceed 1,000 gpd anywhere in the NPPZ.

(22) Rust Proofing operations

(23) Uncovered sand, salt or sand/salt piles

(24) Snow dumps

(25) Marinas

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.

   (c) 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 in the Shoreland Zone and within five-hundred (500) feet, horizontal distance, of the normal high-water line of Nokomis Pond.

(1) Exept in the NPPZ, 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. In the NPPZ, roads and driveways shall be set back at least one-hundred-fifty (150) feet, horizontal distance, from the normal high-water line of Nokomis Pond.

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 permanent roads are not allowed within the shoreland zone along Significant River Segments except:

(a) To provide access to structures or facilities within the zone; or

(b) When the applicant demonstrates that no reasonable alternative route exists outside the shoreland zone. When roads must be located within the shoreland zone they shall be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.

(4) 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.
(5) **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).

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

(7) 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.

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

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

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

(b) Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.

(c) On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.

(d) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

(9) 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 four (4) 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.
Shoreland Zoning Ordinance of Palmyra, Maine

(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 fifteen (15) feet above the ground.

(7) Signs may be illuminated only by downward shielding, 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.

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 one hundred (100) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland;
   b) a holding tank is not allowed for a first-time residential use in the shoreland zone;
   c) and within the NPPZ, the minimum setback distance for a new subsurface sewage disposal system shall be at least one-hundred-fifty (150), horizontal distance, from the normal high-water line of Nokomis Pond.

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 perennial water body. The minimum setback distance for a new subsurface disposal system may not be reduced by variance.

L. Essential Services

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

(2) The installation of essential services, other than road-side distribution lines, is not allowed in a Resource Protection, 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.

(4) In the NPPZ, Utility transmission lines within five hundred (500) feet, horizontal distance, from the normal high-water line of Nokomis Pond are not allowed. (not including services normally associated with residences).

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

Mineral extraction may be permitted under the following conditions:

(1) A reclamation plan shall be filed with, and approved, by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 15 (M)(4) below.

(2) No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred and fifty (150) 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 seventy-five (75) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.

(3) Developers of new gravel pits along Significant River Segments shall demonstrate that no reasonable mining site outside the shoreland zone exists. When gravel pits must be located within the zone, they shall be set back as far as practicable from the normal high-water line and no less than one hundred-fifty (150) feet and screened from the river by existing vegetation.

(4) Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:

(a) All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

(b) The final graded slope shall be two and one-half to one (2 1/2:1) slope or flatter.

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

(5) In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

N. Agriculture
(1) *No new agricultural activities shall occur within two-hundred-fifty (250) feet, horizontal distance, from the normal high-water line of Nokomis Pond in the NPPZ without prior approval of the Palmyra Planning Board. Best management practices shall be used between two-hundred-fifty (250) feet and five hundred (500) feet, horizontal distance, of the normal high-water line of Nokomis Pond.*

(2) 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).

(3) 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.

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

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

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

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**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;
     (6) 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.

(6) In the NPPZ, this strip of land shall extend one-hundred (100) feet, horizontal distance from the normal high-water line of Nokomis Pond.

(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.

(2) Except in areas as described in Section 15(O)(1) above, timber harvesting shall conform with the following provisions:

(a) Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:

(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.

(b) No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.

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

(i) Surface waters are frozen; and

(ii) The activity will not result in any ground disturbance.

(d) All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.
(c) Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.

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

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

(1) In a Resource Protection District abutting a great pond, within the strip of land extending seventy-five (75) feet, horizontal distance, inland from the normal high-water line, and in the NPPZ within the strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line, 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, and beyond the 100 foot strip in the NPPZ, the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district or zone.

(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, or a river flowing to a great pond, 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. 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 12 or more in each 25-foot by 25-foot square (625 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;12 in.</td>
<td>2</td>
</tr>
<tr>
<td>12 in. or greater</td>
<td>4</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 8 per 25-foot by 25-foot square area.

NOTE: As an example, adjacent to a great pond, if a 25-foot x 25-foot plot contains three (3) trees between 2 and 4 inches in diameter, three trees between 4 and 12 inches in diameter, and three trees over 12 inches in diameter, the rating score is:

\[(3\times1) + (3\times2) + 3\times4) = 21\] points

Thus, the 25-foot by 25-foot plot contains trees worth 21 points. Trees totaling 9 points \((21 - 12 = 9)\) may be removed from the plot provided that no cleared openings are created.

For the purpose of Section 15(P)(2)(b), "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least three (3) saplings less than two (2) inches in diameter at four and one-half \((4 \frac{1}{2})\) feet above ground level for each 25-foot by 25-foot square area. If three (3) saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 3 saplings have been recruited into the plot.

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

(d) In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other groundcover, 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.

(e) 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. For the purposes of these standards volume may be considered to be equivalent to basal area.

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

(4) Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.
(5) Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 15(P).

Q. Erosion and Sedimentation Control

(1) All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:

(a) Mulching and revegetation of disturbed soil.

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

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

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

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

(4) Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:

(a) Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.

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

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

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

U. Surface Use Provisions: In the NPPZ the following are prohibited:
   (1) Cars and trucks on the ice (snowmobiles and ATV's are allowed)
   (2) Bringing carion onto the ice
   (3) Powered wing vehicles (float and ski planes, ultralights, etc.) on the Pond and/or ice

16. Administration

A. Administering Bodies and Agents

(1) Code Enforcement Officer. A Code Enforcement Officer shall be appointed or reappointed annually by July 1st.

(2) Board of Appeals. A Board of Appeals shall be created in accordance with the provisions of 30-A M.R.S.A. section 2691.

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

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

(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.
Shoreland Zoning Ordinance of Palmyra, Maine

(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.

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 by The Maine Historic Preservation Commission;

(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 floodplain elevation; and the development is otherwise in compliance with any applicable municipal floodplain ordinance.

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

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

(5) All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than 75 feet, 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, at which time the permit shall expire.

G. Installation of Public Utility Service. A public utility, water district, sanitary district or any utility company of any kind may not install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officials and the utility.

H. Appeals

(1) Powers and Duties of the Board of Appeals. The Board of Appeals shall have the following powers:

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

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

(2) Variance Appeals. Variances may be granted only under the following conditions:

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

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

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

(i) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and
(ii) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:

a. That the land in question cannot yield a reasonable return unless a variance is granted;

b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

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

d. That the hardship is not the result of action taken by the applicant or a prior owner.
Shoreland Zoning Ordinance of Palmyra, Maine

(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.
Shoreland Zoning Ordinance of Palmyra, Maine

(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. 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 green-house products. Agriculture does not include forest management and timber harvesting activities.

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

Basal Area - the area of cross-section of a tree stem at 4 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 premises and living as a single housekeeping unit.

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

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

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

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

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

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

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

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

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.
Functionally water-dependent uses - those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and 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, 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 or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

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

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

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

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.

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:

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

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

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

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

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

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

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.
Shoreland Zoning Ordinance of Palmyra, Maine

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

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

1. in the case of electric service
   a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
   b. the total length of the extension is less than one thousand (1,000) feet.

2. in the case of telephone service
   a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
   b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

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

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

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

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

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

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

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

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

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

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

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

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

Timber harvesting - the cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15 (P), Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting.

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

This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

Upland edge of a wetland - the boundary between upland and wetland. 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.

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

Water body - any great pond, river or stream.

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

Wetland - a freshwater wetland.

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

38 §437. Significant river segments identified

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

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

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

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

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

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

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

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

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

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

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

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

12. **West Branch of Union River.** The West Branch of the Union River from the Route 9 bridge in Amherst to the outlet of Great Pond in the Town of Great Pond.
ARTICLE I: Authority

This ordinance is adopted pursuant to Maine constitution Article VII, part, 30A MRSA 3001.

ARTICLE II: Findings and Purpose

The Town finds that sludge, residues, and residuals may contain concentrations of heavy metals, polychlorinated biphenyls and other substances which can be harmful to humans, animals aquatic life and the natural environment. The Town further finds that inadequate safe-guards exist at the present time to insure that wastewater treatment plant sludge does not contain substances which may prove harmful to humans, animals, aquatic life, and the natural environment and that insufficient data exists to guarantee that human health and safety will not be adversely affected by the land spreading of sludge, residue and other residuals.

The purpose of this Ordinance is to protect the health and safety of the residents of Palmyra, to enhance and maintain the quality of the environment, and to conserve natural resources through prohibiting storage and land application of sludge, residue and other residuals.

ARTICLE III, Definitions

(A) “Person” includes individuals, partnerships, corporation and their agents and employees.

(B) “Sludge” means any solid, semi-solid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant or wet process air pollution control facility or any other such waste having similar characteristics and effect, but does not include industrial discharges that are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880). The term “sludge” does not include (nor does this ordinance seek to regulate) material of the same origin that has been treated and packaged for retail sale as garden fertilizer.

(C) “Residue” means all solid wastes remaining after treatment, incineration or processing (including, but not limited to, front ending waste, fly ash, bottom ash, air pollution control materials, combined incinerator ash, oil ash, coal ash, shredder residue, process residues and composting residues) that require disposal and are not suitable for controlled land application. These restrictions do not include untreated wood ash. The term “Residue” does not include (nor does this ordinance seek to regulate) material of the same origin that has been treated and packaged for retail sale as garden fertilizer.

(D) “Residual” means those materials (including but not limited to pulp and paper mill wastewater treatment plant sludge, food and fiber processing wastes, municipal wastewater and sludges and vegetable and fish processing residuals) generated from municipal, commercial or industrial facilities that are suitable for controlled land application and result in vegetative absorption, thinning or lessening the amount of the components in the material or improved soil condition. These restrictions do not include untreated wood ash. The term “residual” does not include (nor does this ordinance seek to regulate) material of the same origin that has been treated and packaged for retail sale as garden fertilizer.

(E) “Shredder residue” means waste generated from the shredding of automobiles, white goods, and other scrap machinery.

ARTICLE IV: SLUDGE DISPOSAL
No person shall store, spread, or by any other means dispose of any sludge, residue or residual within the limits of the Town of Palmyra prior to obtaining a permit from the Planning Board.

ARTICLE V: PENALTIES
The municipal officers or authorized designee may exercise their authority under Title 30-A MRSA Section 4452 to petition the Court to enforce civil penalties of $100.00 to $2,500.00 per violation of this ordinance. The Court may order complete abatement of the violation and award appropriate damages and attorney’s fees.

ARTICLE VI: EFFECTIVE DATE
This Ordinance shall be effective upon the date of its passage.
Town of Palmyra Subdivision Regulation

Article 1. General.........................................................................................................page 1
Article 2. Review Criteria..........................................................................................page 3
Article 3. Administration and General Procedures.................................................page 6
Article 4. Sketch Plan Review...................................................................................page 11
Article 5. Preliminary Plan Review.............................................................................page 12
Article 6. Final Plan Review.......................................................................................page 15
Article 7. Performance Standards.............................................................................page 17
Article 8. Enforcement..............................................................................................page 23
Article 9. Definitions.................................................................................................page 24

Adopted by the Town of Palmyra Planning Board
Date: 03 - 27 - 2012
Article 1. General

Section 1. Title:
This Regulation shall be known as the Town of Palmyra Subdivision Regulation and will be referred to as "this Regulation".

Section 2. Authority:
This Regulation has been prepared and adopted under the authority of Title 30- A MRSA Section 4403, sub. 2.

Section 3. Purpose:
The purpose of this Regulation is:
- To provide for an expeditious and efficient process for the review of proposed subdivisions.
- To clarify the approval criteria of the State Subdivision Law, found in Title 30-A, M.R.S.A. Section 4404.
- To preserve and enhance the rural character of the community.
- To meet the goals and conform to the policies of the Town of Palmyra.
- To ensure the safety, health, and welfare of the people of the Town of Palmyra.
- To provide adequate recreational opportunities.
- To protect the natural and cultural resources of the Town of Palmyra.
- To assure that a minimal level of services and facilities are available to the residents of the new subdivisions and that lots in the subdivision are capable of supporting the proposed uses and structures.
- To promote the development of an economically sound and stable community.
- To minimize the potential impact from new subdivisions on neighboring properties and on the municipality.

Section 4. Applicability:
The provisions of this Regulation shall apply to all development considered to be a subdivision as defined in Title 30 - A, M.R.S.A. Section 4401 and this Regulation.

Section 5. Effective Date:
The effective date of this Regulation shall be the date of its adoption by the Town of Palmyra Planning Board.

Section 6. Conflicts with other Regulations:
Whenever a provision of this Regulation conflicts with or is inconsistent with another provision of this Regulation or any other Regulation, ordinance, or statute, the more restrictive provision shall control.

Section 7. Validity and Severability:
Should any section or provisions of this Regulation be declared by the courts to be invalid, such decision shall not invalidate any other section or provisions of this Regulation.

Section 8. Availability:
A certified copy of this Regulation shall be filed with the Town Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at a reasonable cost to be charged to the person making the request. Notice of availability of this Regulation shall be posted in the Town Office.

Section 9. Application Forms:
The Town of Palmyra Planning Board shall develop application forms to be used by the applicants seeking subdivision approval.

Section 10. Application Fees;
All application(s) for subdivision approval shall be accompanied by the fees as established herein:

All fees are non-refundable and shall be paid to the Town of Palmyra upon filing the appropriate subdivision application.

Fee Schedule shall be:
Application Fee - $100

In addition to the regular non-refundable application fee, the applicant shall pay a fee of $100 per lot or dwelling unit, payable to the Town of Palmyra, to be deposited in a special account designated for that development application and to be used by the Palmyra Planning Board for hiring independent consulting services to review the application and pay all expenses relating to the subdivision if necessary. These expenses shall include mileage, postage, phone calls, copies of material, etc. If the balance of the special account is drawn down by 75%, the Town of Palmyra shall notify the applicant, and request that an additional $50.00 per lot or dwelling unit, to be deposited as necessary, whenever the balance of the account is drawn down by 75% of the original deposit. Any balance in the account remaining after the final decision on the application is made shall be returned to the applicant.

If a public hearing is deemed necessary by the Palmyra Planning Board, an additional fee shall be required to cover the cost of advertising and postal notification.

Section 11. Amendments:
Amendments to this Regulation may be initiated by a majority vote by the Board of Selectmen, Planning Board, or by written petition by a number of voters equal to at least 10% of the number of votes cast in the Town of Palmyra in the last gubernatorial election.

An amendment to this Regulation may only be adopted by a majority vote of the Planning Board.
Article 2. Review Criteria:

The Planning Board shall consider the following criteria, and before granting approval, must determine that:

Section 1. The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:
- The elevation of the land above sea level and its relation to the floodplain;
- The nature of the soil and subsoil and their ability to adequately support waste disposal;
- The applicable state and local health and water resources rules and regulations.

Section 2. The proposed subdivision has sufficient water available for the reasonable needs of the subdivision.

Section 3. The proposed subdivision will not cause an unreasonable burden on an existing water supply.

Section 4. The proposed subdivision will not cause unreasonable soil erosion, unmitigated stormwater runoff, or reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

Section 5. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe intersections or other conditions with respect to the use of the highways or public roads existing or proposed.

Section 6. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on the Town, if Town services are used.

Section 7. The proposed subdivision will not cause an unreasonable burden on the town's ability to dispose of solid waste, if Town services are used.

Section 8. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, archeological sites, significant wildlife habitat as identified by the Department of Inland and Fisheries and Wildlife or by the Town of Palmyra, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

Section 9. The proposed subdivision conforms to all the applicable standards and requirements of this Regulation, and other Regulations. In making this determination, the Planning Board may interpret these Regulations and plans.

Section 10. The subdivider has adequate financial and technical capacity to meet all the Review Criteria and the standards and requirements contained in this Regulation.

Section 11. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3,
Subchapter 1, Article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

Section 12. The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

Section 13. Based on Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundary within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with the lowest floor, including the basement, at least one foot above the 100-year flood elevation.

Section 14. All fresh water wetlands within the proposed subdivision have been identified and delineated on any maps submitted as part of the application, regardless of the size of these wetlands. All wetlands shall be preserved to the greatest extent.

Section 14-A. All farmland within the proposed subdivision has been identified on maps submitted as part of the application. Any mapping of farmland may be done with the help of the local soil and water conservation district.

Section 15. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. All rivers, streams, or brooks shall be protected from any adverse development impacts. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond, or wetland as these features are defined in Title 38, Section 480-B Subsection 9, none of the lots created within the subdivision shall have a lot depth to shore frontage ratio greater that 5 to 1.

Section 16. The proposed subdivision will provide for adequate storm water management.

Section 17. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond’s phosphorus concentration during the construction phase and life of the proposed subdivision;

Section 18. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

Section 19. Lands subject to liquidation harvesting. Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, M.R.S.A section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the Planning Board must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. The Planning Board may
request technical assistance from the Department of Conservation, Bureau of Forestry to
determine whether a rule violation has occurred, or the Board may accept a determination
certified by a forester licensed pursuant to Title 32, chapter 76. If the Bureau agrees to provide
assistance, it shall make a finding and determination as to whether a rule violation has occurred.
If the Bureau notifies the Planning Board that it will not provide assistance, the Board may
require a subdivision applicant to provide a determination certified by a licensed forester. For
the purposes of this subsection, "liquidation harvesting" has the same meaning as in Title 12,
M.R.S.A section 8868, subsection 6 and "parcel" means a contiguous area within one
municipality, township or plantation owned by one person or a group of persons in common or
joint ownership.
Article 3. Administration and General Procedures

Section 1. Administration:
   a. The Planning Board shall administer this Regulation and review all subdivision applications according to the applicable review criteria and standards.
   b. The Planning Board shall provide the Code Enforcement Officer a copy of its decision on a subdivision application including all application materials.

Section 2. Decisions:
   a. The Planning Board shall make the final determination as to whether the subdivision application is complete before it makes a final decision on the application.
   b. After review of a complete application the Planning Board shall determine whether or not the application meets the Review Criteria contained in Article 2 of this Regulation. The Planning Board shall make a written finding of fact to support its decision and vote to approve the application, deny the application, or approve the application with conditions.
   c. If in its findings, the Planning Board determines that the application may not meet the review criteria, and that additional actions by the applicant will be sufficient to meet them, it may require such actions, as conditions of approval. The conditions may set forth requirements in addition to those set forth in this Regulation only when the Planning Board finds it necessary to further the purposes of this Regulation. Each condition approved by the Planning Board shall be listed along with the reasons for these conditions in the Planning Board's decision. Each condition shall also be listed on the final subdivision plan.
   d. Each waiver approved by the Planning Board shall be listed along with the reasons for these waivers in the Planning Board's decision. Each waiver shall also be listed on the final subdivision plan.

Section 3. Burden of Proof:
The applicant shall have the burden of proof to show the proposed subdivision application meets the applicable review criteria and standards contained in this Regulation.

Section 4. Additional Studies:
The Planning Board may require the applicant, to perform additional studies or pay for the services of a consultant to review the entire or portions of the subdivision application. The cost to perform additional studies or pay for the services of a consultant shall be borne by the applicant.

Section 5. Rights Not Vested:
The submittal of a sketch plan or a preliminary plan to the Planning Board to review for a complete application shall not be considered the initiation of the review process for the purposes of bringing the application under the protection of Title I, M.R.S.A., Section 302. The formal review process shall begin upon written notification to the applicant that a completed application has been received.

Section 6. Site Inspection:
   a. The Planning Board may vote to schedule an onsite inspection of the proposed
project. The Planning Board shall schedule the date and time of the site inspection at the sketch plan meeting or at another time. The Planning Board shall post the date, time, and place of the site inspection at the Town Office.

b. The purpose of the site inspection is for the Planning Board to obtain knowledge about the site and surrounding area. The Planning Board shall not discuss the merits of the application or render any decision concerning the application during the site inspection.

Section 7. Waivers:
   a. The Planning Board may vote to waive any of the performance standards when it finds one of the following:
      1. One or more of the performance standards are not applicable to the proposal due to the size of the project, circumstances of the site, design of the project, or unique features of the proposal.
      2. The applicant has proposed an alternate design that meets or exceeds the requirements set forth in the performance standards.
   b. The applicant shall submit information and materials that support the waiver request with the application.
   c. The Planning Board may only consider a waiver request when the applicant has submitted a written waiver request in the application. The first application review shall include a consideration of any waiver request. The Planning Board shall review the request and if it meets the waiver criteria, shall approve the request. If the Planning Board finds that the request does not meet the waiver criteria, the Board shall deny the request. The applicant shall amend the application as required if the waiver is not approved by the Board. The Planning Board may vote to suspend the review of the application until such time that the applicant provides any information necessary as a result of not obtaining a waiver. In no case shall the Planning Board make a final decision upon the application until the applicant supplies any additional information to the satisfaction of the Planning Board.

Section 8. Subdivision Review Process:
All subdivision applicants shall be required to follow a three-tier review process, which shall include: 1. Sketch Plan Review; 2. Preliminary Plan Review; and 3. Final Plan Review.

The Planning Board may vote to allow an applicant for a Minor Subdivision to submit a final plan review directly after the Sketch Plan Review meeting. The Planning Board shall make this decision after reviewing the sketch plan proposal.

Section 9. Revisions to Approved Plans:
   a. An application for a revision to a previously approved plan shall be submitted to the Planning Board at least 7 days prior to a scheduled meeting of the Planning Board. If the revision involves a modification to a condition imposed by the Planning Board; the addition of additional units; the addition of new lots; or an expansion of the subdivision, then the procedure for a new application shall be followed. If the revision only involves minor modifications to the plan, the Planning Board may consider the request at the meeting. The Planning Board may vote to hold a public hearing on the proposed revision.
   b. The Planning Board's scope of review shall be limited to those portions of the plan, which are proposed to be revised, or that are adversely impacted by the proposed revision.
c. The applicant shall submit a copy of the approved plans and 6 copies of the revised portions of the plans. The application shall include enough supporting data to allow the Planning Board to make a decision that the proposed revision meets the review criteria.

d. The Planning Board shall vote to approve the revision, deny the revision or approve the revision with conditions. The Planning Board may vote to require that additional information be submitted in order to ensure that the review criteria are met.

e. The applicant shall record any subdivision plan revisions approved by the Planning Board according to Title 30-A MRSA, Section 4407.

Section 10. As Built-Plans:
Upon completion of all the public improvements contained in the subdivision, the applicant shall submit a copy of as-built plans to the Planning Board. This requirement does not apply to a minor subdivision.

Section 11. Appeals to Superior Court:
An aggrieved party may appeal any final decision of the Planning Board under this Regulation to Superior Court, within 30 days of the date the Planning Board issues a written order of its decision.

Section 12. Public Hearing:
   a. The Planning Board shall hold a public hearing on all preliminary plan applications. The Planning Board may vote to hold a public hearing on a final application.
   b. The public hearing notice shall be made as follows:
      1. The Planning Board shall hold a public hearing within 30 days after receiving a complete application. A notice of the date, time, and place of the public hearing shall be:
      2. Published, at least two times, in a newspaper having general circulation in the municipality. The date of the first publication shall be at least 7 days before the hearing.
      3. Mailed by certified mail to the applicant, at least 7 days prior to the public hearing.
      4. Mailed by certified mail to all property abutters, at least 7 days prior to the public hearing. The Planning Board shall maintain a list of all property abutters and record the date the notice was mailed. Failure of an abutter to receive a notice shall not invalidate the public hearing, nor shall it require the Board to schedule a new public hearing.
   c. The Planning Board may vote to continue the public hearing in order to receive additional public comment or information concerning the application. The Board is not required to meet the notice requirements listed above for the continued public hearing.

Section 13. Joint Meetings:
If any portion of a proposed subdivision crosses municipal boundaries, the Planning Board shall follow the notice, meeting, and review requirements specified in Title 30-A, MRSA, and Section 4401-4407.

Section 14. Performance Guarantee:
   a. A performance guarantee shall be required for all public improvements proposed for the subdivision. The applicant shall submit a proposal for the performance guarantee at the time of the submission of the Final Plan. A detailed list of all proposed public improvements
including the cost for each shall be submitted with the performance guarantee.

b. The performance guarantee may include one or more of the following:
   1. A certified check, in an amount equal to the expense of installing the public improvements, made payable to the Town of Palmyra.
   2. A performance bond, in an amount equal to the expense of installing the public improvements, and made payable to the Town of Palmyra.
   3. A conditional agreement with the Town, whereby no lot in the subdivision may be sold and no building permit issued until the applicant installs all public improvements.
   4. An irrevocable letter of credit from a bank or other lending institution, which shall indicate that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan.

c. The applicant, prior to approval of the final plan, shall consult with the Selectmen on the terms proposed by the applicant for the performance guarantee. The Selectmen shall decide on the amount of the certified check, performance bond letter of credit or the terms of the performance guarantees. The terms established by the Selectmen for the performance guarantees shall be provided in writing to the Planning Board and included as a condition for approval of the subdivision application.

d. Prior to the release of the performance guarantee, the Selectmen shall determine that the proposed improvements meet or exceed the design and construction requirements specified in this Regulation and the subdivision plans. The Selectmen shall base its decision upon the inspection reports filed by the Code Enforcement Officer, other Municipal Officials or other designated inspector.

e. Submittal of the, as-built subdivision plans, is a requirement for the release of the performance guarantee.

f. If the Code Enforcement Officer, or other designated inspection official find that any public improvements have not been constructed in accordance with the plans and specifications filed as part of the application, they shall report this condition to the Selectmen. The Selectmen shall take any steps necessary to preserve the Town's rights.

Section 15. Inspection Requirements:

a. The Code Enforcement Officer or his designated agent shall be responsible for conducting and/or coordinating all inspections with other municipal officials. The following municipal officials shall perform the following inspections:
   1. The Road Commissioner shall inspect all roads, lanes, common driveways, and driveways including roads to be considered for public acceptance and private roads and associated drainage systems. All roads proposed for public acceptance shall also be inspected by a professional engineer as per road performance standards contained in the Town of Palmyra Road Ordinance.
   2. The local Plumbing Inspector shall inspect the installation of all subsurface waste water treatment systems.
   3. The Code Enforcement Officer shall inspect all erosion control measures, stormwater management features, and all other site features.

b. The applicant shall be responsible for scheduling all inspections with the Code Enforcement Officer. The Code Enforcement Officer and all other inspection officials shall keep record of all inspections and all deficiencies. It shall be the responsibility of the Code Enforcement Officer to notify the applicant in writing that a deficiency exists and the steps
necessary to remedy the situation. The Code Enforcement Officer shall notify the Selectmen whenever the applicant fails to remedy a deficiency. Upon completion of the subdivision and/or consideration of release of the performance guarantee, all inspection reports shall be made available to the Selectmen.
Article 4. Sketch Plan Review

Section 1. Purpose:
The purpose of the sketch plan submittal is for the applicant to present general information regarding the proposed subdivision to the Planning Board and to receive the Planning Board's comments prior to the expenditure of substantial sums of money for developing the subdivision plan.

Section 2. Procedure:
a. The applicant shall submit 6 copies of the complete sketch plan application to the Planning Board at least 7 days before a scheduled meeting of the Planning Board.
b. The applicant shall present the sketch plan application to the Planning Board and make a verbal presentation regarding the site and proposed subdivision.
c. Following the applicant's presentation, the Planning Board may ask questions and make suggestions to be incorporated by the applicant into the application.
d. The Planning Board shall determine the contour intervals to be shown on the plan.
e. The Planning Board shall decide if the proposed subdivision meets the definition of a minor subdivision and if the applicant may submit a final plan for consideration.

Section 3. Submission:
a. The sketch plan shall show in simple sketch form the proposed layout of roads, lots, buildings, and other features in relation to existing site conditions. The sketch plan does not have to be an engineered plan and may be a freehanded pencil sketch.
b. The sketch plan shall be submitted on the application forms provided by the Planning Board and include the following:
   1. A copy of the Tax Assessors map of the site and surrounding area.
   2. A copy of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision.
   3. A map of the County Soil Survey showing the area of the proposed subdivision including an explanation of each soil type found on the site.
Article 5. Preliminary Plan Review

Section 1. Procedure:

a. The applicant shall submit a complete preliminary plan application to the Planning Board. The applicant shall be issued a dated receipt.

b. The application shall consist of 6 copies including all maps and related attachments. The Planning Board shall retain 5 copies and one shall be placed in the Town Office for public view.

c. Within 7 days, after receipt of the preliminary plan, the Planning Board Secretary shall notify by certified mail all abutters to the proposed subdivision that an application for a subdivision to the Planning Board, specifying the location of the proposed subdivision and including a general description of the project. The notice shall also indicate that a copy of the application is available for public view at the Town Office. The Secretary shall maintain a list of all abutters notified by certified mail, specifying the date the notice was mailed.

d. Within 30 days of the receipt of the preliminary plan application, the Planning Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Planning Board shall notify the applicant of the specific material needed to complete the application.

e. Upon approval of the preliminary plan, the applicant is eligible to submit a final plan to the Planning Board for consideration. The approval of the preliminary plan shall not constitute approval for the final plan or intent to approve the final plan, but rather be deemed an expression of approval of the design of the preliminary plan as a guide to the preparation of the final plan. The final plan shall be submitted for consideration upon fulfillment of the requirements of this Regulation and conditions of preliminary approval, if any.

Section 2. Preliminary Plan Submissions:

a. The applicant is responsible for supplying all the necessary information to show that the proposed subdivision is in compliance with the review criteria, and requirements and performance standards contained in this Regulation. The preliminary plan submissions shall consist of the following:

1. A receipt from the Town indicating that the application fee has been paid.

2. A preliminary plan application form and all required attachments and maps.

3. Waiver request form, if applicable.

4. A location map, drawn at an appropriate scale to show the relationship of the proposed subdivision to adjacent properties. The map showing the following:
   a) Existing subdivisions abutting the proposed subdivision.
   b) Location and names of existing and proposed roads.
   c) Boundaries and designations of all shoreland zones.
   d) An outline of the proposed subdivision and any remaining portion of the owner's property if not included in the subdivision proposal.

5. The following general information:
   a) Name, address, phone number of the applicant and applicant's agent.
   b) Verification of right, title, or interest in the property.
   c) A copy of the most recently recorded deed for the parcel.
   d) A copy of all existing and proposed, deed restrictions, rights-of-way, or other
encumbrances affecting the property.
   a) The book and page and Map and lot information of the property.
   b) The name and addresses of all property owners abutting the property.
   c.) Acreage of the proposed subdivision and acreage of any land not included in the subdivision to be retained by the owner.

6. A subdivision plan consisting of one or more maps drawn to a scale of not more than 100 feet to the inch. The plan shall show the following:
   a) Name of Subdivision,
   b) Number of lots.
   c) Date, north point, graphic scale,
   d) Proposed lot lines with dimensions,
   e) A survey of the perimeter of the tract, giving complete descriptive data by bearing and distances, signed and sealed by a Professional Land Surveyor. The corner of the tract shall be located on the ground and marked by permanent markers. The plan shall indicate the type of permanent marker proposed to be set or found at each lot corner,
   f) Contour intervals as specified by the Planning Board,
   g) The location of all rivers, streams, brooks, ponds, and wetlands, regardless of size, within or adjacent to the subdivision,
   h) The location of all slopes in excess of 20%,
   i) The number of acres within the subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing features.,
   j) The location of any significant sand and gravel aquifers,
   k) The boundaries of any flood areas and the 100-year flood elevation as depicted on the Town's most recent FIRM Map,
   l) The boundaries of all shoreland zoning districts,
   m) The location and boundaries of any significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife,
   n) The location of any site or structure listed on the National Register of Historic Places or any archeological site identified by the State Historic Preservation Commission,
   o) The location of all scenic areas and unique natural areas,
   p) The location of all subsurface wastewater disposal system test pits/test boring and test data and appropriate documentation, the location and size of all public utilities.
   q) The location of all existing and proposed wells and appropriate documentation. The applicant shall submit documentation from a hydrologist or a well driller familiar with the area, stating that adequate water is available to supply the subdivision, the location and size of all public utilities.
   r) All temporary and permanent erosion control features proposed for the site,
   s) All storm water control hydrology and mitigation design features proposed for the site.
   t) All parcels of land proposed to be owned or held in common or joint ownership by the subdivision or individual lot owners. All land proposed to be offered for public acceptance by the Town.
   u) Phosphorus control measures, if the subdivision is located within the direct watershed or of a great pond.
   v) Road plans and specifications and appropriate documentation. Traffic access data for the site including an estimate of the amount of vehicular traffic to be generated on a
w) The type and location of any proposed fire control features, including fire ponds, and appropriate documentation.
x) A list of all proposed deed covenants and restrictions on the plan,
y) The location of all existing trails such as but not limited to snowmobile trails and hiking trails.
z) A detailed list of all proposed public improvements including the cost of each item.
7. A statement indicating how the solid waste from the subdivision will be handled.
8. Documentation indicating that the applicant has the financial and technical capacity to meet the requirements of this Regulation.
9. Any other data necessary in order to meet the requirements of this Regulation.
Article 6. Final Plan Review

Section 1. Procedure:

a. The applicant shall, at least 7 days prior to a scheduled meeting of the Planning Board, submit a complete final plan application to the Town Clerk or Planning Board Secretary. The applicant shall be issued a dated receipt and the final plan application shall be placed on the Planning Board's agenda in order to review for a complete application.

b. The application shall consist of 2 stable-based transparencies and 3 paper copies. One paper copy shall be placed in the Town Office for public view.

c. Within 30 days of the receipt of the final plan application, the Planning Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific material needed to complete the application.

d. The Planning Board may decide to hold a public hearing on the proposed final plan. The Planning Board shall schedule a public hearing or a meeting to review the final plan within 30 days of determining that it has received a complete application.

e. Within 30 days of the public hearing or meeting, or within another time period as may be mutually agreed to by the Board and the applicant, the Planning Board shall make a decision on the application.

f. Upon voting to approve the final plan, the Planning Board shall sign the 2 stable-based transparencies. The Planning Board shall retain one copy and the other shall be provided to the applicant. The applicant shall file the approved final subdivision plan with the Register of Deeds, within 90 days of the date upon which the plan is approved. Failure to file the plan with the Register of Deeds, within 90 days, shall make the plan null and void. Final plans not filed in the appropriate time period shall be re-submitted to the Board according to the requirement in Article 6 of this Regulation.

Section 2.

a. The applicant is responsible for supplying all the necessary information to show that the proposed subdivision is in compliance with the review criteria and requirements and performance standards contained in this Regulation. The final plan submissions shall consist of the following:

1. A receipt from the Town indicating that the application fee has been paid.
2. A final plan application form and all required attachments and maps.
3. All the submission materials required for a preliminary plan.
4. All conditions and modifications approved by the Planning Board for the preliminary plan shall be contained on the final plan.
5. All waivers approved by the Planning Board shall be shown on the final plan.
6. All additional studies and/or materials required by the Planning Board, as applicable.
7. A signature block shall be provided on the final plan.
8. A performance guarantee, if applicable.
9. The location and type of all permanent markers set at all lot corners.
10. If the subdivision contains any private roads, the plan shall contain a statement as
follows: The subdivision roads are designed as private roads and are not eligible for acceptance by the Town of Palmyra, unless the road is improved to meet the appropriate standards for road acceptance.

11. Written copies of any documents of land dedication, and written evidence that the Board of Selectmen are satisfied with the legal sufficiency of any documents accomplishing such land dedication.

12. Any conditions placed on the final plan by the Planning Board shall be clearly listed on the plan. Planning Board imposed conditions shall be clearly listed separately from any covenants or restrictions placed on the subdivision by the applicant.
Article 7. Performance Standards

Section 1. The performance standards contained in this section shall apply to all subdivision proposals in the Town of Palmyra.

Section 2. General lot requirements:
   a. Refer to Zoning Ordinance for lot size and setbacks.
   b. The minimum lot area for each proposed subdivision lot shall include a contiguous parcel of land that is suitable for development.
   The following areas shall be deemed unsuitable for development:
   - wetlands; rivers; brooks; ponds; stormwater drainage features; public and private right-of-ways; land zoned as resource protection; slopes in excess of 25%; significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife; and identified archeological and historic resources as identified by the Maine Historic Preservation Commission.

Section 3. Monuments:
No person may sell or convey any land in an approved subdivision unless:
   a. At least one permanent marker is set at one corner of the lot sold or conveyed. The term "permanent marker" shall mean: 1) a granite monument 2) a concrete monument 3) An iron pin (most all use so it can be found with a metal detector) 4) A drilled hole in ledge.
   b. All other subdivision boundary corners and angle points as well as lot boundary corners and angle points shall be marked by suitable monumentation as required by the Maine Board of Registration of Land Surveyors.

Section 4. Water Supply:
   a. Individual wells shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface disposal systems and other sources of pollution. The last design shall permit the placement of wells, subsurface disposal systems and reserve areas in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules.
   b. The water supply for the subdivision and each lot shall be adequate to supply all the potable and other water requirements of the development. The applicant shall submit documentation from a hydrologist or a well driller familiar with the area, stating that adequate water is available to supply the subdivision.
   c. The applicant shall submit documentation from the service public utility that it has sufficient capacity to serve the subdivision.

Section 5. Fire Protection:
   a. The subdivision shall be designed so that the responding fire department(s) shall have unrestricted access to all developed areas within the subdivision and adequate provisions are made for the supply of water for fire suppression. The applicant shall review the proposed subdivision with the Fire Chief, and shall obtain a written statement from the Fire Chief indicating that the fire protection measures proposed for the subdivision have been review. This statement shall be submitted with the preliminary plan application.
b. The Fire Chief in making his/her review of the proposed fire protection measures shall consider the following:

1. The road is adequate for the passage of fire equipment.
2. An adequate water supply is available near or within the subdivision to serve the density of the development.

The Fire Chief shall review the fire protection measures proposed for the subdivision and may make suggestions for including the installation for fireponds or location of hydrants.

Section 6. Subsurface Wastewater Disposal Systems:

a. As proof that each lot in the proposed subdivision will sustain its own separate subsurface wastewater disposal system, the applicant shall submit evidence of site suitability for a subsurface wastewater disposal system in compliance with the Subsurface Wastewater Disposal Rules of the State of Maine, prepared by a State licensed site evaluator. Common or shared subsurface wastewater disposal systems shall not be allowed. All test pit locations shall be shown on the subdivision plan and be accompanied by a HHE200 Form or other format, which shows the appropriate soils data.

b. The applicant shall submit the test pit data to the Town of Palmyra Licensed Plumbing Inspector for review. The LPI shall review the data for conformance with State Law and those regulations and issue the applicant a written statement. The LPI shall state whether that the data submitted is sufficient to make a reasonable determination that the soils will accommodate a subsurface system or indicate if additional data or site analysis is needed. The applicant shall submit the LPI's statement with the preliminary plan application.

c. If the subdivision is serviced by a public utility then the applicant shall submit documentation that the public utility has adequate capacity to accept and treat the sanitary waste.

Section 7. Erosion Control:

All activities, which involve filling, grading, excavation, or other similar activities, which result in unstabilized soil conditions, shall comply with the following:

a. The site shall be developed so as to prevent soil erosion from entering waterbodies, wetlands, stormwater drainage features, and adjacent land. All temporary and permanent erosion control measures shall be designed in accordance with the "Maine Erosion and Sedimentation Control handbook for Construction Best Management Practices".

b. All temporary and permanent erosion features shall be shown on the subdivision plan.

Section 8. Phosphorus Control:

The following standards for phosphorus shall apply to all subdivisions located in the direct watershed of a great pond.

A phosphorus control plan shall be developed in accordance with the design criteria in the DEP manual, Stormwater Management for Maine-Volume II-Phosphorus control of Lake Watersheds: A technical guide to evaluating new development, Maine Department of Environmental Protections, as amended.

Section 9. Stormwater Control:

All construction and development shall be designed to minimize storm water runoff from the
Where possible, existing natural runoff control features shall be retained in order to reduce runoff and encourage infiltration. A storm water control plan shall be developed for the site according to the following standards:

a. A storm water control plan that is developed according to the requirements of the Department of Environmental Protection Regulations, Chapter 500, Stormwater Management and Chapter 502, Direct Watersheds of Waterbodies Most At Risk.

b. Road culverts shall be designed to handle a 25 to 50 year storm frequency.

c. The size and location of proposed developed and disturbed sites on each lot shall be shown on the plan based upon the phosphorus and stormwater control plan for the subdivision.

Section 10. Waterbody Protection:

a. The locations of all rivers, streams, brooks, and wetlands shall be identified on the subdivision plan. This shall include all perennial and intermittent streams and not-forested wetlands.

b. Waterbodies shall not be developed or disturbed unless the applicant can provide evidence that no other alternative exist. Any development planned within 50 feet of the high-water line of any waterbody including wetlands shall require a plan which includes the following;

1. A description of the proposed development including the reason why this is the only alternative.

2. Construction drawings of the disturbance area showing all structures, fill areas, vegetative disturbance, and erosion control measures.

3. A list of state and federal permits required, if applicable.

Section 11. Ground Water:

a. Any development proposed within a sand and gravel aquifer shall be designed and constructed according to a plan, which takes into account the impact of the development upon the aquifer.

b. The Planning Board may require the applicant to have the plan developed by a geologist, which shows that the proposed development will not have an adverse impact upon the aquifer. The Planning Board, in making the determination that a plan be required, shall consider the density of the development, and existing conditions or problems within the area.

Section 12. Historic, Archeological, Wildlife Habitat, Scenic Areas, and Unique Natural Areas:

The subdivision plan shall show the locations of any historic and archeological sites, wildlife habitat, scenic areas, and unique natural areas. If any of these areas are located on the site, a protection plan shall be developed in accordance with the following:

1. If any portion of the site is designated as significant archeological or historic site by the Maine Historic Commission, or listed on the National Register of Historic Places, the applicant shall develop appropriate measures for the protection of these resources to local, state, and federal regulations.

2. If any portion of the site is located within an area designated by the Town of Palmyra as a scenic area or unique natural area by the Maine Natural Areas Program, the
applicant shall develop appropriate measures for the preservation of the values, which qualify
the site for each designation.

3. If any portion of the site is within a significant wildlife habitat area, the applicant
shall consult with the Maine Department of Inland Fisheries and Wildlife or a qualified
wildlife biologist and develop measures to protect these areas from environmental damage
and habitat loss.

Wildlife habitat areas shall include the following:

   a. Habitat or endangered species appearing on the official state or federal list of
      endangered or threatened species.
   b. High or moderate value water flow and wading bird habitats as defined by the Maine
      Department of Inland Fisheries and Wildlife.
   c. Deer wintering areas as identified by the Department of Inland Fisheries and Wildlife.

Section 13. Financial and Technical Capacity:
The applicant shall submit evidence that he/she has adequate financial and technical capacity
to design and construct the development in accordance with all applicable local, state, and
federal laws and regulations.

Evidence of adequate financial and technical capacity shall consist of the following:

   a. A list of all technical and professional staff involved with the proposal and
      preparation of the application including their qualifications and past experience with projects
      of similar size and scale.
   b. A list of all persons with inspection and oversight responsibilities for the development
      and if available, the persons selected to construct the project, including their qualifications and
      past experience with projects of similar size.
   c. A letter from a financial institution such as a banker or other lending institution that
      states that the applicant has the necessary funds available or a loan commitment from this
      institution to complete the proposed development within the time period specified by the
      applicant.

Section 14. Conformity With All Other Applicable Local Regulations:
The applicant shall show that the subdivision meets all other applicable local Regulations
including, but not limited to, Shoreland Zoning, Floodplain Management, Zoning
Ordinance, Road Ordinance and Commercial Development Ordinance.

Section 15. Agricultural and Forest Resources:
   a. Whenever a proposed subdivision is located adjacent to a farm listed under the
      Maine Farm and Open Space Law or a woodlot listed under Tree Growth, suitable provisions
      shall be incorporated in the subdivision proposal to minimize future conflicts between
      residential sites and agriculture, forest operations.
   b. Provisions to reduce conflicts between residential and activities of a working rural
      landscape shall be proposed based upon the size, density and site conditions of the particular
      subdivision. Some possible options include:
         1. A mandatory structure set-back of 100 feet from the farm or forest site.
         2. A vegetative buffer along property lines.
3. Location of homes away from farm and forest.
4. A disclosure notice, included in the deed of each lot, to inform the new landowner that agricultural and forest activities generate noise, dust, and odors.

Section 16. Rural Design and Landscape Standards for Public Scenery:
Each subdivision proposal shall include a landscape or scenic preservation plan which shows how the lots, building sites, structures, and roads preserve the existing rural character of the community. The plan shall incorporate the following standards into the overall development of the subdivision:

1. Building sites shall be oriented with respect to scenic vistas, natural landscape features, topography, and natural drainage areas.
2. Road and lot layout shall be adapted to the existing topography.
3. Existing trails shall be preserved to the greatest extent possible.
4. Existing vegetation along front, side, and rear property lines shall be preserved to the greatest extent possible.
5. Lots shall be designed so as to enhance the privacy and rural atmosphere of the development.
6. Trees located along the roads shall be preserved to the greatest extent possible to maintain a rural landscape corridor.
7. Existing vegetation along all streams, ponds, and wetlands shall be preserved.
8. Prime farmland soils as identified shall be preserved to the greatest extent possible.

Section 17. Open Space Land:
At a minimum, the difference in land area between the minimum lot size and the reduced amount of land for each lot shall be reserved for open space. The area of land reserved for open space within the subdivision shall be allotted based upon the overall design plan of the development and the following general standards:

a. The open space land shall be selected so that to the greatest extent possible it is contiguous with other open parcels and that each connects with each other.

b. Existing trails or other recreational areas should be preserved to the greatest extent possible.

c. Scenic areas as identified by the Town shall be preserved. (Scenic areas as identified by the Town's Official Scenic Survey. This applies only to land identified in the survey when it was completed.)

d. Land classified as prime agricultural soils shall be preserved to the greatest extent possible.

e. All land dedicated as open space shall be protected by applicable deed restrictions or covenants that restrict further development on the land.

f. The open space land may be used for the following purposes: open space, recreation including necessary structures for these activities, agricultural including necessary structures to perform this activity, and forestry.

g. The ownership of the open space may be held in common by the property owners, conveyed to a land trust or other similar organization, or offered to the Town for public acceptance. The Planning Board shall review all open space ownership plans and shall decide whether or not they offer adequate and long-term protection for the open space lands.
Section 18. Road and Access Provisions for Subdivision Lots:
   a. All proposed subdivision lots shall have access to a public road.
   b. It will be the developer's responsibility to develop the roads to the Town of Palmyra's Road Ordinance whether it be a new road that is being built within the subdivision, or a town road that provides access to the subdivision whether or not it is maintained by the Town.
Article 8. Enforcement

Section 1. Inspection of Required Improvements:

a. At least 5 days prior to commencing each major phase of construction of required improvements, the subdivider shall notify the CEO in writing as to when construction of improvements will begin. The municipal officers shall cause inspections to be made to assure that all municipal specifications and requirements shall be met during the construction of required improvements and to assure the satisfactory completion of improvements and utilities required by the Planning Board.

b. If the CEO finds, upon inspection of the improvements, that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, he shall so report in writing to the municipal officers, board, and the subdivider or builder. The municipal officers shall take any steps necessary to preserve the municipality's rights.

c. If at any time before or during the construction of the required improvements it appears to be necessary or desirable to modify the required improvements, the CEO is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The CEO shall issue any approval under this section in writing and shall transmit a copy of the approval to the Planning Board. Revised plans shall be filed with the Town. For major modifications, such as relocation of right-of-ways or property boundaries, changes of grade by more than 1 percent, etc., the subdivider shall obtain permission from the Planning Board to modify the plans.

e. Upon completion of street construction and prior to a vote by the municipal officers to submit a proposed town way to a town meeting, a written certification signed by a professional engineer registered in the State of Maine may be required by the municipal officers at the expense of the applicant, certifying that the proposed town way meets or exceeds the design and construction requirements.

f. The subdivider or builder shall be required to maintain all improvements and to provide for snow removal on streets and sidewalks and maintenance until either a homeowners association is established to accept responsibility for the improvements or the town at the annual town meeting accepts the improvements.

Section 2. Violations and Enforcements:

a. No plan of a division of land within a municipality that would constitute a subdivision shall be recorded in the Registry of Deeds until a final plan has been approved by the Planning Board in accordance with this Regulation.

b. No person, firm, corporation, or other legal entity may convey, offer, or agree to convey any land in a subdivision that has not been approved by the Planning Board and recorded in the Registry of Deeds.

c. No person, firm, corporation, or other legal entity may convey any land in an approved subdivision that is not shown on the plan as a separate lot.

d. Any person, firm, corporation, or other legal entity who conveys, offers, or agrees to convey any land in a subdivision that has not been approved as required by this Regulation shall be punished by a fine of not less than $100 and not more than $2,500 for each conveyance,
offering, or agreement, unless increased in accordance with Title 30-A MRSA, section 4452. The town may institute proceedings to enjoin the violation of this section and may collect attorney's fees and court costs if it is the prevailing party.

e. No public utility company of any kind shall serve any lot in the subdivision for which the Planning Board has not approved a final plan.

f. No person shall establish or develop a subdivision without first having final plan thereof approved by the Planning Board. "Develop" shall include grading or construction of roads, grading of land or lots, or construction of buildings.

Article 9 Definitions

Construction of language:
In the interpretation and enforcement of this Regulation, all words other than those specifically defined in the Regulation shall have their ordinarily accepted meaning, except to the extent that another meaning is clearly implied by the context of this Regulation. In the case of any difference of meaning or implication between the text of this Regulation and any map, illustrations, or table, the text shall control.

The word "person" included firm, association, organization, partnership, trust, company, or corporation, as well as an individual or any other legal entity. The words "he", "she", or "they" when used shall refer to the person or persons so designated regardless of gender.

If clearly implied by the context in which they appear, the present tense includes the future tense, the singular number included the plural, and the plural numbers include the singular.

The words "shall" or "will" are mandatory, the word "may" is permissive, the word "lot" includes the words "plot" or "parcel". The words "used" or "occupied", as applied to any land or building, shall be constructed to include the words "intended, arranged, or designed" to be used or occupied.

Abutter: The owner of any property with one or more common boundaries, or across the road or stream, from the property involved in an application.

Aggrieved Party: An owner of land whose property is directly or indirectly affected by the granting of, denial of a permit under this Regulation: a person whose land abuts land for which a permit has been granted; or any other person or group of persons who had suffered particularized injury as a result of the granting or denial of a permit.

Agriculture: The production, keeping, or maintenance for sale or lease, of plants and/or animals, including but not limited to: forges 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.

Applicant: The person applying for subdivision approval under this Regulation.

Archeological or Historic Resource Areas: Areas identified by the Maine Historic Preservation Commission as having significant value as an historic or archeological resource and areas listed
As-Built-Plans: The subdivision plan that shows any changes, modifications, or revisions in the actual placement of construction of all public improvements installed within the subdivision when it differs from the design submitted in the Final Plan.

Complete Application: An application shall be considered complete upon submission of the required fee, all submission materials required by this Regulation or a waiver request form. It is the responsibility of the Planning Board to decide if the application materials are adequate and if the proposal conforms to the review criteria.

Direct Watershed of a Great Pond: That portion of the watershed which drains directly to the pond through sheet or concentrated flow without first passing through an upstream pond or river.

Dwelling Unit: Any part of a structure, through sale or lease, is intended for human habitation, including single-family and multi-family housing, condominiums, apartments and time-share units.

Easement: The duly designated privilege or right of use which one party may have in the land of another.

Engineer: The duly designated licensed engineer in the state of Maine.

Freshwater Wetland: Freshwater swamps, marshes, bogs, and similar areas which are:
   a. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence wetland vegetation typically adapted for life in saturated soils; and
   b. Not considered part of a great pond, river, stream, or brook. These areas may contain small stream channels or inclusions of land that do not conform to the criteria of this subsection.

Lot: A parcel of land capable of being occupied by one principal structure and its accessories, or used for one particular purpose and designated as such on a plat.

Minor Subdivision: A subdivision of four lots or less with no roads or other major improvements.

Major Subdivision: All other subdivisions.

Person: Includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

Plat: A map, plan, drawing, or chart on which a subdivision of land is shown.
Farmland: A parcel consisting of 5 or more acres of land is: a. Classified as prime farmland
unique farmland of statewide or local importance by the Natural Resources Conservation Service
with in the United States Department of Agriculture; or b. Used for the production of agricultural
products as defined in Title 7, Section 152, and subsection 2. Which would involve a 100 ft
setback for any structure.

Final Plat: The final map plan, drawing, or chart that is presented to the Planning Board for
approval.

Preliminary Plan: The preliminary drawings and other required materials indicating the proposed
layout of the subdivision to be submitted to the Planning Board.

Prime Farm Soils: Soils identified by the Department of Agriculture in the Soil Survey of
Somerset County.

Principal Structure: Any building or structure in which the main use of the premises
takes place.

Property Owner: The owner of land shall be determined to be that person listed as the current
owner of record on the Town of Palmyra property tax assessment.

Public Improvements: The term shall include all roads proposed for public acceptance; fire
protection structures and ponds; any structure or land proposed to be dedicated to the Town; any
land or structure which is offered as an easement to the Town; and, all storm drainage structures
which are designed to allow water to flow outside the property of the subdivision.

Public Road or way: A state, county, or town road dedicated for public use. It shall not
include any road or way that has been discontinued or abandoned.

Right-of-Way: Means a strip of land used or intended to be used for a street, cross walk, water
main, sanitary or storm sewer main, or for other special use. In these regulations, every right-of-
way established shall be shown on the plat is to be separate and distance from the lots and
parcels adjoining such right-of-way, and not be included within the dimensions or areas of such
other lots or parcels.

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

Scenic Area or Vista: Areas identified by the Town of Palmyra as having significant
scenic value to the Town.

Significant Wildlife Habitat: Areas identified by the Department of Inland Fisheries and Wildlife
as having significant value as habitat for animals.

Sketch Plan: Conceptual maps, renderings and supportive data describing the project proposed
by the applicant for initial inquiry and review prior to submitting an application for subdivision approval.

Subdivision: As defined in Title 30-A, MRSA, Section 4401 and in addition, lots greater than 40 acres shall be deemed to be a lot and subject to the provisions of this Regulation.

Tract or Parcel of Land: All continuous land in the same ownership, provided that lands located on the opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road.

Trail: A recreational access identified on the Town of Palmyra Master Trail Plan (This requirement is subject to the adoption of the Master Trail Plan by the town) or a path or way created by easement, agreement or use by the public for some form of recreation including walking, hiking, biking, skiing, horseback riding, or snowmobiling.

Unique Natural Area: Areas identified by the Maine Department of Conservation Natural Areas Program as having significant value as a natural area.

Unsuitable for Development: Areas that contain one or more of the following: wetlands, rivers, streams, brooks, ponds, storm water drainage features, public and private rights-of-way, land zoned as Resource Protection, steep slopes in excess of 25%, significant natural resources as identified by the Department of Inland Fisheries and Wildlife, and identified archeological and historic resources as identified by the Maine Historic Preservation Commission.

Waterbody: Any great pond, river, stream, brook, or wetland.
ORDINANCE GOVERNING THE EXTRACTION OF SPRING WATER, GROUND
WATER, AND/OR WATER FROM AQUIFERS WITHIN THE
MUNICIPALITY OF PALMYRA, MAINE

Article 1. Purpose
The purpose of this ordinance is to protect the quality and quantity of groundwater, spring
water and aquifers and aquifer recharge areas located wholly or partially within the Town of
Palmyra, to insure any water extraction is subject to prior review and approval so as to
establish the ongoing sustainability and quality of said water supplies and the avoidance of
any interruption or degradation of water quality and quantity to members of the general
public within the town and generally to protect the health, safety and welfare of persons
dependant upon such water supplies.

Article 2. Authority
This ordinance is adopted and enacted pursuant to the Maine Constitution, Article VII, Part
Second, 30 A MRSA 2101 et seq ("Municipal Home Rule), and 30A MRSA 3001 – 3006
("Ordinance Power").

Article 3. Definitions
Words and phrases, unless their context requires otherwise, shall be defined as follows: first
as set forth below, second in accordance with their generally accepted technical meaning
within involved scientific disciplines, third as defined by Maine Statutes, and fourth their
common dictionary definition.

“Aquifer” means a saturated permeable geologic unit that can transmit significant quantities
of water under ordinary hydraulic gradients.

“Extraction” (or “water extraction” or “extraction of water”) means withdrawal, removal,
diversion, taking, or collection by any means of water from ground water sources, aquifers,
 springs, wells, pumps, or similar.

“Extraction point” or “Extraction facility” means the physical location where water is
extracted, whether by well, pump, pipeline, catchments or other similar method.

“Large scale water extraction” means extraction of water from ground water sources,
aquifers, springs, wells or similar in a total daily amount on any given day of 5000 gallons or
more, as extracted by an individual or entity or consortium or association of individuals or
entities, regardless of the number of extraction facilities utilized.

“Reviewing authority”, “reviewing agency” and “Planning Board” are used interchangeable
and have the same meaning.

“Water bodies” or “surface water(s)” means lakes, ponds, rivers, streams, wetlands, and
similar.

“Zone of Contribution” means that area of an aquifer that contributes water to a well or other
extraction point under the most severe pumping and recharge conditions that can be
realistically anticipated (180 days of pumping at approved yield with no recharge from
precipitation). It is bounded by the groundwater divides that result from pumping the well
and by the contact of the aquifer with less permeable materials such as till or bedrock. In
some cases, streams or lakes may act as recharge boundaries. In all cases the zone of
contribution shall extend up gradient to its point of intersection with prevailing hydro geologic
boundaries (a groundwater flow divide, a contact with till or bedrock, or a recharge
boundary).
Article 4. Large Scale Water Extraction

A. Permit Required

It shall be unlawful for any entity, person, consortium, association of entities or persons acting in concert to extract more than 5000 gallons daily of groundwater, spring water and/or water from aquifers or their recharge areas, regardless of the number of extraction facilities utilized, without first obtaining a written permit issued by the Planning Board, following a public hearing.

B. Activities not requiring a Permit

The requirement of review and approval shall not apply to existing extraction of water used within the Town of Palmyra for standard agricultural purposes; drinking water and domestic water supply to private residences within the Town of Palmyra; water supply for public facilities such as schools within the Town of Palmyra; fires suppression; or for on site residential, commercial and industrial purposes within the Town of Palmyra.

C. Application Requirements

1. The application shall be in writing and be accompanied by site plans prepared by a licensed surveyor, licensed engineer, or similar appropriately licensed professional.

2. The Selectmen of the Town of Palmyra shall establish an application fee. A non-refundable application fee shall be submitted with the application. All checks shall be made payable to the Town of Palmyra.
   a. The Planning Board may assess reasonable impact fees at any time during the permitting process or during the term of the permit to recover costs associated with contracting professional assistance to evaluate compliance. The Planning Board will obtain a proposal from at least one qualified peer reviewer of its choice and notify the applicant or permitted of the expected charge prior to incurring the charge or charges. (Note: this is intended to cover costs associated with contracting any outside resources the Town may require, i.e. site evaluator during construction, hydro geologists to interpret data, etc.)

3. The application shall include:
   a. Evidence of applicant's right, title and interest in and to the property (ies) from which the water is to be extracted. If such evidence is other than ownership evidenced by a deed duly recorded in the Somerset Registry of Deeds, the entire document/documentation (other than reference(s) to purchase price and financing terms, which may be redacted) whether lease, option, contract, or other shall be submitted with the application.
   b. A statement of the maximum daily quantity of water to be extracted, from all extraction points operated by the same individual, entity, consortium, association of individuals or entities.
   c. The location(s) of the points of extraction.
   d. The method(s) of extraction.
   e. A copy of all application, exhibits and reports for such extraction files or to be filed with any other municipal authority or any agency or department of the State of Maine, including as required by 22 MRSA 2660 et seq. (transport of water for commercial purposes) or under applicable Department of Health and Human Services rules and regulations.
   f. A copy of any permit, approval or denial for such extraction as may have been issued by any agency referred to in (e) above.
   g. A written report, certified to the Palmyra Planning Board procured and paid for by the applicant, of a hydro geologic investigation and study, conducted and prepared by a licensed professional hydro geologist, geologist, hydrologist, registered professional engineer or other appropriately licensed professional possessing in the
judgment of the Planning Board comparable credentials and qualifications. This report must address at least the following:

1. The rates of draw down and recharge of any aquifer or other ground water source as may have been established by a pumping or "stress test" or other similar testing regimen accordance with accepted standards within the geology and engineering professions.

2. The characteristics of the aquifer or other ground source, including rates of draw down and recharge, sustainable extraction rates, aquifer boundaries, recharge areas, impacts on the water table, and impacts on any and all existing water bodies including but not limited to lakes, ponds, rivers, streams, and wetland areas and private wells or other existing extraction locations within the zone of contribution.

3. Possible effects on the aquifer or other ground water resources which might result in the disturbance of existing minerals such as, but not limited to, iron, manganese, arsenic, and uranium, and any health hazards raised by such disturbance(s) or other impacts including issues such as drinking water turbidity, clarity, and aroma.

h. The application shall be accompanied by written notification of the application and an explanation of the intent, scope, and location of the proposed water extraction in terms readily understandable to a layman to be addressed and mailed to, via certified mail, return receipt requested, the following:

1. The owners of record of all parcels of land lying above the aquifer or other water source cited in the application,

2. The owners of record of all parcels of land lying within 500 feet of the outside perimeter of the aquifer or other water source cited in the application,

3. The owners of record of all parcels of land having frontage on any body of water whether lake, pond, river, stream, or wetland within 500 feet of the outside perimeter of the aquifer or other water source cited in the application, even though such individual parcels may themselves lie more than 500 feet from the outside perimeter of said aquifer or other water source.

4. For purposes of these notification requirements an applicant is entitled to rely on the information on file at the Palmyra Town Office as represented by its most recent assessors’ maps and the mailing addresses maintained by the Town as to the owners of the affected parcels shown thereon. Actual posting of the certified mail notices is not required until the application is declared or deemed to be complete. See D (6) below.

5. For good cause shown the above notice requirements may be modified by the Planning Board where, for example, it can be established that a body of water, a portion of which lies within 500 feet of the outside perimeter of the aquifer or other water source, extends so far from the proposed extraction point(s) that actual notice to the owners of all land having frontage on that body of water is not necessary.

i. A small scale site plan depicting at least the following:

1. The limits (outside perimeter) of the aquifer or other water source cited in the application, and the bounds of the land of the applicant.

2. The location of all water bodies located within 500 feet of the outside perimeter of the aquifer or other water source.

3. The location(s) of the proposed extraction points.

4. The existing network of public or private roads leading to or by the extraction point(s).

5. Any proposed new roads or driveways to be constructed for access to and egress from the extraction point(s), and the point(s) of intersection of such proposed roads or driveways with existing roads.
(6) Any existing or proposed utility lines to be utilized in the extraction operation(s).
(7) The location and type of monitoring and test wells.
(8) Any existing or proposed pipes, pipelines, aqueducts, or similar that are intended to facilitate transport of extracted water from the extraction point(s) towards the intended end user, if any part of the extracted water is ultimately to be transported outside the geographic limits of the Town of Palmyra.
(9) Any other relevant and material detail(s) bearing on the proposed extraction process the omission of which would tend to hinder the ability of the reviewing authority, affected land owners or the public from developing a full understanding of the scope and impact of the proposal.

j. A large scale site plan depicting at least the following:
(1) A detailed plan of the extraction point(s) including without limitation well heads, pumping facilities, monitoring or test wells, buildings, sheds, paving, vehicular drives, parking and turn around, utility lines, fencing, access roads or driveways, elevation, and contour lines.
(2) Any other relevant and material detail(s) bearing on the proposed extraction process the omission of which would tend to hinder the ability of the reviewing authority, affected landowners or the public from developing a full understanding of the scope and impact of the proposal.

D. Application Process
The entire application, including studies, reports, site plans, and all other items referred to in Article 4 (C) above shall be submitted to the Planning Board in triplicate.

1. Within thirty- (30) days from the date of submission the Planning Board shall conduct a preliminary review of the application solely for the purpose of determining whether the application is complete as required by this ordinance.
2. For good cause shown, and upon receipt of confirmatory independent technical advice, the Planning Board may waive one or more of the application details upon a determination that such details are unnecessary, unobtainable as a practical matter or duplicative and that such waiver would not tend to hinder the ability of the Board, affected landowners or the public from developing a full understanding of the scope and impact of the proposal.
3. If the Planning Board deems the application incomplete in any material or relevant respect it shall so inform the applicant by the best practical means, either by writing or verbally at a regularly scheduled meeting of the Board at which the applicant shall have sixty (60) days to complete its application in accordance with this ordinance, upon failure of which the application shall be deemed withdrawn.
4. Upon finding the application complete, the Planning Board shall schedule a public hearing on the application.
5. Any review of the application by the Planning Board or its agents for completeness is preliminary only and is not to be deemed a substantive review, and confers no vested rights upon the applicant or under the application.
6. Applicant’s obligations of written notification via certified mail of property owners as set forth in Article 4 (C) (3) (h) above shall not accrue until the application is declared or deemed complete under this ordinance.

E. Review Process: Hearing Process
1. The completed application shall be reviewed by the Planning Board at a public hearing convened for that purpose, no less than 7 days following published notice in a newspaper of general circulation within the Town of Palmyra and posting to notice at three conspicuous public places within the Town. Upon confirmation on the hearing date that certified mail notice has been sent to all affected landowners as previously set forth in this ordinance no less than 10 days prior to the public hearing date.
2. The Planning Board shall be entitled to adopt whatever procedural rules for the hearing, including the imposition of reasonable time limits for the presentations of the applicants, opponents if any, and the general public, it deems appropriate, fair, and reasonable calculated to afford a full consideration of the issues pertaining to the application.

F. Decision: Performance Standards

1. Upon the adjournment of the public hearing the Planning Board shall schedule a public session of the Board, to occur not later than thirty (30) days from the final adjournment of the public hearing, to deliberate and render a decision.

2. The Planning Board may:
   a. Approve the application;
   b. Deny the application; or
   c. Approve the application conditionally, with conditions or stipulations upon the satisfactory completion of which the application will be finally approved. Provided however, any approval (conditional or unconditional) shall require the Board's determination that the applicant has satisfied all of the performance standards as set forth below.
   d. Any approval shall specify the maximum daily quantity of water authorized for extraction, and any increase in such daily totals shall require further application and review in accordance with this ordinance.

3. The Board shall issue a written decision with findings of fact and rulings and conclusions not later than thirty (30) days from the date on which it votes at a public session to approve, deny, or approve with conditions, and a copy of such written decision shall thereupon promptly be provided to applicant, and otherwise be available publicly.

Article 5. Performance Standards

No approval shall be granted any application until and unless the reviewing authority shall have affirmatively found that each of the following performance standards has been or will be met. The burden of proof is on the applicant. Applicant must also demonstrate to the reviewing authority that it possesses the expertise and financial resources to provide continuing adherence to these standards.

A. Geologic and Hydrologic Standards

1. The quantity of water to be extracted will not have an adverse effect upon ground water flow patterns relating to the aquifer, its recharge areas, or other ground water sources within the Town.

2. The quantity of water to be extracted will not adversely impact, diminish or alter any surface waters within the Town, including during any periods of drought.

3. The quantity of water to be extracted will not cause any ground subsidence beyond the property lines of applicant's property.

4. The quantity of water to be extracted will not adversely affect the long-term sustainability of the aquifer, or its recharge areas, or other groundwater source, including during periods of drought.

5. The proposed extraction will not create a health risk or adversely affect drinking water turbidity, clarity or aroma. Ongoing follow up monthly testing for this purpose, are to be undertaken by the developer with results of such tests provided in writing to the Palmyra Health Officer and CEO on a monthly basis.

6. The establishment of an ongoing follow up monitoring system and development of a system of recording and documenting extraction and recharge data, within the zone of contribution, to be reported in writing to the Palmyra Code Enforcement Officer on at least a monthly basis. At least 25% of monitoring locations shall be at private wells.
located within the zone of contribution, provided applicant obtains landowner permission for such testing.

B. Impacts on the General Vicinity.
1. The reviewing authority shall require the furnishing of a bond or other performance guaranty it deems of equivalent security to secure the applicant's obligations under this section.
2. Vehicular access to extraction facility (ies) and for circulation, loading, unloading upon the lot shall occur in such a manner as to safeguard against hazards to traffic and pedestrians on adjacent streets or roads; avoid traffic congestion and traffic safety hazards, or other safety risks.
3. D.O.T. must approve any driveways or access roads to the extraction facility (ies) and a permit must be issued.
4. Additional vehicular demand on existing town roads or public easements occasioned by the operation of the extraction facility (ies) will not exceed the capacity of those roads, or cause premature failure, aging, or diminished utility of those roads.
5. If extraction facility (ies) will be served by pipes, pipelines, aqueducts or similar devices such installations will be sited and constructed in a manner which will not interrupt the public's use of any existing roadway, interrupt the public's access to any public facility, great pond, interrupt private access to private property; or pose the risk of damage to any property along or through which installation traverses as a result of any failure or malfunction which might cause ponding, erosion, run off, or similar.
6. The proposed extraction and activities incident to such extraction such as increased traffic (volume and type), parking, hours of operation, noise, glare from lights, or similar potential for nuisances shall not adversely effect adjacent properties.

C. Farm or Farm operation not a nuisance.
A farm or farm operation may not be considered a public or private nuisance if the farm or farm operation alleged to be a nuisance meets one of the following conditions:
1. The farm or farm operation conforms to best management practices, as determined by the Commissioner of Agriculture, Food and Rural Resources in accordance with the Maine Administrative Procedure Act, title 5, chapter 375:
   - For complaints regarding the storage or use of farm nutrients as defined in Title 7, section 4201, subsection 4, the farm or farm operation has implemented a nutrient management plan developed in accordance with Title 7, section 4204 and operation of the farm is consistent with the nutrient management plan; or
2. The farm or farm operation existed before a change in the land use or occupancy of land within one mile of the boundaries of the farm as long as, before the change in land use or occupancy, the farm or farm operation would not have been considered a nuisance. This paragraph does not apply to a farm or farm operation that materially changes the conditions or nature of the farm operation after a change in the land use or occupancy of land within one mile of the boundaries of the farm. Nothing in this paragraph affects the applicability of any of the other provisions of this section.

D. Extraction for Commercial Purposes and/or Bulk Water Transport Out of Palmyra
In addition to the foregoing performance standards, any application for an extraction permit, which includes or contemplates the transport of water in excess of 10 gallons per day out of the Town of Palmyra, must also meet the following standards and requirements:
1. The Town must have received a copy of any application filed with any state agency, under the provisions of 22 MRSA 2260-A, or the Bulk Water Transport Rules of the Department of Human Services, contemporaneous with its filing with the State and a copy of any decision pertaining thereto,
2. The water withdrawal will not adversely affect existing uses of groundwater or surface resources, including private wells.

Article 6. Independent Expert Assistance
If the Planning Board reasonably determines it requires independent expert assistance to assist it in its preliminary review of the application, or in evaluating the substance of the application or in developing appropriate conditions of approval, it may engage the services of an expert to assist the Board. The applicant shall pay to the Town, in advance of the scheduling of any public hearing, a sum equal to said projected or estimated cost, the failure of which payment shall excuse the reviewing authority from scheduling any public hearing until such payment is made in full.

Article 7. Concurrent Jurisdiction
As applicable, jurisdiction of the Planning Board under this ordinance is concurrent with such jurisdiction as may be presently vested in Palmyra’s Board of Appeals (under Palmyra Zoning Ordinance) and the Palmyra Code Enforcement Officer/Local Plumbing Inspector (under Palmyra Zoning Ordinance/State Plumbing Code) and is not intended to divest them of existing jurisdiction as applicable, but rather establishes and imposes additional requirements and procedures as set forth herein.

Article 8. Enforcement and Severability
This ordinance may be enforced by the Code Enforcement Officer of the Town of Palmyra under 30 MRSA 4452, the fines and penalties set forth therein to apply hereto. Should any section or provisions of this ordinance be declared by a court of competent jurisdiction to be invalid such decision shall not invalidate or affect the enforcement of any other section or provision of this ordinance.

As additional means of enforcement, the Planning Board may suspend or revoke any permit issued hereunder if it determines, after notice and hearing, that it was issued in error or upon false information, or that the applicant has failed to comply with any conditions of approval, and upon such suspension or revocation all water extraction addressed by said permit shall cease until a new approval or permit is obtained under this ordinance by the applicant.

Any appeal of any suspension or revocation of a permit shall be to the Board of Appeals, as an administrative appeal under Article 5 Section 3 of the Palmyra Zoning Ordinance.

Article 9: Effective Date
This ordinance shall become effective immediately upon its adoption and enactment by vote of the legislative body of the town at a town meeting.

I certify the foregoing ordinance was adopted at Town Meeting on March 11, 2006

Joan R. Bradley, Town Clerk